

**IN THE UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXPERT REPORT OF

COUNTRY CONDITIONS EXPERT

HIGHLY CONFIDENTIAL/ATTORNEYS' EYES ONLY

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I. INTRODUCTION

I have been engaged by Jane W, John X, John Y and John Z (“**Plaintiffs**”) in *Jane W et al. v. Moses Thomas*, Case No. 2:18-CV-00569-PBT (E.D. Pa.), to present my expert opinion on the following issues: (i) whether the conditions in Liberia since 1990, specifically the rule of law, access to justice and the progress of transitional justice mechanisms, prevented victims of civil wars-era human rights violations from investigating and seeking accountability for these crimes; (ii) whether adequate or available remedies exist in Liberia for war crimes, crimes against humanity, and other gross human rights violations committed during the civil wars; and (iii) as a matter of Liberian law, under what circumstances could a court “authorize” the execution of a civilian, within the meaning of the U.S. Torture Victims Protection Act, and whether those circumstances were met with regards to the massacre that took place at St. Peter’s Lutheran Church in Monrovia on July 29, 1990 (the “**Lutheran Church Massacre**”).

I offer the following expert report containing a statement of expected testimony and the reasons behind this testimony, and any data and other information and materials considered in forming my expert testimony. I also provide information regarding my qualifications as an expert on Liberian law, rule of law and access to justice in Liberia, and the transitional justice processes that have taken place since the end of the Civil Wars in 2003. I also describe my prior expert testimony, and confirm that I am not receiving compensation for my participation in this matter.

II. QUALIFICATIONS

My *curriculum vitae*, including a list of prior publications, is attached hereto as **Exhibit A**. I am a Liberian [REDACTED] with more than twenty years of experience in Liberian law, rule of law and public sector governance, access to justice, and human rights. I am currently [REDACTED]

III. PRIOR EXPERT TESTIMONY

I have provided expert testimony in [REDACTED] Liberian human rights abuse cases, including in support of [REDACTED].

While I have not directly testified as an expert witness at international tribunals, I provided confidential briefing, which cannot be disclosed, [REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IV. COMPENSATION

I am not being compensated for my testimony or work on this matter, except to reimburse me for any reasonable expenses incurred. My opinion is not conditioned upon any payment.

V. EVIDENTIARY BASIS OF TESTIMONY

In preparing my expert analysis, I relied on my expertise in the Liberian legal system and the transitional justice processes in Liberia gained through personal and professional experiences, including [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In addition, I relied on pleadings filed with this Court, including Plaintiffs' Complaint (Doc. No. 1), Defendant's Motion to Dismiss (Doc. No. 17), Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion to Dismiss (Doc. No. 21), and Plaintiffs' Motion to Proceed Anonymously and associated declarations (Doc. Nos. 15, 16, 16-1). I have also consulted Liberian and international law and secondary sources, including reports produced by the United States government, non-governmental organizations, and the United Nations, and newspaper reporting. The materials I consulted for the drafting of this report are listed in **Exhibit B**.

VI. SUMMARY OF CONCLUSIONS

In summary, my conclusions are as follows:

1. The impact of the civil wars on Liberia's legal infrastructure and the rule of law has left victims of wartime human rights abuses like Plaintiffs unable to bring claims in Liberia to hold perpetrators to account.
2. Poor civil infrastructure, the cost of legal proceedings, and the risks of retaliation faced by claimants, their lawyers, witnesses, and human rights defenders further prevent access to justice.

3. Although Liberia has made progress in addressing these difficulties, significant challenges remain. A culture of impunity for the gross human rights violations, war crimes, and crimes against humanity committed during the civil wars has become systemic. No successful criminal prosecutions or civil cases have been brought to address these crimes, and Liberian courts are not yet better placed to provide an effective remedy.
4. Liberians reasonably believed the TRC would provide an avenue for justice and redress. However, because of the Liberian Supreme Court's 2011 ruling in *Williams v. Tah, et al.*, and a lack of political will, the TRC recommendations have remained largely unimplemented.
5. The Lutheran Church Massacre could not have been authorized by a Liberian court.

VII. REPORT

A. Key Events in the Liberian Civil Wars

Liberia has a history of extensive civil conflict. Liberia suffered through two civil wars, the first from 1989 to 1997 (the “**First Civil War**”) and the second from 1999 to 2003 (the “**Second Civil War**”) (collectively the “**Civil Wars**”). The First Civil War followed one successful and one failed coup. In 1980, Master Sergeant Samuel Doe toppled the Americo-Liberian government of then-President Tolbert, assassinating him and his cabinet, and installed a military junta.¹ Five years later, Doe became president after widely disputed elections. Soon after, one of Doe's former allies, General Thomas Quiwonkpa—a Gio man from Nimba County, who had fled Liberia after being accused of treason—entered Liberia through Sierra Leone and

¹ See Exhibit D, TRUTH AND RECONCILIATION COMMISSION OF LIBERIA, VOLUME II: CONSOLIDATED FINAL REPORT 14, 143-147 (2009) [hereinafter TRC VOLUME II]; INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, ILAC REPORT: LIBERIA, DEC. 2003 3 (2003), <https://perma.cc/6H22-UT9D>.

attempted another coup.² Quiwonkpa was killed before he reached Monrovia, and Doe responded with violent reprisals against the people of Nimba, especially the ethnic Manos and Gios.³

The First Civil War began when Charles Taylor, an ally of the late Quiwonkpa, and his forces, the National Patriotic Front of Liberia (the “NPFL”), invaded Nimba County on December 24, 1989.⁴ For the next seven years, Liberia was in the throes of a brutal armed conflict.⁵ The First Civil War ended with elections in 1997, in which Taylor was elected president.⁶ Violence continued to erupt regularly for the next two years, until 1999, when various opposition groups to Taylor’s regime, including Liberians United for Reconciliation and Democracy (“LURD”) and later the Movement for Democracy in Liberia (“MODEL”), invaded from Guinea.⁷ As these groups gained control of the countryside and advanced toward Monrovia, the Second Civil War broke out across the country.⁸ President Taylor resigned in 2003 before the opposition could occupy Monrovia, and the Accra Comprehensive Peace Agreement was signed on August 18, 2003, ending the Second Civil War.⁹ From 2003 until the inauguration of the first democratic president in January 2006, Liberia was governed by a

² Exhibit D, TRC Volume II, *supra* note 1, at 146-47.

³ *Id.* at 147.

⁴ *See id.* at 149, 152; INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at 3.

⁵ *See* Exhibit D, TRC VOLUME II, *supra* note 1, at 152-63.

⁶ *See id.* at 163-64; INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at 3.

⁷ *See* Exhibit D, TRC VOLUME II, *supra* note 1, at 164-67; INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at 3.

⁸ *See* Exhibit D, TRC VOLUME II, *supra* note 1, at 167-70; INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at 3.

⁹ *See* Exhibit D, TRC VOLUME II, *supra* note 1, at 169-72; INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at 3-4.

transitional government and overshadowed by a continued threat of reoccurring violence.¹⁰ In January 2006, Madam Ellen Johnson Sirleaf was inaugurated as the President of Liberia.

The two Civil Wars and the period of Taylor's presidency resulted in the deaths of an estimated over a quarter of a million Liberians, and over one million people were internally displaced.¹¹ The human rights abuses perpetrated during these periods were of a staggering scale. As the Liberian TRC—established in 2005 following a return to democracy—noted in its Preliminary Findings, “[e]very conceivable category of gross human rights and serious humanitarian law violation [was] committed by Liberians against Liberians.”¹²

B. Liberian Legal and Civil Infrastructure Has Limited Access to Justice for Civil Wars-Era Human Rights Violations

After Doe's coup in 1980, Liberians lived under militaristic, autocratic, and corrupt regimes that “not only deprived Liberians from maximizing their human potential but also systematically prevented Liberia from sustainably developing.”¹³ To this day, Liberia has been plagued with corruption and underdeveloped civil and legal infrastructure. Poor civil infrastructure makes travel from the capital, Monrovia, to other counties difficult, and there is limited access to technology outside Monrovia. The justice system lacks the capacity to administer justice for individual claims arising from Civil Wars-era human rights violations. As the Secretary General of UNMIL noted in his final report to the United Nations Security Council in 2016, “[t]here remains almost total impunity for past and present human rights violations and

¹⁰ Exhibit E, NICOLAS COOK, CONG. RSCH. SERV., RL33185, LIBERIA'S POST-WAR RECOVERY: KEY ISSUES AND DEVELOPMENTS 9 (2006) (“Liberia's security situation has improved markedly since August 2003 but remains ‘fragile,’ subject to periodic volatility and localized instability, and ‘anchored on the presence of UNMIL.’”).

¹¹ Exhibit C, TRUTH AND RECONCILIATION COMMISSION OF LIBERIA, VOLUME I: FINDINGS AND DETERMINATIONS 44 (2009) [hereinafter TRC VOLUME I].

¹² *Id.*

¹³ *Id.*

abuses, . . . due to factors such as limited capacity to administer justice, inadequate procedural laws, corruption and a lack of political will to hold perpetrators accountable.”¹⁴

1. The Effect of the Civil Wars on the Judiciary

Fighting in the early part of the First Civil War led to an initial collapse of the Liberian judicial system. The U.S. State Department in one of its annual reports to Congress in 1992 stated that “by mid-1990, the [justice] system had completely collapsed along with the rest of civil authority, with justice in the hands of military commanders of the warring factions.”¹⁵ As the First Civil War progressed, the warring factions were unable to restore a functioning justice system.¹⁶ Even in areas of consolidated government control, such as Monrovia, the legal system functioned only erratically and continued to collapse following waves of resurgent fighting.¹⁷ This resulted in a lack of legal processes, limited fair trials, and restricted access to justice for Liberian civilians throughout the First Civil War.

Throughout the Civil Wars, inefficiency, corruption, and a lack of independence and resources were recurrent problems in the judiciary, preventing access to justice for ordinary

¹⁴ U.N. Secretary-General, *Special Report of the Secretary-General on the United Nations Mission in Liberia*, ¶ 17, U.N. Doc. S/2016/968 (Nov. 15, 2016), <https://perma.cc/7KHB-U8CV> [hereinafter *Special Report of the Secretary-General*].

¹⁵ Expert Report of Ambassador Dennis C. Jett, *Jane W v. Thomas*, No. 2:18-CV-00569-PBT (E.D. Pa.), Exhibit WW, U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1992* 135, 138 (1993); *see also* Exhibit F, U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1991* 199, 202 (1992) (discussing the denial of fair public trials and noting that the legal system had essentially collapsed).

¹⁶ *See e.g.*, Exhibit G, U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1994* 132, 136 (1995) [hereinafter *1994 Liberia Country Report*] (“Although in 1991 the NPFL also partially reactivated the court system in areas under its control, legal and judicial protections have been almost totally lacking since then. In the areas controlled by the other factions, there was little pretense of due process.”).

¹⁷ *See e.g., id.* (“By 1994 all levels of the court system, which had been devastated by the years of civil war, were functioning in Monrovia, although erratically.”); Exhibit H, U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996* 147, 148 (1997) [hereinafter *1996 Liberia Country Report*] (“The judicial system, already hampered by inefficiency and corruption, collapsed for 6 months following the outbreak of fighting in April [1996].”)

Liberian citizens.¹⁸ Though the independence of the Liberian judiciary was formally enshrined in the Liberian Constitution, and is to this day, throughout the Civil Wars the judiciary was subject to “political, social, familial, and financial pressures.”¹⁹ There also was no effective separation of powers.²⁰ Following Charles Taylor’s election in 1997, a partially rebuilt judiciary was hampered by a lack of independence from the executive. The judicial system was reconstituted in April 1997, just before Taylor’s election in July, and an independent Supreme Court was installed.²¹ However, once elected, in October 1997, Charles Taylor installed a new Supreme Court loyal to him.²² As the U.S. State Department noted in its 1997 human rights report to the U.S. Congress, and again in 1999, the new judiciary was still “unable to provide citizens in all parts of the country with their rights to due process and a fair trial.”²³

In the years following Charles Taylor’s election, and during the subsequent civil war, the judiciary continued to be subject to political and corrupt financial influences. For two and a half years, his government did not pay salaries to judges, court personnel, police, and prison officers,²⁴ which left the legal system open to widespread corruption. It was reported that “[c]ourts regularly received kickbacks on damages awarded in civil cases. Defense attorneys often suggested that their clients pay a gratuity to appease judges, prosecutors, and police officers, and ensure a favorable ruling.”²⁵ In 2003, just after the Comprehensive Peace

¹⁸ See e.g., Exhibit I, U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1997* 181, 183 (1998) [hereinafter *1997 Liberia Country Report*] (describing the judicial system as “hampered by inefficiency, corruption, and a lack of resources”); U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999* 288, 288 (2000), <https://perma.cc/PZW4-696W> [hereinafter *1999 Liberia Country Report*].

¹⁹ Exhibit I, *1997 Liberia Country Report*, *supra* note 18, at 186.

²⁰ INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at vii.

²¹ See e.g., Exhibit I, *1997 Liberia Country Report*, *supra* note 18, at 183.

²² See *id.* at 183, 186.

²³ See *id.* at 183; *1999 Liberia Country Report*, *supra* note 18, at 288.

²⁴ INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at 4.

²⁵ Exhibit J, U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1998* 231, 235 (1999) [hereinafter *1998 Liberia Country Report*].

Agreement was signed, the International Legal Assistance Consortium (“ILAC”) was tasked by UNMIL to review the status of the judicial system in Liberia and identify and prioritize reforms. At the end of its review, ILAC concluded that in Liberia “[j]udgment, freedom, and even life itself, were often sold to the highest bidder”²⁶ or awarded “based on secret instructions from the Executive.”²⁷

In addition to issues of corruption, during the Civil Wars the judiciary was constrained by a lack of judicial and government infrastructure. For example, though in 1999 some courts had been established outside Monrovia, they “continued to be troubled by lack of trained personnel, infrastructure, and lack of adequate funding . . . [and] in some cases [judges] were unable to hold court due to lack of supplies and equipment.”²⁸ Looting was common over the course of the Civil Wars but came to a head in mid-2003 when buildings in Monrovia were looted extensively. Public buildings were stripped of anything of value, and looters made off with “[c]omputers, office equipment, carpets, furniture, books, doors and even lavatories.”²⁹ As ILAC concluded, though “there [was] a statutory framework within which the Liberian legal system [could] operate,” at the end of the Civil Wars, “the infrastructure on which [the legal system] depend[ed] [was] nothing more than a decaying shell.”³⁰ As a result, few legal proceedings progressed, and those that did that suffered from unacceptable delays,³¹ effectively preventing access to justice.

The Civil Wars also took their toll on the availability of trained judicial personnel, which reduced access to justice both during the wars and in the years after democracy was restored.

²⁶ INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at vii.

²⁷ *Id.* at 4.

²⁸ 1999 Liberia Country Report, *supra* note 18, at 292; see also Exhibit I, 1997 Liberia Country Report, *supra* note 18, at 186 (“Even after the elections [of Charles Taylor], the judiciary did not function in most areas of the country due to lack of infrastructure.”).

²⁹ INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at 4.

³⁰ *Id.*

³¹ See *id.* at 4, 16, 19.

Though there were some notable exceptions, most judges and lawyers practicing in Liberia had limited training and a limited understanding of the principles of accountability and human rights.³² These shortcomings would have limited Liberians' access to legal advice about individual claims relating to Civil Wars-era human rights violations, if they were able to seek it.³³

As a result of these shortcomings, ILAC concluded that when the Comprehensive Peace Agreement was signed in 2003, there was “an almost unanimous distrust of Liberia’s courts and a corresponding collapse of the rule of law.”³⁴ According to ILAC, Liberia needed significant long-term assistance to reform and resurrect the Liberian legal system.³⁵

2. Since the Comprehensive Peace Agreement, the Judiciary Still Lacks Capacity to Administer Justice for Gross Human Rights Abuses

Sporadic fighting continued after the Comprehensive Peace Agreement was signed in 2003, and the security situation remained volatile.³⁶ The National Transitional Government of Liberia (the “**Transitional Government**”) was created by the Comprehensive Peace Agreement to re-establish a functioning government in preparation for national elections that were held in October and November of 2005, but the restoration of government functions progressed slowly. According to United Nations and U.S. government reports, by 2005 there had been only “limited

³² See, e.g., *id.* at 1 (noting that the Liberian legal system was plagued by a number of issues including “the absence of principles of . . . accountability” and “the absence of a basic understanding of human rights”); see also U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia*, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2000 353, 357 (2001), <https://perma.cc/FDR2-AWDL> [hereinafter *2000 Liberia Country Report*] (noting that a number of judges and magistrates lacked law degrees and in 2000, the judiciary decided that it was not feasible to retire all the untrained judges and instead “intends to replace those currently sitting with lawyers as they retire”).

³³ See INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at vii-viii.

³⁴ *Id.* at vii.

³⁵ *Id.* at vii, 1.

³⁶ See, e.g., *Liberia: Briefing to the 60th Session of the UN Commission on Human Rights*, HUMAN RIGHTS WATCH (Jan. 29, 2004), <https://perma.cc/3WSP-US86>; Exhibit E, COOK, *supra* note 10, at 9 (“Liberia’s security situation has improved markedly since August 2003 but remains ‘fragile,’ subject to periodic volatility and localized instability, and ‘anchored on the presence of UNMIL.’”).

progress” in restoring government authority and the rule of law, and rehabilitating state institutions such as the judiciary.³⁷

A lack of trained judicial personnel and poor legal infrastructure following the Comprehensive Peace Agreement continued to restrict access to justice in Liberia, especially in complex cases. For example, in 2005, there were only five qualified prosecutors and nine public defenders in Liberia; by 2008 this had increased somewhat but only to seventeen prosecutors and thirteen public defenders.³⁸ In 2006, there were 130 magistrates in Liberia, but only three held law degrees.³⁹ In its 2014 report on UNMIL’s progress, the United Nations Secretary General reported that there was “an absence of fully functional state institutions” and noted the judicial system’s limited infrastructure.⁴⁰ Though the situation has continued to improve, courts remain under-staffed and under-resourced,⁴¹ leading to severe backlogs in processing all forms of cases.⁴²

Not only does the inadequate legal infrastructure remain an issue, but large-scale government corruption has also continued to restrict the proper functioning of the government,

³⁷ U.N. Secretary-General, *Sixth Progress Report of the Secretary-General on the United Nations Mission in Liberia*, ¶¶ 2, 45, U.N. Doc. S/2005/177 (Mar. 17, 2005), <https://perma.cc/3JLD-K6HK>; see also Exhibit E, COOK, *supra* note 10, at 13.

³⁸ See U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2005* 313, 317 (2006), <https://perma.cc/GMW5-N86E> [hereinafter *2005 Liberia Country Report*]; U.S. DEPT. OF STATE, BUREAU OF DEMOCRACY, H.R. AND LAB., *Liberia, in COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2008* 333, 336 (2009), <https://perma.cc/6KRK-3QWP>.

³⁹ INTERNATIONAL CRISIS GROUP, *LIBERIA: RESURRECTING THE JUSTICE SYSTEM 1* (2006), <https://perma.cc/CQB4-PK4Z>.

⁴⁰ U.N. Secretary-General, *Twenty-Seventh Progress Report of the Secretary-General on the United Nations Mission in Liberia*, ¶¶ 47, 57, U.N. Doc. S/2014/123 (Feb. 18, 2014), <https://perma.cc/6GV9-F2MD>.

⁴¹ Office of the U.N. High Comm’r for Human Rights, *Summary of Stakeholders’ Submissions on Liberia*, ¶ 39, U.N. Doc. A/HRC/WG.6/36/LBR/3 (Feb. 25, 2020), <https://perma.cc/3KDU-MJ4W>.

⁴² See e.g., Office of the U.N. High Comm’r for Human Rights & U.N. Mission in Liberia, *Addressing Impunity for Rape in Liberia*, ¶ 64 (Oct. 2016), <https://perma.cc/BN6Q-EA63> [hereinafter *Addressing Impunity for Rape in Liberia*].

including the judiciary—preventing access to justice and fair trials.⁴³ In 2005, the U.S. government noted that although the Transitional Government was able to carry out most basic functions, it had struggled to restore governmental authority across the country and rehabilitate state institutions.⁴⁴ The report explained that “[a]mong the most challenging issues facing governance capacity-building efforts were persistent reports of corruption” within the Transitional Government.⁴⁵

Since the return of democracy in 2006 and to this day, corruption among judicial personnel remains an issue.⁴⁶ Though Liberia made progress toward combatting corruption—establishing the Liberia Anti-Corruption Commission in 2008 to investigate and prosecute cases of corruption, the General Auditing Commission in 2007 to audit government agencies,⁴⁷ and the Independent National Commission on Human Rights in 2005 to promote and protect human rights—corruption continues to be a systemic problem. Recent reports by Liberian civil society to the United Nations, in advance of its review of Liberia’s human rights record in 2020 through the Universal Periodic Review process, noted that “[c]ourts are overwhelmed with corruption,” which severely limits access to justice and fair trials in Liberia.⁴⁸ For example, court clerks demand money from plaintiffs in order to locate their files and schedule hearings, and public defenders demand money from defendants to represent them in court.⁴⁹ This corruption persists

⁴³ See, e.g., Exhibit E, COOK, *supra* note 10, at 13; 2005 Liberia Country Report, *supra* note 38, at 317; Office of the U.N. High Comm’r for Human Rights, *supra* note 41, ¶ 39.

⁴⁴ Exhibit E, COOK, *supra* note 10, at 13.

⁴⁵ *Id.*

⁴⁶ See e.g., 2005 Liberia Country Report, *supra* note 38, at 317; Office of the U.N. High Comm’r for Human Rights, *supra* note 41, ¶ 39 (noting that Liberian civil society continued to report that corruption persists among judicial actors in Liberia).

⁴⁷ HUMAN RIGHTS WATCH, “NO MONEY, NO JUSTICE” POLICE CORRUPTION AND ABUSE IN LIBERIA 16 (2013), <https://perma.cc/YH2J-KYPU> [hereinafter NO MONEY, NO JUSTICE].

⁴⁸ CIVIL SOCIETY ORGANIZATION ON LIBERIA UPR, GENERAL HUMAN RIGHTS SITUATION AND ISSUES IN LIBERIA ¶¶ 3, 45 (2019), <https://perma.cc/9F35-KVWM>; see also Office of the U.N. High Comm’r for Human Rights, *supra* note 41, ¶ 39.

⁴⁹ See, e.g., CIVIL SOCIETY ORGANIZATION ON LIBERIA UPR, *supra* note 48, ¶ 45.

in both criminal and civil cases and prevents Liberians from seeking effective remedies, especially ordinary Liberians in cases involving influential figures.

3. The Historical and Current Capacity of Other State Institutions Also Restricts Access to Justice in Liberia

During the Civil Wars, the police forces did not have the resources to investigate reported crimes. As the U.S. State Department noted in 1997 and again in 1999, at that time “[t]he police ha[d] almost no logistic or forensic capabilities, and generally were unable to investigate crimes.”⁵⁰ Following the Comprehensive Peace Agreement and return to democracy, public confidence in the Liberian National Police (the “**National Police**”) was so low that some communities formed vigilante groups to protect persons and property because police forces were slow to respond.⁵¹

Though there has been some progress in professionalizing the National Police, to date, it struggles with resource shortages and executive influences. This prevents police from being able to travel to investigate crimes or meet with victims and witnesses, hampers communications, and limits access to office supplies ranging from pens and paper to computers and electricity generators.⁵² These resource constraints impede effective police investigations and the collection of evidence sufficient to convict defendants “beyond a reasonable doubt.”⁵³ Though there has been progress, the capacity of police to investigate complex cases, such as the Lutheran Church Massacre, remains limited.

⁵⁰ Exhibit I, *1997 Liberia Country Report*, *supra* note 18, at 185; *see also 1999 Liberia Country Report*, *supra* note 18, at 291.

⁵¹ *See 2005 Liberia Country Report*, *supra* note 38, at 316.

⁵² *See, e.g., Special Report of the Secretary-General*, *supra* note 14, ¶ 34; *see also Addressing Impunity for Rape in Liberia*, *supra* note 42, ¶¶ 56, 58; NO MONEY, NO JUSTICE, *supra* note 47, at 3, 48-49.

⁵³ *See e.g., Addressing Impunity for Rape in Liberia*, *supra* note 42, ¶¶ 56, 58; NO MONEY, NO JUSTICE, *supra* note 47, at 21 (noting that “judges must often throw out charge sheets and dismiss cases due to little or no fact-gathering by the police”).

Corruption also continues to be a problem within the National Police, including as a result of these resource constraints. In 2013, Human Rights Watch found that “[r]egardless of location, victims of police corruption frequently expressed their concern that in Liberia, ‘justice is not for the poor,’ or ‘no money, no justice.’”⁵⁴ Police often request that victims pay various “fees” over the course of an investigation—for instance, to register a case and to pay for transportation to the crime scene and other logistics.⁵⁵ The sums of money requested are often not large, but they are significant enough, in a country where most of the population lives on less than \$2 a day, to discourage Liberians from reporting crimes to the police and seeking assistance.⁵⁶ There are also documented cases of more overt police corruption, where police officers have accepted bribes to release alleged perpetrators from custody and not pursue cases.⁵⁷

Liberia established an Independent National Commission on Human Rights (“**National Human Rights Commission**”) in 2005. It is mandated to receive complaints, monitor and report on human rights violations, propose human rights education, and implement the recommendations of the TRC.⁵⁸ Due to delays in the appointment and confirmation of commissioners by the President and Senate, the National Human Rights Commission did not become fully functional until 2010.⁵⁹ To date, however, the National Human Rights Commission lacks the human and financial resources to properly carry out its functions.⁶⁰ At

⁵⁴ NO MONEY, NO JUSTICE, *supra* note 47, at 3, 21.

⁵⁵ *Id.* at 21.

⁵⁶ *See id.* at 21-22; *see also Addressing Impunity for Rape in Liberia*, *supra* note 42, ¶ 56.

⁵⁷ *See e.g., Addressing Impunity for Rape in Liberia*, *supra* note 42, ¶ 62.

⁵⁸ *Special Report of the Secretary-General*, *supra* note 14, ¶ 19.

⁵⁹ INTERNATIONAL FEDERATION OF ACTION BY CHRISTIANS FOR THE ABOLITION OF TORTURE ET AL., ALTERNATIVE REPORT OF FIACAT, ACAT LIBERIA AND THE WCADP – 3RD UNIVERSAL PERIODIC REVIEW OF LIBERIA ¶ 31 (2019), <https://perma.cc/H5V4-CBMC> [hereinafter ALTERNATIVE REPORT OF FIACAT, ACAT LIBERIA AND THE WCADP].

⁶⁰ *Special Report of the Secretary-General*, *supra* note 14, ¶ 19; *see also* Office of the U.N. High Comm’r for Human Rights, *supra* note 41, ¶ 23.

present, with the budget it receives, the National Human Rights Commission is only able to cover its administrative and limited operational costs. This constrains its field presence and ability to carry out its oversight and investigatory functions.⁶¹

4. Poor Civil Infrastructure Also Hampers Access to Justice in Liberia

Not only did the Civil Wars severely impact the judiciary and other state institutions in Liberia, but they also led to the near-total destruction of civil infrastructure.⁶² Monrovia had no power or running water since the early stages of the First Civil War in 1989 until after the Comprehensive Peace Agreement was signed in 2003.⁶³ During that time, there was no postal, telephone, or internet service, most buildings were destroyed, and the roads and railways were in severe disrepair.⁶⁴ Though progress has been made since 2003, especially in the capital Monrovia, and cellphone access has increased, infrastructure in the countryside remains poor.⁶⁵ Traveling from the countryside to Monrovia can be difficult and expensive, especially during the rainy season. Internet access in Liberia is also limited. At present, approximately only 19% of the population has access to the internet.⁶⁶ Internet access remains expensive, and the connection is often low quality and unreliable for the majority of the population.⁶⁷ These limitations prevent victims of complex crimes and human rights abuses, like Plaintiffs, from investigating and lodging claims for these violations, let alone accessing counsel and identifying fellow victims.

⁶¹ See ALTERNATIVE REPORT OF FIACAT, ACAT LIBERIA AND THE WCADP, *supra* note 59, ¶ 33.

⁶² INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at 4; Vivien Foster & Nataliya Pushak, LIBERIA'S INFRASTRUCTURE: A CONTINENTAL PERSPECTIVE 1 (World Bank 2010), <https://perma.cc/5XYM-RTZU>.

⁶³ INTERNATIONAL LEGAL ASSISTANCE CONSORTIUM, *supra* note 1, at 4.

⁶⁴ *Id.*

⁶⁵ Foster & Pushak, *supra* note 62, at 1, 4-5.

⁶⁶ Eleanor Sparpong & Olutomi Olutola, *The Internet is unaffordable in Liberia: action is needed to 'SET' the agenda for positive change*, ALLIANCE FOR AFFORDABLE INTERNET (Dec. 16, 2020), <https://perma.cc/4RP7-XQOK>.

⁶⁷ *Id.*

C. Human Rights Litigants, Defenders, Counsel, and Witnesses Often Face Retaliation and Reprisals

For there to be effective accountability and remedies for human rights abuses, victims and witnesses must be able to testify truthfully, without fear of retaliation and abuse. In Liberia, however, litigants, human rights defenders, counsel, and witnesses seeking to hold the government or security forces accountable or seeking accountability for Civil Wars-era human rights violations are often victims of retaliation and reprisals.

During the Civil Wars, members of the security forces frequently harassed human rights activists, lawyers, and civil society organizations in Liberia.⁶⁸ As a U.S. State Department report to the U.S. Congress noted in 1996, members of the government had “harassed, threatened, and beaten local human rights and humanitarian workers when they did not like their reports assessing responsibility for human rights violations.”⁶⁹ These threats of reprisal were often tied directly to attempts to investigate atrocities that had occurred during the First Civil War. For example, when domestic human rights groups and international non-governmental organization workers attempted to investigate Operation Camp Johnson Road—one of the most significant civilian massacres of the of the First Civil War—they faced harassment and threats.⁷⁰ The risk of retaliation was so great that some human rights activists and their families left Liberia for fear of their and their families’ safety, while others practiced self-censorship.⁷¹

⁶⁸ See, e.g., Exhibit K, Cable from Secretary of State to All African Diplomatic Posts, Subject: INR Analysis for May 6-12, 2002, ¶ 4 (May 13, 2002) (noting that “[h]uman rights attorney Tiawan Gongloe was arrested on April 24 and reportedly beaten in police custody . . . [and] [f]ive members of the national human rights center of Liberia on March 28 were arrested and held without charge.”); Exhibit J, *1998 Liberia Country Report*, *supra* note 25, at 239; see also *1999 Liberia Country Report*, *supra* note 18, at 288 (1999); *2000 Liberia Country Report*, *supra* note 32, at 363; see also HUMAN RIGHTS WATCH, *WORLD REPORT 2002: HUMAN RIGHTS DEVELOPMENTS IN 2001* 67 (2002), <https://perma.cc/9YRG-9GHC> (“The leader of the Catholic Church’s Justice and Peace Commission, a key human rights defender, said . . . that he had received threats from ‘prominent individuals’ in retaliation for a report critical of the government’s human rights record.”).

⁶⁹ Exhibit H, *1996 Liberia Country Report*, *supra* note 17, at 154.

⁷⁰ Exhibit J, *1998 Liberia Country Report*, *supra* note 25, at 239.

⁷¹ *1999 Liberia Country Report*, *supra* note 18, at 291, 293.

Claimants and witnesses in cases seeking accountability for Civil Wars-era crimes still risk reprisals. For example, in 2008, witnesses testifying against former President Charles Taylor in his trial for war crimes committed during Sierra Leone's Civil War received death threats at their home in Monrovia.⁷² In September 2014, Martina Johnson, a former commander of the NPFL, was arrested in Belgium and charged with war crimes and crimes against humanity committed during the First Civil War. Around April 2017, former combatants from the NPFL began trying to identify and find one of the claimants in the case against her, to try to threaten and silence them.⁷³ Another example relates to Agnes Reeves Taylor, who was arrested in 2017 in the United Kingdom and charged with torture committed during the First Civil War. The case against her was dismissed on a point of law, and after her return to Liberia in 2020, victims and witnesses in the case against her began to receive threatening phone calls and in-person threats against their lives from people claiming to be supporters of Reeves Taylor.⁷⁴

Human rights defenders seeking justice for human rights abuses, including through the establishment of a war crimes court, also face intimidation and threats. Civil society organizations seeking accountability have historically operated and continue to operate in a hostile environment in Liberia.⁷⁵ Most recently, staff of the Global Justice and Research Project and the Civil Society Human Rights Advocacy Platform of Liberia, two civil society organizations leading the call for accountability for Civil Wars-era human rights violations, began receiving credible threats shortly after Agnes Reeves Taylor returned to Liberia in July

⁷² 'Death threats' over Taylor trial, BBC NEWS (Jan. 25, 2008), <https://perma.cc/332L-ZSDM>.

⁷³ Decl. of Alain Werner in Support of Mot. of Pls. Jane W, John X, John Y, and John Z for Leave to Proceed Anonymously ¶ 14, *Jane W v. Thomas*, No. 2:18-CV-00569-PBT (E.D. Pa. Apr. 9, 2018) (Doc. No. 16).

⁷⁴ *Protect Human Rights Defenders in Liberia*, CENTER FOR JUSTICE AND ACCOUNTABILITY ET AL., (Aug. 5, 2020), <https://perma.cc/HKW8-W8ZT>.

⁷⁵ See e.g., CSO HUMAN RIGHTS ADVOCACY PLATFORM, CONTRIBUTION ON UPR ¶ 28 (2019), <https://perma.cc/TK39-VSZ4>.

2020, because of their support for her prosecution.⁷⁶ The staff members at these organizations received multiple threatening phone calls.⁷⁷ Taylor has also made public statements about the Global Justice and Research Project that raised concerns regarding the risk of reprisals.⁷⁸

Currently, there is no law or government policy to protect litigants, their counsel, witnesses, and human rights defenders in Liberia. As a result of the risks posed to those participating in cases seeking accountability for Civil Wars-era human rights violations, dozens of Liberian and international civil society organizations have called on the Liberian government to establish an effective witness protection program.⁷⁹ Though a Whistleblower and Witness Protection Act was drafted and submitted to the legislature in 2010, it has not passed into law due to a lack of political will.⁸⁰

Not only do litigants, their counsel, witnesses, and human rights defenders face physical threats, but there have also been legal consequences for criticizing the government. Powerful actors in Liberia use civil and, until recently, criminal defamation and libel regulations to silence their critics. Courts often impose massive fines and excessive prison sentences in these cases, which has resulted in widespread self-censorship.⁸¹ For example, the editor-in-chief of Front Page Africa, a well-known Liberian newspaper, was sentenced to 5,000 years in prison in 2013 for accusing a government minister of corruption.⁸² In 2019, Liberian lawmakers filed a \$2

⁷⁶ CENTER FOR JUSTICE AND ACCOUNTABILITY ET AL., *supra* note 74.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ ACCOUNTABILITY LAB LIBERIA ET AL., LIBERIA'S COMPLIANCE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS: REPORT OF CIVIL SOCIETY ORGANIZATIONS IN REPLY TO THE LIST OF ISSUES REGARDING IMPUNITY FOR PAST HUMAN RIGHTS VIOLATIONS (ARTS. 2, 6, 7 AND 14) 7, 9 (2018), <https://perma.cc/VKF5-8QKA>.

⁸⁰ See *Liberia: Passage of Whistleblower Protection Act (LR0019)*, OPEN GOVERNMENT PARTNERSHIP, <https://perma.cc/6BYL-XHPY> (last visited Feb. 12, 2021).

⁸¹ MEDIA FOUNDATION FOR WEST AFRICA ET AL., JOINT SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL ON THE UNIVERSAL PERIODIC REVIEW OF LIBERIA ¶¶ 37-39 (2019), <https://perma.cc/2SPG-8AEM>.

⁸² *Id.* ¶ 40.

million USD lawsuit against Philibert Browne and his newspaper Hot Pepper over remarks he made on the radio regarding corruption in the Liberian House of Representatives.⁸³ As the Media Foundation for West Africa noted in a recent submission to the United Nations Human Rights Council, these cases can have “grave implication for the exercise of freedom of expression by the media, activists and citizens.”⁸⁴

D. The Truth and Reconciliation Commission’s Recommendations for Accountability Have Gone Unimplemented

1. The TRC’s Mandate

On June 10, 2005, the National Transitional Government of Liberia passed the Act Establishing the Truth and Reconciliation Commission of Liberia (the “Act”).⁸⁵ The Act gave the TRC an extensive mandate to (i) investigate gross human rights and humanitarian law violations, including “massacres, sexual violations, murder, [and] extrajudicial killings” committed from January 1979 to October 2003; (ii) establish the historical and root causes of the Civil Wars and resulting abuses; (iii) identify those responsible for the commission of the violations and abuses; and (v) provide a forum that will address issues of impunity.⁸⁶

The Truth and Reconciliation Commission was provided with powers to pursue its mandate, including the powers to: (i) facilitate inquiries and investigations into violations of human rights and abuses of power and authority in Liberia, and (ii) make recommendations to the government of Liberia to ensure accountability for such violations.⁸⁷ Following its investigation of human rights violations that occurred in the run up to and during the Civil Wars,

⁸³ *Id.* ¶ 43.

⁸⁴ *Id.* ¶ 45.

⁸⁵ Act Establishing the Truth and Reconciliation Commission of Liberia (2005) (Liber.), <https://perma.cc/N9UV-32AL> [hereinafter TRC Act]; Exhibit C, TRC VOLUME I, *supra* note 11, at 3.

⁸⁶ TRC Act, Art. IV, Section 4(a)-(b); *see also* Exhibit C, TRC VOLUME I, *supra* note 11, at 16-17.

⁸⁷ TRC Act, Art. VII, Sections 26(a), 26(d).

and identification of those responsible, the TRC was directed to recommend certain individuals for further investigation and prosecution.⁸⁸ The TRC was also required to make recommendations to the President about how to ensure reparation and rehabilitation for victims and survivors of the Civil Wars-era human rights violations and atrocities.⁸⁹ The Act indicated that all TRC recommendations would be binding on the legislature and President of Liberia.⁹⁰ Liberians hoped the TRC would lead to justice and accountability for the atrocities of the 14-year period of the Civil Wars.

2. The TRC's Report & Findings

The TRC officially began its work on February 22, 2006.⁹¹ Over the next several years, the TRC, with the help of nationwide volunteers, obtained over 20,000 statements from Liberians in Liberia and in the Liberian diaspora in the United States and West Africa about their experiences during the Civil Wars.⁹² This process was followed by over a year of public and in-camera hearings around Liberia and in the United States. During these hearings, victims and witnesses testified about the events of the Civil Wars. During thematic and institutional hearings, the TRC investigated the history and causes of the conflict, and its effect on specific segments of the population, such as women and children.⁹³ In 2007, the TRC established the "Inquiry Unit," which was tasked with investigating and corroborating "egregious domestic crimes, gross violations of human rights and serious humanitarian law violations" identified during the statement-taking process and hearings.⁹⁴ The Inquiry Unit investigated a number of

⁸⁸ *Id.*, Art. VII, Sections 26(j)(iii)-(iv); *see also* Exhibit C, TRC VOLUME I, *supra* note 11, at 17.

⁸⁹ TRC Act, Art. VII, Section 26(j)(i); *see also* Exhibit C, TRC VOLUME I, *supra* note 11, at 17.

⁹⁰ TRC Act, Art. X, Section 48 (2005).

⁹¹ Exhibit C, TRC VOLUME I, *supra* note 11, at 3.

⁹² *Id.* at 31-32.

⁹³ *Id.* at 32.

⁹⁴ *Id.* at 37.

civilian massacres that occurred during the Civil Wars, including the Lutheran Church Massacre.⁹⁵

On July 1, 2009, the TRC issued its preliminary report and recommendations, followed by its final report on December 20, 2009. The report ran over four volumes with over a dozen appendixes. Attached to this report as **Exhibit C** is a copy of Volume One of the TRC's report, the preliminary report and findings; Volume Two, the consolidated final report, is attached as **Exhibit D**. In its report, the TRC identified the armed groups responsible for committing “‘egregious’ domestic crimes, ‘gross’ violations of human rights and ‘serious’ humanitarian law violations” in Liberia between 1979 and 2003. These groups included various Liberian security forces, including the Armed Forces of Liberia (“**AFL**”) and the Special Anti-Terrorist Unit (“**SATU**”), along with the warring factions including the NPFL, the Independent National Patriotic Front of Liberia (“**INPFL**”), the United Liberation Movement (“**ULIMO**”), MODEL, and LURD.⁹⁶

In Volume Two of its report, the TRC catalogued the human rights abuses committed during the Civil Wars by date, type of violation and, where possible, the faction responsible and approximate number of individuals killed.⁹⁷ The TRC concluded that the Lutheran Church Massacre was perpetrated by the AFL, in an effort to target ethnic Manos and Gios as a reprisal for rebel attacks in Monrovia.⁹⁸ Moreover, the TRC found that the Lutheran Church Massacre, along with other massacres perpetrated against religious institutions in Liberia, had a profound impact on religious and traditional institutions. Churches had been chosen as a place of refuge

⁹⁵ *Id.*

⁹⁶ *Id.* at 54-55; Exhibit D, TRC VOLUME II, *supra* note 1, at 21.

⁹⁷ Exhibit D, TRC VOLUME II, *supra* note 1, at 216-254.

⁹⁸ *Id.* at 219, 281.

and protection by civilians because they were sacred places. By committing massacres in places of worship like the Lutheran Church, “[p]erpetrators intentionally violated the institution of ‘sanctuary’ – a place where the dispossessed should be able to find safety.”⁹⁹ This, according to the TRC, had a profound impact on traditional and religious institutions in Liberia. As the TRC noted:

The desecration and destruction of sacred places led to a weakening of religious and traditional institutions and threatened the collapse of systems of reliable rules and norms upon which religious and traditional communities depended on a daily basis.¹⁰⁰

Religious institutions, the TRC found, were victimized precisely “because of their willingness to provide assistance in response to the carnage” of the Civil Wars.¹⁰¹

The TRC concluded that all the warring factions in the two Civil Wars were responsible for “the commission of gross human rights violations in Liberia, including war crimes, crimes against humanity,” violations of international human rights law, humanitarian law, and international criminal law, as well as domestic criminal laws.¹⁰²

3. The TRC’s Recommendations and Failed Implementation

In line with the Act and its mandate, the TRC released a list of recommendations on accountability, reconciliation, and reparations. First, the TRC recommended that Liberia establish an “Extraordinary Criminal Court” to try individuals responsible for gross human rights violations and other serious violations of international law committed during the Civil Wars.¹⁰³ The TRC recommended 123 individuals for investigation and prosecution by this court,

⁹⁹ *Id.* at 281.

¹⁰⁰ *Id.* at 280.

¹⁰¹ *Id.* at 281.

¹⁰² *Id.* at 19.

¹⁰³ Exhibit C, TRC VOLUME I, *supra* note 11, at 58; Exhibit D, TRC VOLUME II, *supra* note 1, at 22, 349.

including “leaders of warring factions” and the “most notorious perpetrators.”¹⁰⁴ In Annex 2 to the Final Report, the TRC included a draft Statute Establishing the Extraordinary Criminal Court for Liberia.¹⁰⁵

Second, in addition to the Extraordinary Criminal Court, the TRC recommended domestic criminal prosecutions for individuals who perpetrated egregious crimes of a lesser degree than gross human rights violations.¹⁰⁶

Third, the TRC made recommendations for public sanctions, including lustrations and debarment from holding public office, to be imposed on prominent political leaders and financiers of the warring factions who aided and abetted the crimes committed during the Civil Wars.¹⁰⁷

Finally, in addition to the recommendations on accountability, the TRC recommended a system of “Palava Huts,” a traditional justice and reconciliation mechanism to foster the reintegration of demobilized combatants and community level reconciliation.¹⁰⁸ The TRC also recommended that the Government of Liberia undertake wide-ranging reparations and rehabilitation efforts for Liberian citizens, from monetary support and “psychosocial, physical, therapeutic, counseling, medical, mental health and other health related services” to establishing memorials and issuing death certificates for those who died in the Civil Wars.¹⁰⁹

Although the Act establishing the TRC made clear that the TRC’s recommendations were binding on the Liberian government,¹¹⁰ in 2011 the Liberian Supreme Court found that the

¹⁰⁴ Exhibit D, TRC VOLUME II, *supra* note 1, at 22, 349-52.

¹⁰⁵ *See id.* at 349.

¹⁰⁶ *Id.* at 356-58.

¹⁰⁷ *Id.* at 360-61.

¹⁰⁸ *Id.* at 364-67.

¹⁰⁹ *Id.* at 377-81.

¹¹⁰ Specifically, Section 48 provided that:

TRC's recommendations were not mandatory.¹¹¹ In *Williams v. Tah, et al.*, a case brought by one of the individuals recommended for lustration, the Supreme Court of Liberia held that Section 48 of the TRC Act, which would have compelled the government to implement the TRC's recommendations, was unconstitutional.¹¹² Until the 2011 Supreme Court decision, Liberians, victims, and survivors of Civil Wars-era human rights abuses had relied on the TRC and the implementation of the accountability processes it recommended for justice for these crimes.

Since the TRC issued its recommendations in 2009, until today, perpetrators of the gross human rights violations that characterized the Civil Wars have largely avoided any form of accountability. Liberia has made only limited progress to implement some of the TRC recommendations through the Strategic Roadmap for National Healing, Peacebuilding, and Reconciliation.¹¹³ The focus of these steps, however, is on those recommendations regarding community-level reconciliation, reparations, rehabilitation, and restoration,¹¹⁴ such as the Palava Huts and memorials. The TRC's recommendations regarding criminal accountability and public sanctions have gone largely unimplemented to this day.

E. Ongoing Impunity Precludes Any Domestic Remedy in Liberia for Civil Wars-Era Human Rights Violations

There continues to be a lack of political will for accountability for Civil Wars-era abuses in Liberia. This is evidenced by the lack of implementation of the TRC recommendations on

The Head of State shall report to the National Legislature within three months of receipt of the report of the TRC, and on a quarterly basis thereafter, as to the implementation of the Commission's recommendations. *All recommendations shall be implemented.* Where the implementation of any recommendation has not been complied with, the Legislature shall require the Head of State to show cause for such non-compliance.

TRC Act, Article X, Section 48 (2005) (emphasis added).

¹¹¹ Exhibit L, *Williams v. Tah, et al.*, (2011) (Liber.).

¹¹² *Id.* at 8, 12.

¹¹³ ACCOUNTABILITY LAB LIBERIA ET AL., *supra* note 79, at 4.

¹¹⁴ *Id.*

accountability, and the fact that no criminal cases for Civil Wars-era abuses have been brought in Liberia. In addition, a number of notorious perpetrators of Civil Wars-era human rights abuses have held and continue to hold government office in Liberia. These factors, along with the shortcomings in the Liberian legal infrastructure identified above, have led to a culture of impunity in Liberia that effectively precludes a domestic remedy for survivors and victims of Civil Wars-era human rights violations.

There have been no criminal prosecutions in Liberian domestic courts, nor has any Extraordinary Criminal Court been established.¹¹⁵ In addition, no Liberians have successfully brought civil cases for Civil Wars-era abuses. The only cases seeking accountability for these violations have all occurred outside Liberia, in Europe and the United States.¹¹⁶ There are also no civil or criminal statutes that would provide an effective remedy for gross human rights violations, such as torture, extrajudicial killing, war crimes, or crimes against humanity that occurred during the Civil Wars.¹¹⁷ In this context, the United Nations Human Rights Committee stated in its 2018 review of Liberia's compliance with the International Covenant on Civil and Political Rights, in particular with respect to impunity and past human rights violations, that it "regrets the very few steps taken to implement the bulk of the recommendations issued by the Truth and Reconciliation Commission in 2009."¹¹⁸

¹¹⁵ *Id.*

¹¹⁶ These cases include: the prosecution and conviction in 2009 of Charles "Chucky" Taylor, Charles Taylor's son, for torture in the United States; the 2017 conviction of former rebel commander Mohammed "Jungle Jabbah" Jabbateh for immigration fraud in the United States, related to his involvement in Civil Wars-era abuses in Liberia; the 2018 conviction of NPFL Defense Minister Tom Woewiyu in the United States for immigration fraud related to human rights abuses in Liberia; the 2014 indictment and arrest of NPFL Commander Martina Johnson in Belgium for atrocity crimes in Liberia; the trial of ULIMO Commander Alieu Kossiah in Switzerland for crimes against humanity and torture (ongoing); and the 2017 indictment of Agnes Reeves Taylor in the United Kingdom for her alleged role in NPFL abuses in Liberia; as well as this civil lawsuit. *See id.* at 4, 4 n.6.

¹¹⁷ *See, e.g., id.* at 4.

¹¹⁸ U.N. Human Rights Comm., *Concluding Observations on the Initial Report of Liberia*, ¶ 10, U.N. Doc. CCPR/C/LBR/CO/1 (Aug. 27, 2018), <https://perma.cc/X7EY-F3PY>.

Liberian and international civil society organizations have long campaigned for the establishment of the Extraordinary Criminal Court and implementation of other TRC recommendations on accountability. As a result of increased campaigning and the prosecutions of Liberian war criminals in foreign countries, such as the United States and France, there was some movement within the government toward implementing the TRC recommendations. In September 2019, President Weah requested the National Legislature advise him on implementation of the TRC recommendations, including establishing a war crimes court.¹¹⁹ In 2019, a joint committee of the House of Representatives also introduced a resolution for the implementation of the TRC recommendations and the establishment of a war and economic crimes court.¹²⁰ The resolution received the necessary signatures to advance it for debate.¹²¹ However, progress has since stalled. In October 2019, the Speaker of the House declined to introduce a resolution on the court, despite strong backing from lawmakers and civil society,¹²² and there has been no movement since then.

Concluding its review of Liberia's human rights record, the United Nations Human Rights Committee noted "with concern that none of the alleged perpetrators of gross human rights violations and war crimes mentioned in the [Truth and Reconciliation] Commission's report have

¹¹⁹ See HUMAN RIGHTS WATCH ET AL., LIBERIA STAKEHOLDER REPORT FOR THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW REGARDING IMPUNITY FOR PAST HUMAN RIGHTS VIOLATIONS ¶¶ 16-28 (2019), <https://perma.cc/7C59-9XD9>.

¹²⁰ See Alpha Daffae Senkpeni, *Liberia: 26 Lawmakers Sign Resolution for the War Crimes Court following President's Letter*, FRONT PAGE AFRICA (Sept. 19, 2019), <https://perma.cc/V2WT-FLBQ>; see also CSO HUMAN RIGHTS ADVOCACY PLATFORM, *supra* note 75, ¶ 3.

¹²¹ CSO HUMAN RIGHTS ADVOCACY PLATFORM, *supra* note 75, ¶ 3; Ruth Maclean & Tecee Boley, 'Be afraid': one woman's fight to hold Liberia's warlords to account, THE GUARDIAN (Oct. 23, 2019), <https://perma.cc/JH9J-NWHY>.

¹²² Gerald C. Koinyeneh, *Liberia: House Speaker Removes War Crimes Court Resolution from Agenda for Deliberation*, FRONT PAGE AFRICA (Oct. 7, 2019), <https://perma.cc/AGU3-Q96K>; Elise Keppler, *Liberia's President Should Showcase Justice on International Stage*, HUMAN RIGHTS WATCH (Sept. 17, 2020), <https://perma.cc/33ZQ-8P4T>.

been brought to justice.”¹²³ It stated that “such a situation fosters a climate of impunity,” and it directed Liberia “as a matter of priority” to “establish a process of accountability for past gross human rights violations.”¹²⁴ It also requested that the Liberian government provide an update on its progress in implementing this recommendation by July 2020.¹²⁵ However, the government failed to do so, and despite rising public and civil society pressure on the government, the TRC’s recommendations regarding accountability remain unimplemented to date.¹²⁶

One of the major contributors to the climate of impunity in Liberia—and one of the major obstacles to implementing the TRC recommendations—is the number of high-level perpetrators who hold government office.¹²⁷ Many of these individuals were recommended for prosecution by the TRC. As one example, in 2005, Prince Johnson—the former leader of the INPFL rebel group—was elected to the National Legislature as senator for Nimba County.¹²⁸ He holds this office to this day. Johnson is notorious for participating in the killing of then-President Doe in 1990,¹²⁹ and the TRC recommended him for prosecution by the Extraordinary Criminal Court.¹³⁰

¹²³ U.N. Human Rights Comm., *supra* note 118, ¶ 10.

¹²⁴ *See id.* ¶¶ 10-11; *see also Special Report of the Secretary-General, supra* note 14, ¶ 17 (noting that “[t]here remains almost total impunity for past and present human rights violations and abuses, . . . due to factors such as limited capacity to administer justice, inadequate procedural laws, corruption and a lack of political will to hold perpetrators accountable”).

¹²⁵ *See* U.N. Human Rights Comm., *supra* note 118, ¶¶ 11, 49.

¹²⁶ Office of the U.N. High Comm’r for Human Rights, *supra* note 41, ¶¶ 9, 41-42 (noting that civil society expressed regret that “no one has been prosecuted and sentenced for serious human rights violations committed during the war,” and that the TRC’s recommendations have not been implemented, particularly the recommendation to establish a war crimes court); ALTERNATIVE REPORT OF FIACAT, ACAT LIBERIA AND THE WCADP, *supra* note 59, ¶¶ 13-14; CSO HUMAN RIGHTS ADVOCACY PLATFORM, *supra* note 75, ¶¶ 2-3.

¹²⁷ *See* Office of the U.N. High Comm’r for Human Rights, *supra* note 41, ¶ 44 (noting that civil society expressed concern that alleged perpetrators included in the TRC’s report not only had not faced accountability, but also held government offices); CSO HUMAN RIGHTS ADVOCACY PLATFORM, *supra* note 75, ¶ 2; Exhibit D, TRC VOLUME II, *supra* note 1, at 350-353 (listing, for example, Senator Prince Y. Johnson of Nimba County, Representative George S. Boley of Grand Gedeh County, Senator Dan Morias of Maryland County, and Senator Sando Johnson of Bomi County among the “most notorious perpetrators” of gross human rights violations in the TRC’s report).

¹²⁸ *See* NICOLAS COOK, CONG. RSCH. SERV., RL33185, LIBERIA’S POST-WAR DEVELOPMENT: KEY ISSUES AND U.S. ASSISTANCE 8 (2010), <https://perma.cc/FG2E-EK57>.

¹²⁹ *See Liberia: War Survivors Angry Boley Not Jailed in America*, FRONT PAGE AFRICA (Sept. 19, 2019), <https://perma.cc/CRK4-FJSS>.

¹³⁰ Exhibit D, TRC VOLUME II, *supra* note 1, at 349-350.

The TRC also recommended that George Boley, who formed and led the rebel group Liberia Peace Council, be tried by the Extraordinary Criminal Court.¹³¹ The TRC found that Boley's group committed the third most atrocities in the Civil Wars. Boley was deported from the United States in 2012 because of crimes he committed during the First Civil War, including a massacre in 1994 of more than twenty-five people.¹³² In 2017, Boley was elected to the National Legislature as a representative of Grand Gedeh County District #2.¹³³ Additional current and former government officials recommended by the TRC for prosecution include Senator of Bomi County Sando Johnson, Superintendent of Grand Gedeh County Kai Farley, and former Senator of Nimba County Adolphus Dolo.¹³⁴ It is likely that until these individuals leave office, progress toward justice in Liberia for Civil Wars-era human rights violations will be limited.¹³⁵

F. A Liberian Court Could Not Have Authorized the Lutheran Church Massacre

I understand that the U.S. Torture Victims Protection Act defines “extrajudicial killing” as “a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court.” 28 U.S.C. § 1350 note § 3(a). I have been asked by Plaintiffs’ counsel to opine, as a matter of Liberian law, under what circumstances a Liberian court could “authorize” the execution of a civilian. As described below, I conclude that those circumstances have not been met—and could not have been met—as a matter of law or fact with regards to the Lutheran Church Massacre.

¹³¹ *Id.* at 349.

¹³² *Liberia human rights violator removed from US*, U.S. IMMIGR. & CUSTOMS ENF'T (Mar. 29, 2012), <https://perma.cc/2JG9-MR46>.

¹³³ *See Liberia: War Survivors Angry Boley Not Jailed in America*, *supra* note 129.

¹³⁴ *See id.*; *see also* COOK, *supra* note 128, at 8 (noting that a number of these warlords were also subject to United Nations travel sanctions).

¹³⁵ *See, e.g.*, COOK, *supra* note 128, at 54 (noting that the current legislature is unlikely to support accountability efforts because some of its members may be targets for prosecution).

Liberian law and the Constitution establish legal and procedural requirements, including due process, which must be followed when issuing sentences like the death penalty. In July 1990, the death penalty was available for a limited number of offences: (i) treason, if death ensued from the act of the offender,¹³⁶ (ii) mercenarism, if the act resulted in the death of any non-participant in the crime,¹³⁷ (iii) armed robbery, terrorism, and highjacking, if the act resulted in the death of a non-participant,¹³⁸ and (iv) murder.¹³⁹ A death sentence could only be imposed by a court following a sentencing hearing before a jury, and only if the prosecution established aggravating factors.¹⁴⁰ During the sentencing hearing, the defendant must have had the opportunity to present mitigating circumstances, outlined in Section 51.3(6) of the Penal Code.¹⁴¹ Moreover, in 1990 and to this day, the death penalty in Liberia could not be imposed on people who were minors at the time of the commission of the crime.¹⁴² Further, defendants would have to be sentenced individually. Sentences, especially executions, could not—and cannot—be meted out to a group *en masse*.

To my knowledge, there is no evidence that any of the individuals seeking shelter at St. Peter's Lutheran Church were tried, convicted of crimes, and duly sentenced to death, in accordance with the provisions of the Liberian Penal Code. Moreover, it is my opinion that under Liberian law it would not have been possible for a Liberian court, or any other legitimate body, to authorize a mass execution at a place of worship, like that which took place at the Lutheran Church in 1990.

¹³⁶ Penal Law, Liberian Codes Revised, Volume IV, Title 26, § 11.2(c) (1976) (Liber.), <https://perma.cc/7Z6N-2G74>.

¹³⁷ *Id.* § 11.13(2).

¹³⁸ *Id.* § 15.34(2).

¹³⁹ *Id.* § 14.1.

¹⁴⁰ *Id.* § 51.3(1)-(2).

¹⁴¹ *Id.* § 51.3(3); *see also id.* §§ 51.3(1)(d), 51.3(6).

¹⁴² *Id.* § 51.3(1)(b).

VIII. CONCLUSION

The Civil Wars had an immense and indelible impact on the legal infrastructure and rule of law in Liberia, resulting in a systemic inability and unwillingness to fully investigate and prosecute war crimes. The lack of both human and material resources in the judiciary and investigative mechanisms, as well as widespread corruption, have left survivors and victims unable to investigate and seek remedy in Liberia for human rights abuses committed at that time. Poor civil infrastructure and the cost of legal proceedings in Liberia have also prevented legitimate investigations and access to justice.

Although Liberia has made some progress in addressing these difficulties, problems persist, and a culture of impunity for Civil Wars-era crimes has developed. Claimants, their counsel, witnesses, and human rights defenders seeking accountability for Civil Wars-era crimes face reprisals and retaliation, and there is no witness protection program in Liberia to ensure their safety. This further frustrates accountability efforts.

Liberians believed the TRC would provide them with justice and redress. However, because of the Liberian Supreme Court's 2011 ruling in *Williams v. Tah, et al.*, and a lack of political will to implement the TRC's recommendations, impunity for Civil Wars-era human rights abuses persists in Liberia. To date, there have been no successful criminal prosecutions or civil cases brought in Liberia to address these crimes, and it is my opinion, that Liberian courts cannot as yet provide an effective remedy for the gross human rights violations, war crimes, and crimes against humanity perpetrated in Liberia during the Civil Wars.

Finally, it is also my expert opinion that the Lutheran Church Massacre was not and could not have been authorized by a Liberian court.

Executed on: 15th Day of February A.D. 2021 in [REDACTED]

[REDACTED].

by: _____
[REDACTED]

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT A

HIGHLY CONFIDENTIAL/ATTORNEYS' EYES ONLY

[REDACTED]

[REDACTED]

Bar Admissions

[REDACTED]

Professional Experience

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Education

[Redacted]

Selected Professional Development Programs and Workshops

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Publications

[Redacted]

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

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JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT B

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT C



**REPUBLIC OF LIBERIA
TRUTH AND RECONCILIATION COMMISSION**

VOLUME ONE

PRELIMINARY FINDINGS AND DETERMINATIONS

**VOLUME 1
PRELIMINARY FINDINGS AND DETERMINATIONS**

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LIST OF ABBREVIATIONS

AFL	Armed Forces of Liberia
AU	African Union
CRC	Convention on the Rights of the Child
ECOWAS	Economic Community of West African States
EDC	“Egregious” Domestic Crimes
FHR	Foundation for Human Rights
GHRV	“Gross Human Rights Violations”
HRCSA	Human Rights Commission of South Africa
IACHR	Inter-American Commission on Human Rights
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICGL	International Contact Group on Liberia
ICL	International Criminal Law
ICTJ	International Center for Transitional Justice
IHL	International Humanitarian Law
IHRL	International Human Rights Law
INPLF	Independent National Patriotic Front of Liberia
IRL	International Refugee Law
LDHS	Liberia Demographic Health Survey
LURD	Liberians United for Reconciliation and Democracy
NPLF	National Patriotic Front of Liberia
OSIWA	Open Society Initiative for West Africa
Protocol II	Protocol II Additional to the Geneva Conventions of 1977
SHLV	“Serious” Humanitarian Law Violations
TJWG	Transitional Justice Working Group
TRC	Truth and Reconciliation Commission of Liberia
TRCWG	TRC Working Group
UN	United Nations
UNIFEM	United Nations Development Fund for Women
UNMIL	United Nations Mission in Liberia

I. INTRODUCTION

I. INTRODUCTION

A. Statement from the Commission

This Report represents the Truth and Reconciliation Commission of Liberia's (TRC) forthright response to its core mandate of investigating and determining responsibility for 'egregious' domestic crimes, 'gross' violations of human rights and 'serious' humanitarian law violations as well as examining the root causes of Liberia's various episodes of state breakdown and violent conflicts to recommend measures to ensure that truth, justice and reconciliation become permanent features of Liberia's socio-economic, political, legal and cultural landscape.

It aims to part a mountainous and depraved sea built on 186 years (1822-2006) of misunderstanding, inequality, poverty, oppression and deadly conflict with the enduring principles of truth, justice and reconciliation.

This Report provides the Liberian people, Government of Liberia and the Honorable National Legislature with substantive finding and determinations made by the TRC to date, knowing that two other volumes, Consolidated Report (Volume II) and Appendixes (Volume III) will be released by the TRC prior to the end of its mandate on June 22, 2009.¹ The central rationale for issuing this Report prior to June is to provide the Liberian people notice of its findings and determinations to date in the wake of victims, thematic, actors and institutional-related hearings; notwithstanding that the actors and institutional hearings will continue through March 2009, as will its findings and recommendations.

Liberia's triumphant and tortuous history of conflict did not begin in January 1979 or end on October 14, 2003 (the TRC's temporal mandate period). Rather, the historical antecedents are woven deeply into its troubled socio-political and psychological culture. Until the November 8, 2005, run-off elections and subsequent inauguration of President Ellen Johnson-Sirleaf as Liberia's first post conflict democratically-elected president and Africa's first female democratically-elected president, Liberians were forced to live under various forms of oligarchic, autocratic, militaristic and authoritarian governments. In spite of the challenges of a verdant republic, the unsavory character of its various regime types, as Africa's first Republic and one of only two independent nations in Africa (Ethiopia being the other) throughout the colonial era, Liberia also served, among other things, as a sanctuary for Africans seeking to escape colonial oppression, an activist African nation while holding the presidency of the UN General Assembly in 1969, and a bulwark advocate against

¹ On September 22, 2008, the Liberian Legislature inclusive of the House of Representatives and the Senate adopted a joint resolution extending the mandate of the TRC until June 22, 2009.

Apartheid in South Africa.

Our Country's troubled and dichotomous history inevitably culminated into nationwide protest, chaos and mass violence in the late 1970's, a violent coup, military dictatorship and brutal repression in the 1980's, state breakdown, widespread deadly conflict and warlord politics in the 1990's, and a resurgence of violent conflict and scandalous corruption in the beginning of the 21st Century. Consequently, and as a means to identify the root causes of conflict in Liberia, protect fundamental human rights, end impunity and foster national healing, rehabilitation and reconciliation, the National Transitional Legislative Assembly of the National Transitional Government of Liberia—political bodies born out of the 2003 Comprehensive Peace Agreement (CPA)—acting under Article XIII of the CPA enacted the Truth and Reconciliation Act on June 10, 2005. The TRC began officially operating on February 22, 2006.

The Commissioners of the TRC feel very strongly that the future of Liberia rests with Liberians. While the international community has and will continue to play a role in assisting Liberia develop a sustainable democracy, only Liberians can establish a durable human rights-based culture where peace, development and the rule of law are permanent features of its political heritage.

The Commission is convinced, as all Liberians are that the TRC framework provides the best opportunity yet, to review the past, learn from the past and lay the foundations for sustainable peace, justice and national reconciliation.

Jerome J Verdier, Sr
CHAIRMAN, TRC

B. SUMMARY OF FINDINGS AND DETERMINATION**THE TRC FINDS THAT:**

1. The conflict in Liberia has its origin in the history and founding of the modern Liberian State.
2. The major root causes of the conflict are attributable to poverty, greed, corruption, limited access to education, economic, social, civil and political inequalities; identity conflict, land tenure and distribution, etc.
3. All factions to the Liberian conflict committed, and are responsible for the commission of egregious domestic law violations, and violations of international criminal law, international human rights law and international humanitarian law, including war crimes violations.
4. All factions engaged in armed conflict, violated, degraded, abused and denigrated, committed sexual and gender based violence against women including rape, sexual slavery, forced marriages, and other dehumanizing forms of violations;
5. A form of both individual and community reparation is desirable to promote justice and genuine reconciliation.
6. Where in the determination of responsibility IHRL, IHL, ICL, do not apply domestic criminal law statutes will apply.
7. No faction in particular instituted – in some cases to a very limited extent-adequate mechanisms to avoid or mitigate massive violations of human rights that characterized the conflict.
8. A form of both individual and community reparations is desirable to promote justice and genuine reconciliation.
9. All factions and other armed groups recruited and used children during periods of armed conflicts.
10. All factions engaged in armed conflict, violated, degraded, abused and denigrated, committed sexual and gender based violence against women including rape, sexual slavery, forced marriages, and other dehumanizing forms of violations;
11. Non derogation of rights during periods of emergency or armed conflict applies to the Liberian conflict situation.
12. Prosecution mechanism is desirable to fight impunity and promote justice and genuine reconciliation.
13. Common Article 3 and Protocol II of the Geneva Convention, having being ratified by the Government of Liberia apply to Liberia.
14. Liberia was engulfed in armed conflict from December 1989 to 1996; from 1999 to August 2003;
15. Preponderance of evidence is an appropriate evidentiary standard of proof appropriate to the work of the TRC considering that it is neither a criminal

nor prosecuting institution.

16. Massacres, economic crimes, extra-judicial killings, for example, fall within the ambit of IHRL and IHL.
17. The New Penal Code of Liberia will apply as to mercenarism, official oppression, murder, kidnapping, rape, sexual assault, fraud in the internal revenue of Liberia, theft and/or illegal disbursement and expenditure of public money, counterfeiting, and misuse of public money, property or record.
18. Gross Human Rights Violations (GHRV) are generally, but not exclusively, committed by state actors, and may take place during times of peace or armed conflict, and can be directed against individuals or a group of individuals.
19. Lack of human rights culture and education, depravation and over a century of state suppression and insensitivity, and wealth acclamation by a privileged few created a debased conscience for massive rights violations during the conflict thus engendering a culture of violence as means to an end, with an entrenched culture of impunity.
20. External State Actors in Africa, North America and Europe, participated, supported, aided, abetted, conspired and instigated violence, war and regime change against constituted authorities in Liberia and against the people of Liberia for political, economic and foreign policy advantages or gains.

THE TRC DETERMINES THAT:

1. All warring factions are responsible for the commission of gross human rights violations in Liberia, including war crimes, crimes against humanity, IHRL, IHL, ICL, domestic criminal laws
2. Prosecution in a court of competent jurisdiction and other forms of public sanctions are desirable and appropriate mechanisms to promote the ends of justice, peace and security, foster genuine national reconciliation and combat impunity.
3. The massive wave of gross violations and atrocities which characterized the conflict assumed a systematic pattern of abuse, wanton in their execution, and the product of deliberate planning, organized and orchestrated to achieve a military or political objective; disregarding the rights of noncombatants, children, and women, the elderly, disarmed or surrendered enemy combatants, etc.
4. All factions to the conflict systematically targeted women mainly as a result of their gender and committed sexual and gender based violations against them including, rape of all forms, sexual slavery, forced marriages, forced recruitment, etc.

5. Reparation is a desirable and appropriate mechanism to redress the gross violations of human rights and shall apply to communities and individuals, especially women and children, to help restore their human dignity, foster healing and closure as well as justice and genuine reconciliation.
6. General amnesty for children is desirable and appropriate. Amnesty for crimes lesser than gross violations is also desirable and in certain circumstances appropriate to foster national healing and reconciliation.
7. IHRL, IHL, ICL, and Liberian domestic criminal statutes are applicable in establishing accountability for crimes committed during the mandatory period of the TRC work.
8. Reform of certain public institutions are appropriate to promote good governance and human rights, reduce poverty and alleviate illiteracy, promote peace, security, national reconciliation and opportunity for all.
9. While the TRC will not recommend general amnesty, except as provided in Count 5 above, the Commission however holds that all individuals admitting their wrongs and speaking truthfully before or to the TRC as an expression of remorse which seeks reconciliation with victims and the people of Liberia will not be recommended for prosecution.
10. Further investigations into matters under consideration by the TRC but remains incomplete up to the expiration of its tenure in June 2009 are desirable.
11. Liberians in the Diaspora are as much Liberians as Liberians at home; they continue to be engaged with developments on the homeland, supported, financed warring factions as an instrument for regime change; their voices must be heard and their issues and concerns must be addressed in fostering greater national reconciliation.

C. Commissioners of the Truth and Reconciliation Commission of Liberia (TRC) and International Technical Advisory Committee (ITAC)

i. Commissioners

Commissioners of the TRC were appointed by Gyude Bryant, Head of the National Transitional Government of Liberia pursuant to Article XIII of the CPA in February 2004, after a comprehensive national vetting process. After an extensive public vetting and recruitment process in late 2005, Commissioners were inducted into office by Her Excellency Ellen Johnson-Sirleaf, President of Liberia on February 20, 2006.

Mr. Jerome Verdier, Chairman of the TRC, was a leading human rights and civil society activist prior to his selection to serve on the TRC. He holds a Bachelors of Business Administration (BBA) Degree in Accounting and Economics (1988) from the University of Liberia and a Bachelors of Laws Degree (LLB) from its Louis Arthur Grimes School of Law. Apart from working both in the private and public sectors as a

Senior Accountant, Comptroller and Executive Director, he has been instrumental in strengthening civil society advocacy while serving in several capacities as Executive Director of Liberia Democracy Watch (LDW); Chairman of the Board of Directors of The National Human Rights Center of Liberia (NHRCL), a consortium of nine human rights and pro-democracy organizations; Board Chairperson of the Foundation For International Dignity (FIND); Senior Staff Attorney for the Association of Environmental Lawyers (Green Advocates); and the first Research & Program Officer of the Catholic Justice & Peace Commission (JPC). Cllr. Verdier is a practicing attorney, credited for rendering pro bono legal services to indigent persons, civil society activists and journalists, while also leading civil society groups in several lawsuits against the Government of Liberia.

Commissioner Dede Dolopei, Vice-chair of the TRC, was a Liberian administrator, manager, social worker and peace activist. She holds a BBA in accounting with an emphasis in management from the University of Liberia where she is also a Msc. candidate in regional planning. Commissioner Dolopei served as a member of the board of directors for National Women's Commission of Liberia and the Christian Foundation for Children and the Aging. She has been instrumental in the promotion and protection of women's rights in Liberia and is well-known for her efforts and expertise in peace building, conflict resolution and psychosocial counseling.

Commissioner Oumu K. Syllah is a registered nurse, HIV/AIDS counselor and social worker. She holds a Bachelor of Science degree in Nursing from Cuttington University College, Bong County, Liberia, and a certificate in nursing as a State Registered Nurse (SRN) from the National School of Nursing in Freetown, Sierra Leone. Commissioner Syllah has worked as a professional nurse and social worker in renowned hospitals, including Connaught Hospital in Freetown and St. Joseph Catholic Hospital in Monrovia. She has also acted as a trainer/facilitator and participant in numerous workshops in social work.

Retired Bishop Arthur F. Kulah is a well-known Methodist prelate who traveled throughout Liberia during the civil war spreading hope to the people. He holds many degrees in theology and other disciplines from Cuttington University College, Bong County, Liberia; St. Paul Theology Seminary, Kansas City, USA; and Wesley Theological Seminary, Washington, DC, USA. In 1980 Commissioner Kulah began serving as pastor of the United Methodist Church in Liberia, and held numerous prominent positions until his retirement 2000 as Resident Bishop of the Liberia Annual Conference. As an educator, administrator and author, Bishop Kulah served as Dean of the Gbarnga School of Theology, and Dean and Principal of the Theological College and Church Training Center in Freetown, Sierra Leone. He has written several books and articles including *Liberia will Rise Again* and *Theological Education in Liberia: Problems and Opportunities*. In June 1990, Bishop Kulah and others organized a 60,000-person

peace march that initiated the creation of an interfaith committee and helped build a foundation for the 2003 peace process in Liberia. Bishop Kulah resigned his position on the Liberian TRC in March 2008, to return to the Ministry of the gospel to become the Interim Bishop of the United Methodist Church of Nigeria.

Commissioner Sheikh Kafumba Konneh is a Liberian Muslim Authority who has a long practical record of conflict resolution and peace building efforts during the major civil and military conflicts in Liberia. In addition to his theological (Al-Islamic) achievements, Sheikh Konneh studied secular law through apprenticeship. He held several positions in the civil service, including Justice of the Peace, Associate Stipendiary Magistrate and County Commissioner in Nimba County, his birthplace. He has also served as Secretary-General and Managing Director of the Liberian Muslim Union and as Secretary-General and National Chairman of the National Muslim Council of Liberia.

Cllr. Pearl Brown Bull has been a lawyer and renowned Liberian politician since the late 70s. She has obtained numerous degrees, including a Bachelor of Arts (BA) in Political Science from the University of Liberia and a Juris Doctor (law) degree from Quinnipiac University, USA. Cllr. Bull has served as Professor of Management & Supervision in Law Enforcement and Criminal Evidence at Shaw University, NC, USA, and held many high-profile public positions including being a member of the Interim Legislative Assembly, Constitutional Advisory Assembly, Public Procurement and Concession Commission, panel of experts for the selection of commissioners of the Independent National Human Rights Commission of Liberia, and Country Vice-President of the International Federation of Women Lawyers. She is a legal drafter with more than a quarter of a century of experience in peace building, conflict resolution and social work.

Ambassador Gerald Coleman is an electrical engineer and project manager by training, and holds a Master of Science in Electrical Engineering (M.S.E.E.) and completed post-graduate studies in Engineering Management at Northeastern University, MA, USA. Rev. Coleman is the spiritual elder and founding national missionary of the Unification Movement of Liberia and where he has worked for more than 25 years. In 1996, he was the Government of Liberia's Commissioned Ambassador and Special Envoy to the Far East. During this period, he worked for the peaceful transition of the Liberian National Transitional Government (LNTG III) to civilian government by facilitating several peace-building, education and cultural-exchange programs for Liberian youth. In 2000, Ambassador Coleman, along with several other prominent Liberians, launched the Inter-Religious & International Federation for World Peace of Liberia (IIFWP-Liberia) as a national branch of an international peace-building NGO. The National Transitional Government of Liberia (NTGL) asked Ambassador Coleman to help facilitate the establishment of the Liberian TRC.

John Stewart is a Liberian journalist, human rights advocate and activist. He is well known for his acerbic writing and interviewing style and has served as Associate Editor of the New Democrat Weekly and presenter of the Radio Veritas Topical Issues program. He was educated at the University of Liberia and has held numerous professional positions including local consultant for the Media Foundation for West Africa; reporter for Channel Africa; Regional Coordinator for the Catholic Justice and Peace Commission; Information Assistant for the United Nations Population Fund (UNFPA); and National Assistant Field Security Advisor to the United Nations Development Program (UNDP). Commissioner Stewart's advocacy efforts have included working with the Citizens of Liberia Against Gambling (COLAG), Citizens of Liberia in Defense of Albert Porte (COLIDAP) and the Movement for Justice in Africa (MOJA). He has been an advocate for the past 30 years and has been imprisoned and tortured for his activism.

Massa A. Washington is a journalist with more than 20 years of experience. She holds a B.A. in Mass Communication with an emphasis in print journalism from the University of Liberia and is currently a second-year graduate student with high honors at the Temple University School of Social Administration and Management, Pennsylvania, USA. In 1984, she was trained in broadcast journalism by the Voice of America (VOA) and the Liberian Broadcasting System (LBS). She has served as a Public Relations Officer for the Liberian National Red Cross Society, Senior Reporter for the Ministry of Information New Liberian Newspaper and News Editor for the Independent Inquirer. Commissioner Washington covered the Liberian Civil War extensively, often reporting in hostile territories, and she created a column in the Inquirer dedicated to Liberian women. She is a women's rights activist and a member of the Liberian Women Initiative (LWI), which has been at the vanguard of peace advocacy in Liberia.

International Technical Assistance Committee (ITAC)

Dr. Jeremy I. Levitt is currently the sole member of the International Technical Advisory Committee (ITAC) active with the TRC. Professor Levitt was nominated by the United Nations High Commissioner for Human Rights at the beginning of 2008, and appointed by Her Excellency President Ellen Johnson-Sirleaf on July 31, 2008. He is an Associate Dean for International Programs and Distinguished Professor of International Law at Florida A&M University College of Law in Orlando, Florida. Dr. Levitt is a public international lawyer, political scientist and historian. Prior to joining the legal academy, Dr. Levitt served as Special Assistant to the Managing Director for Global Human and Social Development at The World Bank Group in Washington, D.C., and held a variety of global orientated positions in the public and private sectors. He served as a Legal Aide to the Constitutional Assembly of the Parliament of the Republic of South Africa during the country's constitutional making process, and

assisted in drafting its 2005 Promotion of National Unity and Reconciliation Act. Dr. Levitt is an internationally recognized scholar having authored several books and law review articles. He is the author of widely acclaimed text, *THE EVOLUTION OF DEADLY CONFLICT IN LIBERIA: FROM 'PATERNALTARIANISM' TO STATE COLLAPSE* (Carolina Academic Press, 2005). Professor Levitt earned his B.A. at Arizona State University, his J.D. at the University of Wisconsin-Madison, and his Ph.D. in International Studies at the University of Cambridge, St. John's College.

Prof. (Mrs.) Henrietta Joy Abena Mensa Bonsu, was a serving member of ITAC. A national and internationally renowned legal academic, Prof. Joy Abena Nyarko Mensa-Bonsu who was nominated to the International Technical Advisory Committee by Economic Community of West African States (ECOWAS) is a Professor of the Faculty of Law, University of Ghana and once served as Vice-Dean of the Faculty of Law. She holds an LL.B First Class Honours (University of Ghana); LL.M. (Yale University) and was called to the Ghana Bar in 1982. She is the recipient of several academic awards and fellowships including Fulbright Fellowship. She was elected a Fellow of the Ghana Academy of Arts and Sciences in 2003 and currently serves as the Honorary Secretary of the Academy. Prof. Mensa-Bonsu has served her country in several capacities including membership of the Police Council of Ghana as the President's Nominee. She has previous experience of TRC work as a Commissioner of the National Reconciliation Commission of Ghana. She has also undertaken international assignments as a member of the OAU's Committee of Eminent African Jurists on the Lockerbie Case and the AU's Committee of Eminent African Jurists on the Hussein Habre Case. She was also a member of the Advisory Panel of the International Bar Association for the drafting of a Code of Professional Conduct for Defence Counsel appearing before the International Criminal Court and was Ghana's representative on the Intergovernmental Committee of Experts on the Drafting of the African Charter on the Rights and Welfare of the African Child. Professor Mensa-Bonsu has published widely on Criminal Law, Juvenile Justice, Children's rights, Family Law, and authored some basic texts in Criminal Law, including *The Annotated Criminal Code of Ghana*; *The Annotated Criminal Procedure Code of Ghana*; and *The General Part of Criminal Law,- A Ghanaian Casebook*, vol. I and II. She is a member of Accra Ebony Lions Club and has held various positions of responsibility including Zone Chairman of Zone 161 of the International Association of Lions Clubs. She is married with three daughters and is currently the Deputy Special Representative of the Secretary General (DRSG) of the United Nations Mission in Liberia (UNMIL).

Prof. Kenneth Agyemang Attafuah, Phd, ITAC Member (Ghana) was also a member of ITAC. A Criminologist, Sociologist and Barrister-at-Law and Solicitor of the Supreme Court of Ghana, Ken Attafuah was nominated to the TRC by the United Nation's High Commissioner for Human Rights. He is a former Commissioner of

Human Rights in the Province of British Columbia, Canada, where he adjudicated human rights complaints, and a Member of the Canadian Immigration and Refugee Board, where he adjudicated claims to convention refugee status in Canada. Ken Attafuah was the Executive Secretary of Ghana's National Reconciliation Commission. He previously worked as Chief Investigator and Director of Public Education and Anti-Corruption at Ghana's Commission on Human Rights and Administrative Justice. He is a former Adjunct Professor of Criminology at the prestigious School of Criminology at Simon Fraser University (SFU) in Vancouver, B.C., Canada, from where he earned his Ph.D. in 1994. Ken Attafuah is also a product of the Ghana School of Law (B.L), the University of Manitoba in Winnipeg, Canada, (M.A., Sociology) and the University of Ghana (B.A. (Hons.), Sociology with Political Science).

Prior to his appointment to the TRC of Liberia, Prof. Cllr. Ken Attafuah was an Associate Professor of Governance and Leadership at the Graduate School of Leadership and Public Management at the Ghana Institute of Management and Public Administration (GIMPA). He is the recipient of the *Rev. Dr. Martin Luther King, Jr. Memorial Award* for outstanding contributions to race relations in Canada (February 1992), and of the much-coveted Vancouver Multicultural Society's *Distinguished Public Service Award* for outstanding contributions to, and dedicated service in, the promotion of human rights education and multiculturalism in British Columbia, Canada (November 1995). Prof. Cllr. Ken Attafuah's extensive publications record includes a number of decisions that set precedents in human rights in Canada. He has trained and consulted widely, both locally and internationally, in the fields of human rights, adjudication, investigations, conflict resolution, crime, policing, crime prevention, criminal law reform, justice and the rule of law, gender mainstreaming, leadership and governance, corruption and conflict of interest, corporate/organizational re-engineering, peace and development, inter-group relations management, and advocacy and lobbying. He resigned his TRC portfolio late 2007.

D. Commissioners, Specialists, Senior Staff, Structure, Administration

The TRC organizational structure indicates reporting lines that have been adopted in the rules and procedures. The structure provides for nine Commissioners and an International Technical Advisory Committee (ITAC) composed of three technical advisors..

Commissioners

All Commissioners have equal powers with the Chairperson exercising his/her powers as a 'first among equals'. The organic powers of the Commission are contained in the TRC Act. All members of the Commission shall exercise oversight responsibilities for the functioning of the Commission in order to maintain a balanced and comprehensive

perspective of TRC operations. Commissioners are not involved in day to day operations of the Commission.

The Chairperson functions as the Chief Representative and official spokesperson for the Commission; he may delegate some of his functions to one of the Commissioners to act on his behalf. The Chairperson presides over meetings, forums, conferences and hearings. He undertakes all other acts and exercises all authorities in consultation and with other Commissioners.

The Vice-Chairperson assists the Chairperson in the discharge of his duties and performs all such functions as the Chairperson may delegate. The Vice-Chair is one of four female members of the eight-member Commission.

International Technical Advisory Committee

Article V Section 10 of the TRC Act provides for three ITAC members to be nominated, one by the United Nations High Commission for Human Rights and two by ECOWAS. Due to a number of constraints, two different ECOWAS nominated ITAC advisors were appointed in 2006, but thereafter resigned. In September 2008, one was again nominated by the United Nations High Commissioner for Human Rights and appointed by the President of the Republic of Liberia in July, 2008. The ITAC advisors provide legal and technical advice to TRC Commissioners and are accorded all rights and privileges as Commissioners, except the right to vote.

Special Magistrate

Art VIII, Section 27 (b), provides for a Special Magistrate invested with the authority to, under the direction of the Commission, to; a) issue out citations, summons, warrants and commitments; b) conduct quasi judicial inquiries and hold contempt hearings; and (c) perform all other acts as may from time to time be designated by the Commission. The Special Magistrate performs his duties in consultation with the TRC Legal Counsel and the Executive Secretary, upholding all standards of due process, impartiality, fairness and justice in consonance with the constitution and laws of Liberia. The Special Magistrate was appointed by Her Excellency President Ellen Johnson-Sirleaf in December 2008.

Senior Staff

Under Article IX Section 34, the Executive Secretary runs the day-to-day operations of the TRC Secretariat as provided under the TRC Act. The Secretariat is the administrative and operational arm of the TRC, rendering administrative, professional, technical, clerical and general administrative support services. It comprises a core of

administrative and functional staff under the direction, leadership and supervision of the Executive Secretary who shall also serve the TRC as Secretary. In the conduct of duties, he is assisted by the below line officers.

According to the organogram, there are four line directors that form a part of the Secretariat. The four directors are: (1) the Director of Inquiry; (2) the Media Director and (3) Director of Programs; (4) Director of Administration. These middle level managers report to the Executive Secretary who in turn reports to the Commission.

The Director of Inquiry directs 22 investigators and researchers. For planning purposes and for the purpose of investigating the root causes of the war and to determine the antecedents, the Commission identified 20 window cases and 14 thematic areas to be investigated and researched. As the Commission winds down its data gathering activities in country and in the Diaspora, a reduced number of these staff continue to provide invaluable services of analyzing the vast data collected through the individual, thematic and institutional hearings conducted in all 15 counties. They continue to corroborate findings from witnesses or additional discoveries of sites and events in order to authenticate these findings.

Outreach and Media Director: the Director is assisted by two officers. He functions as the spokesperson of the Commission and guides the information that leaves the Commission or filters back in to the Commission. The Outreach Officer functions as a liaison between civil society organizations in disseminating materials and messages throughout the length and breadth of the country. The Media Officer works closely with the print and radio houses.

The Director of Programs and Projects: the Director is responsible for the data base and coding units, the psychosocial unit, statements taking, hearings in the 15 counties and the administration of all county offices. He is assisted by one program officer and a program assistant. The data base and coding section has two supervisors, 14 coders and 11 data clerks. The two supervisors are supervised by a Benetech consultant who in turn reports to the Executive Secretary through the Program Director. During the statement taking process, 124 local contractors were engaged to collect statements in the 15 counties. Statement taking was followed by the individual and thematic hearings in the counties. The psychosocial unit is headed by one coordinator who is assisted by two counselors. During the county hearings, the Commission outsourced the counseling component of the intervention to a local organization. The Liberian Association of Psychosocial Services was closely monitored by the Commission's three counselors. The Commission was represented at the county level by two staff members—one County Coordinator and one County Field Officer. These offices were especially useful during the county hearings. Nearing the end of its tenure, the Commission, in September 2008 began scaling down its operations and activities and had to close down

all county offices, and layoff several employees. This will continue as the Commission winds up.

Director of Administration: this position was not filled. Instead a Finance Manager was appointed. Reporting to this manager is an accountant and a bookkeeper. Other staffs within the administration are the logistician, the procurement officer and ten drivers including the chief driver. A mechanic was also employed on a retainer bases. Also, in the security section, the Commission has maintained a rooster of 12 perimeter security, running three shifts and nine VIP securities assigned each to a Commissioner. When the hearings began in January 2008, the National Police also assigned 9 additional uniformed police to the Commission. That number has since been reduced considerably.

Administration

In March 2007, the Commission, after one year of existence, constituted a secretariat. Prior to that period, all nine Commissioners played implementing roles in running the day to day activities of the Commission. When the Executive Secretary and the Director of Programs came aboard, the International Contact Group on Liberia (ICGL) intervened and requested that the Commission work with its partners to review and revise its work plan and develop one with program budget acceptable work to donors and partners. TRC rules and procedures were also reviewed and revised. Under similar objectives, the TRC requested and an external audit was conducted. The audit was conducted and the report circulated to member countries of the ICGL, Government of Liberia and donor partners.

On July 18, 2007, after almost five months of meetings with the ICGL/TRC working Group, an acceptable budget was adopted and the Commission undertook a two-month fast tracking process of outreach activities into the fifteen counties. In July and August 2007, with funding initially sourced from UNDP and OSIWA, county offices were equipped and outreach activities of disseminating messages in preparation for statement taking were conducted. Between the months of October and December 2007, statement taking activities were concluded in all counties and in selected countries in the Diaspora. The Commission announced in December 2007 that individual and thematic hearings in the counties would begin on January 8, 2008 in Montserrado County. Since then, the Commission's work has continued uninterrupted.

II. MANDATE

II. MANDATE

A. Mandate

This chapter will primarily focus on the conceptual, standards and methodological aspects of the TRC's mandate, while other related components will be addressed in the chapters that follow. It is divided into four major sections including: Mandate, Legal Methodology, Standard of Proof and Legal Architecture, Standards and Crimes.

The mandate of the Truth and Reconciliation Commission of Liberia (TRC) is expansive and complex. It is charged with the onerous task of promoting national peace, security, unity and reconciliation by, among other things, investigating, identifying the antecedents of, and determining responsibility for egregious domestic crimes, gross human rights violations and serious humanitarian law violations. Article IV Section 4 of the Act to Establish the Truth and Reconciliation Commission (TRC Act) of 12 May 2005, states:

Section 4

- a. Investigating gross human rights violations and violations of international humanitarian law as well as abuses that occurred, including massacres, sexual violations, murder, extra-judicial killings and economic crimes, such as the exploitation of natural or public resources to perpetuate armed conflicts, during the period January 1979 to 14 October 2003; determining whether these were isolated incidents or part of a systematic pattern; establishing the antecedents, circumstances factors and context of such violation and abuses; and determining those responsible for the commission of the violations and abuses and their motives as well as their impact on victims.

Notwithstanding the period specified herein, the Commission may, on an application by any person or group of persons, pursue the objectives set out in this Article IV (Mandate of the Commission) in respect of any other period preceding 1979.

- b. Providing a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to create a clear picture of the past to facilitate genuine healing and reconciliation;
- c. Investigating the antecedent of the crises which gave rise to and impacted on the violent conflict in Liberia;

- d. Conducting a critical review of Liberia's historical past, with the view to establishing and giving recognition to historical truths in order to address falsehoods and misconceptions of the past relating to the nation's socio-economic and political development.
- e. Adopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences, addressing concerns and recommending measures to be taken for the rehabilitation of victims of human rights violations in the spirit of national reconciliation and healing.
- f. Compiling a report that includes a comprehensive account of the activities of the Commission, and its findings.

From this background, the TRC must not only investigate and determine responsibility for violations of international human rights law (IHRL) and international humanitarian law (IHL) as well as their motives and impact on victims, but also determine the historical antecedents or causes of violent conflict in the country, conduct an audit of Liberian history to offer historical correctives, develop sustainable mechanisms to address gendered and child-based violence and promote national rehabilitation, reconciliation and healing. Under any objective standard these are very lofty goals to effectuate within two years.

Article VII Section 26 (j) of the TRC Act requires that it make recommendations in five specific areas: Reparations; Legal Institutional and other Reforms; Continuing Investigations and Inquiries; and Prosecutions. Section 26 (k) also requires the TRC to take any necessary action to gather information and receive evidence to allow it to effectuate its mandate. Whereas, Article VIII empowers it to "exercise powers generally in any matter, manner and form and for any purpose to the fulfillment of the objectives expressed in the Act" without limitation, whatsoever.

Issues of Law

Due to its broad mandate, the TRC was immediately confronted with the difficult task of assessing which bodies of IHRL and IHL applied to it—a critical question given that the mandate includes determinations on responsibility for egregious domestic crimes, gross violations of IHRL and violations of IHL. The TRC Act broadly defines "Human Rights violations" as: "(1) violations of international human rights standards, including, but not limited to acts of torture, killing, abduction and severe ill-treatment of any person; (2) violations of international humanitarian law, including, but not

limited to crimes against humanity and war crimes.” It further states that “‘violations of international humanitarian law’ includes the Geneva Conventions of 12 August 1949 and its Additional Protocols.” Based on the legal mandate of the TRC as enumerated in Section 4(a), the TRC adopted a coherent set of categories of crimes, standards and definitions to guide and inform its work.

The process involved determining the applicability of IHRL and IHL on Liberia between January 1979 through 14 October 2003, which was a daunting task due to the large body of treaty law, general international law and customary international law applicable to Liberia given its standing as Africa’s oldest republic (since 1847), not to mention that IHRL and IHL had significantly evolved during this period. In this sense, what may not have been an IHRL or IHL violation in 1979 may have become one through treaty or customary law development by 1999, particularly with the establishment of an ad hoc international tribunal and with the adoption of the 1998 Rome Statute establishing the International Criminal Court. Liberia has ratified these international legal instruments.

Consequently, again, the TRC is confronted with the complicated task of developing a legal architecture and set of standards that comport with Liberia’s international commitments and obligations and simultaneously complement its substantive and temporal mandate while providing it with the flexibility to apply law that is digestible to the Liberian palate and suitable to the Liberian experience.

B. Legal Methodology

As an independent body created under and by Liberian law, the TRC must operate in accordance with international law binding on the Republic of Liberia. Despite the fact that the TRC Act provided broad legal guidelines to steer the TRC’s legal mandate to investigate domestic law, IHRL and IHL violations and “determine those responsible for the commission of the violations and abuses,” it did not offer insight into the multifarious existing rules and standards that bind, control and define the scope of the TRC’s quasi-adjudicatory functions.

Consequently, the TRC had to conduct a legal audit of Liberia’s obligations under Liberian penal law, African Union (AU) law, Economic Community of West African States (ECOWAS) law; United Nations (UN) law; general international law, and customary international law to fashion its own legal architecture and standards. This process required canvassing over fifty human rights, humanitarian and other-related treaties, ascertaining the precise status of regional and customary international law, norms applicable to Liberia as well as examining the jurisprudence and practice of the various international and ad hoc criminal tribunals and truth and reconciliation commissions, respectively. This endeavor was further complicated by the unique

temporal mandate of the TRC (from January 1979 to October 2003), which, for example, begins during the Cold War era and continues through the immediate post-Cold War into the twenty-first century. During this twenty-four year period, regional and international law significantly evolved, requiring nuanced analysis and legalistic filtering. For example, prior to the end of the Cold War, there was no comprehensive international protective regime for children; however, since 1990, the African Charter on the Rights and Welfare of the Child (1992), Convention on the Rights of the Child (CRC) (1989), and the Optional Protocol to the CRC on the involvement of children in armed conflict (2004) have crystallized into hard law along with complementary customary international law. Consequently, in 1979, Liberian children had fewer rights under regional and international law than they did in 1999. Not only did the TRC have to account for the evolution of regional and international law but also the critical distinction between IHRL and IHL. Consequently, the TRC addressed these temporal and substantive dichotomies by employing a sequential analysis for reviewing allegations, for developing broad standards, by only making determinations of responsibility using legal precepts applicable at the time that the alleged crimes occurred, and by drawing a fine line between IHRL- and IHL-based violations.

i. Distinguishing IHRL from IHL

Although IHRL and IHL are complementary and strive to protect the lives, health and dignity of people, they are distinct. IHL applies in situations of armed conflict, while IHRL applies at all times, in situations of armed conflict and peace. IHRL is generally limited in application to violations committed by a state or its agents against citizens, whereas IHL is applicable to state actors and non-state actors alike. In the search to criminalize violations of IHRL and IHL, a new branch of international penal law referred to as international criminal law (ICL) has emerged. After a review of relevant and prevailing regional and international law and standards and in accordance with its mandate, the TRC concluded that while in times of public emergency some human rights treaties permit governments to derogate from certain rights, it is never acceptable to derogate from fundamental human rights (e.g. right to life and personal dignity). It also determined that no derogations are permitted under IHL because it was established to regulate emergency situations, and particularly armed conflict; rules governing the conduct of hostilities and Prisoner of War (POW) status are not applicable in non-international armed conflicts; and there is no derogation from ICL in times of public emergency because it exists to protect the fundamental rights of people through penal sanction.

ii. Distinguishing Armed Violence from Armed Conflict

International humanitarian law gives little guidance on how to determine when an armed conflict actually begins and, for this reason, when IHL is applicable to non-

international armed conflict. This is a critical issue because, as already noted, situations of internal armed violence short of armed conflict only engender IHRL and ICL; whereas, situations of armed conflict are characterized by IHRL, IHL and ICL. With respect to IHL, the Geneva Conventions of 1948 (I-IV) and Protocol II Additional to the Geneva Conventions of 1977 (Protocol II) provide different standards for determining when armed conflict exists and consequently when the conventions apply. According to the Inter-American Commission on Human Rights (IACHR) in the *Abella case*,² which is one of few authoritative interpretations identifying when Common Article 3 of the 1949 Geneva Convention is applicable to armed violence, armed conflict is “low intensity and open armed confrontations between relatively organized armed forces or groups that take place in the territory of a state.”³ For purposes of Common Article 3, armed conflict applies to all parties at conflict and involves “armed civil strife between government armed forces and organized armed insurgents” and “governs situations where two or more armed factions” battle “without the intervention of government forces where, for example, an established government has dissolved or is too weak to intervene.”⁴ According to the IACHR and the commentary of the International Committee on the Red Cross on the Geneva Conventions, there need not be large-scale war nor do armed groups need to control segments of national territory for there to be armed conflict under Common Article 3. The TRC shares this view.

Notwithstanding, Geneva Convention law and customary international humanitarian law do seem to require that, for purposes of application of Common Article 3, armed conflict must: (1) be protracted, not simply sporadic acts of violence (e.g. mass rioting or short-lived rebellion); (2) be conducted by armed organized groups; (3) not be contained to a small part of territory; (4) be violently intense in nature; (5) pose a threat to a government or the civilian population; and (6) not include the armed forces of another state. Therefore, Common Article 3 would apply to, for example, armed conflict between the National Patriotic Front of Liberia (NPFL) and the Government of Liberia as well as conflict between the NPFL and the Independent National Patriotic Front of Liberia (INPFL), among other factions, in the 1990s. The TRC likewise shares this view.

Protocol II was ratified by Liberia in June 1988 and sets-out more conservative criteria or a higher threshold that legally controls all internal conflict after this period. For purposes of application of Protocol II, armed conflict must be: (1) violently intense or at a high level; (2) between armed forces of a state and dissident armed forces or other armed groups; (3) conducted under responsible command of armed groups that exercise control over enough territory to carry out sustained and concerted military

² IACHR Report No. 55/97, case No. II.137, 30 October 1997, para. 152. Hereinafter referred to as the *Abella case*.

³ *Id.*

⁴ *Id.*

operations, not excluding hit-and-run type operations. Protocol II does not apply to armed conflict between organized armed groups (e.g. the NPFL and INPFL in the 1990s), but only when one of the warring factions is represented by government forces (e.g. armed violence between the Liberians United for Reconciliation and Democracy (LURD) and Government of Liberia). If armed violence in a state does not satisfy the high threshold in Protocol II, it cannot be classified as armed conflict under Protocol II. Under this scenario, IHL may still apply if armed violence satisfies the broad threshold for armed conflict under Common Article 3.

While the TRC recognizes the need to differentiate between Common Article 3 and Protocol II types of armed conflict, the complex nature of violent conflict in Liberia necessitates a flexible juridical approach that simultaneously recognizes the blurred lines between armed conflict between organized armed groups and government, and opposing organized armed groups and armed splinter groups. This situation has been further complicated by the fact that, between 1979 through 2003, organized armed groups often controlled significantly more territory than contesting governments, some of which had no military capacity except for militia. Consequently, the TRC determined that during Liberia's various episodes of armed conflict (see Annex 1) among organized armed opposition groups and/or among or between such groups and the Liberian government that both Common Article 3 and Protocol II standards applied to such conflict and violence between armed opposition groups.

C. Standard of Proof

Since the TRC Act is silent on the question of which standard of proof to use in investigating and determining those responsible for the commission of violations of domestic law, IHRL and IHL, and after reviewing standards used by other truth and reconciliation commissions, the TRC decided that the corresponding standard of proof should be a **"preponderance of the evidence"** (that the accused **"more likely than not"** is responsible for committing the violation or crime). Since the TRC is **not** a criminal court or tribunal, no higher standard of proof is necessary. If a prosecution mechanism is established after the TRC process is complete, it will be for Government to determine the requisite prosecutorial standard of proof, which, in accordance with Liberian law, would be "beyond a reasonable doubt."

D. Legal Architecture, Standards and Crimes

The TRC adopted three primary classifications of crimes that it is using to investigate and determine responsibility including: (1) "Egregious Domestic Crimes"; (2) Gross Violations of Human Rights Law; and (3) Serious Humanitarian Law Violations. The TRC reserves the right to and will make determinations of responsibility on any persons, groups or entities involved in a joint criminal enterprise or conspiracy

including those that planned, instigated, ordered committed, aided or abetted in the planning, preparation or execution of any crime within its mandate. The sections that follow will discuss and define these terms in greater detail.

i. “Egregious” Domestic Crimes (EDC)

While the TRC mandate is preoccupied with IHRL and IHL violations, it also provides the necessary flexibility to consider other “abuses” or crimes that are not of an international character but fall into the realm of domestic criminal law violations including sexual violations (e.g. rape and molestation) and murder. Clearly, massacres, economic crimes and extra-judicial killings fall within the ambit of IHRL and IHL; however, to the extent that Liberian law addresses these or related egregious crimes (particularly those classified as first degree felonies), the TRC decided that they would comprise a part of the legal standards used to determine responsibility. This approach provides the TRC with needed flexibility because during times of peace—when only human rights law is applicable—it may investigate and adjudicate responsibility for violations committed by private citizens for private actions under domestic law, not simply crimes committed by the state against private citizens. Hence, to the extent Liberian law criminalizes sexual crimes, murder and massacres, the TRC will use it to determine responsibility where statutes of limitation are not applicable.

The relevant “egregious” domestic crimes include economic crimes under the Act Adopting A New Penal Law and Repealing Sections 31.3 & 32.1 of the Criminal Procedure Law (approved 19 July 1976), which are as follows: (1) Mercenarism; (2) Official Oppression; (3) Murder; (4) Kidnapping; (5) Rape; (6) Sexual Assault; (7) Fraud on the Internal Revenue of Liberia; (8) Theft and/or Illegal Disbursement and Expenditure of Public Money; and (9) Possession, Distribution, Transportation and/or use of Tools and Materials for Counterfeiting Purposes; and (10) Misuse of Public Money, Property or Record.

In accordance with the TRC Act, economic crime has been added as a substantive crime. There is no generally agreed upon definition of economic crime, so after conducting a comparative analysis of domestic law in Africa, regional law and international law, the TRC adopted one, which is included in the “egregious” domestic crimes section, fully aware of its transnational characteristics and linkages to IHRL and IHL.

For a list of definitions, see Annex 2.

ii. “Gross” Human Rights Violations (GHRV)

The human rights protective regime is designed to protect individuals and groups of people from abuses of state authority. The TRC Act is almost exclusively concerned with gross violations of civil and political rights to include economic, social and cultural rights, with explicit reference to economic crimes. By definition, the Statute also unambiguously distinguishes between GHRV and milder types of violations enumerated in the International Covenant on Civil and Political Rights (ICCPR) such as the right to freedom of speech and assembly, a fair trial and liberty of movement, and freedom to choose a residence; as well as rights in the International Covenant on Economic, Social and Cultural Rights (ICESCR) such as the right to education, enjoyment of just and favorable work conditions and vacation pay. The TRC Act is clearly preoccupied with violations that bring about death, physical or mental pain and injury or deprivation of freedom and livelihood.

The TRC has determined that GHRV are generally but not exclusively committed by state actors, may take place during times of peace or armed conflict, and can be directed against individuals or groups of people. GHRV abrogate preemptory norms of international human rights law such as: (1) Murder; (2) Extermination; (3) Enslavement; (4) Torture; (5) Rape; (6) Sexual Slavery; (7) Enforced Prostitution; (8) Enforced Sterilization; (9) Sexual Violence; (10) Enforced Disappearance of Persons; (11) Persecution; (12) Deportation or Forcible Transfer of Population; (13) Imprisonment or other Serious Deprivation of Physical Liberty; (14) Genocide; and (15) Crimes Against Humanity. Articles II and IV of the TRC Act encompass the aforementioned GHRV.

For a list of definitions, please see Annex 3.

iii. “Serious” Humanitarian Law Violations (SHLV)

GHRV are serious violations of humanitarian law that trigger universal jurisdiction to prosecute. Since conflict in Liberia is best characterized as a non-international armed conflict, only two bodies of IHL govern episodes of armed conflict in the country: (1) Common Article 3 of the 1949 Geneva Conventions; and (2) 1977 Additional Protocol II to the Geneva Conventions, not excluding customary international humanitarian law. As previously noted, the TRC has determined that both conventions apply to all of Liberia’s episodes of conflict.

Common Article 3 states, “persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or

faith, sex, birth or wealth, or any other similar criteria.”⁵ It strictly prohibits the following acts against these classes of persons: (1) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (2) Taking of hostages; (3) Outrages upon personal dignity, in particular humiliating and degrading treatment; (4) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples; and (5) Attacking objects or persons using the distinct emblems of the Geneva Conventions.

Protocol II states, “all persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honor and convictions and religious practices.” It requires that such persons always be treated humanely, “without any adverse distinction.” Protocol II strictly prohibits any order that there “shall be no survivors” as well as the following acts against persons: (1) Violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; (2) Collective punishment; (3) Taking of hostages; (4) Acts of Terrorism; (5) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, sexual slavery, sexual violence and any form of indecent assault; (6) Slavery and the slave trade in all their forms; (7) Pillage; (8) Sentencing or Execution Without Due Process; (9) Using, Conscripting or Enlisting Children in Armed Conflict; and (10) Threats to commit any of the foregoing acts.

For a list of definitions of SHLV, see Annex 4.

In the final analysis, the TRC sought to ensure that the overall approach to carry out its mandate complemented Liberia’s complex history while simultaneously comporting with domestic, regional and international norms.

⁵ Common Article 3 to the Geneva Conventions of 1949, adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August 1949, entry into force 21 October 1950.

III. METHODOLOGY

III. METHODOLOGY

There is no single methodological approach that adequately assists the TRC in fulfilling its complex mandate. This is especially true with respect to the interrelationships between the mandate provisions of the TRC Act, for example, in finding out the root causes of the conflict and its historical antecedents, or satisfying the public's perspective on the thorny policy areas of amnesty, prosecution and reparation, and in determining what is practicable and applicable under applicable laws and country conditions. The 2005 TRC Act is an intricate body of law compounded by high public expectations that the TRC will produce a one-size fits all remedy to decades of injustice and violent armed conflict in a neatly bow-tied end product. Equally so, the TRC is expected to make substantive contributions to the "law and doctrine of truth commissions" that surpasses its predecessors.

Given the unique historical and contemporary dynamics of Liberia the TRC defined the methodology of its work qualitatively and quantitatively under the following considerations: it first established the fundamental purpose of the TRC, then reviewed the mandate thoroughly for understanding and clarity of the functions and powers of the Commission, what was feasible and practicable bearing in mind the two year stipulated timeframe for implementation of its work, the country condition and available resources, and then established short and long term objectives for meeting its goals.

In determining procedures the Commission would employ in performing its functions, Article VII, Section 26 (a) stipulates that the TRC should facilitate and, where necessary, initiate or coordinate enquiries into, and investigate "gross violations and abuses of human rights, privileges, powers and authority in Liberia including violations, which were part of a systematic pattern of abuse" as well as the "nature, causes and extent of gross violations and abuses of human rights, including the root causes, circumstances, factors, context, motives and perspectives which led to such violations."

Select provisions of Section 26 of the TRC Act also require the TRC to achieve multiple ends:

"Section 26

- d. Ensuring accountability, political or otherwise, for any such violation.
- e. Gathering information and receiving evidence from any person or persons, including persons claiming to be victims of such violations or the representatives of such victims, individuals, groups of individuals, perpetrators, witnesses and institutions through the

taking of statements and through evidence gathered through the conduct of both public and confidential hearings upon request of witnesses, informants, petitioners, either as victims, perpetrators, subject to the exclusive discretion and authority of the TRC.

- f. Helping restore the human dignity of victims and promote reconciliation by providing an opportunity for victims, witnesses, and others to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and perpetrators, giving special attention to the issue of sexual and gender based violence and most especially to the experiences of children and women during armed conflicts in Liberia;
- g. Recommending amnesty under terms and conditions established by the TRC upon application by individual persons making full disclosures of their doings and thereby expressing remorse for their acts and/or omissions, whether as an accomplice or a perpetrator, provided that amnesty or exoneration shall apply to violations of international humanitarian law and crimes against humanity in conformity with international laws and standards;
- h. Preparing a comprehensive report which sets out its activities and findings based on factual and objective information and evidence collected or received by it or placed at its disposal;
- i. Creating an independent, accurate and objective record of the past and making recommendations reflective of the truth to re-unify and reconcile contending groups and/ or the peoples of Liberia;
- j. Making recommendations to the Head of State with regard to;
 - i. Reparations and rehabilitation of victims and perpetrators in need of specialized psycho-social and other rehabilitative services;
 - ii. Legal, institutional and other reforms;
 - iii. The need for continuing investigations and inquiries into particular matters, at the discretion of the TRC; and
 - iv. The need to hold prosecutions in particular cases as the TRC deems appropriate;
- k. At the discretion of the TRC, any person, group of persons or organizations or institutions shall be permitted to provide information as informants, witnesses, perpetrators or victims to the

TRC on a confidential or non-confidential basis and the TRC shall not be compelled by any authority to disclose any such information given to it in confidence;

- n. The TRC shall take into account the security and other interests of the victims and witnesses when appearing for hearings, design witness protection mechanisms on a case by case basis as well as special programs for children and women both as perpetrators and victims under burdens of trauma, stigmatization, neglect, shame, ostracization, threats, etc. and others in difficult circumstances who may wish to recount their stories either in privacy or public, subject to the discretion of the TRC.

Once the TRC agreed on the meaning of its mandate, functions and powers, it moved forward with determining its modus operandi as a quasi-judicial body pursuant to the TRC Act. Consequently, the TRC adopted a set of rules and procedures to guide its work and ensure stability in TRC operations.

In order to provide notice to the public of its determinations on critical issues the TRC issued, published and circulated several public policy bulletins on key policy areas including: N0.01, Public Hearings; N0.02, General Immunity for all TRC witnesses; N0.03, Restatement of policy on the right to counsel during hearings; N0.04, Reparation, Prosecution and Amnesty; N0.05, In-camera or Confidential hearings; N0.06, Application for Amnesty; and N0.07, Warrants, and Compulsory processes. These policies clearly articulated the TRC's interpretation on key policy issues.

Public dissemination of public bulletins generated public confidence, particularly the TRC's bulletins on granting of general immunity to all witnesses testifying or appearing before it and its decision to mainstream confidentiality throughout its proceedings. These were pivotal in soliciting the cooperation of victims, witnesses and alleged perpetrators to participate in the process.

The protection of victims and witnesses in either giving statements to the TRC or testifying before it was a dominant factor in how the TRC conducted its investigations into IHRL and IHL violations. Witness protection was applied on an individual case by case basis due to inadequate resources and the limited time (two years) that the TRC had to achieve its mandate. Confidentiality of the statement-giver during statement-taking was insisted upon, and anonymous statements allowed. In-camera hearings were confidential and off limits to any member of the public or TRC staff.

Article VII Section 26 (f) requires the TRC to help "restore the human dignity of victims and promote reconciliation by providing an opportunity for victims, witnesses and

others to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and perpetrators.” It also required that the TRC give special attention to the issue of sexual and gender based violence, particularly with respect to women and children. Consequently, the TRC decided that in order to protect the physical and psychological welfare of victims and alleged perpetrators, victims were informed about the appearances of alleged perpetrators and were free to attend public hearings if they desired to without being in conflict with or required to be in close proximity to them. The TRC decided against providing a venue for the accuser, particularly the most violent ones, to confront the accused, for security reasons, among others. While such exchanges took place, they were limited and did not occur frequently.

Data collection of the process was both qualitative and quantitative. For qualitative information, the Commission received information through the following means: statement-taking (the statement-taking forms had sections for both qualitative and quantitative information), Inquiry Unit interviews, public and In-camera hearings and testimonies, documented submissions, UN Country reports and assessments, reports of local and international human rights organizations, reports of Liberian civil society organizations, US State Department human rights reports, media reports, publications and books. Some of these sources were confidential as well as non-confidential. For quantitative information, the TRC relied heavily on data and analysis from Beneficial Technology or Benetech, a U.S. based corporation contracted to manage the TRC database, a critical component of its work.

A. Commissioner Training and Preparation

Following a public vetting and recruitment process in late 2005, TRC Commissioners were selected by then transitional Head of State Gyude Bryant and afterward received their commissions from Her Excellency President Ellen Johnson-Sirleaf on 20 February 2006. Immediately thereafter, Commissioners underwent various types of training and courses in the history and origin of truth commissions as a form of transitional justice mechanisms, including their functions, goals, objectives and importance in post conflict countries; best practice approaches and experiences of other truth commissions, and human rights and humanitarian law training. Commissioners also received training in the investigation of human rights violations; technical issues in conducting public and in-camera hearings; psycho-social care and support for victims, and others coming before the TRC; conflict prevention and resolution; reparations; and other specialized topics of interest that enabled Commissioners to function within the accepted operational standards of truth commissioners.

The training was facilitated by a combination of local and international experts in the field of international law and transitional justice. An array of institutions including the

Economic Community of West African States (ECOWAS), Human Rights Foundation of South Africa (FHR), the International Center for Transitional Justice (ICTJ), the United Nations Mission in Liberia (UNMIL), and the locally based Transitional Justice Working Group (TJWG) assisted the TRC during those formidable stages of its work. Dr. Jeremy Levitt provided legal training for the Commission.

In June 2006, prior to the launching of the TRC, the nine member Commission visited South Africa under the auspices of the Human Rights Foundation (FHR) to undertake a study tour of South Africa for orientation and to become acquainted with the country's past truth and reconciliation process in order to experience first-hand how the South African TRC approached and managed its process. The training was well coordinated and intensive, and afforded the Commissioners the rare opportunity to meet and speak one-on-one with former South African Commissioners, staff, human rights advocates, government officials, and renowned South Africans and others on the impact of the TRC in South Africa. The training assisted Commissioners in expanding their knowledge about the practice of truth and reconciliation commissions, and provided them with a clearer understanding of what they would be encountering. Additional training continued on an ongoing basis throughout the process.

B. Domestic and International Staff Training

In recognition of the important role staff play in effectuating the TRC's mandate, the Commission, with the assistance of several partners, conducted research, writing, analysis, investigative techniques and management skills training for domestic TRC staff. Staff often participated in training alongside Commissioners, while at other times they were trained independently. For example, in 2006, over three hundred staff members were trained as statement-takers, investigators, psycho-social support persons and county coordinators in preparation for the statement-taking, inquiry and hearing processes, and the creation of TRC offices in Liberia's fifteen counties. Data entry staff or coders entrusted to input information into the database from the statement-taking were provided specialized training in this area coordinated by Benetech. The data coders were trained in 2007 in the mechanics of data coding, categorizing of human rights violations, geography of victims' communities and name codification.

In early May 2006, over one thousand community mobilizations from various civil society organizations resident in the counties were hosted at the Liberian Biomedical Research Center in Margibi County, where they underwent three days of training in communications and social mobilization skills facilitated by Ambassador Julie Endee, a Liberian communication expert and Cultural Ambassador contracted by the TRC to assist in its outreach efforts. This was in preparation for the official launching of the TRC in the 15 counties of Liberia and the sensitization and awareness campaign

associated with it. Staff associated with the Diaspora Project in the United States of America, Ghana and Nigeria, were similarly trained as coders and community mobilizers to ensure that TRC techniques were mainstreamed among all staff. All training programs focused a gender dimension that included emphasis on women and children's issues.

The majority of training was conducted in collaboration with civil society groups and members. Some were carried out for specific members of civil society in partnership with the TRC. For example, the TRC and ICTJ coordinated the International Media Center and the Press Union of Liberia training in early 2007 to conduct extensive training for local journalists on the TRC process. This effort culminated in a joint code of conduct being established to govern the media's coverage of the TRC process, and especially its hearings. Local and field staff also received training of various forms.

In order to maintain a balanced perspective, a uniform training program was designed with slight modification to suit the particular needs of the TRC Diaspora Project. The Diaspora Project conceived and designed by the TRC was implemented by the TRC Diaspora partners, the Advocates for Human Rights, formerly Minnesota Advocates For Human Rights based in Minnesota, U.S.A, and closely supervised and co-managed by the TRC. Training modules in the Diaspora were jointly designed and coordinated to mirror as closely as possible the Liberia program. The TRC created a Diaspora Committee, to closely track and monitor the project. Commissioners made periodic visits to the USA and played a leadership role in several training modules on the TRC mandate, transitional justice, the history of Liberia and its various episodes of conflict, the Liberian Constitution, statement-taking and investigation, human rights law and multiculturalism. The Diaspora Project trained over six hundred volunteers to collect statements from Liberians in the USA. This model of training was replicated with competent modifications for the West Africa Diaspora Project. Ten Liberians residing in the Buduburam Liberian refugee camp in Ghana were trained as statement-takers to assist the TRC to collect statements from Liberians in Ghana. About ten Liberians resident in the Federal Republic of Nigeria were also trained for the TRC project.

C. Statement-Taking

Between 2005-2006, approximately two hundred individuals were recruited nationwide from local communities as statement-takers and trained to solicit the voluntary narratives of individuals recounting their personal experiences and accounts of the conflict either as victims, witnesses, perpetrators, or as family members and loved ones from their communities. The statement forms were specifically designed to be gender sensitive, victim friendly, while special forms were designed for children statement-givers. This method employed a confidential interview using probing questioning techniques to assist the statement-giver in recounting traumatic events or

experiences and to provide factual accounts or evidence of events that took place. Recommendations for how the TRC should proceed with its work and its final report were also solicited from those persons that participated in the process and the public in general. As a result of its careful statement-taking approach the TRC generated goodwill with the public and succeeded in obtaining over 20,000 statements from Liberians in Liberia and in the Diaspora including the U.S. and West Africa.

The TRC recruited more women statement takers than male while women participated strongly in the statement-taking process as statement givers, accounting for approximately 47% of all statements given to the TRC.

The statement-taking process was followed by Public and In-Camera Hearings in Liberia's fifteen counties and in the US. Hearings were initially scheduled for West Africa in the Republic of Ghana. Liberian refugees confrontations with the authorities of Ghana unsettled the planned hearings in the West African sub-region. The hearings including seven months of victims' and witnesses' testimonies and, to date, four months of actors, thematic and institutional hearings, which provided vital accounts and perspectives under the broader "contemporary history of the conflict theme". Special considerations have been made to accommodate women, children, elderly, handicap and other vulnerable groups.

D. Civil Society Participation, Outreach and Hearings

This section discusses the various civil society participation and outreach activities of the TRC inclusive of national and international hearings processes. In this context, it will also highlight the various activities that the TRC designed and implemented for women and children.

i. Civil Society

Civil society was a major stakeholder in the Liberian peace process and has been in the vanguard of the TRC process as far back as the 2003 Comprehensive Peace Agreement (Accra). From the conceptualization of the TRC and the drafting and passing of TRC legislation to the vetting of Commissioners and senior staff, civil society representatives from various organizations, including women's groups, youth groups, the disabled community, political parties, the religious community, traditional organizations and the media, participated in the TRC process and continued to play a lead roles in how the TRC implemented its mandate. In 2007, the TRC entered into a memorandum of understanding with sixteen civil society organizations, further concretizing their partnership.

As early as May 2006, the TRC, through a public participatory process, launched a

massive public outreach, awareness and sensitization campaign in collaboration with several civil society organizations aimed at formally introducing the Commission by explaining its mandate, educating the populace about the pivotal role it could play in healing the nation, encouraging them to participate, and garnering the support of the broader Liberian public and partners in the process. This public awareness campaign began in Monrovia and was subsequently expanded throughout Liberia's fifteen counties.

The TRC held special interactive outreach presentations on its programs and activities with the National Legislature and the Cabinet. Civil society groups at different levels were engaged by the Commission to assist in this effort; they include: the Liberian National Girls Guides Association, Boys Scouts of Liberia, Artists Association of Liberia, Liberian Crusaders for Peace, Roller Skaters Association of Liberia, Women on the Move Association, and the Traditional Women Association of Liberia. Local media and the United Nations Mission in Liberia (UNMIL) and other partners have also provided assistance in this area.

Civil Society organizations buttressed the Commission's efforts by conducting sensitization and awareness in all fifteen counties, distributing 15,000 copies of the TRC's informational questions and answers (Q&A) brochure, replicating and distributing 10,000 copies of the 1986 Constitution of Liberia to schools and communities for civic education and by conducting sensitization and awareness workshops about the TRC process. The involvement of civil society in the TRC process enormously enhanced the Commission's work in accomplishing its mandate.

ii. National and International Outreach and Hearings

With the launch of the Diaspora Project on 22 June 2006, concomitantly with the national launching of the TRC, rigorous outreach efforts were exerted to market and localize the TRC to Liberians residing outside of the country beginning in the USA and then West Africa. Numerous outreach, education and sensitization events were held in several U.S. cities where large populations of Liberians reside. Like national TRC activities, these activities included town hall meetings, formal presentations, speaking engagements in churches and mosques, and special events. The media at home and abroad was also equally involved in spreading the TRC's message across to Liberians and the general public. Several newspapers, radios and television interviewed project staff and Commissioners in Liberia and abroad.

The TRC's Diaspora Project was innovative because it redefined the way in which truth and reconciliation commissions should operate—from local or nationally-centered bodies to global truth seeking institutions—by conducting international hearings that included testimony and perspectives from its citizens abroad; thereby, raising the bar

of ingenuity in transitional justice approaches. The Diaspora Project began in Minneapolis, Minnesota (USA), which is home to approximately 5,000 of the 40,000 Liberians living in the U.S., with the assistance of one of the TRC's key partners, the Advocates for Human Rights, which served as a primary implementer of the Project. The Diaspora project resulted in the collection of approximately 1,500 statements from alleged perpetrators and victims of Liberia's various episodes of state chaos and conflict. The project eventually conducted activities in eleven U.S. cities, Europe and to Ghana, Nigeria, and Sierra Leone where a significant number of Liberian refugees in West Africa reside. Community Advisory Committees comprising credible Liberians were established in each city hosting a project. Numerous outreach events were organized in collaboration with the Advisory committees and often hosted by the various Liberian communities. This approach ensured Diaspora community involvement and support for the Project. Approximately 1000 statements were collected from Liberians in West Africa.

Public sensitization and awareness was a constant feature of the TRC process, initiated during each phase of the TRC's work. The communication, sensitization and mobilization aspect of the TRC's program was designed to coincide with every stage of activities. Sensitization and public outreach was a permanent feature of all TRC programs in the fifteen counties, and was carried out through music, drama, town hall meetings, workshops, visitations of churches and mosques, presentations and media reports. Other specialized modes of communication, including the non-traditional and conventional, were explored to maximize the outreach capacity and objectives of the TRC. Notwithstanding these efforts and extensive strategic planning, the necessary financial support from the donor community was not forthcoming, and consequently, the TRC's outreach programs were adversely affected.

After receiving initial feedback about country conditions in the counties during the outreach process, the TRC embarked upon a nationwide assessment of each county with the goal and objective of ascertaining first-hand the plight of civil war rural victims and living conditions of inhabitants in rural Liberia, generally. The TRC immediately established county offices in order to decentralize its operation and provide local residents with the opportunity to establish ownership of the TRC process.

iii. Women

Historically, women have been the most marginalized economically, socially and politically. In Liberia, it was only in 1947, for example, 100 years after the declaration of independence, that Liberian women were granted rights of suffrage.

Liberia is attempting to emerge from the throes of more than two decades of state breakdown and protracted civil conflict resulting in deaths and massive displacement

of persons internally not excluding the destruction of the country's infrastructure. Unfortunately, women bore a disproportionate amount of suffering during the war. Women were often brutally raped and kidnapped, forced to watch their husbands and children tortured and killed or forcibly conscripted into various warring factions. Thousands of children and youth were forced to take drugs as a means to control and teach them to kill, maim and rape without conscience making them virtual killing machines. It is estimated that the conflict in Liberia produced the highest number of female perpetrators in comparison to civil conflicts in other parts of the world.

According to TRC findings, various episodes of the armed conflict affected men and women differently. While men account for nearly 50% or half of all reported violations compared to one third or 33% from women. However, more than 70% of all sexual based violations reported were against women.

For historical, cultural, social, political, economic and other reasons, women's experiences are often not reported and hence under-represented in reported violations. Recognizing this reality, the TRC Act provides guidelines for the treatment of women in the TRC process. In addition to the Preamble, nine sections of the Act speak to women's realities and how they should be incorporated in the TRC process. These provisions and references demand the effective participation of women at all levels and in all aspects of the TRC process, including as Commissioners, managers and staff of the TRC, petitioners, victims, perpetrators, victim-perpetrators, and witnesses. Article IV and VI of TRC Act specifically requires the TRC to adopt mechanisms and procedures to address the experience of women, children and vulnerable groups; pay particular attention to gender-based violations; employ specialists in women's rights; protect women's safety; and not endanger women's social reintegration or psychological recovery.

In adhering to these requirements, the TRC has engaged in numerous activities with women in Liberia and in the Diaspora. Several formal and informal meetings have been held with individuals as well as women's groups. In 2006, to ensure proper coordination and broad-based participation by women in the TRC process, and to guarantee that woman's concerns are adequately expressed and addressed, the TRC established a gender committee comprising a wide spectrum of civil society and international partners. Members of this committee included the Women NGO Secretariat of Liberia; the Ministry of Gender; the Open Society Initiative for West Africa (OSIWA); International Center for Transitional Justice (ICTJ); the United Nations Development Fund for Women (UNIFEM); UNMIL Gender Section; Rule of Law Section and Human Rights and Protection Section; Liberia Crusaders for Peace Women's Wing; Traditional Women Association of Liberia; Women on the Move; and the Liberian Media Women Association.

From December 2006 to February 2007, the TRC implemented extensive outreach programs with women throughout Liberia's fifteen counties by holding four zonal workshops targeting women's organizations in the counties, and town hall meetings in all counties. Against this backdrop, there are concerns that, after more than a century of gross neglect, marginalization, and dehumanization, especially during Liberia's most recent episodes of conflict, women harbor deep seated disdain towards those persons who are directly linked to their suppression and are fearful of reprisals if they cooperate with the TRC.

iv. Children

The TRC Statute requires the TRC to specifically focus on child participation and protection because they were targeted and victimized in Liberia's successive wars. They were illegally recruited to take part in hostilities-became victims-perpetrators and witnesses, of conflict in Liberia. Child friendly procedures have been used and legal safeguards established to protect the rights of children's participation in the TRC process. In addition, protective measure were taken to conceal the identity of children, no video coverage was permitted, media was not allowed to interview or cover child-related sessions and special social workers were trained and available to assist them to provide counseling to them prior to, during and after the hearings.

From the onset, the TRC sought to ensure that children played a significant role in its activities. Consequently, the TRC invited the United Nation Children's Fund (UNICEF) to be one of its key partners. It negotiated an MOU with UNICEF and the National Child Protection Network creating TRC Task Force comprising 80 child protection agencies. Following the children's protection orientation training for TRC Commissioners and four sets of training for TRC statement takers and investigators on child-friendly procedures and policies, the TRC and its partners established various programs for children to participate in its processes. Such activities included: forty-five awareness workshops tailored especially for children held in each of the country's fifteen counties (one at each county seat and two in selected districts of each county) to over 5000 children. Nearly 1000 confidential statements were collected from children in the counties with the support and supervision of local child protection agencies.

In May through September 2008, the TRC held several regional hearings for children and held various panel discussions with them in Bong, Grand Gedeh, Grand Kru, Nimba, River Cess, Grand Bassa, Margibi, Maryland, Montserrado and Sinoe Counties. Over 120 children testified before the Commission and hundreds of children witnessed their testimonies. TRC Commissioners also held interactive sessions with children every evening.

In late September 2008, Thematic Hearings titled, *Children and the Liberian Conflict: What*

Does the Future Hold?, for children were convened at the Centennial Pavilion in Monrovia, Montserrado County. Presentations were made by a convergence of professionals in the field of child advocacy including: Government's Line Ministries for Children, Child Protection Agencies, and the Liberian Children's Parliament. Confidential testimonies by three child witnesses were also taken. The hearings revealed a clear picture about the indiscriminate suffering and targeting of children and illegal recruitment during the Liberian Civil War, up to the LURD and MODEL insurrections. The hearings also emphasized the courage of children that reunited with their families and communities, returned to school and are rebuilding their lives.

On September 27, 2008, The TRC Children's Art Gallery was officially opened by the Vice President of Liberia, H.E. Joseph N. Boakai. It featured poems, stories, and drawings by children about their experiences during the Liberian Civil War and how they envision the future of Liberia. The art was obtained from all across Liberia. Approximately 350 children attended the program.

E. Inquiry, Investigation and Witness Protection

In 2007, the TRC established an Inquiry Unit, inclusive of a Director and ten inquiry officers, to investigate and corroborate allegations for egregious domestic crimes, gross violations of human rights and serious humanitarian law violations emanating from statement-taking and other sources. The scope of its work included, for example, an inquiry into window cases such as the Lutheran Church, Carter Camp, Sinji, and Bakedu massacres, among others. The Inquiry Unit was also tasked with investigating what role, if any, non-state, state and international actors had in the commission of domestic and international crimes including economic crimes.

The names and other identifying information of victims was and is kept in strict confidence and the TRC has instituted measures to protect the identity and physical person of those victims whose testimony puts them at grave risk of injury.

F. Thematic and Institutional hearings:

The statement taking process was followed by Public and In Camera Hearings in the fifteen sub-divisions of the country and in the United States of America representing the Diaspora. The hearings including seven months of victims and witnesses testimonies and to date, three months of perpetrators, thematic and institutional accounts and perspectives under the broader contemporary history of the conflict theme. Unique categories such as women and children were accommodated under this section. Special considerations were made to accommodate individuals testifying under unique circumstances or categories like women, children, the elderly, youth and the handicap. Two victims who fled the country and lived on the Budubram Liberian

Refugee Camp in Buduburam, Ghana, testified in Liberia symbolically representing the sub-regional Diaspora community. The Thematic and Institutional hearings featured specific categories such as; women, children, religious, historical review, media, education, youth, religion, culture and tradition, law enforcement, and security. To date, the TRC has heard more than 800 testimonies from witnesses testifying before it.

G. Media:

As part of its mandate, the Truth and Reconciliation Commission (“TRC”) held a three-day thematic hearing on October 27-30, 2008, focusing on the experiences of the domestic and international news media and the role they played in the Liberian civil conflict. The TRC’s media hearings were especially significant assessing its standing during and after the conflict because strengthening democracy in Liberia and ensuring that all citizens have access to basic human freedoms, including freedom of expression, largely depends on the news media’s capacity to provide reliable information through professional and unbiased journalism. Numerous prominent local and international journalists and media experts testified at the hearings held in Monrovia. The thematic hearings on the media sought to examine the overall role of the media spanning the timeframe of the TRC mandate. It focused on how the media reported on the conflict regarding content, level of coverage, ethical issues underpinning media coverage of the conflict, challenges confronting the media during the period under review, how these impacted the conflict generally, and lessons learnt. It also solicited individual and institution’s perspectives on the TRC mandate provisions regarding reparation, amnesty and prosecution. The hearing was structured to reflect the various eras, highlighting window cases in tune with the TRC’s timeframe and investigative periods as follows; under the first era 1979 to 1984, attention was paid to the Rice Riot, of 1979, the military coup of 1980 and subsequent execution of 13 government officials, the 1984 raid on the University of Liberia campus etc., Second era, from 1984 to 1989, focused on the Thomas Quiwonkpa invasion, the Nimba Raid, the murder of TV Anchor, Charles Gbenyon, the arrest and detention of several journalists and the opposition including politicians, students activists; the third era from 1989 to 1997, the rebellion launched by the NPFL of former President Charles Taylor, the intervention of the West African-Sub-region through ECOMOG, the role of the Armed Forces of Liberia as a combatant group, the emergence of numerous warring factions, the origin of peace conferences, the link to the war in Sierra Leone and the elections of Charles Taylor as President of Liberia, the Fourth era from 1997 to 2003; human rights and international humanitarian laws violations by the Taylor government and the international community’s response to these violations by imposing sanctions, the emergence of two new warring factions (LURD and MODEL), the exile of Taylor to Nigeria, the Accra Comprehensive Peace Accord which subsequently saw the creation of the TRC etc.

International and local journalists, who worked or were closely involved with the media during these times, were invited to provide testimonies. The hearing was followed by a three-day capacity building workshop held in collaboration with the Press Union of Liberia (PUL), and sponsored by UNESCO, the Carter Center, Emory University and the Sutherland Law Firm of Atlanta, Georgia, the U.S. A. The workshop critically appraised the performance of the Liberian media in its coverage of the civil war, while taking stock of the role journalists play in today's society and how best they could contribute to the national reconstruction process. It was equally intended to focus the important role of the media in the implementation of all the TRC recommendations. As disseminators of information, the media will be responsible for passing the TRC final report onto the public and initiating a critical discussion that should help the people understand the findings and recommendations of the TRC.

The hearings were precipitated by series of efforts aimed at involving the media in the process of the TRC and galvanizing support from the mass media for the Commission's work. As early as May 2006, prior to the official launching of the TRC, a broad based approach for working with the media was initiated through the holding of initial meetings with editors, reporters and other media practitioners on how the TRC could collaborate with the media in facilitating the necessary and appropriate coverage of the Commission. The TRC resolved to work with all media outlets across the board but would select from amongst the media, a core group with wider coverage or broader interest in TRC issues.

To make certain that the media was empowered and knowledgeable about the mandate of the TRC and its activities, the Commission with the help of partners, held several trainings and workshops with the Press Union of Liberia (PUL), media institutions and individual journalists. As a result of these combined efforts, the TRC along with the PUL and representatives of media institutions, developed and adapted a code of conduct to govern the media's coverage of the TRC particularly the public hearings. The TRC also developed a media friendly approach whereas members of the fourth estate had access to the Commission. The TRC created the Department of Media and Outreach which coordinated the public affairs of the TRC and liaised directly with the media in ensuring proper management of the information dissemination of the Commission to the general public.

Owing to the mutual respect, professional and cordial relationship between the media and the TRC, it is factual to state that the Commission enjoys maximum support and cooperation from the media in the promotion of its mandate. With the exception of isolated negative incidences reported by some news outlet, the TRC received maximum objective coverage and the full attention of the Liberian media. The media was also in the vanguard of galvanizing and encouraging support of the government, the international community and the general citizenry for the TRC process. Many media

especially newspapers ran editorials and commentaries in support of the Commission throughout its life span.

The media closely tracked the TRC hearings with media institutions assigning their reporters to travel with the Commission as it conducted victims and thematic hearings throughout the country. The Diaspora project and hearings was also closely monitored and reported by the local media. The international media also reported comprehensively on the Liberian TRC including its Diaspora project.

H. Religion, Culture and Tradition:

The TRC determined that religion and traditional culture, principles and values weigh heavily on the conscience of the Liberian people. As such a truly integrated reconciliation process must engage these institutions for sustainable and genuine results. The Commission is graced with reputable religious leaders who provide oversight leadership in ensuring that the Commission doesn't lose sight of this reality. Culture and tradition is an integral and essential part of the Liberian society. The fabric of the nation and its people is deeply carved along cultural and traditional values, systems and practices. The recognition thereof and premium placed on tradition in Liberia is reflected broadly. For example, in recognition of the cultural systems and practices of the country, the Liberian penal code has allowed for dual legal systems; statutory and customary, the latter, in reverence of the cultural customs of the land. National government also accepts the cultural norms and way of life of indigenous Liberians as enshrined within the structures of local government. Under this arrangement, traditional practices of governance through the system of chieftaincy are observed and preserved. Being cognizant of this fact, and in an effort to involve the traditional population in the TRC process, the Commission in early 2007 established a TRC-Traditional Advisory Council of 36 chiefs and elders from the 15 counties of Liberia. The organizing of the Traditional Council was facilitated by Liberia's Cultural Ambassador and Traditional Queen, Amb. Juli Endee.

The TRC-Traditional Advisory Council membership was drawn from the leadership of the National Traditional Council of Liberia which is the umbrella association of all traditional and tribal associations in the country. The National Traditional Council is representative of Chiefs and elders from the 78 political districts and 64 electoral districts of Liberia. Each of the 15 counties of Liberia has a County Council whose representative reports to the National Council. The National Traditional Council of Liberia has several sub-committees including Women Affairs and the National Coordinating Committee, responsible for settling all disputes affecting the organization and country at large.

It was this structure that the TRC established relationship with to assist the

Commission in its work in rural Liberia and advise the Commission on appropriate approaches needed to involve local inhabitants in the TRC process. Upon the establishment of the TRC-Traditional Advisory Council, council members received training through workshops on the TRC, mandate, and processes of the TRC. Substantial outreach was done with the traditional elders and people. The gender program of the TRC specifically designed and targeted outreach and sensitization about the TRC to female traditional leaders (Zoes) of the Sande Society who in turn educated their communities about the importance of participating in the TRC process. The Commission also considered traditional methods of conflict resolution, peace building and justice in preparedness for addressing reports of human rights violations emanating from its investigations in traditional contexts and affecting local communities. During thematic hearings in the counties, in addition to giving personal accounts of their experiences during the conflict, traditional elders led their communities in making group presentations on how the war affected their people and advanced recommendations to the TRC for appropriate redress. On the overall, traditional stakeholders involvement in the TRC was greatly encouraged and yielded much benefit for the work of the Commission.

I. Youth

One of the focal areas for concentration of the TRC has been youth and the need to incorporate this population in the work of the TRC. Being cognizant of the tremendous impact off the conflict on the youth of the nation, their role as conspicuous combatants then victims, it was imperative to establish a Committee on Youth to engage the future of Liberia. The TRC took and engaged the youth population, which engagements are still ongoing. In so doing, the Commission forged relationship with the Federation of Liberian Youth (FLY), the umbrella organization of youth organizations in the country. Through collaboration with FLY, the TRC held several town hall meetings with students of various junior and senior high schools on the TRC mandate and other areas of transitional justice. The TRC also established the TRC/University of Liberia Club with membership of 200 students who assisted the TRC outreach efforts in other universities and the communities. The Commission also held a special workshop with youths in Buchanan, Grand Bassa County, in 2007. Thematic and Institutional Hearings of the Commission around the country included special presentations by youth groups on the effect of the conflict on youth and their aspirations for the future. The TRC Coordinators in the counties also held special events such as: football tournaments, talent show to enhance awareness of the TRC in rural communities.

IV. VICTIMS

IV. VICTIMS

Between 1979 and 2003, Liberia has suffered coups, state breakdown, deadly internal armed conflict and international neglect. Every conceivable category of gross human rights and serious humanitarian law violation has been committed by Liberians against Liberians. For over twenty-six years (1979-2005), Liberians have been forced to live under militaristic, autocratic and corrupt regimes that have not only deprived Liberians from maximizing their human potential but also systematically prevented Liberia from sustainably developing.

Liberia's various episodes of state breakdown and conflict, particularly the Liberian Civil War (1989-1997) and the LURD and MODEL insurrections (1999-2003) resulted in the deaths of an estimated over 250,000 persons and forced over 1 million to be internally-displaced and hundreds of thousands to be refugees. The nature and magnitude of atrocities committed, especially against women and children, by the various warring factions including government forces, were in epic proportions.

This chapter presents a summary of the impact of conflict on Liberian children and women. The Final Consolidated Report will address these issues in greater detail.

A. Children

At the outbreak of the Liberian Civil War in 1989, children were forcibly recruited in droves by the NPFL as well as the Armed Forces of Liberia (AFL). The enlistment of child soldiers became very popular with other rebel factions such as ULIMO, LPC, MODEL, LURD, as well as paramilitary units like the ATU and the SOD. Children of all ages—from 6 to 18—were recruited.

Children suffered some of the most horrific crimes committed during the Liberian Civil War including LURD and MODEL insurrections. They were forced to kill friends and family members including their parents, rape and be raped, serve as sexual slaves and prostitutes, labor, take drugs, engage in cannibalism, torture and pillage communities. Many were forced to be 'juju' controllers, ammunition carriers, spies, armed guards, ambushers and so on.

Perhaps, the most shocking crime committed against children was their cannibalization. Rebel commanders organized cooking feasts and served children's body parts, including their intestines and hearts. The blood of children was collected and cooked into soups in which hearts were served as choice meats for cannibalistic commanders. In other instances, children's body parts were sold in open markets. The names and identities of several rebel commanders who cannibalized and forced children to be cannibals were identified by children and youth during TRC

hearings/meetings and other sources.

B. Women

Nearly 26,000 or 28% of reported violations were against women. While as a group men comprise a larger victim category than women, Liberia's various armed conflicts excessively affected women in various ways. As previously noted, women disproportionately suffered from sexual violence including gang rape, sexual slavery, outrages upon personal dignity, and torture, among others. Girls and women aged 15-19 comprise the largest category of reported cases of sexual violence. Women as old as eighty-years old were perversely dehumanized through gendered violence by, for example, being forced to have sex with their sons or male relatives and by having taboo objects such as spoons, sticks, hot pepper and rifle butts forced into their vaginal and rectal areas. Women were kidnapped and forced into sexual slavery only to be passed around as 'wives' of roaming combatants. They were also forced to engage in hard labor making them both sex and labor slaves relegating them to the status of chattel slaves. Women suffered the indignity of having the children that they bore after being raped and held as sex slaves summarily taken away from them by combatants at the end of armed conflict. Many women that testified before the TRC either through statement taking or the hearings gave thousands of heart breaking narratives about how they were brutalized during armed conflict.

V. FINDINGS

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A. The Root Causes of Liberia's Conflicts: 1822 – 2003

i. Introduction

In 2005, the Republic of Liberia established the TRC in order to confront the complex and too often brutal legacies of the past including the Liberian Civil War (1989-1997) and its progeny, the LURD and MODEL bloody insurrection (1999-2003) against the regime of former warlord and president, Charles Taylor that ravaged it from 1989 to 2003. Article IV Section 4 (c) and (d) of the TRC Act mandated that the TRC investigate “the antecedents of the crises which gave rise to and impacted on the violent conflict in Liberia”, and “conduct a critical review of Liberia’s *historical* past with a view to establishing and giving recognition to historical truths in order to address falsehoods and misconceptions of the past relating to the nation’s socio-economic and political development.”

This chapter presents the root causes of the Liberian conflict. It identifies the historical antecedents of the various episodes of state breakdown and deadly conflict. Although the TRC has obtained extensive materials on this issue, this initial volume of the report will present a broad overview of the historical factors that lay at the heart of state chaos and violent conflict in Liberia responsible for shaping its socio-political order with a keen understanding that no overview can adequately record Liberia’s long, rich and complex history. Volume II will present a substantially more detailed analysis of these issues.

For ease of presentation, the Root Causes of the Liberian civil war are treated under three generic sections characterized by the various socio-cultural and political antecedents to the Liberian polity and conflict. The first section spans from 1822-1847, comprising the official settling of free blacks and freed slaves from the United States and recaptives in Liberia, up to the time the country achieved independence from the American Colonization Society. The second section spans 1847-1989, including three significant developments: (1) the first time the settlers were directly in charge of making policies for Liberia; (2) the rise of oligarchy, authoritarianism and state repression; and (3) the development of a culture of constitutional subversion and political violence. The final period described in this section spans 1990-2003, when conflict exploded on the Liberia soil.

ii. Historical Antecedents to Liberian Conflict: Pre Independence 1822-1847

a. Socio-political Disparities between Settler and Native Liberians:

Historical Mutual Misconceptions

One of the major historical and festering antecedents to conflict in Liberia was the enormously disparate socio-political and cultural norms and practices of the Americo-Liberians, who began settling in Liberia in 1822, and indigenous Liberians, also known as the natives comprising of sixteen ethno-linguistic groups. Another complex dynamic was the nature of wars between native Liberian groups that reached and apexed during Europe and America's infamous Trans-Atlantic Slave Trade.

Contrary to wide perceptions about the fissure between the settlers and natives during this period, however, which almost invariably cast the rift in terms of blacks oppressing blacks, or settlers colonizing the indigenes, the root causes of historical political tensions between the settlers and natives are far more complicated than Black Colonial paradigm machinations. Contrary to the widely held presumption that there was a premeditated plan by one group (e.g. Americo-Liberians) to dominate and exploit native Liberians from the onset, both settler and natives generated grave misconceptions, fears and hence conflict with one another.

The major historical antecedents of conflict between 1822 and 1847 were dictated by the autocratic policies of the American Colonization Society (ACS) and its principal backer, the U.S. Government. For instance, in 1819, the ACS drafted all of the law and policies of the new dominion without the input of the black settlers who would populate the settlement and certainly without any reference to indigenous Liberians. Moreover, in 1822, the land for the first settlement was literally taken at gun point from King Peter (Dei Paramount Chief of Cape Mesurado) by U.S. Navy Captain Robert Stockton and ACS Agent Eli Ayers. This was a significant root cause of future conflict between the settlement and native Liberians.

The ACS ruled the black settlers with an iron fist, while, at the same time, utilizing them to fortify the settlement against indigenous attacks. Consequently, relations between the settlers and their native counterparts were, to a large extent, a product of machinations and policy prescriptions of the ACS. Throughout most of this period, the settlers were as much a victim of the autocratic reign of the ACS as the natives.

Notwithstanding, the ACS' authoritarian and coercive approach to government ensured that relations between black settlers and indigenous Liberians would be hostile, not excluding the fact that the founding principles upon which they lived were juxtaposed. The new settlement was anti-slavery, pro-trade, predominantly Christian and highly centralized; whereas, most coastal native groups were pro-slavery, commercial tradesman, non-Christian and lived under decentralized authority structures. Hence, the likelihood of any form of union between the settlement and native nations was highly unlikely. This explains why conflict between the settlers

and natives during the period arose mainly due to competition over slavery, trade, land, and political legitimacy, rather than as a result of internal colonialism.

In spite of this, native kings did not consider the settlers a serious threat during this period, and there is significant evidence that shows that there was mutually beneficial cooperation between them. For instance, tribal kings such as Bob Gray, Young Bob and Yellow Will had very good relations with the settlers. It was often the voracious, aggressive, commercial crusades of such native rulers as King Joe Harris that often disturbed this equation. The Bassa-Settler War of 1835, for example, was a consequence of King Joe Harris's aggressive war against the new settler in Edina and Port Cresson. These ports were the king's major trading enclaves, where he sold his own people in slavery to Europeans who considered it impolitic to carry on their slave-trading activities close to the settlement in Monrovia.

Considerable insensitivity by the U.S. Government and ACS Agents, however, to the pre-existing customs, traditions and beliefs of indigenous Liberians manifested during this period, especially with respect to the ownership of land and trade. Native Liberians always believed and practiced a communal land-owning system that recognized land as a communal heritage that could not be owned by any individual, but the ACS thought otherwise. Consequently, the forcible ceding of land from the natives in 1822 by Eli Ayes and Captain Stockton created animosity, mistrust and conflicts between the settlers and the indigenous Liberian groups. Once the black settler declared independence from the ACS in 1847 and assumed control over the settlement now referred to as Liberia, they continued the ACS's problematic policies, particularly with respect to the annexation of native lands. One of the driving forces behind this policy was Britain and France's forced annexation policy; they continually threatened to annex Liberian territory if it could not demonstrate effective control over its people and land. This reality sent the Liberia settlement and native nations on a destructive collision course.

Another significant historical antecedent to settler and indigenous Liberian conflict was the innocuous attempt by settlers to degrade the identity and status of native Liberians through a subtle inferiorization process. Not only were native Liberians viewed as inferior by many settlers, but the settlers also attempted to erase the cultural identity of the natives by surreptitiously coercing them to adopt English names, borne by Americo-Liberians, and by inculcating them into Western traditions, before considering them as civilized. Hence, only natives who conformed to settler social mores were able to gain some semblance of access to public employment and other resources. The demeaning characterization and treatment of native Liberian was not universally accepted by the settler; however, the practice seems to have attained an official status when President William Vacanarat Shadrach Tubman referred to his native political challenger, Didho Twe, as a "man with premedieval mind" before

hounding him into exile in Sierra Leone.

iii. Statehood and The Evolution of Socio-political Inequalities: 1847-2003

a. State-building and Co-habitation with Native Liberians

Although the socio-political disparity between the settlers and natives were largely a creation of the ACS, the period following the attainment of independence by Liberia in 1847 exacerbated preexisting tensions and generated new ones. The emergence of Liberia as a nation-state was immediately attended by the need to create modern democratic body politic. The emergence of Liberia as a new state placed enormous domestic and international political and economic pressures on the new government, which in turn caused it to be more assertive triggering pre-existing (even if somewhat now dormant) socio-political tensions and a visceral contest between settler and natives for political survival. The root causes of tension during this period had less to do with the supremacist legacies of the ACS, which had characterized the 1822-1847 period, and more to do with the critical disconnect of a burgeoning state unable to assert authority or establish legitimacy over the majority of its people.

Americo-Liberian domination over the Liberian political and economic spheres in the post ACS era disenfranchised native Liberians that sought to participate in government and the private sector. Settler hegemony, based primarily out of fear that if they provided equal opportunity to indigenous Liberians that they would be ousted from power, deeply poisoned relations between native and settler Liberians. Indeed, describing native Liberians as “citizens” was generous, as the Republic of Liberia did not consider them citizens but rather subjects until the Barclay government eradicated legal discrimination in 1904, 57 years later.

As previously noted, from 1847 onward, the Government of Liberia forged a campaign to effectively control its territory—spawned by British and French annexations—resulting in several violent conflict between it and native nations that preferred to be independent from the Republic. For example, the Bassa-Government War (1851) and Kru-Government War (1855), were triggered by territorial and human and commodity trade disputes. During this period, there was a sharp rise in native resistance to Liberian nationalism which included an attempt to totally subjugate native groups. The government adopted many draconian methods to deal with native insurrections, although, in 1895, it dropped its robust methods in favor of more diplomatic means, only to attempt to reassert authority over the hinterland over the next three decades resulting in a scourge of conflict, particularly with kingdoms in the southeastern part of the country. Rather than function as a symbol of compassion, the government’s appeasement policy was necessitated by the financial predicaments that the endless wars with natives created.

There was a long and relatively conflict free period after the Kru Confederacy-Government War of 1915 due largely to a rapidly growing economy and President Edwin Barclay's skill in native appeasement. President Tubman's reign in power, which lasted from 1944 to 1971, also introduced some pivotal policies that obviated constant confrontation between native and settler Liberians. Tubman's three-legged policies of "unification", "open-door" and "integration" were meant to redress historical inequalities or disenfranchisement of indigenous Liberians from political and economic sectors, an issue which Tubman's government officially recognized. Native representation in the legislature was increased, universal adult suffrage replaced a system where only kings voted on behalf of entire communities, and new counties replaced the erstwhile provincial systems. Ironically, however, while Tubman introduced some groundbreaking measures to ensure unification of all Liberians, the severe constitutional constraints in place ensured that these measures had little import. For instance, while universal adult suffrage was declared in 1946 in favor of the natives, the fact that only natives who paid hut taxes could vote effectively neutered that measure.

b. The Rise of Authoritarianism

President Tubman's authoritarian reign—though progressive in some instances—laid the structural foundation, the continuation of Americo-Liberian hegemony through oligarchy, for national chaos, state break down and violent conflicts between 1979-2003. In 1951, with the aid of the True Whig Party-controlled Legislature, President Tubman unilaterally sponsored a constitutional amendment that removed the 1935 provision on presidential term limits limiting presidents to one eight year term in office. The new clause permitted one eight-year term, followed by successive four year terms. This incongruous act of constitutional manipulation created precedent that haunted Liberia throughout the twentieth century. Furthermore, Tubman's subsequent responses to the amendment can be regarded as the modern genesis of a culture of political intolerance and witch-hunting in Liberia. The challenger and Reformation Party leader, Didho Twe, an indigenous Liberian, was slurred by Tubman and forced into exile. The political contest between Tubman and Twe symbolized the continuation of the age-old divide between settlers and natives to their children and was, in a sense, a defining moment for Liberia. The consequences of this vendetta became one of the hallmark ways in which future politicians' treated political opponents and their families in Liberian politics.

Also, it was Tubman who introduced into Liberian politics the partisan use of democratic institutions, the political control of the military, the culture of extermination of political opposition, invidious destruction of lives and property, and more importantly, the rise of authoritarianism and political brutality. All of these vices

festooned during this period and set into motion a political culture that would birth future wars.

c. Politicization of the Military: The Frontier Force and Beyond

One of the most disturbing and dangerous historical antecedents to the Liberian Civil War was the politicization of the Liberian military. This development played a crucial role in the events leading to the state chaos and conflict between 1979-2003. Although the Liberian Frontier Force (LFF) was established in 1908 to maintain peace and order in Liberia it also took on the nefarious tasks of enforcing the government's oppressive tax regime and stifling dissent from real and perceived opponents of the government. The LFF was also used by the government in a variety of forced labor scandals including the now infamous Fenando Po scandal of 1930 that resulted in a League of Nations inquiry. One interesting legacy of the LFF was its structure as officers were recruited from among party loyal Americo-Liberians, while foot soldiers were recruited among recaptive Liberians, and also a variety of loyal native Liberians to obviate the likelihood that there would be a coup from below. This practice resonated with Samuel Doe, who after overthrowing the Tolbert regime in 1979, leaned strongly towards his own tribe for political direction and protection within the national army. Doe's targeting of political opposition, particularly those from the Mano and Gio groups, took ethnic conflict to a new level and served as an exacerbating cause of the ethnic cleansing and division during the Liberian Civil War.

d. A Legacy of Human Rights Abuse, Instability and Underdevelopment

From the settling of freedmen in Liberia in 1822 to the coup d'état of 1980 and the outbreak of armed conflict in 1989, systemic inequality and disenfranchisement from the founding of the Republic to the present has created an immature political culture incapable of producing genuine democracy. While this phenomenon can be linked to the policies of the ACS, native Liberian independence claims and Americo-Liberian hegemony, it was the warlord politics—the economic and political treasures of war—of the late 1980's and 1990's and its marriage to globalization and transnational corporatist interests that have served as the most critical conflict causes. Doe's brutal ethnical regime coupled with Charles Taylor's warlord politics have seemingly replaced the old settler-native paradigm with a new form of greed politics that relies equally on the vote of the gun.

C. Accountability of Perpetrators

The Commissioners of the Liberian TRC determine that some persons are responsible for committing 'egregious' domestic crimes, 'gross' violations of human rights and

'serious' humanitarian law violations in Liberia between January 1979 and October 14, 2003. The specific crimes committed by perpetrators will be detailed in the Final Consolidated Report (Volume II) in order to protect the identity and physical person of witnesses, victims and their communities. The Commissioners of the TRC reserve the right to and will make additional determinations on individual and group responsibility for domestic and international crimes throughout the duration of its mandate, which expires on June 22, 2009.

The TRC also reserves the right to and will make additional determinations of responsibility on any persons, groups or entities involved in a joint criminal enterprise or conspiracy including those that planned, instigated, ordered committed, aided or abetted in the planning, preparation or execution of any crime within its mandate, including economic crimes.

D. Accountability of Groups

The Commissioners of the Liberian TRC determine that the following armed groups, rebel groups or warring factions and the financiers, leaders, commanders, combatants and advisors etc. associated with them are responsible for committing 'egregious' domestic crimes, 'gross' violations of human rights and 'serious' humanitarian law violations including economic crime in Liberia between January 1979 and October 14, 2003. The TRC has divided these groups into the following two categories; however, their culpability is the same: (1) Significant Violator Groups; and (2) Less Significant Violator Groups. The distinction between them relates to the number of reported violations against them. The specific crimes and total reported violations committed by these armed groups, rebel groups or warring factions and the financiers, leaders, commanders, combatants and advisors etc. associated with them will be detailed in the Final Consolidated Report (Volume II). The Commissioners of the TRC reserve the right to and will make additional determinations on these groups or factions for domestic and international crimes throughout the duration of its mandate, which expires on June 22, 2009.

Significant Violator Groups

- i. National Patriotic Front of Liberia (NPFL)
- ii. Liberians United for Reconciliation and Democracy (LURD)
- iii. Liberian Peace Council (LPC)
- iv. Militia
- v. Movement for Democracy in Liberia (MODEL)
- vi. United Liberation Movement (ULIMO)
- vii. Armed Forces of Liberia (AFL)
- viii. Unknown

- ix. United Liberation Movement-K (ULIMO K)
- x. Independent National Patriotic Front of Liberia (INPFL)
- xi. United Liberation Movement-J (ULIMO J)
- xii. Anti-Terrorist Unity (ATU)

Less Significant Violator Groups

- i. Vigilantes
- ii. Lofa Defense Force (LDF)
- iii. Liberian National Police
- iv. Special Operation Division of the Liberian National Police (SOD)
- v. Revolutionary United Front (RUF)
- vi. Special Anti-Terrorist Unit (SATU)
- vii. Special Security Unit (SSU)
- viii. Special Security Service (SSS)
- ix. National Security Agency (NSA)
- x. National Bureau of Investigation (NBI)
- xi. Criminal Investment Division (CID)
- xii. Rapid Response Unit (RRU)

Military Institutions Drawn into Conflict by their defensive and offensive postures

- i. ECOMOG
- ii. Black Beret

VI. RECOMMENDATIONS

VI. RECOMMENDATIONS

A. Accountability: A Prosecution Mechanism

1. The Commissioners of the TRC determine that a criminal court with the competence and jurisdiction to adjudicate criminal responsibility for individuals, armed groups and other entities that the TRC determines were responsible for 'egregious' domestic crimes, 'gross' violations of human rights and 'serious' humanitarian law violations is appropriate. Such institution shall be specifically endowed with the authority and jurisdiction to adjudicate domestic, IHRL and IHL violations.

The TRC will submit a comprehensive recommendation on the competence, jurisdiction, structure, function and other authority of the recommended criminal court to the National Legislature and the President of Liberia in the Final Consolidated Report (Volume II).

B. National 'Palava Hut' Forum

1. The Commissioners of the TRC determine that the establishment of a National Palava Hut Forum under the aegis of the Independent Human Rights Commission is a useful tool for peace building, healing and national reconciliation at both the national and district levels. The Commission is to organize and administer national 'Palava Hut' Committees in all of Liberia's sixty-four districts in order to provide victims a public venue to confront perpetrators living in their communities to hasten reintegration and reconciliation and community-based atonement.

The TRC will submit a comprehensive recommendation on the competence, jurisdiction, structure, function and other authority of the "National 'Palava Hut' Forum to the National Legislature in the Final Consolidated Report (Volume II).

C. Amnesty

1. The Commissioners of the TRC reserve the right to make recommendations of amnesty for children and persons, groups or entities that it has determined not to have committed 'gross' violations of human rights or 'serious' humanitarian law violations.

The TRC will submit a comprehensive recommendation on the nature and character of any amnesty in the Final Consolidated Report (Volume II).

D. Persons Not Recommended for Prosecution

1. The Commissioners of the TRC reserve the right to recommend and will recommend to the Government of Liberia, National Legislature and any criminal

court that persons it determines are responsible for committing domestic and international crimes not be prosecuted if the TRC believes said person's testimony was truthful and remorseful.

The TRC will submit a comprehensive recommendation on those persons that it recommends not be prosecuted in the Final Consolidated Report (Volume II).

E. Reparations

2. The Commissioners of the TRC reserve the right to and will make individual and community reparations to any persons, groups, entities or communities, and to establish Reparations Trust Fund(s) as it deems appropriate.

The TRC will submit a comprehensive recommendation on the nature and character of any reparations in the Final Consolidated Report (Volume II).

F. Additional Recommendations

The TRC reserves the right to and will make several additional recommendations in the Final Consolidated Report (Volume II).

ANNEXES

Annex 1

Episodes of Peace and Armed Conflict Chart
Application of Law to Temporal Mandate
(January 1979 to 14 October 2003)

PERIODS	No Armed Conflict	Armed Conflict	Domestic Law	IHRL	IHL	Comments
January 1979 to mid-December 1989	X		X	X		There was no armed conflict during this period, so only domestic law and IHRL apply.
Mid-December 1989 to early August 1996		X	X	X	X	There was armed conflict during this period, so domestic law, IHRL, and IHL apply.
Late August 1996 to February 1999	X		X	X		There was no armed conflict during this period, so domestic law and IHRL apply. International Criminal Law (ICL) would also apply from this period onward.
March 1999 to 14 October 2003		X	X	X	X	Although the Comprehensive Peace Agreement was signed on 18 August 2003, hostilities between government forces and rebel soldiers continued until an "arms-free ultimatum" commenced on 7 October 2003; hence, the date of 14 October 2003 is used.

This table demonstrates that the TRC can only hold actors responsible for:

1. Violations of domestic law and IHRL between January 1979 and late-December 1989 because there was no armed conflict during this period.
2. Violations of domestic law, IHRL and IHL including Common Article 3 and Protocol II between late-December 1989 and early August 1996 because Liberia was immersed in high intensity conflict during this period.
3. Violations of domestic law and IHRL between late August 1996 and February 1999 because there was no armed conflict during this period.
4. Violations of domestic law, IHRL and IHL including Common Article 3 and Protocol II and ICL between March 1999 and 14 October 2003 because Liberia was immersed in high intensity conflict during this period.

Annex 2: Liberia's Penal Code Definitions**"Egregious" Domestic Crimes****Definitions****Chapter 11. Offenses against internal security.****§11.13. Mercenarism.****§11.13 Mercenarism.**

1. **Offense.** The crime of mercenarism is committed, a felony of the first degree, by an individual, a group, an association, representative or representatives of a State and the State itself with the intent of opposing by armed violence a process of self-determination or the territorial integrity of another State when the following acts are perpetrated:
 - (a) The sheltering, organizing, financing, assisting, equipping, training, promoting, supporting or employing armed forces partially or wholly and consisting of persons not nationals of the country being invaded or attempting to invade and merely or solely for money, personal gain, material or other reward; or
 - (b) The enlisting, enrolling or attempting to enroll in the said armed forces; or
 - (c) The allowing of the activities referred to in Sub-section (1)(a) to be carried out in any territory under the jurisdiction of another State or in any place under its control; or
 - (d) The affording of facilities for transit, transportation or other operations for the armed forces and activities referred to in Sub-section (1)(a).
2. **Grading:** Mercenaries shall not in this Republic enjoy the status of combatants and shall not be entitled to the prisoners of war status. Assuming command over or giving orders to mercenaries shall be considered as an aggravating circumstance.

If the act of mercenarism results in the death of any non-participant in such mercenarism, other than a mercenary, the person convicted may be sentenced to death or life imprisonment as provided in Sections 50.5 and 51.3. In the case of a State, such act of mercenarism shall be regarded as a declaration of war against the Republic of Liberia (d).

Chapter 12. Offenses against Government Integrity.
Subchapter E. Abuse of Office. §12.70. Official oppression.

§12.70. Official oppression.

A person acting or purporting to act in an official capacity of taking advantage of such actual or purported capacity commits a first degree misdemeanor if he knowingly:

- (a) Subjects another to unlawful arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights; or
- (b) Denies, or impedes another in the exercise or enjoyment of, any right, privilege, power or immunity.

Prior legislation: 1956 Code 27:111-113; L. 1945-46, ch. IV.

Chapter 14. Offenses involving danger to the person.
Subchapter A. Criminal Homicide §14.1 Murder; Subchapter C. Kidnapping and related offenses §14.50 Kidnapping. Subchapter D. Sexual Offenses §14.70 Rape.

§14.1. Murder.

A person is guilty of murder if he:

- (a) Purposely or knowingly causes the death of another human being; or
- (b) Causes the death of another human being under circumstances manifesting extreme indifference to the value of human life. A rebuttable presumption that such indifference exists arises if the defendant is engaged or is an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit, treason, offenses defined in Sections 11.2 or 11.3 of this title, espionage, sabotage, robbery, burglary, kidnapping, felonious restraint, arson, rape, aggravated involuntary sodomy, escape, piracy, or other felony involving force or danger to human life.

Murder is a felony of the first degree but a person convicted of murder may be sentenced to death or life imprisonment as provided in Sections 50.5 and 51.3.

§14.50. Kidnapping.

1. Offense. A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, with any of the following purposes:
 - (a) To hold for ransom or reward;

- (b) To use him as a shield or hostage;
 - (c) To hold him in a condition of involuntary servitude;
 - (d) To facilitate commission of any felony or flight thereafter;
 - (e) To inflict bodily injury on or to terrorize the victim or another; or
 - (f) To interfere with the performance of any governmental or political function.
2. Grading. Kidnapping is a felony of the first degree unless the actor voluntarily releases the victim alive and in a safe place prior to trial, in which case it is a felony of the second degree.
3. When removal or confinement is unlawful. A removal or confinement is unlawful within the meaning of this section if it is accomplished by force, threat, or deception, or, in the case of a person who is under the age of 14 or incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

Prior legislation: 1956 Code 27:247, 260; Crim. Code && 59, 64; OBB; 92, of the slave trade, art. II; 1841 Digest, pt. I, Act regulating commerce and revenue, && 7, 8, 2 Hub. 1840.

§14.77. Sexual assault.

A person who knowingly has sexual contact with another person or causes such other to have sexual contact with him or her, when they are not married to each other, has committed a second degree misdemeanor if:

- (a) The actor knows that the contact is offensive to the other person when such other person is not a voluntary social companion or has not previously permitted sexual liberties to be taken;
- (b) The actor knows that the other person suffers from a mental disease or defect which renders such person incapable of understanding the nature of such conduct;
- (c) The other person is less than twelve years of age, provided the actor is sixteen years of age or older;
- (d) The actor has substantially impaired the other person's power to appraise or control his or her conduct by administering or employing without the other's knowledge intoxicants or other means for the purpose of preventing resistance;
- (e) The other person is in official custody or detained in a hospital, prison or other institution and the act has supervisory or disciplinary authority over him or her;
- (f) The other person is less than twenty-one years of age and the actor is his or

- her parent, guardian or acts as his guardian; or
- (g) The other person is less than sixteen years of age and the actor is at least five years older than the other person.

Prior Legislation: 1956 Code 27:244; Crim. Code, § 51.

§14.70. Rape.

1. **Offense.** A male who has sexual intercourse with a female not his wife has committed rape if:
 - (a) He compels her to submit by force, or by threat of imminent death, serious bodily injury, or kidnapping, to be inflicted on any human being;
 - (b) Has substantially impaired her power to appraise or control her conduct by administering or employing without her knowledge intoxicants or other means with the purpose of preventing resistance, or
 - (c) The female is less than sixteen years old, provided the actor is sixteen years of age or older.

2. **Grade.** Rape is a first degree felony if in the course of the rape the actor inflicts serious bodily injury upon the female, or if his conduct violates paragraph (1)(c) of this section, or if the female is not a voluntary companion of the actor and has not previously permitted his sexual liberties. Otherwise, rape is a second degree felony.

Chapter 15. Offenses against property.

Subchapter F. Economic Sabotage. §15.80 Fraud on the internal revenue of Liberia; §15.82 Theft and/or illegal disbursement and expenditure of public money; §15.83 Possession, distribution, transportation and/or use of tools and materials for counterfeiting purposes.

§15.80. Fraud on the internal revenue of Liberia.

A person is guilty of a first degree felony, if he:

- (a) Knowingly conspires or colludes to defraud the Government of Liberia;
- (b) Knowingly makes an opportunity for any person to defraud the Government of Liberia or another;
- (c) Does or omits to do any act with intent to enable another to defraud the Government of Liberia;
- (d) Makes or signs any fraudulent entry in any book or record of any Ministry or Agency of Government or signs any fraudulent certificate, return or statement;
- (e) Demands greater sums than authorized by law or receives any fee,

- compensation or reward for the performance of any duty except compensation from the Government of Liberia;
- (f) With intent to defeat the application of any provision of the Revenue and Finance Law of Liberia, fails to perform any of the duties of his office or employment;
 - (g) Having knowledge of a violation of any Revenue and Finance Law of Liberia, or any fraud, fails to report in writing such information to the Commissioner of Internal Revenues or the Minister of Finance of Liberia;
 - (h) Demands, accepts, attempts to collect, directly or indirectly, as a payment, gift or otherwise of sum or thing of value for compromise, adjustment or settlement of any charge or complaint.

§15.82. Theft and/or illegal disbursement and expenditure of public money.

A person is guilty of a first degree felony, if he:

- (a) Knowingly fails to render his account or accounts for public money or property as provided by law, said person being an officer, employee or agent of the Government of Liberia or of any Ministry or Agency thereof or public corporation, having received public money which he is not authorized to retain as salary, pay or emolument;
- (b) Knowingly takes, misappropriates, converts, or exercises unauthorized control over, or makes unauthorized transfer of an interest in the property of another or the Government of Liberia, with the purpose of depriving the owner thereof or purposely deprives another of his property by deception, or by threat; or
- (c) Knowingly receives, retains or disposes of property of another or the Government of Liberia which has been stolen, with the purpose of depriving the owner thereof or the Government of Liberia of such property.

§15.83. Possession, distribution, transportation and/or use of tools and materials for counterfeiting purposes.

A person is guilty of a first degree felony, if he:

- (a) Knowingly and without any authority from the Government of Liberia, secretes within, or embezzles, or takes and carries away from any building, room, office, apartment, vault, safe, or other place where the same is kept, employed, used and placed, logged or deposited by authority of the Government of Liberia, any tool, implement, or thing used or fitted to be used in stamping or printing any kind or description of bond, bill, note, certificate, coupon, postage stamp, factional currency note, or other paper, instrument, obligation, device, or document, authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the

Government of Liberia;

- (b) Knowingly and without such authority, so secrets, steals, or takes and carries away paper, parchment, or other material printed or stamped, in whole or in part, and intended to be prepared, issued, or put in circulation on behalf of the Government of Liberia as one of such papers, instruments or obligations, or printed or stamped, in whole or in part, in the similitude of any such paper, instrument, obligation, whether intended to issue or put the same in circulation or not;
- (c) Knowingly and without such authority, so secrets, steals, or takes and carries away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents;
- (d) with the purpose of deceiving or harming the Government of Liberia or another person, or with knowledge that he is facilitating such deception or harm by another person, he knowingly and falsely makes, completes or alters a forged or counterfeited writing or object;
- (e) Knowingly sells, buys, imports, processes or otherwise has within his control any plate, stone, paper, tool, die, mould or other implement or thing uniquely associated with or fitted for the preparation of any forged or counterfeited security or tax stamp or any writing or object which purports to be made by the Government of Liberia, its agent or any foreign government or its agent.

Chapter 18. Offenses against public morality

§18.81 Misuse of public money, property or record.

§18.81. Misuse of public money, property or record.

A person is guilty of a first degree felony, if he:

- (a) Knowingly steals, takes, purloins, or converts to his own use and benefit or the use of another; or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the Government of Liberia or of any Ministry, or Agency thereof, or public corporation, or any property made or being made under contract for the Government of Liberia or any Ministry, Agency thereof or public corporation;
- (b) Receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been stolen, purloined or converted;
- (c) Disposes of, uses or transfers any interest in property which has been entrusted to him as a fiduciary, and in his capacity as a public servant or any officer of an institution, in a manner he knows is not authorized and that he knows to involve risk of loss or detriment to the owner of the property or to the Government of Liberia or other person for whose benefit the property was entrusted.

Annex 3

TRC Definition: Economic Crime

An economic crime is any prohibited activity committed for the purpose of generating economic gains or that in fact generates economic gain. It applies to any state or non-state actor with a link to the conflict in Liberia, including but not limited to public and private individuals, corporations, and other business entities whose economic activities contributed to gross human rights and / or humanitarian law violations in Liberia or that otherwise perpetuated armed conflict in Liberia, as well as those who benefited economically from armed conflict in Liberia.

Annex 4

"Gross" Human Rights Violations Definitions

While the definitions in Annex 1 are largely, but not exclusively, taken from the Rome Statute of the International Criminal Court (ICC), their substance is derived from conventional and customary IHRL and international refugee law (IRL) that predates the ICC. When such crimes are committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, they amount to genocide; and when committed as part of widespread or systematic attack directed against a civilian population with knowledge of the attack, they amount to crimes against humanity. It must again be stressed that while human rights obligations generally apply to state actors, select GHRV including, for example, enslavement, genocide and crimes against humanity which sit atop the hierarchy of IHRL and IHL increasingly extend to private persons and to private action.

Nevertheless, since the establishment of the international military tribunals at Nuremburg and Tokyo and the creation of the international criminal tribunals for the former Yugoslavia and Rwanda, these judicial bodies and the jurisprudence they have generated spawned a new hybrid body of law: ICL. ICL is largely derived from IHRL, IHL and international judicial precedent and seeks to criminalize "gross" violations of IHRL, and "serious" violations of IHL. Similar to IHRL, ICL is applicable during times of war and peace. ICL has gained significant prominence with the establishment of the International Criminal Court (ICC) and Special Court for Sierra Leone. Although Liberia did not ratify the 1998 Rome Statute establishing the ICC until September 2004, it did become a signatory to it in July 1998, and, consequently, from this date forward had a positive duty to refrain from acts that would defeat its object and purpose. In this context, the TRC has reserved the right to rely on the entirety of the ICC Statute as a definitional guidepost for the categorization of violations or crimes from July 1998 onward.

“Gross” Human Rights Violations
Applicable to Non-International Armed Conflict

General Definitions and Elements

“Murder”

The perpetrator purposely or knowingly caused the death of another human being or caused the death of another human being under circumstances manifesting extreme indifference to the value of human life; the perpetrator killed one or more persons.

“Extermination”

The perpetrator killed one or more persons, including by the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population. The conduct constituted, or took place as part of, a mass killing of members of a civilian population.

“Enslavement”

The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty, in particular women and children.

“Torture”

The perpetrator intentionally inflicted severe physical or mental pain or suffering upon one or more persons. Such person or persons were in the custody or under the control of the perpetrator. Such pain or suffering did not arise only from, and was not inherent in or incidental to, lawful sanctions. In the context of IHRL, it is understood that no specific purpose need be proved for this crime as distinct from torture as a “war crime”.

“Rape”

The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent. The concept of “invasion” is intended to be broad enough to be gender-neutral. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

“Sexual Slavery”

The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty. The perpetrator caused such person or persons to engage in one or more acts of a sexual nature.

“Enforced Prostitution”

The perpetrator caused one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent; and the perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

“Enforced Sterilization”

The perpetrator deprived one or more persons of biological reproductive capacity. The conduct was neither justified by the medical or hospital treatment of the person or persons concerned nor carried out with their genuine consent. The deprivation is not intended to include birth-control measures which have a non-permanent effect in practice. It is understood that ‘genuine consent’ does not include consent obtained through deception. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

“Sexual Violence”

The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent. Such conduct was of a gravity comparable to the other offences in this section. The perpetrator was aware of the factual circumstances that established the gravity of the conduct.

“Enforced disappearance of persons”

The perpetrator arrested, detained or abducted one or more persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the

protection of the law for a prolonged period of time. It is understood that under certain circumstances an arrest or detention may have been lawful.

“Persecution“

The perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights. The perpetrator targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such. Such targeting was based on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law. The conduct was committed in connection with any act referred to above.

“Deportation or forcible transfer of population“

The perpetrator deported or forcibly transferred or displaced, without grounds permitted under international law, one or more persons to another State or location, by expulsion or other coercive acts. Such person or persons were lawfully present in the area from which they were so deported or transferred. The perpetrator was aware of the factual circumstances that established the lawfulness of such presence.

“Imprisonment or other serious deprivation of physical liberty“

The perpetrator intentionally imprisoned one or more persons or otherwise severely deprived one or more persons of physical liberty. The gravity of the conduct was such that it was in violation of fundamental rules of international law. The perpetrator was aware of the factual circumstances that established the gravity of the conduct.

“Genocide“

Genocide means any of the following acts, whether committed in time of peace or in war, committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Persons committing genocide or any of the other acts enumerated above shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

“Crimes against humanity”

1. A “crime against humanity” is any of the following acts when committed as part of a **widespread or systematic attack directed against any civilian population**, with knowledge of the attack:
 - (a) Murder;
 - (b) Extermination;
 - (c) Enslavement;
 - (d) Deportation or forcible transfer of population;
 - (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
 - (f) Torture;
 - (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
 - (i) Enforced disappearance of persons;
 - (j) The crime of apartheid;
 - (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:
 - (a) “Attack directed against any civilian population” means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
 - (b) “Extermination” includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
 - (c) “Enslavement” means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
 - (d) “Deportation or forcible transfer of population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds

- permitted under international law;
- (e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
 - (f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
 - (g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
 - (h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
 - (i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.
3. "Gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

Annex 5
"Serious" Humanitarian Law Violations
Definitions

When states adopted the principal IHRL (e.g. ICCPR and ICESCR) and IHL (Geneva Conventions and Additional Protocols) treaties they did not explicitly provide for penal sanction of violations;⁶ particularly in the context of non-international armed conflict. Nevertheless, today, there is considerable state and judicial practice through war crimes tribunals (e.g. Nuremburg, Tokyo, Yugoslavia, Rwanda and Sierra Leone) and customary international law that provide for penal sanction for violations of IHRL and IHL through the emergence of international criminal law. The concept of individual criminal responsibility is not only provided for in treaty law and judicial practice but has also become a part of customary international law. As the Commission is aware the most recent and comprehensive articulation of international criminal law is the 1998 Rome Statute establishing the International Criminal Court and the 2000 Statute of the Special Court for Sierra Leone. Individual violations of IHRL and IHL during internal armed conflict are criminal offences under international law. According to the Statute of the ICC, there are several rules that criminalize and govern serious violations of non-international armed conflict that are applicable to episodes of armed conflict in Liberia.

"Serious" Humanitarian Law Violations
Applicable to Non-International Armed Conflict

General Definitions and Elements

"Murder" The perpetrator intentionally killed one or more persons. Such person or persons were either *hors de combat*, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities. The term "religious personnel" includes those non-confessional non-combatant military personnel carrying out a similar function. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

"Mutilation" The perpetrator subjected one or more persons to mutilation, in particular by permanently disfiguring the person or persons, or by permanently disabling or removing an organ or appendage. The conduct was neither justified by the medical, dental or hospital treatment of the person or persons concerned

⁶ The Genocide Convention, arguably, does explicitly provide for penal sanction.

nor carried out in such person's or persons' interests. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

“Attacking Civilians” The perpetrator directed an attack. The object of the attack was a civilian population as such or individual civilians not taking direct part in hostilities. The perpetrator intended the civilian population as such or individual civilians not taking direct part in hostilities to be the object of the attack. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

“Cruel Treatment” The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons. Such person or persons were either *hors de combat*, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

“Torture” The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons. The perpetrator inflicted the pain or suffering for such purposes as: obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

“Taking of Hostages” The perpetrator seized, detained or otherwise held hostage one or more persons. The perpetrator threatened to kill, injure or continued to detain such person or persons. The perpetrator intended to compel a State, an international organization, a natural or legal person or a group of persons to act or refrain from acting as an explicit or implicit condition for the safety or the release of such person or persons. Such person or persons were

either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

“Outrages upon Personal Dignity” The perpetrator humiliated, degraded or otherwise violated the dignity of one or more persons. The severity of the humiliation, degradation or other violation was of such degree as to be generally recognized as an outrage upon personal dignity. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict. For this crime, “persons” can include dead persons. It is understood that the victim needs not personally be aware of the existence of the humiliation or degradation or other violation. This element takes into account relevant aspects of the cultural background of the victim.

Protocol II is particularly concerned with **“Outrages upon Personal Dignity”** that included: Humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault:

“Cruel Treatment” The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons. Such person or persons were either *hors de combat*, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

“Rape” The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was

committed against a person incapable of giving genuine consent. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

The concept of “invasion” is intended to be broad enough to be gender-neutral. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

“Enforced Prostitution” The perpetrator caused one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person’s or persons’ incapacity to give genuine consent. The perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

“Sexual Slavery” The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty. The perpetrator caused such person or persons to engage in one or more acts of a sexual nature. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

It is understood that such deprivation of liberty may, in some circumstances, include exacting forced labor or otherwise reducing a person to servile status as defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956. It is also understood that the conduct described in this element includes trafficking in persons, in particular women and children.

“Sexual Violence” The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage

in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent. The conduct was of a gravity comparable to that of a serious violation of Common Article 3 to the four Geneva Conventions. The perpetrator was aware of the factual circumstances that established the gravity of the conduct. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

“Sentencing or Execution Without Due Process” The perpetrator passed sentence or executed one or more persons. Such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. There was no previous judgment pronounced by a court, or the court that rendered judgment was not “regularly constituted,” that is, it did not afford the essential guarantees of independence and impartiality, or the court that rendered judgment did not afford all other judicial guarantees generally recognized as indispensable under international law. The perpetrator was aware of the absence of a previous judgment or of the denial of relevant guarantees and the fact that they are essential or indispensable to a fair trial. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict. These elements do not address the different forms of individual criminal responsibility.

“Attacking objects or persons using the distinctive emblems of the Geneva Conventions” The perpetrator attacked one or more persons, buildings, medical units or transports or other objects using, in conformity with international law, a distinctive emblem or other method of identification indicating protection under the Geneva Conventions. The perpetrator intended such persons, buildings, units or transports or other objects so using such identification to be the object of the attack. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

“Collective Punishment” The perpetrator inflicts a general penalty, pecuniary or otherwise, on the population on account of the act or acts of individuals for

which it cannot be regarded as jointly and severally responsible because punishment is personal and can only be imposed on the perpetrator(s).⁷

“Acts of Terrorism” The perpetrator engages in any act which is a violation of the criminal laws of the Republic of Liberia and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

- a. intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or
- b. disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or
- c. create general insurrection in a State;

Any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (c).⁸

“Enslavement” The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty, in particular women and children.

“Pillage” The perpetrator appropriated certain property. The perpetrator intended to deprive the owner of the property and to appropriate it for private or personal use. The appropriation was without the consent of the owner. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict. It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

⁷ See, Article 50, Hague Regulations of 1907; and Article 7(2), African Charter on Human and Peoples Rights, Banjul, Gambia, adopted 27 June 1981. See also, Italy, Military Tribunal of Rome, Priebke case, Judgment, 22 July 1997.

⁸ Article 1(3), OAU Convention on the Prevention and Combating of Terrorism, Algiers, Algeria, 14 July 1999, entered into force 6 December 2002.

“Using, Conscripting or Enlisting Children in Armed Conflict” The perpetrator conscripted or enlisted one or more persons into the national armed forces or used one or more persons to participate actively in hostilities. Such person or persons were under the age of fifteen years. The perpetrator knew or should have known that such person or persons were under the age of fifteen years. The conduct took place in the context of and was associated with an international armed conflict. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

SUBMITTED BY THE TRUTH AND RECONCILIATION ON THIS 19TH DAY OF DECEMBER, 2008 TO THE HONOURABLE NATIONAL LEGISLATURE.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT D



REPUBLIC OF LIBERIA
TRUTH AND RECONCILIATION COMMISSION

Volume II:

**CONSOLIDATED
FINAL REPORT**

JUNE 30, 2009.

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Truth & Reconciliation Commission of Liberia
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Tobman Blvd.,
Monrovia - Liberia

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Volume II: Consolidated Final Report

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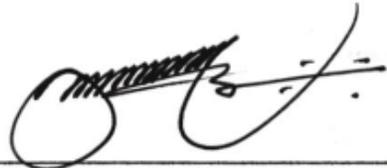
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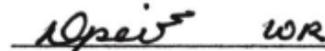
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We, Commissioners of the Truth and Reconciliation Commission of Liberia having taken oath to honestly and conscientiously serve the people of Liberia through the faithful execution of the mandate of the Liberian people entrusted to us by the TRC Act, with the power and authority in us vested do hereby submit our final report to the Government and people of Liberia this 30th day of June A.D. 2009.

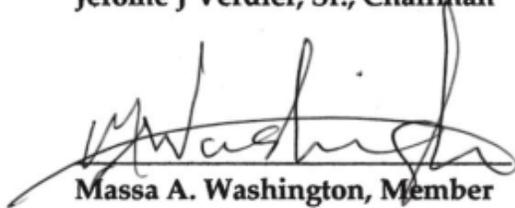
In Testimony of the fulfillment of our duties and responsibilities under the aforesaid Act, we hereby affix our signatures as below on this 29th day of June A.D. 2009.



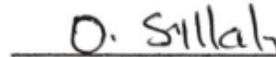
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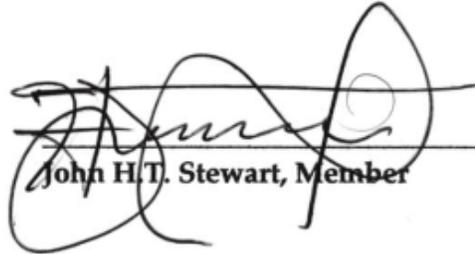
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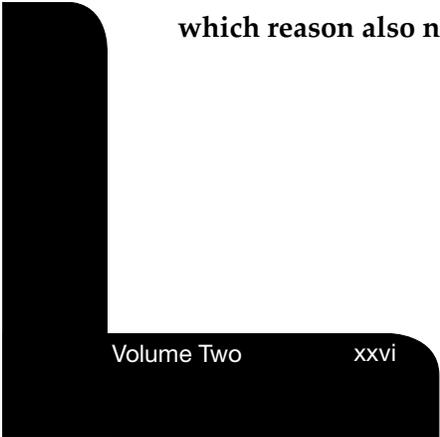
John H.T. Stewart, Member



Gerald B. Coleman, Member

Note:

Two Commissioners, Pearl Brown Bull and Sheikh Kafumba Konneh, did not sign this report for reasons stated in what they have invariably and separately described as "dissenting opinions" in the local media, even though there is no provision in the TRC Act (2005) for such appendage. For this reason, the commission neither received copies nor was it privy to the said dissent as it was never discussed at the Commission and as such does not form part of the records of the Commission, for which reason also no reference is made of same in this report.





1

EXECUTIVE SUMMARY

1.0. EXECUTIVE SUMMARY

The Truth and Reconciliation Commission of Liberia (TRC) was established at the end of the peace conference in Accra, Ghana when the Comprehensive Peace Agreement (CPA) was signed by all parties to the conflict including the international community as guarantors, in August 2003. This was for Liberia, its first period of calm and relative peace following 14 years of civil war and violent armed conflict.

Under the CPA sitting President Charles Taylor stepped down and departed Liberia into exile paving way for a two year Liberian National Transitional Government (LNTG) headed by Chairman Gyude Bryant. In June 2005, the National Transitional Legislative Assembly enacted the TRC Act into law. National Elections were held in November 2005 and President Ellen Johnson Sirleaf was elected, sealing a long period of conflict and creating the space for national reckoning. The elected President inaugurated the nine-member Truth and Reconciliation Commission in February 2006 and the Commission was launched to commence its operations on June 22, 2006.

Since the launching in June 2006, the Truth and Reconciliation Commission, for the last three years, worked tirelessly to fulfill its mandate in the face of mounting administrative, operational, financial and human resource challenges. This occasioned a slow start of the Commission's work in the first year till July 2007 when activities of the Commission resumed uninterrupted to present. Pursuant to its mandate, the Commission conducted public awareness campaigns, collected thousands of witness testimonies and held public hearings in all 15 counties of Liberia as well as in the Diaspora.

1.1 Mandate of the TRC

With the goal to promote national peace, security, unity and reconciliation, the TRC mandate principally contained in Art. IV, Section 4 of the TRC Act was to foster truth, justice and reconciliation by identifying the root causes of the conflict, and determining those who are responsible for committing domestic and international crimes against the Liberian people as follows:

1. Document and investigate the massive wave of human rights violations that occurred in Liberia during the period January 1979 – October 2003;
2. Establish the root causes of the conflict and create a forum to address issues of impunity;
3. Identify victims and perpetrators of the conflict;

4. Establish a forum to facilitate constructive interchange between victims and perpetrators to recount their experiences in order to foster healing and reconciliation;
5. Investigate economic crimes and other forms of human rights violations and determine whether these violations were part of a systematic and deliberate pattern of violations or isolated events of violations;
6. Conducting a critical review of Liberia's historical past to acknowledge historical antecedents to the conflict and correct historical falsehood;
7. Adopt specific mechanisms to address the experiences of women and children;
8. Make recommendations to the Government of Liberia for prosecution, reparation, amnesty, reconciliation and institutional reforms where appropriate to promote the rule of law and combat impunity; and
9. Compile a report and submit same to the Government and People of Liberia;

1.2 Background to the Founding of Liberia

Liberia is located on the Atlantic coast of West Africa and encompasses a territory of 43,000 square miles. The country shares borders with Sierra Leone to the northwest, Guinea to the northeast, and Côte d'Ivoire to the southeast. Liberia's 15 counties correspond to territories historically claimed by particular Liberian indigenous ethnic groups. English is the official language of Liberia, although more than 20 indigenous languages and a form of English known as Liberian English are also in daily use.

The modern nation of Liberia, as it exists today, was partly shaped by the transatlantic slave trade to the United States. In the early 1800s, a group of prominent white Americans developed a plan to return freed blacks to Africa. Beginning in 1822, freeborn black Americans, freed slaves of African descent, and Africans freed from captured slave ships (Congo people) were settled by the American Colonization Society on lands which later became Liberia. This group of a few thousand settlers, never more than 5% of the Liberian population, became known as Americo-Liberians. They dominated the political, economic, social and cultural life of the nation for over a century.

While Liberia has often been hailed as one of the only African nations never to be colonized, the historical facts are more complex. The settlements of repatriated Africans were in fact, governed by white American agents of the American Colonization Society

for the first several years of their existence. Although the U.S. government funded much of the American Colonization Society's efforts, it was clear that the United States never intended to formally establish itself as a colonial power in Liberia. Liberia became a sovereign nation under Americo-Liberian rule in 1847. The indigenous inhabitants of the territory claimed for Liberia were largely antagonistic to the establishment of the Liberian nation. In fact, the American Colonization Society, and later the fledgling Liberian government, was at war with various indigenous tribes over territory and trade routes throughout the 1800s. Liberia's complex history created a "state of contestation" which remains today a major source of conflict and disunity.

1.3 History of the Conflict in Liberia

Liberia developed into a relatively stable oligarchy through the 1800s and mid 1900s. By the 1970s, however, tension within Liberia was escalating. Riots broke out in 1979 in the capital city of Monrovia. In 1980, a military coup took place, resulting in the murder of the president, the summary execution of 13 government ministers, and the installation of Samuel Doe, an army master sergeant, as the new national leader. Doe ruled the country for the next decade. In 1985, Thomas Quiwonkpa, a fellow coup maker with Doe in 1980, led a band of armed militia in a failed bid to oust Doe, plunging the country into further turmoil. In 1989, Charles Taylor and his National Patriotic Front of Liberia invaded from Côte d'Ivoire, setting off intermittent civil war that raged until 2003, involved more than 10 rebel factions, and engulfed the Mano River basin.

As Liberia began to establish itself as a new nation, a small number of Americo-Liberian families and their patronage networks dominated all aspects of national life that is government, economy, the security sector, commerce, and social advancement. They acquired land and extended their influence and authority deeper into the interior from the coast by force and other coercive methods of the settlers' Government which grew from colony to commonwealth and then statehood 25 years later in 1847.

The Government in Liberia was the domain of the True Whig Party for well over a century. Although other political parties existed, opposition to True Whig Party dominance was systematically oppressed. Control of the Liberian territory and the indigenous people who inhabited it was established by the brute force of the Liberian Frontier Force (LFF) which later became the Liberian National Guard and then the Armed Forces of Liberia (AFL).

Commerce with the outside world was centrally controlled by the Monrovia-based government, whose oligarchic governance structure led to an excessive concentration of power in the presidency. Lack of education and other opportunities for those of non-Americo-Liberian origin, and impunity for corruption and systematic human rights

abuses were attributes of the Monrovia hegemony composed of the few families that controlled the wealth of the nation.

The administrations of Presidents William V.S Tubman and William R. Tolbert, Jr. sought to reach out to the indigenous peoples and increase their involvement in government and society and thereby opening limited access to economic and other opportunities for self actualization. Their efforts, however, were perceived by many to be insufficient and their respective administrations perceived to be corrupt. In 1979, it was widely believed that President Tolbert planned to raise the price of rice so that he or his family could benefit economically. This led to protests and demonstrations, known as the "April 14 Rice Riots." The brutality with which the security forces quashed the Rice Riots with the help of foreign troops from Guinea, further entrenched the socio-economic and ethnic disparity in the Liberian society. Many perceived the civil unrest of 1979 as the beginning of the long-running civil crisis that engulfed Liberia.

Liberia is a country with significant natural resources, including timber, gold, diamonds and rubber. Historically, Liberian people have not been the primary beneficiaries of these natural resources. Rather, these resources have served the interests of a very small number of Liberians (relatives or cronies of the elites) and non-Liberians, seeking to reap benefits for themselves. The concentration of state power among a few influential families meant that the business of governance served the interest of businesses controlled by those families and their networks. Special deals were reached with a multitude of foreign business interests, most notably the lease of one million acres of land on highly favorable terms to the Firestone Rubber Company, which led to the creation of the world's largest rubber plantation. In 1920, the True Whig Party forcibly recruited workers for the Firestone plantation and other projects through its Labor Bureau and the Liberian Frontier Force, which would mete out harsh punishment to any indigenous leaders unable or unwilling to supply workers. Such practices led to a League of Nations investigation and the resignation of one Liberian president and his vice President. Labor practices at Firestone remain to this day the subject of discontent and ongoing litigation in the U.S.

With the lack of opportunities for economic advancement, corruption and the abuse of power spread to virtually all sectors of the Liberian government; corruption became endemic across ministries, the security forces, civil service, and judiciary that it has created a popular perception that if one doesn't steal public resources and monies when in government, he is considered stupid. On the other hand, corrupt officials who steal and bask in affluence to extend their influence in society are well respected and honored annually by social and religious institutions as "honorable" and "good citizens" and "personalities of the year" because of their "benevolence and valuable contribution to society".

Liberians have had little faith in judicial institutions to protect their interests or fundamental rights. Inadequate compensation for judicial officers, and the influence of Liberian patrimonial governance structures subjected the judiciary to political, social, familial and financial pressures. In addition, corruption and abuse of power in the security forces went unchecked by the judiciary and the state, leading to further deterioration of the rule of law. Persistent deterioration in the rule of law over the years and a history of pervasive illicit enrichment frustrated those seeking true democratic change in Liberia, and led some to advocate the use of force to attain change. These entrenched aspects of life in Liberia exacerbated behavior during the civil conflict. Vigilantism became widespread, as combatants and indigenous victims of the spoilt system used their newfound power to seek revenge for past losses and wanton abuse of power. Looting and theft of property from those perceived as having benefited from the system of illicit enrichment was also commonly reported to the TRC and wide spread during the conflict.

1.4. Findings and Determinations

Findings: Professor Svend E. Holsoe employed the term “Troubled Boundaries” in reference to the root causes of the Liberian conflict; describing them as the basis for the outbreak of violence and social discontent in the Liberian society which, may best be categorized into antecedent, immediate, and remote causes.

Root Causes of the Conflict: Liberians identified the following as contributory elements in setting the stage for the conflict in Liberia as well as exacerbating the conflict; leading to loss of life and the destruction of the Liberian nation:

1. Poverty. Governance, it’s over centralization and the oppressive dominance of the Americo-Liberian oligarchy over the indigenous peoples of Liberia rights and culture.
2. The lack of any permanent or appropriate mechanism for the settlement of disputes, the judiciary being historically weak and unreliable.
3. Duality of the Liberian political, social and legal systems which polarizes and widens the disparities between the Liberian peoples – a chasm between settler Liberia and indigenous Liberia.
4. Ethnicity and the divisive clustering of the “peoples” of Liberia.
5. Entrenched political and social system founded on privilege, patronage, politicization of the military and endemic corruption which created limited

- access to education and justice, economic and social opportunities and amenities.
6. Unfair discrimination against women and denial of their rightful place in society as equal partners.
 7. Historical disputes over land acquisition, distribution and accessibility.
 8. Lack of clarity and understanding of Liberia's history including its history of conflicts.
 9. Identity and the crisis of identity engender disunity and undermine Liberian patriotism and sense of nationhood.
 10. The gradual breakdown of the family and loss of its traditional value system.

Additional Findings:

1. The conflict in Liberia has its origin in the history and founding of the modern Liberian State.
2. All factions to the Liberian conflict committed, and are responsible for the commission of egregious domestic law violations, and violations of international criminal law, international human rights law and international humanitarian law, including war crimes violations.
3. All factions engaged in the armed conflict, violated, degraded, abused and denigrated, committed sexual and gender based violence against women including rape, sexual slavery, forced marriages, and other dehumanizing forms of violations;
4. Both individual and community reparation is a duty and obligation of the state, to promote justice and genuine reconciliation.
5. Where in the determination of responsibility IHRL, IHL, ICL, do not apply domestic criminal law statutes will apply.
6. No faction in particular instituted – in some cases to a very limited extent-adequate mechanisms to avoid or mitigate massive violations of human rights that characterized the conflict.
7. All factions and other armed groups recruited and used children during

periods of armed conflicts.

8. Non-derogation of rights during periods of emergency or armed conflict applies to the Liberian conflict situation and as guaranteed by the Constitution of Liberia and international instruments.
9. Prosecution of certain individuals and other forms of justice, including public sanctions, is sine qua non to sustaining the fight against impunity, and the promotion of justice, and genuine reconciliation.
10. Common Article 3 and Protocol II of the Geneva Convention, having been ratified by the Government of Liberia apply to Liberia.
11. Liberia was engulfed in armed conflict from December 1989 to 1996; from 1999 to August 2003;
12. Preponderance of evidence along with public information (notoriety) is an appropriate evidentiary standard of proof appropriate to the work of the TRC, considering that it is neither a criminal nor prosecuting institution.
13. Massacres, economic crimes, extra-judicial killings, for example, fall within the ambit of IHRL and IHL.
14. The New Penal Code of Liberia will apply as to mercenarism, official oppression, murder, kidnapping, rape, sexual assault, fraud in the internal revenue of Liberia, theft and/or illegal disbursement and expenditure of public money, counterfeiting, and misuse of public money, property or record.
15. Gross Human Rights Violations (GHRV) are generally, but not exclusively, committed by state actors, and may take place during times of peace or armed conflict, and can be directed against individuals or a group of individuals.
16. Lack of human rights culture and education, depravation and over a century of state suppression and insensitivity, and wealth acclamation by a privileged few created a debased conscience for massive rights violations during the conflict thus engendering a culture of violence as a means to an end; with an entrenched culture of impunity.
17. External State Actors in Africa, North America and Europe, participated, supported, aided, abetted, conspired and instigated violence, war and

regime change against constituted authorities in Liberia and against the people of Liberia for political, economic and foreign policy advantages or gains.

18. Significantly, more sexual and gender based crimes committed against women were under-reported to the TRC through its formal processes for reasons of insecurity, stigma, etc

Determinations: Consistent with inquiry findings, the TRC determines that:

1. All warring factions are responsible for the commission of gross human rights violations in Liberia, including war crimes, crimes against humanity, IHRL, IHL, ICL, domestic criminal laws.
2. Prosecution in a court of competent jurisdiction and other forms of public sanctions are appropriate mechanisms to promote the ends of justice, peace and security, foster genuine national reconciliation and combat impunity.
3. The massive wave of gross violations and atrocities which, characterized the conflict, assumed a systematic pattern of abuse, wanton in their execution, and was the product of deliberate planning; organized and orchestrated to achieve a military or political objective; disregarding the rights of noncombatants, children, women, the elderly, disarmed or surrendered enemy combatants, etc.
4. All factions to the conflict systematically targeted women, mainly as a result of their gender, and committed sexual and gender based violations against them, including rape of all forms, sexual slavery, forced marriages, forced recruitment, abduction, etc.
5. Reparation is a responsibility of the state and development partners as a long term peace investment to redress the gross violations of human rights committed against victim communities and individuals, especially women and children, to help restore their human dignity, foster healing and closure, as well as justice, and genuine reconciliation.
6. Children are entitled to general amnesty for crimes committed during their minority. General amnesty for crimes lesser than gross violations will also contribute to fostering national healing and reconciliation.
7. IHRL, IHL, ICL, and Liberian domestic criminal statutes are applicable in establishing accountability for crimes committed during the mandatory

period of the TRC work.

8. Reform of public institutions and certain policies will promote peace, security, national reconciliation, good governance and human rights; reduce poverty and alleviate illiteracy, create opportunities for all, as well as to guarantee that, the experiences and horror of the conflict will not be repeated.
9. While the TRC will not recommend general amnesty, except as provided in Count 6 above, the Commission however determines that all individuals who cooperated with the TRC and admitted their wrongs and spoke truthfully before or to the TRC as an expression of remorse will not be recommended for prosecution.
10. Recommendations for further investigations into other matters which were subject of the TRC inquiry, but remain incomplete up to the expiration of its tenure in June 2009, will be made.
11. Liberians in the Diaspora are as much Liberians as those at home; they continue to be engaged with developments on the homefront, supported and financed warring factions as an instrument for regime change; they equally promoted and advocated an end to the war. Having heard their voices, issues and concerns raised by them must be addressed in fostering greater national reconciliation.
12. The TRC determines that individuals, entities or groups involved in a joint criminal enterprise or conspiracy, which planned, instigated, ordered, commanded, aided or abetted in the planning, preparation or execution of any crime within its mandate, including economic crimes, are liable and responsible for the crimes so committed.
13. The TRC determines that the following armed groups, rebel groups or warring factions and their financiers, leaders, commanders, combatants and advisors etc. associated with them, are responsible for committing 'egregious' domestic crimes, 'gross' violations of human rights and 'serious' humanitarian law violations including economic crime in Liberia between January 1979 and October 14, 2003.

These groups are categorized into two with equal culpability: (1) Significant Violator Groups; (2) Less Significant Violator Groups; and (3) military institutions drawn into conflict by their defensive and offensive postures. The distinction between them relates solely to the number of reported

violations against them. The specific crimes and total reported violations committed by these armed groups, rebel groups or warring factions and the financiers, leaders, commanders, combatants and advisors etc. associated with them are detailed in other sections of this report.

I. Significant Violator Groups

- i. National Patriotic Front of Liberia (NPFL)
- ii. Liberians United for Reconciliation and Democracy (LURD)
- iii. Liberian Peace Council (LPC)
- iv. Militia
- v. Movement for Democracy in Liberia (MODEL)
- vi. United Liberation Movement (ULIMO)
- vii. Armed Forces of Liberia (AFL)
- viii. Unknown
- ix. United Liberation Movement-K (ULIMO K)
- x. Independent National Patriotic Front of Liberia (INPFL)
- xi. United Liberation Movement-J (ULIMO J)
- xii. Anti-Terrorist Unity (ATU)

II. Less Significant Violator Groups

- i. Vigilantes
- ii. Lofa Defense Force (LDF)
- iii. Liberian National Police
- iv. Special Operation Division of the Liberian National Police (SOD)
- v. Revolutionary United Front (RUF)
- vi. Special Anti-Terrorist Unit (SATU)
- vii. Special Security Unit (SSU)
- viii. Special Security Service (SSS)
- ix. National Security Agency (NSA)
- x. National Bureau of Investigation (NBI)
- xi. Criminal Investment Division (CID)
- xii. Rapid Response Unit (RRU)

Military Institutions Drawn into Conflict by Their Defensive and Offensive Postures

- i. ECOMOG
- ii. Black Beret

1.5. RECOMMENDATIONS

The TRC makes general and specific recommendations consistent with the dictates of its mandate; with the leading objective to promote national peace, unity, security and reconciliation. Recommendations cover such subjects as reparation, amnesty, prosecution in a specialized Liberian Criminal Court, public sanctions and a Palava Hut peace building mechanism to foster peace dialogue and rebuild broken relationships in fostering national reconciliation, and healing beginning at the grass roots.

1.5.1 Recommendations to the People of Liberia

TRC recommends to the people of Liberia that they maintain abiding faith in the potential of the Liberian Nation to rise beyond the current dilemma and work assiduously for the implementation of all the recommendations of the TRC.

That the people of Liberia begin to adopt positive attitudes and change the old mind sets in how we view ourselves as an African nation, breakdown the social, economic, and cultural barriers, that keep the nation apart, and envision a new Liberia founded on equal rights and mutual respect for the cultural values of all Liberians, and equal opportunities for all.

1.5.2 Recommendations to the Government of Liberia

The TRC recommends to the Government of Liberia, the full and timely implementation of all the recommendations contained in this report. The full and timely implementation of these recommendations are critical to Liberia's recovery and progress beyond the conflict and will contribute to the building of a more just and equitable society in which everyone is equal before one set of laws which guarantees equal protection and opportunity for all.

The wide range of recommendations directed to the Government of Liberia and more specifically, the President of Liberia, include guaranteeing to women, children and other vulnerable populations, the full enjoyment of their social, economic and cultural rights, in addition to civil and political rights.

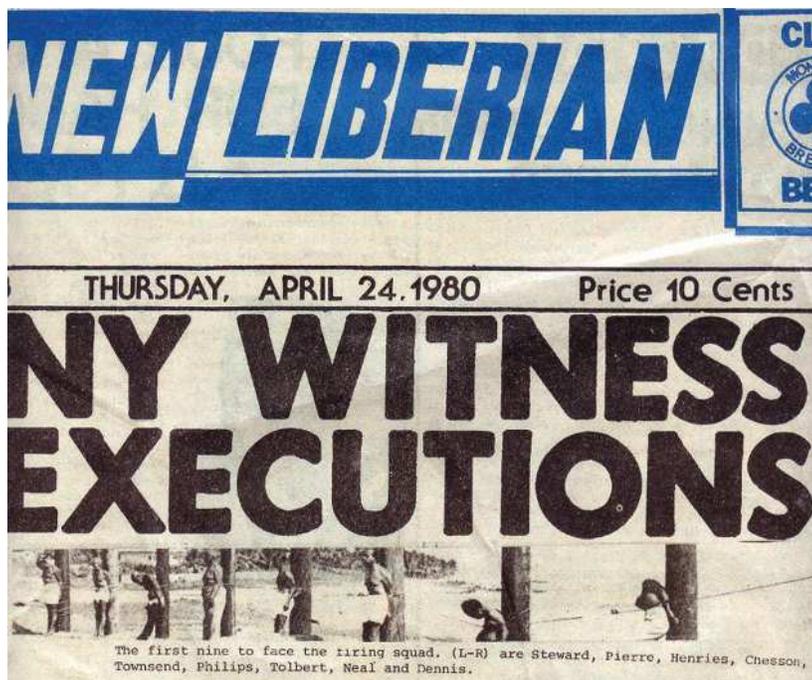
Recommendations to the Government also include the full range of mandated recommendations of the TRC Act; to include reparations, justice and reconciliation mechanisms, institutional reforms, governance, issues of the Diaspora, national integrity and corruption, the National Human Rights Commission, etc

1.5.3 Recommendations to the International Community

The TRC is recommending to the International community, continued and considered long term security engagement with Liberia and the sub region until such time that Liberia's security infrastructure is reliable and stable.

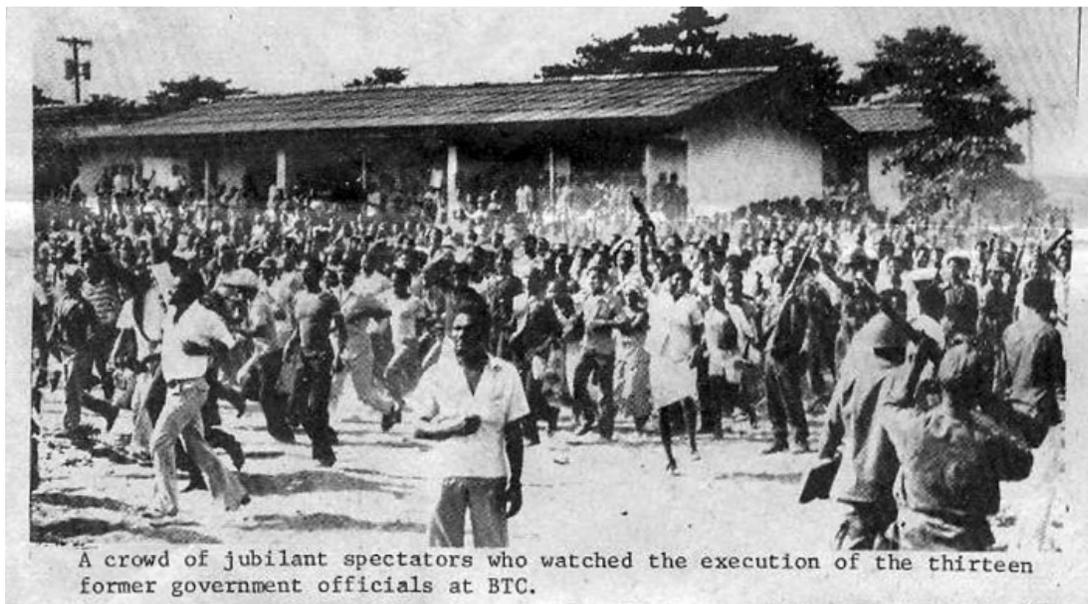
The TRC is also recommending to the international community to reconsider peacekeeping objectives and the modus operandi for negotiating peace agreements, which will assign high premium on human rights, public integrity and increased investment in conflict prevention over conflict resolution and support for implementation of TRC recommendations.

The TRC is recommending also the creation of permanent conflict prevention and early warning mechanisms that will afford aggrieved citizens the opportunity to place their grievances before an international body when certain benchmarks for peace and democracy are not maintained by their governments. This serves to invoke international involvement as an alternative to violent actions and protest in pursuit of regime change.



6

POST WORLD WAR II LIBERIA (1944 - 1979)



message across the young and restless populations of Liberia, especially the swelling ranks of the poor, illiterate and disenfranchised, but also to cultivate the support of the disgruntled and disenchanting members of the AFL. The Marcus Garvey School in Monrovia, which was eventually shut down by the Government for “teaching socialist materials” was a place of academic training and consciousness for members of the AFL at night by volunteer teachers - members of MOJA. Coupled with this were the appalling state of infrastructure and the gruesome lack of it, in most parts of the country. Schools, electricity, safe drinking water, healthcare and other basic amenities were simply either nonexistent or in extremely poor state in the greater part of Liberia.

6.3. The Military Interregnum: Highlights of the Second Republic (1980 – 1990)

On the morning **April 12, 1980** seventeen enlisted men and non commissioned officers of the Armed Forces of Liberia marched on the Official residence of the President, the Executive Mansion, where President Tolbert was sleeping and shot him in the head; killing several others on their forward march to the President’s bedroom. The soldiers, most of who were involved with the illicit diamond trade to supplement their meager incomes, were kinsmen, friends, and students of Marcus Garvey and/or relatives of the detained politicians. They had earlier participated in the April 14 riots and charged the Tolbert government with rampant corruption, and violation of human rights, nepotism and misuse of public offices. The Constitution was suspended, about 80 prisoners were mistreated, and a backlash against Americo-Liberians led to confiscation of their properties. Under the True Whig Party more than a century rule, personal wealth became the byproduct of involvement in politics and government rather than entrepreneurship. Those outside the True Whig oligarchy or not beholden to it were prevented from acquiring an independent source of economic influence. Large business firms were almost all foreign owned and therefore, depoliticized but expected and made contributions to the party and provided jobs for politically well connected Liberians. Liberian owned businesses were either small businesses run by those without political stature or larger enterprises owned but not operated by government or party officials that profited from government preferment. By the time of Tolbert’s death and the overthrow of the TWP Oligarchy 60% of the GDP was controlled by 7% of the population; all of whom were Americo-Liberian families who had ruled Liberia for over a century.

Prior to the event of April 12, 1980 President Tolbert had had the unnerving experiences of security lapses that threatened his personal security. While attending a program at the E.J. Roye Building in Monrovia, the President was stuck in the elevators for a considerable while without explanation. At his home in Bentol, there was power outage for over thirty minutes without any presence or alarm from his security details and again without explanation. Whilst the Executive Mansion was being attacked by the band of young soldiers, the President’s Director of Police, Wilfred Clark was on the

grounds of the Executive Mansion, monitoring the situation and reporting to his superior, Patrick Minikon, by radio and did nothing else. On the very early morning of the coup, at least one eye witness' or would-be benefactor of the new establishment, account reveals that a Caucasian – “white man” - was seen “with my own eyes, wounded and struggling coming from the public procurement office crossing the flower garden before the mansion where traffic lanes interchange, and I quickly drove home.” Another strong indication of foreign involvement in the 1980 coup came from the Honourable H. Boimah Fahnbulleh, Jr. the day following the coup: “I saw the American political officer standing in the mansion yard near his car and whilst taking a look on the other end, I saw the American military attaché in his gray (sic) jump suit sitting with Doe and few other guys under the hut. Thereafter, I ask Dr. Tipoteh, do you see what I am seeing, than he said yes. Nevertheless, within a moment, Dr. Tipoteh, asked the American political officer, what are you doing here? In response, he said, I am the liaison to the new government.

The new military government of the People’s Redemption Council (PRC) was established with Master Sgt Samuel K Doe as Head of State. Libya’s Muammar Kaddafi was the first to recognize the new military government. All political prisoners were released. Many, if not all, of the detainees were given government posts in the new government. Other members of PAL and MOJA not in prison were also given senior cabinet posts. The Junta’s first official speech was written on the campus of the University of Liberia by Dr Amos Sawyer, Head of MOJA, and others on request of Dr George Boley, a member of PAL and the new Minister of State for Presidential Affairs.

As the first non Americo-Liberian Head of State, Samuel Doe initially enjoyed great popular support. The summary public execution of 13 former members of the Tolbert administration on April 22, 1980, including Tolbert’s Foreign Minister C Cecil Dennis Jr. who was denied asylum by the US, soon made it apparent, however, that the Doe regime could pose a great threat to human rights in Liberia. The new PRC Justice Minister Chea Cheapoo justified the executions saying “we had to act as the people wanted it”. Yet early years of the Doe administration represents the height of US involvement in Liberia amounting to over US\$500 million. This raised speculation further that the US had backed Doe’s coup because of Tolbert’s non-aligned policies. The US position is that it was necessary to protect their assets and counter the spread of socialism. Liberia became the highest per capita aid recipient in sub-Saharan Africa and Doe the highest recipient ever, much more than that received by all previous Liberian government administrations combined.

Initial decisions of ECOWAS to ostracize Doe and his administration over the coup and assassinations, was overcome by US diplomatic efforts and overtures to West African leaders on Doe’s behalf. New Foreign Minister Gabriel Baccus Matthews announced Liberia would suspend obligations to ECOWAS in retaliation. In August 1980 US direct assistance to Liberia was increased with the signing of two agreements

committing a total of US\$17 million in that year alone. By 1985 aid to Liberia was at an all time record high which American sources attributed to the solidification of Doe's pro-Western stance. Doe closed down the Libyan Embassy in Monrovia and reduced the staff of the Soviet Embassy by May 1981. General Thomas Weh-Syen, Doe's Deputy and three other members of the ruling PRC were executed that same year in prison without a trial for "plotting a socialist coup to unseat Doe".

In 1982 President Doe visited President Ronald Reagan in Washington which led to continued and additional US support for the Doe Administration. The mutual defense pact between the US and Liberia was modified, reversing Tolbert and granting staging rights to the US on 24 hour notice at Liberia's sea and airports for the US Rapid Deployment Force. US military assistance also increased with training, arms supplies and reconstruction of the deplorable and shameful BTC Barracks.

The refrain heard widely that those who had perpetuated the unjust socio-political system were out of the way and Liberia now had a fighting chance to set things right, at least in the interest of the "masses", was fading with growing disgruntlement. But in political terms the coup had been executed on behalf of the political agitators that constituted a part of the opposition on the left. For this reason they felt an obligation to participate and lend leadership to a junta of inexperienced and half literate military leaders. Not approaching the military government with a common political, military, social and economic agenda, they entered the government on individual or personal considerations thus leaving their fate and that of their organizations and the nation's to chance. They clamored, and rightfully so, for change; but when change was eventually surrendered, they were unprepared. The PAL leader Gabriel Baccus Matthews was reportedly offered leadership of a new government, something he perhaps wisely declined in preference to the Minister of Foreign Affairs position. All overtures to Dr Amos Sawyer from the junta were declined, except Chairman of the Constitution Drafting Commission, which he accepted.

Issues of the politics of personalities (within MOJA and PAL) and of groups (clamoring ethnicities) soon became apparent with manifestations of cracks in the unity of the PRC itself. Elements of the political left were branded "socialist" and purged off the government just as was some members of the PRC. The military began to articulate or live a revolution of entitlement. A new political elite emerged. Its culture of politics was hardly different from the regime it had brought down. Corruption, political intolerance and human rights violations marred the public image and standing of the regime. This situation induced a realignment of the Liberian political map as the jockeying for power ensued within and outside the military. Rumors of coups and counter coups abounded. Doe's much feared and respected Defense Minister and close ally, Gray D Allison, threatened Doe's power base by his sheer popularity with the military. He was framed for plotting a coup against Doe and a police officer, Joe

Lesolee, was coerced to provide false testimonies against Allison which would put him away forever at the notorious Belle Yallah maximum prison where he met his fate during the Taylor uprising.

By 1985 Doe had eliminated more than half of the 17 men who along with him upstaged the TWP Government and attempted to institutionalize an ethnic-based hegemony of his own ethnicity; cracked down on his political opponents including the violent invasion of the University Campus in 1984 by the military under his infamous “move or be removed” orders to the military. With the momentary exercise of “force majeure,” military leader Samuel K. Doe hijacked the elections of 1985 and declared himself winner after handpicking a 25-man committee to recount the ballots when it became clear he was losing. The US Reagan Administration supported the outcome and validated the results as a “movement toward democracy”. Doe had won the first round. The political contest spilled into the streets on November 12, 1985 when General Thomas Quiwonkpa mounted his second bid to unseat Doe. Even though it appeared that the entire security network caved in on hearing the General’s announcement on radio, Doe had prior knowledge of the General’s adventures, commanded his loyal forces to play low while they lay in wait for the General to strike and exhaust himself. The insurgent General announced that the government had been overthrown, by the National Patriotic Forces (NPF), Doe was in hiding and surrounded without any chance of escape.

Meanwhile, the entire top brass of the Police with the knowledge of its Director, Wilfred Clarke, decided to surrender itself at the BTC to the insurgents without any evidence that the Commander-In-Chief, Samuel K Doe was captured, had surrendered or dead. Lt Col James (Jimmy) Smith was instructed to take the officers to the BTC and proceed to the Director’s residence to pick him up. Officer Smith arrived at the Director’s and was instructed to take him, Police Director Wilfred Clarke to the Executive Mansion to meet General Quiwonkpa and “everything will be alright”. Enroute, the Minister of National Security, Patrick Minikon was picked up. To their shock and bewilderment General Smith greeted them at the entrance of the Executive Mansion and told them President Doe was on the ground floor and will receive them. Officer Smith dropped off the Director and went away only to hear on police radio that We was a traitor and was wanted for arresting the Director of Police, Wilfred Clarke. Arrested, he was taken to Director Clarke who sent him away to the Executive Mansion where he was listed for execution as part of a fourth batch of “traitors” being executed by Col. Harrison Pennue and Yonbu Tailey. The first three batches were executed in their presence on the grounds of the Executive Mansion and taken away for burial. Included in the batch of four was General Morris Zayzay in whose interest a rescue mission by General Rudolph Kolako appeared and threatened both Tailey and Pennue that they themselves will be executed on the spot if they shot anyone. Officer Smith was saved but remanded in prison for over nine months at the same time as Madam Ellen

Johnson Sirleaf and subsequently released but dishonorably discharged from the service of the National Police.

6.3.1. A failed Coup and an Ethnic Feud

The General Thomas Quiwonkpa coup had failed even before it began. The General entered Liberia through the Sierra Leonean border without his logistics officer, General Biah who was killed in cross fire at the border with Liberia leaving the General without the map of the operations and a logistics coordinator. The episode resulted in a bloody battle involving Doe loyalists and his nemesis, Quiwonkpa, during which the General was killed and his body mutilated and cannibalized. It was payback time. Ethnic Gios and Manos were direct victims of reprisals in Monrovia, Nimba and Grand Gedeh Counties. Doe was inaugurated first President of the Second Republic of Liberia in January 1986. A purge against the Nimba people in the military, security forces and especially in Nimba County was led by General Charles Julu, head of Doe's Executive Mansion guard.

This reprisal against the Nimba people made Doe increasingly unpopular and isolated. His coup and ascendancy to power which was widely welcomed, not only by the indigenous people of Liberia who had languished for over a century under humiliating and excruciating social, political, cultural subjugation, but also across Africa where many saw the development as bolstering the continent's quest to rid Africa of all forms of colonial domination, became regrettable and denounced. The Americo-Liberian government, although was mainly composed by nominally Africans, it was widely regarded as somewhat colonial in nature, given its pedigree in the supremacist legacies of the American Colonial Society (ACS).

The cacophonous encomiums that heralded Samuel Doe into the Executive Mansion in 1980 soon transformed into penchant discordant tunes. Opposition to the Doe-led "democratically elected government" rapidly swelled as Doe became not only inclined towards pocketing State resources, but also literally went out on a rampage against perceived and real political opponents with vengeance. By 1988 the US was embarrassingly disenchanted with Doe's human rights records and corruption in his government. Evidence mounted that aid money was lost perpetually to corrupt officials in the Liberian government, so that aid was not getting to citizens for whom it was intended. Doe's Government did not cooperate with US accounting experts sent to assist and under the Brook Amendment's, aid to Liberia was suspended and resumed later but never up to pre-1985 levels.

Gross violations of human rights became the order of the day. Assassination of opponents became a choice tactic, while witch-hunting became a preferred method of engagement with those who did not, or were not thought to share Samuel Doe's rather

abnegating vision of leadership. Samuel Doe chose to visit the inequities of Liberia's undeniably un-egalitarian past on all and sundry. Doe decided to remedy decades of neglect and exclusion by meting out dire reprisals to those who dared voice opposition to his government. He vengefully pursued the tribes of those who were immediately connected to the government he disposed of, just as he pursued those with whom he had personal political scores to settle. In Samuel Doe's Liberia, the national treasury was transformed into a personal vault to be plundered by Doe and his accolades. In Doe's Liberia, there were no Americo-Liberians or indigenous Liberians as such; you were either for (or seen as) pro or anti Doe. There would be nothing in between this invidious divide; only deaths and violence.

Even the media was not spared from the violence. Journalist Charles Gbenyon was arrested by state security forces in the aftermath of the Quiwonkpa November 12, 1985 abortive coup attempt. He was taken to the Executive Mansion to see the President, who angrily retorted that he did not want to see him. Later, according to eyewitnesses' accounts, Mr. Gbenyon was accosted by security personnel on the second floor of the Mansion, dragged down to the front stairs into the front yard (the beach side) of the Mansion where his throat was slit and his body openly displayed lying on his back with his face pointed toward the beach and his feet pointed towards the Mansion. He was buried on the beach of the Executive Mansion. Doe's official account of the incident said that Journalist Gbenyon lost his life during a tussle with security officers over a gun he was allegedly carrying.

A new conflict was joined. At its core were Doe and his largely Krahn and Mandingo allies, on one side, and on the other side were Mano and Gio (Dahn) sympathizers of the slain Quiwonkpa. Perhaps another characterization is that the majority of indigenous Liberians were incensed that a minority among them had appropriated power supposedly in the name of all of them; misusing or abusing it. Repatriate survivors of the bloody fight now stood on the political margins for opportunistic (or patriotic) engagement as the situation evolved. Opposition abroad, mainly in the US and the West African Sub region, intensified as almost all opposition politicians had fled the country. Amongst Doe's staunchest and most active political opponents in the Diaspora were Dr. Amos Sawyer and Ellen Johnson Sirleaf, both victims of Doe's brutality, who, along with other exiles organized the Association For Constitutional Democracy in Liberia (ACDL) as a pressure group advocating in the corridors of Washington for a return to constitutional rule in Liberia without Doe.

A few critical pieces were soon brought together and resulted in an existential challenge to the Doe regime. The soldier-president had successfully liquidated almost the entirety of the 17-man group that staged the coup of April 12, 1980. The Armed Forces of Liberia had been purged of citizens from Nimba County amid a pogrom against Liberians of Mano and Dahn (Gio) ethnicities. Remnants of Liberians of Nimba

provenance that fled the fight of 1985 into neighboring Cote d'Ivoire and elsewhere awaited an opportunity to consolidate in order to avenge what had befallen them. The enigmatic Charles Taylor showed up and worked his way into the leadership, combining the resentment of the dethroned TWP with the lethal fury of a vengeful Nimba people into a ferocious enemy soon to be unleashed. Tonie King, son-in-law of former President Tolbert, who played a lead role in the planning and execution of the aborted November 1985 coup, provided sanctuary in Ivory Coast for all dissidents following Doe's clamp down and Quiwonkpa's death. Archie Williams was the go-between who bankrolled Quiwonkpa's enterprise and guaranteed secured cash flow. Ivorian President Felix Houphouet-Boigny, still smarting from the brutal murder of his friend and colleague, President Tolbert, greatly facilitated the planning of the insurgency, as did the President of Burkina Faso who introduced Taylor to the Libyan leader. The latter two African Leaders participated for their own reasons. Tolbert's slain son, Adolphus Benedict Tolbert and the Bourkinabe President, Blaise Compaore, were married to one of two daughters of Ivorian President Houphouet-Boigny.

A pernicious insurgency had come to modern West Africa. The insurgency struck first on Christmas Eve, 1989. Before the end of 1990, Doe had been captured and tortured to death by a rebel leader from Nimba County and consequently his almost ten-year rule had ended. The ACDL which was the leading political opposition in the Diaspora was short-lived and split into two opposing views over support for Taylor's misadventure. Ellen Johnson Sirleaf led the pro Taylor elements while Dr Amos Sawyer led the opposition to any form of engagement or support to Charles Taylor. This, and all other forms of support to Taylor, would prove critical to Liberia's peace and stability as the nation remained mired in a complex civil war that lasted another 13 years. It must be pointed out, though, that by the end of the first year of his rebellion, Taylor had lost popular support.

By the end of the Doe decade, rampant corruption and misuse of public office for personal gains became wanton and indistinguishable from that of the erstwhile TWP government he overthrew. Wealth was acquired not by any successful ingenuous enterprise but by outright corruption and patronage. The following persons acquired wealth under suspicious circumstances. When public officials, their cronies and close relations' source of wealth become questionable and traceable to the public trust, the need for accountability arises to restore confidence, trust and integrity in public service. Samuel K Doe, Edward Slinger, William Glay, Edwin Taye, Ignatius Clay, Raleigh Seekie, Alvin Jones, Yudu Gray, Shad Kaydea, Edwin Zelee, etc. became wealthy at the expense of the public treasury often in complicity of Lebanese family business interests.



7

THE LIBERIAN CIVIL WAR (1990 - 2003)



7.0. THE LIBERIAN CIVIL WAR – 1990 – 2003

7.1. Taylor’s Uprising, Human Rights violations & War Crimes (1990-1997)

Because the military regime ignored the developments of the 1970s, it erred in assuming that by the application of brute force, it would impose a new dichotomy, a Krahn hegemony (with a few politically marginal allies) against the wishes of a preponderant majority of Liberians. The brutal crushing of the Quiwonkpa coup attempt in 1985 was the ultimate in an apparent desire to ensure a Krahn hegemony. The insurgency, which came to be led by Charles Taylor, was the ultimate response, not just by Liberians of Nimba origins, but also by a population energized to resist political tyranny that sought to impose itself after supposedly liberating the country from 133 years of a perceived oligarchy drawn from descendants of repatriated Liberians. The insurgency, unfortunately, soon established an identity of its own as Liberia degenerated into a “rebellion without a cause.” At one point, a seven-cornered fight as represented by seven distinct warring factions, engaged in a full-blown fratricidal civil war had gripped Liberia. When its bloody end came 14 years later, it left Liberia in ruins confronted by a dilemma – how to reconcile PEACE with JUSTICE.

On 24 December 1989, some one hundred “Special Forces” of the National Patriotic Front of Liberia (NPFL) crossed several Liberian government targets in the town of Butuo, in the Nimba County. Mostly drawn from the Gio and Mano ethnic groups of Nimba County that were persecuted under Doe’s regime, they made rapid progress, overcoming initial setbacks at the hands of Doe’s AFL. Responsibility for these set backs created tensions in the movement and eventually saw the rise of a splinter INPFL.

The choice of Nimba County as a launch pad was deliberate and strategic as the NPFL ranks swelled overnight with willing and adventurous recruits seeking revenge. Charles Taylor convinced the people of Nimba that this rebellion was partly in response to their yearning. Scores of dissidents who festooned and congregated outside Liberia believed Taylor and hearkened to his call. Despite their differences, which became evident much later, they were united in one cause: eliminate Doe and his ethnic Krahn and Mandingo supporters and seize power, at any cost, which was denied them when Doe hijacked the presidential election victory of Jackson F. Doe in 1985. While pandering to this populist objective, Taylor also appealed to the deposed Americo-Liberian stock by pronouncing that his was to avenge the executions of 1980.

Early 1990, the AFL counter insurgency operation directly targeted Manos and Gios in Nimba County killing citizens en masse, burning villages and looting. Over 160,000 civilians fled to Guinea and Ivory Coast between January and May 1990. Capt. James Chelly and Edwin Voker commanded the onslaught. At this time the United States military advisors in Monrovia were maintained and two of them were involved in the

counterinsurgency but later withdrawn when protest against their presence mounted by anti-Doe Liberian elements in the US.

By June 1990, the NPFL rebels had made serious advances which had the Doe government panicky and suspicious of everyone as conspiracy theories abounded with fear of rebel infiltration in Monrovia. The Mayor of the City of Clay Ashland, R. Vanjah Richards, and two of his Councilmen, Butler Freeman and James Coleman, were arrested from Clay Ashland and taken away by Lts. Arthur Nyenabo and Andrew Gaye of the Armed Forces of Liberia on orders of AFL Major Henry Johnson on suspicion of harboring rebels in the city. Mayor Richards and his officials were taken away in a vehicle and hours later, their mutilated bodies were found with hands tied behind their backs lying at the foot of the Po River bridge outside Monrovia. The three soldiers involved were arrested and court martialled during which time they admitted to the killings. They were found guilty and sentenced to execution. However, following the rapid advance of NPFL the condemned men were released and sent to the frontlines. Lts. Nyenabo and Gaye died in combat while Maj. Henry Johnson is said to be currently residing in the West African sub-region.

The deadly counterinsurgency mounted by the AFL, indiscriminately targeting mainly civilians, endeared the local population to the NPFL. A meteoric rise in the NPFL and Taylor's popularity guaranteed rapid gains as civilians not only shielded NPFL rag tag fighters posing as civilians, but also exposed the AFL strategic positions and assisted the NPFL maneuvers through strategic forest terrains and bush roads. This vital role of civilians made them palpable targets in previous wars by other factions and the NPFL itself when confronted by other factions or resistant forces.

From an initial few hundred, the NPFL rapidly grew into a vast irregular army occupying and controlling around 90 percent of the country by April 1990 (five months after the rebellion began), thereby forcing the US - backed Doe regime to collapse. A beleaguered Samuel Doe remained holed up in the Executive Mansion; the Independent National Patriotic Front of Liberia (INPFL) of Prince Johnson emerged as a splinter group of the NPFL opposed to Charles Taylor. The NPFL advanced within less than a mile from the stronghold of Doe at the Executive Mansion but the coup de grace was never to come.

At the same time, Doe's request and those of others interested in Liberia (like the Friends of Liberia –"FOL") for the US to directly intervene was denied by the Bush Administration. A proposal which the US thought was the best for Liberia, for Doe to resign and go into exile in Togo and allow Charles Taylor to take power, was rejected by Doe. The White house did not endorse the plan. An earlier request from Doe to the US through emissaries including Winston Tubman, Emmanuel Bowier, etc to stop the war was rejected. The US no longer trusted Doe and would do nothing to stop the war.

Its initial attempt at “proximity talks” failed as both parties (Doe and Taylor’s representatives) insisted on direct talks. The US later conditioned its involvement on four principles which Doe must comply with in 30 days to guarantee US actions to halt Taylor: a) that Doe calls early elections in which he will not be a candidate; b) Doe establish an independent human rights commission not amendable to Doe; c) Doe lift the ban on media and newspaper entities; and d) release all political prisoners. As a show of good faith the US will organize a peace meeting in Sierra Leone at the US Embassy- a “neutral ground”. The delegation was advised that Doe was the most disliked leader in the world and at 40 years of age, he should take his money and leave Liberia otherwise “in October 1990 you will look around and you will not find him”. Doe rejected the conditions on counsel of his Krahn kinsmen.

By now Taylor’s three month ultimatum to Doe to quit office or his forces would overrun Monrovia ended March 24, 1990 with Doe tucked in the security of the Executive Mansion. The NPFL proved incapable of dislodging Doe from his fortress. Initial expectations growing out of the NPFL rapid advances that the insurgency would end sooner rather later had dissipated; the war was stalemated as many more Liberians and supporters of the insurgency became frustrated; leading Madam Ellen Johnson Sirleaf to publicly admonish the NPFL to end the war and sufferings, raze the mansion down and it will proverbially be rebuilt in three days.

The stalemate deepened to the disadvantage of the civilian population which lived constantly under fear, threatened, brutalized and killed. The fighting forces, clearly frustrated, exacted their energies on the civil and unarmed population trapped in their controlled territories. A humanitarian and human rights disaster was in the making. The NPFL militias, mostly ill-trained and trigger happy, were part of a band of a force less inclined to respecting the values of human rights but more inclined to blaming every individual not a member of their fighting forces for their malady. The NPFL deployed not less than 180 “Special Forces” into its mission and each Special Forces deployed, had under his command a personal army of not less than 200 men who were unleashed on the civilian population. With limited supplies, they lived off the labor and sweat of civilians in an unequal relationship that saw the population massively victimized, killed and properties looted; entire villages and towns were burnt and other times abduction, and many times forcefully displaced. Massacres, rape, torture, children recruitment into their ranks were pervasive as ethnic cleansing and ethnic profiling was standardized at every one of the hundreds of check points the NPFL operated throughout its vast controlled territories. The NPFL, clearly was operating a massive force of hoodlum, vengeful Nimba citizens, victims who joined out of fear, insecurity and protection of family members; yet, there were those who took arms to “settle old scores”, loot and take advantage of a lawless institution to wield power, authority and acquire wealth. Anachronism of what became the NPFL was a cacophony in vain pursuit of power, with a single hierarchy in Charles G. Taylor who

commanded his men to “pay themselves”.

7.1.1 First Peace Conference amidst Worsening Human Rights & Humanitarian Crisis

Food stock depleted as medical supplies were running out. Hunger, diseases and malnutrition combined efforts with stray bullets from skirmishes of a brutal rag tagged militia to incessantly inflict pains, sufferings, death and the most gruesome forms of abuses on a less than suspecting but, mundane population. The emergence of the INPFL very early in July 1990 did not help, but rather hurt the cause of the NPFL. The standing of the NPFL as the sole contender for power was undermined and its progress on the war front stalled since Prince Y. Johnson was much feared by the NPFL because of his exploits on the war front. INPFL forces proved much more disciplined under the vicious leadership of Prince Y Johnson. A disciplinarian, he was intolerant of the excesses of his men. Death seemed to be the only penalty for any transgression. An entire community was victimized for the slightest suspicion of an individual and his execution style punishment with a silver pistol, (he described it during testimonies) many times in the full glare of the public, was infamously common.

The AFL, having to contend with two opposing factions, was demoralized, frantic and paranoia, but defiant. Holed up in the Barclay Training Center (BTC) and the surrounding areas of the Executive Mansion on Capitol Hill, Monrovia, The AFL took reprisals on the local population in an ethnic vendetta especially; against the Gios and Manos of Nimba County. Food and military supplies were running out as the AFL seemed resigned to its fate. Referred to as “Doe’s army”, a purged AFL had its ranks and files comprising meanly Krahn soldiers who bore the sophisticated automatic rifles and issued radio command and military instructions in the Krahn language. Secret killings and abduction by a death squad comprising George Dweh, Younbou Tailay, Jackson E. Doe and others operated without restraint of conscience, discipline or authority. The headless corpses of unknown persons were seen in the streets as student leaders –Wuo Garbie Tappia, D. Momulu Lavela, Benedict Garlawolo et al – were executed; Robert Phillips, once linked with the 1985 failed coup, charged with treason and subsequently released, was brutally murdered in his home at the airfield community at the end of the air strip which became a theatre of macabre killings. One of the assassins when asked by a mutual friend why they had to kill Phillips he said “you think we don’t know who we want; we could have killed you too but we know you are a native man; it’s the Congo people we want”.

Between June and August 1990, Liberia became a “butcher house” in the words of former Gambian President, Sir Alhaji Dauda Jawara. Socio-economic conditions had deteriorated considerably. The trapped population was desolate; physically waned, hungry and ill. The parallel market flourished with looted goods from homes and the

Free Port of Monrovia, all facilitated and instigated by the armed men and their bands of followers. The popular tones which heralded Taylor's rebellion – "monkey come down" and "Chucky must come"- were no longer heard, better, regretted. Family income depleted along with food stock. As more and more families were separated, ties were broken and young girls became the target of armed fighters. Women were targeted and raped, abducted as bush wives as they ventured out of their hiding places to fetch food. The younger girls with no clear sources of survival got "involved" with the fighters and prostitution became a way of life till the end of the conflict and even now in present day Liberia.

By this time Taylor was setting up deals for the exploitation of Liberia's natural resources having being introduced to French and European interests including Providence Steel, a business corporation operating in Nigeria. Dealings, illicit in nature and character, in timber, rubber, gold and diamonds, including diamonds from neighboring Sierra Leone, would prove crucial to sustaining Taylor's war efforts and prolonging the conflict. The Secretary General of Quiwonkpa's NPFL, Moses Duopu, was killed on his return from Nigeria to Taylor's territories for claiming the Secretary General title of the new NPFL and disputing or seemingly eyeing the leadership of the NPFL; the AFL massacred 27 Gio and Mano families of the AFL in Monrovia, as 25 AFL soldiers escaped to seek refuge at the Methodist Church in Sinkor which was subsequently attacked. Also, Jackson F. Doe, David Dwanyen, Justice Patrick Biddle, Cooper Teah, Gabriel Kpolleh, Photographer B.W. King, along with 80 other very prominent personalities associated with and living in NPFL- held territories were killed at the hands of NPFL "generals"; 500 ethnic Mandingoes, including an Imam, killed in Bakedu, Lofa County by the NPFL; a retaliatory killing of over 500 supposedly men, women and children from Nimba County were massacred at the St. Peters Lutheran Church by the AFL led by Yonbu Tailay then under the command of Jackson E. Doe was followed by the killing of another 250 ethnic Gios and Manos seeking refuge at the J F K Hospital killed by a group of AFL soldiers; In Buchanan and Monrovia, dogs were eating the dead bodies of human beings in the streets as men and women on the UL Fendell Campus unashamedly bathed together naked in a dirty little stale pond better known as "Adam and Eve" creek.

Many, many more crossing through check points were killed at Spriggs Payne Airfield, Duport Road, Bushrod Island, Soul Clinic Mission, Old Road, Cotton Tree, Kakata, Iron Gate or God Bless You Gate, University of Liberia Fendell campus, Hindi, Bong Mines, Barnesville, etc. They were killed on suspicion of belonging to one ethnic group or another; for being "an enemy", for looting; for their personal belongings including rice, cassava, sneakers, cash, etc.; membership with the Samuel Doe's National Democratic Party of Liberia (NDPL), working for government of Liberia; having a pot belly, smelling or looking like a Krahn, Gio, Mano or Mandingo enemy; unable to speak any indigenous Liberian language and a host of other causes which justified Liberia

being labeled a “butcher house”.

By the time of the first peace meeting in Free Town, Sierra Leone, under the auspices of the ECOWAS Peace Plan, an extraction of the Inter-Faith Mediation Committee of Liberia, it became clear to ECOWAS that no one faction could boast of military advantage or victory and unless there was intervention to halt the carnage, Liberia will self-destruct as more and more innocent women and children would continue to suffer and die. Especially so, the OAU, UN and most notably the US, would have no direct involvement with Liberia, ECOWAS decided to intervene.

The June 1990 Freetown peace meeting at the US Embassy failed because the NPFL refused to sign the ceasefire agreement which also called for the establishment of an Interim Government of National Unity (IGNU). The NPFL did not sign the agreement on advice of the US Political Officer in Monrovia who followed them to Freetown for what was dubbed “Operation Coca Cola”. He told Thomas Woeweyu, NPFL Defense spokesperson, that the NPFL had the military advantage and did not have to negotiate with the Doe people. The meeting failed and the foundation was laid for a subsequent meeting in Banjul, the Gambia. Most of those attending the Freetown meeting, also later attended the Banjul Meeting, wrote Taylor a letter recognizing his military advantage and entitlement to lead the country once President Doe was out of the way.

7.1.2. ECOMOG Arrives under NPFL gunfire

Emboldened by this level of support Taylor announced the formation of the National Patriotic Reconstruction Assembly government (NPRAG) in July and became angry that the Banjul Meeting established the IGNU in August without the NPFL notwithstanding that the NPFL was invited to attend. The NPFL claimed its delegation was held up at the airport in Banjul till the meeting was over. Gbarnga, Bong County became the seat of Taylor’s *defacto* NPRAG government. Taylor avowed not to cooperate with the IGNU and resist ECOMOG’s presence as an “occupation force”. ECOMOG was formed as a peace keeping force of the ECOWAS.

Prince Y. Johnson who had complete control of the Bushrod Island area welcomed the arrival of ECOMOG on Liberia’s Flag Day, August 24, 1990, under a barrage of missile attacks from the NPFL. It became necessary and ECOMOG assumed the posture and mandate of peace enforcement to separate the fighting forces and create a buffer between them and, a haven for the civilian population entrapped between ever changing frontlines and factional territories. ECOMOG’s mandate also included enforcing a ceasefire and supporting the IGNU. Doe joined the INPFL in welcoming the ECOMOG. Both forces fast running out of supplies (Prince Johnson needed arms and Doe badly needed food) were anxious for a ceasefire and ill equipped to withstand any full scale NPFL onslaught which the NPFL had threatened and was planning.

The IGNU was formed in Banjul, Gambia, on August 30, 1990. Both Taylor and Doe rejected, but Johnson accepted it. Doe was captured at the temporary headquarters of the ECOMOG at the Free Port of Monrovia and killed along with some 70 members of his guard battalion on September 9, 1990 by Prince Johnson. A gun battle lasted for 90 minutes and Doe was seen tortured-to death- in a video documentary recorded by his assailant, Prince Y Johnson. At his death, violence spread throughout the country especially in Monrovia where his supporters went on the rampage and set fire to many buildings chanting “No Doe, No Monrovia”. The NPFL breached the holding ceasefire and attacked all AFL positions around the Executive Mansion in a bid to seize power. Over the next four days, the NPFL, INPFL, AFL and ECOMOG were involved in combat. Taylor accused the American Embassy and ECOMOG of orchestrating Doe’s death. On November 21, 1990 IGNU was installed in Monrovia. A new ECOMOG Commander, Joshua Dogonyaro, repelled the NPFL from within striking range of Monrovia, confined the AFL to the BTC Barracks and the INPFL to the remotest Caldwell Base on its Bushrod Island territory. By the time of the next peace conference in Lome, Togo in 1991, two *defacto* regimes were recognized in Liberia- IGNU of Dr. Amos Sawyer and NPRAG of Mr. Charles Taylor. The US recognized none even though IGNU of Dr. Amos Sawyer bore the standards of the Presidency and the Government of Liberia and represented the Republic of Liberia to the rest of the world.

Taylor avowed that his NPFL would attack citizens of each West African country contributing troops to ECOMOG and that they would be killed for each Libeian life that would be lost in the fighting with ECOMOG. True to his threat, West African citizens especially, Ghanaians and Nigerians were targeted enmasse in Bomi, Cape Mount, Kakata and other places around the country. They were subjected to forced displacement, torture, looting, murder, extra judicial killings, etc.

In August 1990, two Nigerian journalists, Christopher Imodibe and Tayo Awotusin of the Guardian and Champion Newspapers respectively, were arrested by NPFL fighters and accused of espionage. The two Nigerian journalists were jailed in Gbarnga in a makeshift cell and held for a protracted period under what a witness described as horrible conditions. They were tortured and flogged twice a day and were denied food, water and access to fresh air. They had lost so much weight that they appeared as skeletons. Abandoned in their prison cells, they were left to die of starvation.

7.1.3. Securing Peace with Additional Warring Factions

Taylor was relentless, resistant, and unpopular. His personal agenda to become President of Liberia became very clear as was his disregard for the heavy toll on human life and suffering his ambition had on the people of Liberia. Increasingly unpopular, he lost the popular support of the Liberian people and his traditional political allies

and financiers in Liberia, including Ellen Johnson Sirleaf, as the entire nation was held at ransom by Taylor and company. A marathon process of peace conferences and brokered peace agreements ensued as new warring factions emerged and became entangled in hostilities in desperate pursuit of power and wealth – hitherto monopolized by Taylor - in the name of peace and democracy for Liberia. The capture and brutal killing of Doe sent his Krahn and Mandingo followers in disarray. ECOMOG assisted hundreds of the remnants of Doe’s loyalists to leave the country. A two-truck convoy filled of native Krahn and Mandingoes was captured from ECOMOG by the INPFL and apparently killed since they were never accounted for. Prominent Krahn intellectuals like Sam Today were amongst those captured, detained in a container and killed. Languishing in Sierra Leone and Guinea, these vanquished supporters of Doe wanted revenge. A Mandingo faction, Movement For the Redemption of Muslims (MRM) founded by Alhaji Kromah and a Krahn faction, Liberia United Defense Force (LUDF) organized by a US trained Special Forces officer who was also once Doe’s Minister of Defense and Ambassador to Sierra Leone, Albert Karpeh, together, merged into the United Liberation Movement for Democracy (ULIMO) on May 29, 1991 in the Republic of Guinea. Karpeh was murdered by Kromah’s supporters for questioning and disputing Kromah’s leadership of ULIMO.

7.1.4. Securing Peace: 16 Agreements Brokered and Broken

From Banjul to Bamako to Switzerland and Cotonou to Abuja, etc., peace agreements were brokered, and no sooner broken on political disagreements, as more and more factions emerged to “get a piece of the pie” which, was the political authority to access illicit wealth by corrupt means and the authority to exploit natural resources exclusively for the benefit of faction leaders. In these marathon peace negotiations, the military and ceasefire issues were normally resolved on the first day but the issues of who gets what “lucrative jobs” became intractable and the source of great conflict which prolonged peace conferences for weeks and sometimes months. A comprehensive listing of peace agreements follows:

1. Banjul Communique, ECOWAS plan, August 7, 1990
2. Bamako Ceasefire, November 28, 1990
3. Banjul Joint Statement, December 21, 1990
4. Lomé Agreement, February 13, 1991
5. Yamoussoukro I Accord, June 30, 1991
6. Yamoussoukro II Accord, July 29, 1991
7. Yamoussoukro III Accord, September 17, 1991
8. Yamoussoukro IV Accord, October 30, 1991
9. Geneva Ceasefire, July 17, 1993
10. Cotonou Agreement, July 25, 1993
11. Akosombo Agreement, September 12, 1994,

12. Acceptance and Accession to Akosombo Agreement, December 21, 1994
13. Accra Clarification of Akosombo Agreement, December 21, 1994
14. Abuja Agreement (I), August 19, 1995
15. Supplement to Abuja Agreement (II), August 17, 1996.
16. Ceasefire Agreement, June 17, 2003
17. Accra Comprehensive Peace Agreement, August 18, 2003

All these agreements, except the Accra CPA (2003), were lacking in accountability mechanisms which left one warring faction after another to continue committing mass murders and gross violations of human rights including violations of humanitarian and international human rights laws and war crimes, with impunity. In fact, the Cotonou Accord sought to grant general amnesty to all combatants. The CPA was the seventeenth peace agreement since the outbreak of war in 1989. Indeed, it was comprehensive, covering a broad range of issues, and perhaps even more detailed and lengthy than previous agreements. Each new faction tended to be more vicious and callous than the one before it or the one it was established to resist.

Fear, dehumanization, rape, looting and employing children into factional ranks became acceptable norms of the war from one faction to another. Apart from the INPFL and MODEL no other faction adopted minimum standards or learned lessons from the deprecating and widely condemned actions of previous factions to militate with and mitigate the widespread and wanton abuses meted against the civilian population. Ethnic cleansing and profiling continued throughout the civil war with very brutal consequences. The Liberia Peace Council (LPC) of George Boley in the South East, ULIMO in the Western and Southern belts and with Taylor in Central and Northern regions of Liberia, there was no escape or safety for civilians other than havens provided by ECOMOG in territories occupied by it. Overstretched, the NPFL established vigilante militias in its occupied territories to “watch its backs” and undermined community unity by pitting one community group against another. Some examples like the Lofa (the Mandingoes called it Lorma Defense Force) Defense Force (LDF), Royceville (others called it Congo Defense Force) Defense Force (RDF), Tasso Defense Force, etc.

ECOMOG became ostensibly embroiled in an intractable conflict which overstretched the resources and endurance of the regional force. Alliances and military support to smaller factions opposed to the NPFL became a strategy to undermine the capacity of the NPFL to wage war thereby compelling the NPFL to sit down and negotiate a peace with its opponents. More than a dozen peace agreements were brokered and broken when the parties returned to Liberia. All factions negotiated their interest at peace conferences/in peace agreements based on four principles: a) territorial occupation; b) lucrative positions in government; c) access to state resources and coffers; and d) unhindered access to natural resources. Whenever an occupied territory or factional

position in government was threatened or altered the peace process would be threatened and derailed, and a new round of peace conference would be convened. Similarly, whenever accountability measures were adopted to limit access to natural resources, state coffers or the power, wealth and authority that comes with being in government, a new process of negotiation or renegotiation will be held only to strengthen the grip of the factions in no less measure. Against this background, the CPA granted the great majority of ministries in a transitional government to the warring factions that were just putting down their guns. All warring factions had their fair share in the spoils of government, having previously benefited from the spoils of war.

A strong desire to end the conflict and secure the peace, led the international community to consider arms embargo on Liberia and further sanctions on the export of raw materials; timber and diamond exports from Liberia. Rubber exports, especially by Firestone, continued throughout the conflict period without sanctions. The US Government made representations for the continuation of this trade during the conflict on behalf of Firestone. Firestone resumed full scale operations on January 22, 1992 pursuant to a memorandum of understanding signed January 17, 1992, with Charles Taylor's NPFL awarding the NPFL US\$2 million annually in exchange for NPFL's protection. Firestone plantation was the launch pad for NPFL's infamous "Operation Octopus" attack on Monrovia and ECOMOG to unseat IGNU.

7.1.5. Taylor's Deadly Surge for Power: Operation Octopus

In 1992 Taylor, launched his infamous "Operation Octopus" on October 15; attacking ECOMOG positions and the suburbs of Monrovia, including the Caldwell Base of Prince Johnson who had earlier planned the operation with Taylor but later declined and called for ECOMOG's assistance when it was clear the NPFL had overwhelmingly infiltrated his base. The destruction in lives and properties in Monrovia was enormous. Prince Y Johnson was rescued by ECOMOG and resettled into exile in Nigeria. The combined efforts of ULIMO, AFL, Black Beret and ECOMOG denied a battered Taylor of victory. Taylor used the lull in hostilities after the **Yamoussoukro IV Accord** of October 30, 1991, to re-arm, reorganize and build up his armory while, requesting President Jimmy Carter to prevail on ECOMOG to reduce its heavy weapons in Liberia which was in "peace times". ECOMOG obliged to the request of President Carter. Octopus therefore, caught ECOMOG off guard without heavy weaponry and at a time when the Force Command was also changing hands. Human casualties were in the thousands, including ECOMOG's. Five American Catholic nuns with the Catholic Church in Liberia were brutally murdered by Christopher Vambo and others were amongst the notable Octopus casualties. John T Richardson, code named "General Octopus" was the mastermind behind the planning and execution of the dastardly "Operation Octopus", assisted by General John Teah, NPFL Commanding General.

By 1993 a conflict over allocation of allocated government jobs broke out in ULIMO between the Mandingo and Krahn factions. A bitter struggle ensued in Tubmanburg, Bomi County and the ULIMO faction was effectively split into ULIMO-J of Roosevelt Johnson (Krahn) and ULIMO-K of Alhaji Kromah (Mandingo). An attempt by ECOMOG to compel ULIMO-J to open the roads leading up to Bomi County proved fatal for ECOMOG and the entrapped civilian population. Scores of ECOMOG soldiers died in the battle; as did hundreds of children of starvation and they were buried on the Catholic St. Dominic Campus. As part of the NPFL's terror campaign to render IGNU and ECOMOG territories ungovernable, a June 6, 1993 attack at Harbel, Margibi County saw an infiltrating NPFL special Unit, under cover of dark, crept on innocent displaced civilians who were asleep, killing approximately 600 persons, including women and children. This attack was planned to give the impression that the AFL was responsible since Harbel, Firestone was under AFL control.

The UN Panel, the Wako Commission, commissioned to investigate the incident, was deceived into believing AFL committed the atrocities. The TRC has determined otherwise that the NPFL was the perpetrator of the massacre and survivors were taken to Gbarnga by NPFL forces. They were met by D. Museleng Cooper and Melvin Sogbandi amongst others, who told them, under threat of death, to implicate the AFL when asked by the international community. Charles Taylor visited the evacuated survivors pursuant to the scheme. Fellow perpetrators also admitted the NPFL responsibility and gave the TRC details on their role in the massacre and how they and others executed the mission and why. During this period, six Senegalese ECOMOG soldiers were also murdered by NPFL operatives in Vahun, Lofa County terrain.

The relationship between IGNU and NPRAG was, as to be expected, tense. Liberia was effectively divided into greater Monrovia and Greater Liberia of Charles Taylor's NPRAG. This divide was re-enforced by the introduction of new bank notes (liberty) by IGNU to counter spiraling inflation resulting from the former bank notes (JJ) being looted from commercial banks and containers which were in the hands of warlords including, Prince Johnson who was bitter and angered when possession of large amounts of the JJ bank notes could not be justified for which exchange was often denied. Although Taylor countered this by forbidding anyone in greater Liberia to use the new currency, it was soon clear that this move was hopeless as the new currency indeed triumphed in parallel and black markets.

On March 7, 1994, the IGNU was replaced by the first of three, Liberia National Transitional Governments (LNTG). The IGNU, which for many reasons, did not live up to expectations, had long survived beyond its mandated period, and the factions needed to be in Monrovia and get involved directly in government rather than by proxies. More factions were formed, the LPC, The Central Revolutionary Council of

NPFL (CRC-NPFL) of Thomas Woweiyu, Samuel Dokie and Laveli Supuwood. LNTG I of Professor David Kpormakpor gave way to LNTG II of another Professor Wilton Sankawulo in August 1995 with faction leaders serving directly as members of the Council of State. Factional fighting which erupted in Monrovia on April 6, 1996, proved very destructive as Taylor, Kromah, and ECOMOG battled to subdue former ULIMO-J Leader, Roosevelt Johnson, in a power play bordering on revenge and the guise of enforcing the rule of law.

The one hundred-day fighting was notorious for its bloody impact, economic devastation and the resultant humanitarian disaster with over 80,000 internally displaced people seeking refuge at the US Grey Stone Compound in Mamba Point, Monrovia. The unresolved cross-factional issues of Kromah, combined with Taylor's political mischief, and miscalculation of Johnson's resistance, which, when combined with support from the LPC and the remnants of AFL soldiers in the BTC, proved most formidable for the big two and their accomplices. The untold suffering, property damage and death toll devastated Monrovia and collapse LNTG II. This was, perhaps, the worst fighting in three years. Death toll was high as all civil society activists in Monrovia went underground to protect themselves. The prison was broken into as newspaper offices were burned. Monrovia was massively looted by all factions and the warehouses and offices of international relief organizations and the UN were not spared. A total of 489 vehicles commandeered from the UN and other aid agencies at value put at US\$8.2 million constraining further assistance to a population desperately in need. As ECOMOG appeared ill-prepared and reluctant to intervene, initially, hostages were taken by the ULIMO-J faction and the civilians had little security for property or life. Like in all episodes of the Liberian conflict, civilians were rendered homeless; they lost homes and properties, suffered hunger and disease. ECOMOG base was a source of refuge for another 20,000 civilians who also sought refuge in offices at Mamba Point in Monrovia, relief warehouses, hospitals, etc.

The proliferation of armed factions only exacerbated the civilian sufferings and casualties. Prior to the April 6 fighting, all factions committed abuses including rape, murder, looting, assault, torture, etc. The burden carried by regional states in hosting up to 700,000 refugees from Liberia became apparent when thousands of Liberians seeking refuge in April and May on a poorly equipped vessel, the "Bulk Challenge" remained trapped on high seas as no west African country would accept the vessel to dock in their waters. The US Government intervened and Ghana eventually accepted the ailing refugees, allowing the dilapidated vessel to dock.

On September 3, 1996, Madam Ruth Sando Perry was later to head LNTG III which led the country to legislative and presidential elections based on the experimental proportional representational system. Charles Taylor won and became the 21st President of Liberia on August 2, 1997.

7.2. Taylor Becomes President

Far from being free and fair, as hailed by the world, the July 1997 elections which eventually saw Taylor in the Executive Mansion was held against the background of a devastating April 6 war just a year before. Also, these elections were held on the heels of a weary ECOWAS; over spent and anxious to be done with the Liberian imbroglio, and a waned population weary of war, was yearning for peace at all cost. Taylor literally threatened war if he was not elected president. "I spoiled it and it is I who will fix it", Taylor would say. Bill boards "behind Taylor lines" in greater Liberia, Taylor's held territories, which were not accessible to the opposition until barely months to the elections read "NO GHANKHAY, NO LIBERIA". The fear of what Taylor might do if he were to lose the election apparently played a great role in consternating many to vote for him. Perhaps the best expression of the grim paradoxes that catapulted Taylor into power was indicated by the common electoral rendition by the teeming Liberian youths who supported Taylor: *"You killed my ma, You Killed My pa, I'll vote for you"*. Innocuous as this curt song may appear, it clearly summed up the climate of fear, trepidation and resignation that prevailed in 1997 when Taylor ran for the election that saw him into the Executive Mansion. Even though it was announced that Taylor won over 75% of all votes cast, the final results of the elections were never published.

7.3. A New War: Lurd – Model Insurgency: 2000 - 2003

The reality of being President of Liberia did not dawn on President Taylor himself early enough to enable him succeed. International good will and the meekness of his people in submitting to his new status and authority were squandered. He maintained the same antics and disposition of the warlord he was eight years before. In his mindset, Monrovia was Gbarnga, and he did everything to resurrect and represent the defunct NPFL, as the national army of Liberia and the security forces in a wholesome manner to the exclusion of other armed factions. This was viewed as a major threat to the fragile peace. Perhaps the most significant public act performed by Charles Taylor within the first year of his election was to expel ECOMOG troops from Liberia in 1998. He claimed this was to enable the government control its security. Without doubt it was more in revenge for ECOMOG's stiff opposition to his military bid to take over the reins of power in Liberia by force of arms. Ex-commanders of the NPFL were given permission by the government to operate private security outfits for hire by the private sector businesses to guarantee their security. Reports of extortion, harassment and general lawlessness by these private security agents and government personnel were commonly heard without redress.

These initial acts brought the Taylor regime under immense pressure and challenges to its authority from international, regional and domestic forces. A series of

governmental actions became portend of looming conflict on a national scale. Immediately preceding the elections an attempt to kill Taylor failed. Taylor radio also claimed that LPC and ULIMO J were planning to wage another war should Taylor win the elections. President Taylor's Police Director's public display of brute force against armed robbers and journalist including, Phillip Wesseh of the Inquirer Newspaper, was unwelcoming; an opposition member of parliament, Samuel Johnson, was whipped by Taylor's Vice President security forces. On 27 November 1997 opposition member Samuel Dokie and family were killed by Taylor's SSS personnel and their charred remains were later discovered. In March 1998 Roosevelt Johnson complained that Taylor's SSS forces made attempts on his home more than once. Taylor did nothing.

By April 1998 the political climate in Liberia became tense due to a string of extra judicial killings and Taylor's intentions to control the security forces in manner and form contrary to the Abuja Accord that ended the civil war. There was a crackdown on the press and mass media, and other civil society activists, while Taylor refused to cooperate with ECOMOG in demobilizing approximately 35,000 ex-combatants. Instead, Taylor re-armed and reintegrated many of his ex-combatants into the AFL without incorporating members from other armed factions. Without further training, they preyed on the civilian population leading to an increase in violent crimes throughout the country as the opposing LURD forces lurked on:

- a) November 28, 1997 the murder of Samuel Dokie and his family;
- b) December 16, 1997 the murder of Daniel Nyenkan body found on freeway;
- c) April 1988 Mass grave discovered in Zorzor, Lofa County;
- d) July 10, 1988 Abduction and murder of Nowai Flomo, a prominent market woman was taken away by nine members of the SSS;
- e) September 18, 1998 Attack on Roosevelt Johnson 53 to 100 persons lost their lives;
- f) September 19, 1998 1,500 civilians executed in the aftermath of the September 18;
- g) September 19, 1998 murder of 13 Krahn individuals on Schiefflin high way;
- h) August 10, 1999 massacre of 25 Quardu-Gboni individuals in Nekebozu, Lofa County;
- i) September 2, 1999 some 25 persons massacred in again in Nekebozu, Lofa

- County;
- j) January 2000 18 Mandingoes massacred in Bawon Town, Zorzor, Lofa County;
 - k) January 2000 26 unarmed civilians killed on allegation of being LURD supporters in Gbah, Bomi County;
 - l) January 2000 summary execution of 100 persons on ATU Gbartala Training Base ;
 - m) Taylor sweep of the human rights community arresting journalist Hassan Bility ; human rights activist Aloysious Toe, Blamo Sieh and five others; and on April 24, 2002 human rights lawyer Tiawan Gongloe was arrested on spurious charges and severely beaten and tortured in prison; and
 - n) June 4, 2003 John Yormie and Isaac Vaye murdered by Benjamin Yeaten

Under these tense conditions, Roosevelt Johnson entered the country secretly with the aid of ECOMOG in Free Town and Monrovia. Taylor became frantic and increased pressures on Roosevelt Johnson when the latter declined the calls and overtures of President Taylor. On September 18, 1998, he was attacked by combined forces of specialized government security outfits to “flush” Roosevelt Johnson and his followers out of Camp Johnson Road. Roosevelt Johnson ran to the US Embassy and was flown out of Liberia. Several of his Krahn followers and kinsmen were arrested, charged with treason and subsequently convicted and sentenced to ten years imprisonment. The Supreme Court, the Gloria Scott Bench, on appeal from the defendants sustained the convictions, and in a bizarre way, increased the sentences. Taylor was generous in the use of executive clemency. A declining state of insecurity led to inflation in the city and additional hardship on ordinary people. Taylor on the other hand proved even more frantic and paranoia. He reshuffled his cabinet twice without explanation. In late February 1999 he fired his ministers of finance, state for presidential affairs and lands, mines and energy.

Taylor was keen to minimizing or eliminating all challenges to his authority. Attacks on civil society and the purging of his cabinet were common place actions of the President. On February 22, 2002, the Director of the Catholic Justice and Peace Commission, Cllr. Frances Johnson Morris, was arrested at her offices and imprisoned in a criminal male cell by Police Director, Paul E. Mulbah, under the guise of “mistaken identity”, while Taylor was prostrating at a “Liberia For Jesus” public rally, surrendering Liberia to the Lord and Savior Jesus Christ. He authorized his Police Director, to close down two private radio stations, Radio Veritas, of the Catholic Church

and Star Radio, for reporting that he was training Sierra Leone RUF fighters on his Gbartala training base. He said those two stations will never see the light of day again. Both stations are now operational. Taylor also came under keen international spotlight.

China broke relations with Liberia for its two china policy and the IMF scolded Taylor for unilaterally in a non-transparent way awarding “all previously unallocated mineral resources rights” in Liberia to a joint venture of Amalia Group of South Africa and the Liberian government known as Liberia Resources Corporation (Liberesco). Taylor succumbed. No sooner a disagreement arose between President Taylor and ECOMOG Commander Victor Malu over Taylor’s strategy for reconstructing the army. Malu argued that under the peace accord it was the responsibility of ECOMOG to build the new army in an open and transparent manner. Taylor disagreed, citing sovereignty and Executive authority of his to raise the army. ECOMOG withdrew from Liberia and the international community pointed out Taylor’s support for RUF and admonished him to desist. Taylor denied the allegations and called for proof even though it was public knowledge that RUF operatives, including Sam “Mosquito” Bockarie, had free movements in and out of Liberia and were literally operating and living in Liberia. The suspicion of the West African sub region, especially Guinea, Sierra Leone and Ivory Coast was that the arms for-illicit diamonds trade between Taylor and the RUF could further destabilize the sub region. Taylor’s intransigence led to the imposition of mandatory sanctions on Liberia and individuals involved in the illicit arms and diamond trade, including close associates of the president who stood to benefit from the illicit dealings involving the exploitation of Liberia’s natural resources. Taylor’s rule signaled the continuation of authoritarian rule in Liberia leaving behind a legacy of poor governance, administrative malfeasance, corruption, intimidation and intolerance of opposition, threats, torture, terroristic acts against the population and summary executions reminiscence of his predecessor, President Samuel K Doe.

7.3.1. The LURD and MODEL Insurrections

Taylor’s antics continued as president. His repressive policies at home, and the continued support for rebels in neighboring countries, soon attracted to him armed opposition from without. In 1999, incursions and skirmishes along the Liberian common border with Guinea continued. Not until 2000 that the Liberians United for Reconciliation and Democracy (LURD), a rebel group that had the support of Sierra Leone, Guinea and the US, began attacking the government of Taylor with US made weaponry. LURD mounted several deadly attacks from the northwestern front and was joined, in 2003, by the Movement for Democracy in Liberia (MODEL), from the southeastern front. These two rebel groups staged a series of sustained attacks from both fronts against the Taylor government and insisted that the president should step down from the presidency.

There was a pattern of callous abuse and abandonment of the rights of civilian population continued. Reprisal killings on all sides, decapitation and disembowelment in the northwestern corridor of Lofa and Bomi Counties were common as the LURD forces and Government militia inflicted untold sufferings and killings on the innocent population. Black Saturday in Lofa and the Maher bridge massacre in Bomi, were prominent features of this new war. At Maher Bridge, in Bomi County, hundreds were loaded in pick-up backs for “transport to Monrovia” but were dumped in the river for being “supporters of LURD” by Benjamin Yeaten and Roland Duo. Black Saturday in Lofa County saw LURD massively killing residents of Voinjama City at which time the fighters compelled a lady to carry around in a wheel barrow the mutilated remains of her children, sister and husband, as meat on sale and, the local population was compelled to also purchase them. LURD fighters retained the proceeds. The atrocities included shelling of population centers, especially in Monrovia, with mortar rounds unrelentingly fired by LURD. Liberians jokingly refer to that experience as “more mortar” mocking the Guinean who operated the equipment and the only English he is mocked to have spoken was “more mortar”.

In demonstrating Guinea’s support for LURD he is scorned as asking members of his unit, presumably Guineans: “your mother there? A chorus “NO”; Your father there? “NO”! Then “more mortar”. What became known as “World War I, II & III”, referring to LURD’s strike, retreat and strategic attacks on Monrovia, revisited the horrors and persecution of the past on the civilian population in no less measure. Except for MODEL, which instructed its militias to only loot and not kill or rape, as a control measure, atrocities were minimized with looting as the hallmark of its engagements in the southeastern and central regions of Liberia. The scale of destruction and brutality, and the humanitarian catastrophe looming overhead, however, compelled a full involvement of the international community- UN, AU, USA, and EU - in coordination with ECOWAS - to stop the war. The International Contact Group on Liberia (ICGL) was created to do just that. President Charles Taylor, beleaguered and embattled without sources of fresh supplies of weapons, and slapped with a war crimes indictment and the unanimity of the international community led by US President Bush, Jr that he must leave, stepped down as President of Liberia and went to Nigeria to commence a new life of uncertainty in exile. In all of these hostilities, the suffering and persecution of the local population was always merciless. Economic hardship, rising unemployment and inflation, family break up or displacement imposed further strains on familial relationships with devastating impact on children, young girls and women. Education opportunities were lost or diminished as school closures meant loss of fees already paid and shortage of essential commodities led to price hikes and a declining living standard.

Throughout the conflict period, the traditional roles of women shifted remarkably to being major bread-winners. Men were the natural targets of advancing, occupying or

resisting armed factions and, were therefore in hiding all the time. Women had to step in; performing household chores, selling or trading in consumable items across factional lines, providing food, securing shelter, medical needs and clothing for family members, maintaining the farm, bearing children and cooking for the family in the midst of war, violence and massive atrocities against the unsuspecting general population. This, not only led to, but increased their vulnerability and exposed them to all manners of violence and abuse. They were caught up in an intractable state of victimization that dehumanized them and sought to deprive them of their womanhood; in many cases the perpetrators succeeded.

They were abducted and accused of being enemy spies on espionage missions because they dared venture out when no one dared to; they were raped, and compelled to be house or bush wives for the armed men and would be accused of supporting “rebels” of the opposing faction; they were also accused of being enemies for cooking for and serving the “enemy” while in captivity as servants, slaves and “infidels” or “kaffli”. They were rejected by their own when liberated from captivity and returned home; husbands, children and relatives were condescending and suspicious; lacking in self-actualization and low morale after years of abuse and a sense of inferiority, begging and prostitution become inconvenient realities; children begotten of these illicit relationships – “rebel baby”, “ECOMOG children”, “OTC Children”, “bastards”, “orphans”, “child without back or front”, were ostracized victims of stereotyping, stigma and a perfect target for recruitment into a marauding armed gang. A vicious cycle of debasement, violence, crime and human rights violations continued without notice, suspects or acknowledgement and accountability.

On 4 June 2003, the Chief Prosecutor of the Special Court for Sierra Leone issued a press statement announcing the opening of a sealed indictment of Liberian President Charles Taylor for “bearing the greatest responsibility” for atrocities in Sierra Leone since November 1996. This development excluded Charles Taylor from any other future role in the peace negotiation process as an indictee for war crimes. On June 18, 2003, the Accra Ceasefire Agreement was signed by the Government of Liberia (GOL), LURD and MODEL.

It was not until, another two months, after massive protests from Liberian women, who stormed the conference without being invited, and the impatience of the host country and the ICGL, that on August 18, 2003, the Accra Comprehensive Peace Agreement (CPA) was signed; marking the cessation of hostilities in the nearly 15 years of civil war. Apart from the CPA making provisions for the new government after the expected departure of Charles Taylor from Liberia, the agreement also provided, for the first time, accountability mechanism in the creation of the Truth and Reconciliation Commission (TRC) for Liberia, in an attempt to provide the opportunity for Liberians to confront the legacies of their difficult past.

The Liberian civil war would best be remembered for a long time to come, not simply for the several thousands of lives it claimed – which will surely remain one of the sordid points of the country’s checkered history – but for the carnage and the sheer brutality that characterized the war. The horrors of the Liberian war were abhorrent to the sensibilities of all and intolerable as collateral or inevitable consequence of war. According to Stephen Ellis, “the Liberian conflict topped and surpassed all other wars in form and character, in intensity, in depravity, in savagery, in barbarism and in horror”.

7.4. The CPA and International Efforts to Restore Lasting Peace

The push for a peace conference in 2003 came from civil society, the leadership of the Inter-Religious Council of Liberia which held several meetings with each of the rebel factions, including President Charles Taylor himself. A separate initiative by leading political and civil society leaders, known as the Liberia Leadership Forum, met in 2002 and called for a peace conference in 2003. ECOWAS also continued to push for the possibility of talks. All parties to the Liberian raging conflict convened in Accra, Ghana for peace talks along with representatives of select civil society institutions; the political parties and The Inter-Religious Council were heavily represented. Taylor’s sealed indictment at the UN, USA and Great Britain backed Special Court for Sierra Leone was unsealed on June 4, 2003; charging President Taylor with several counts of war crimes and crimes against humanity for his support and complicity with the RUF of Sierra Leone. President Charles Taylor had to flee the Republic of Ghana and remove himself from further participation in the peace conference. As an indictee, his future role in Liberian politics was extinguished and his protégés had to continue representation of GOL at the talks.

Back home, word of his imminent arrest in Ghana reverberated in Liberia, with his supporters led by the dreaded and murderous Benjamin Yeaten threatening “military vibration”, should Taylor be arrested. Liberians and Ghanaian nationals, with fresh memories of the NPFL modus of indiscriminate reprisal killings during the nineties in which citizens of West African countries contributing troops to ECOMOG were directly targeted and killed, became uneasy. Calm returned to Monrovia when the Ghanaian authorities refused to honor the indictment and permitted President Taylor, its guest, to return home to Liberia.

The fighting in streets of Monrovia raged on, despite the convening peace talks and the attacking armed forces demanded Taylor’s resignation before a ceasefire. Taylor became increasingly vulnerable as his scrawny forces ran out of both military supplies and food. Life in Monrovia, with over a million inhabitants, was precarious and unbearable. Two fresh supplies of Taylor’s arms were seized. The Nigerian contingent

at the Roberts International Airport confiscated a cache of Taylor-bound arms when it arrived at the airport. The opposition MODEL overran Buchanan, Grand Bassa County, before a shipment of another consignment of arms could dock at the Buchanan port of entry. Taylor forces in Buchanan, weary of war, and avoiding a destructive confrontation with MODEL, deliberately surrendered Buchanan to MODEL to prevent the shipment of arms from docking knowing that the consignment of arms and ammunition “was sufficient to continue the war for years to come”, because the President was planning to “leave Monrovia and retreat into the interior of the country to continue his guerilla warfare”.

ECOWAS presented to Taylor a list of names of potential facilitators of the Peace conference and Taylor chose General Abdusalami Abubakar, former Military Head of State of Nigeria, from the ECOWAS list to mediate the peace conference scheduled for June 2003. The conference convened on June 4, 2003 with high hopes of an early ending as the ceasefire agreement was signed June 18, 2003, allaying all fears that the war would have been taken to the door steps of the Executive Mansion in a bloody struggle for power would have only continued the war with more resistance forces emerging, thereby exacerbating the worsening humanitarian situation.

Accountability and amnesty became contestable issues at the peace conference in a way no other previous conference or agreement had addressed. The only other prior reference to these transitional issues was the Cotonou Agreement of 1993 which provided for conditional amnesty of sort. This amnesty clause which refers repeatedly to acts committed “while in actual combat,” was “clearly understood at the time not to cover war crimes such as rape or other atrocities, according to those who took part in these talks”. In addition, that amnesty was contingent on a successful ceasefire and disarmament of forces, neither of which happened. A compromise at the Accra Conference was to proceed with the business of ending the conflict thus, deferring these matters to the future through the establishment of a Truth and Reconciliation Commission (TRC).

The June 18, 2003 ceasefire agreement called for a transitional government excluding Charles Taylor. The agreement was broken amid growing international and domestic pressure, even at the peace talks to end the conflict. On July 6, 2003, Charles Taylor announced he would step down and leave Liberia for exile in Nigeria. The decision to step down led to a swift move by the UN and the international community to support ECOWAS efforts to secure the peace and enforce the ceasefire. The US sent troops to protect its Embassy near Monrovia, triggering an angry demonstration over the lack of military intervention by the US. The bodies of 18 persons killed by mortar fire were placed at the front gates of the US Embassy in protest; demanding that the US do something to end the carnage.

On the eve of Liberia's 136th independence anniversary - July 25, 2003 - US President George Bush ordered a naval amphibious force including 2,300 marines to the coast of Liberia. On August 1, 2003, the UN Security Council authorized ECOWAS to launch peacekeeping mission in Liberia (ECOMIL) as a vanguard peacekeeping force which began deployment on August 4, 2003, when the first group of Nigerian peacekeepers arrived in Liberia. A seven-man US Marine team arrived on August 5, 2003 to access logistical needs and assist with humanitarian efforts, Taylor resigned for exile on August 11, 2003 as his vice President, Moses Blah held on to the reins of power until the seating of the National Transitional Government of Liberia (NTGL) . Another batch of US Marines, approximately 200, landed on Liberian soil on August 14, 2003 to assist the ECOMIL peacekeepers, in securing the distribution of humanitarian supplies as the parties to the conflict – GOL, LURD, MODEL – signed the CPA establishing the NTGL on August 18, 2003.

Charles Gyude Bryant of the Liberia Action Party (LAP), by decision of the three warring factions, was selected from a short list of potentials including Ellen Johnson Sirleaf (obtained the highest votes of delegates) and Togba Nah Tipoteh, as Chairman of the LNTG on August 21, 2003, two days after the execution of the CPA. The US Marines withdrew on Liberia's Flag Day to warships off the Liberian Coast after eleven days on land, as an additional 650 ECOMIL forces deployed in Liberia. By September 11, 2003, ECOMIL troop level stood at approximately 3,500. On September 19, 2003, the UN Security Council unanimously approved a 15,000 peace keeping force – the largest in the world at the time - designated as the UN Mission in Liberia (UNMIL). The first batch of UNMIL troops began deployment on October 1, 2003 as the ECOMIL troops were inducted into UNMIL. C. Gyude Bryant was inducted into office at a ceremony in Monrovia as head of the new Transitional Government of Liberia on October 14, 2003. The war ended in Liberia and a period for confronting post-conflict challenges of peace-building, reconstruction and reconciliation had begun. The TRC of Liberia was established by an Act of the Legislature in June (2005), to investigate human rights abuses during the period January 1979 to October 15, 2003 and "provide a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to get a clear picture of the past and to facilitate genuine healing and reconciliation".



A TRC witness whose neck was cut with the blunt edge of a cutlass, he passed out and was left to die in the bush. Miraculously he survived but cannot move his neck

8

CONFRONTING THE BITTER PAST: Truth, Justice & Reconciliation

April 14th 1979	Constitutional violation*	The army and Police of Liberia	The offices of the PAL were ransacked because they were the organizers of the peaceful protest against the government	The Progressive Alliance of Liberia (PAL)
April 15,- June 26, 1979	Illegal arrest and detention	Government of the True Whig party	After the protests, the leadership of the PAL and their sympathizers were arrested and detained without due process	The PAL leadership and sympathizers
March, 1980	Illegal arrest and detention	The True Whig Party	The Progressive People's Party (PPP) staged a midnight march demanding the resignation of President Tolbert. The leadership of the party were arrested and imprisoned and the party banned	The PPP
April 12, 1980	Constitutional violation, military takeover and violation of human rights	The Armed Forces of Liberia	On the 12 of April, 1980, seventeen enlisted men of the AFL staged a military coup, overthrew the government and murdered the president in cold blood	President William Tolbert and some security personnel
April 22, 1980	Human rights violation, constitutional violation	The People Redemption Council under Doe	Thirteen officials of the Tolbert government were executed at a Monrovia beach after the military takeover. C. Cecil Dennis, Foreign Minister was denied asylum by the US Embassy in Monrovia and was subsequently executed.	Frank Tolbert, Cyril Bright, James A.A Pierre, Richard Henries, Frank Stewart, Cecil Dennis et al

8.2.3. Catalogue of Selected Human Rights Violations over the period 1979 – 2003 mostly documented by none TRC sources

February, 1979: Seven people including one woman (Allen Yancy et al) convicted and hanged in Harper, Maryland County for ritual (Gboyo) killings in 1976.

April 14, 1979: Brutal suppression by Government security of a pending mass demonstration over planned increase in the price of rice. More than 100 people were killed and some 500 injured, according to Liberian Government statements.

March 1980: A Major crackdown and arrest of Bacchus Matthews and opposition leaders and supporters by Tolbert government. Hundreds were rounded up around the country, beaten, tortured and dehumanized whilst in prison "awaiting trial".

April 9, 1980: Government issued a "wanted dead or alive" hunt for members of the opposition. Many arrested, detained and tortured at the military facility of Post Stockade because of their political beliefs.

April 12, 1980: Samuel Doe's bloody overthrow of the TWP Government of William Tolbert. Scores were killed during the takeover on charges of corruption and human rights violations. On 17 April shadow trials without due process proceeded against 14 members of the deposed government. 13 were publicly executed on April 22nd. The prisoners were tied to stakes and shot in public view. Proceedings against another 10 detained former officials continued throughout May, and 400 other prisoners including, family members of the deposed president, remained in custody without charge or trial for a prolonged period.

March, 1981: Seven people were executed by hanging after being summarily convicted of alleged murder and conspiracy in influencing the conduct of armed men.

June, 1981: 14 lower-ranks soldiers were arrested and accused of plotting to overthrow the government and to assassinate several leading members. After a summary trial without defense counsel, 13 of the soldiers were sentenced to death and allegedly secretly executed in the Post Stockade prison, Monrovia.

Late January 1982: Sergeant David Gbedeh was executed by firing-squad after being convicted of murder by the Supreme Military Court.

February 3, 1982: Four soldiers executed by firing-squad without trial. They allegedly confessed during a hurried "preliminary investigation" by the military authorities to having participated in an armed robbery in which three other soldiers died.

1983: The Nimba Raid by supporters of Thomas Quiwonkpa in Yekepka, LAMCO Mining Company and government offices left many injured and rights violated.

February 8/9, 1984: Willis Knuckles, journalist for the Daily Observer Newspaper and a correspondent for the BBC in Liberia was detained at Post Stockade prison. He was severely beaten upon his arrest and also whipped during the following days.

June, 1984: Rufus Darpoh, a freelance journalist and former editor of the government controlled New Liberian Newspaper, was arrested and taken to maximum prison Belleh Yallah, under harsh conditions and released in November without charge.

April - October, 1985: In the months preceding the elections several leading opposition politicians and others were imprisoned. They included Dusty Wolokollie, a prominent member of the Liberian People's Party (LPP) and John Karweaye, another LPP member, after expressing doubts as to whether the elections would be fair. Both were released without charge.

July, 1985: Ellen Johnson-Sirleaf, a leading member of the Liberian Action Party (LAP),

was placed under house arrest, and a few days later she was detained and moved to the Post Stockade prison. Tried before the Special Military Court and sentenced to 10 years imprisonment for sedition, released twelve (12) days later.

November 1985: Random Campaign of terror in Nimba and other counties against the people of Nimba suspected of supporting the failed coup attempt of General Thomas Quiwonkpa on November 12. General Charles Julu of the Executive Mansion Guard Battalion (EMG) led the purge against the Nimba people. Human rights abuses including killings occurred on a substantial scale in the days following the failed coup. The victims appeared mostly to be civilians who had not been involved in the conspiracy but who were suspected by the government of being sympathetic towards Thomas Quiwonkpa. A number of people unconnected were killed including Charles Gbenyon, a senior television journalist working for the Liberian Broadcasting System, who was killed a few days after the coup at the Executive Mansion, official residence of Head of State Doe.

1987: John Vambo, a journalist, was also detained without charge in August and later released.

1987: Zaye Gontee a businesswoman, was arrested in May and detained incommunicado and without trial for over three months in the Post Stockade and later released.

1989: Gabriel William Kpoleh and nine other prisoners of conscience remained in prison throughout the year. They were convicted without due process and imprisoned under poor conditions.

October, 1989: D. Momolu Lavala and two other students including Benedict Garlawulo were detained illegally and without charge for two weeks and eventually killed in early 1990 reportedly by beheading.

January, 1990: The government said a number of rebels had been captured and would be brought to trial, but they appeared to include Gio and Mano civilians arrested in Monrovia. None was brought to trial and their fate remained unknown. Meanwhile a counterinsurgency by the AFL against people mainly of Nimba origin led to killings, burning of villages and looting. This forced 160,000 civilians in Nimba County to flee into Guinea and Ivory Coast from January to May. Massacres in May were led by Capt. James Chelly and Edwin Voker.

1990: Tecumsey Roberts was killed by Gen. Prince Y. Johnson at his Caldwell Base.

May, 1990: Angeline Watta Allison and two others sentenced to life imprisonment for

complicity to murder but appeared to be prisoners of conscience.

June 1990: Murder of Moses Duopu by Benjmin Yeatin for questioning the leadership status of Charles Taylor of the NPFL.

June 1990 Massacre of 27 Gio and Mano family members of the AFL by Moses Thomas, Moses Wright, James Chelly and George Dweh; reportedly under orders of Samuel Doe.

Between June and August 1990: Killing of prominent Liberians including Jackson F. Doe, Cooper Teah, Gabriel Kpolleh and up to 80 others associated with the NPFL in a purge authorized by Charles Taylor. Paul Vaye, Henry Kerdiah, George Mansuo and George Karsua effected the arrest in Buchanan, Grand Bassa County. Jackson F Doe was murdered in Zorgowee, Nimba County.

Early July 1990: Barkedu, Lofa County massacre of 500 ethnic Mandingoes by NPFL. An Imam was beheaded.

July 29, 1990: Massacre of over 500 men, women and children mainly of Gio and Mano ethnicity seeking refuge at the St. Peters Lutheran Church in Monrovia as reprisal for rebel attacks on Monrovia.

August 2, 1990: Massacre of 250 Gios and Manos seeking refuge at the JFK Hospital in Monrovia; allegedly led by George Dweh.

August, 1990: About 50 foreigners including Americans were detained by the NPFL. The NPFL also took prisoner, at least 30 Nigerians as well as nationals of Guinea and Ghana, as part of attacks on ECOWAS citizens whose countries were contributing troops to ECOMOG. There were reports of widespread arrests among the Ghanaian community living in areas under the NPFL's control in response to ECOWAS decision to deploy ECOMOG.

1991: The INPFL reportedly held one woman at its camp throughout 1991, having taken her prisoner in November 1990, and to be holding a number of children at an orphanage within the camp as human shield to deter a possible attack by ECOWAS forces.

February, 1991: The INPFL detained and ill-treated some seven members of the Interim Legislative Assembly for three days.

September, 1991: After the September (ULIMO) incursion into western Liberia from Sierra Leone, and again in December, foreign and Liberian aid workers were detained

for several days by the NPFL, assaulted and accused for spying.

June 1, 1992: Ambassador Albert Karpeh was killed by forces loyal to Alhaji Kromah over power struggle within the ULIMO movement.

April, 1992: Father Seraphino Dalpont was arrested by NPFL for possessing Interim Government currency and a Roman Catholic newsletter alleged to be seditious literature. He was released after paying a large fine, but re-arrested allegedly on suspicion of espionage. He was held in a police station in Gbarnga until mid-May, when he was released and deported to Cote d'Ivoire.

October 1992: Operation Octopus was the NPFL unprovoked attack on ECOMOG and Monrovia, left scores of civilians dead, paralyzed the city and created a humanitarian disaster.

October, 1992: Up to 300 orphans and a former government official were apparently taken away by NPFL forces on about 28 October from an orphanage near Gardnersville; orphans who escaped reportedly said that the NPFL was forcing the boys to fight for them.

October 1992: Five Catholic nuns were slain in Gardnersville, Monrovia during the Octopus attack, by Christopher Vambo and Edward Wowah of the NPFL .

June 6, 1993: Massacre of 600 displaced persons at a Harbel Camp within Firestone Plantation. The UN Wako Commission placed responsibility at the door steps of the AFL; observers and TRC findings hold the NPFL responsible for the massacre in which the victims were burned on the outskirts of the camp.

November, 1993: The NPFL detained UN aid workers for several days accusing them of spying. They were later released.

November, 1993: After thousands of refugees had fled the fighting in Sierra Leone into Lofa County, ULIMO forces reportedly took about 300 persons as prisoner, on suspicion of being supporters of the Revolutionary United Front (RUF).

1993: Murder of six Senegalese ECOMOG soldiers by Oliver Varney, Timothy Mulbah and Joe Doe in Vahun on orders of Charles Taylor and defense Minister Thomas Woeweyu. The bodies were dumped in a Vahun Valley.

September 1990-1994: The four major Industrials Plank or logging companies in Maryland County, equipment and other valuable materials were looted by General Moses Z. Blah, former vice President who later served as the President of the Republic

of Liberia in the year 2003, along with Generals Sumo and Toe, all of NPFL.

1994: The late John Hilary Tubman was a top businessman and prominent citizen of Maryland County. All his Money and other properties were taken from him and he was later killed by Jack the Rebel of the NPFL.

May, 1994: The LPC reportedly detained 10 Ugandan UNOMIL soldiers, releasing them a few days later.

May, 1994: In separate incidents Mandingo ULIMO fighters held hostage 17 UN employees delivering food aid and 16 Nigerian ECOMOG soldiers, accusing them of supporting the rival ethnic Krahn ULIMO faction. They were released after a few days.

June, 1994: AFL soldiers detained UNOMIL staff at Schiefflin barracks near Monrovia for three days.

June, 1994: Krahn ULIMO fighters took hostage six unarmed UNOMIL officers in Tubmanburg for two days, reportedly beating them and subjecting them to mock executions.

July, 1994: The NPFL was reported to be holding about 25 ECOMOG soldiers and 30 long-term political prisoners.

September 9, 1994: The NPFL arrested 43 unarmed UNOMIL observers and 6 NGO workers and held them at nine different sites. Thirty three were released after 5 days and the rest were released by 18 September. The UN reported that some were beaten and terrorized by their captors.

September, 1994: NPFL fighters reportedly detained 43 UNOMIL officers and six aid workers in various parts of the country for up to 10 days.

September, 1994 Massacre of 100 persons hospitalized at Phebe Hospital. They were mostly fleeing hostilities between NPFL and ULIMO K.

November, 1994: LPC fighters reportedly took 10 girls captive in Sabo Wofiken, slashing their feet and forcing them to walk back to the fighters' base in Sinoe County.

December 15, 1994: Cow Field massacre of 48 civilians, while they were asleep, on Duport Road, Monrovia by the NPFL.

1994-1995: The Liberia Peace Council also looted the Cavalla Rubber Plantation (CRC) and Décor company equipment and materials.

January 1995: LPC fighters killed 18 civilians in Grand Kru County.

January, 1996: In the area around Tubmanburg, ULIMO-J detained 130 ECOMOG troops who had been engaged in clearing mines and held them for 10 days as a shield against attacks.

February, 1996: Eight (8) aid workers were held for three days by the LPC in southeastern Liberia.

April 6, 1996: Monrovia- fighting to arrest Roosevelt Johnson, in a combined NPFL/ULIMO operation, with support of ECOMOG, devastated the City, imposed economic and financial hardships and caused deaths. During the fighting in Monrovia, members of ECOMOG and other foreign nationals were held at the Barclay Training Centre Military barracks by Krahn troops loyal to Roosevelt Johnson.

April 18, 1996 Murder of 12 persons in Zuanna Town and Bloun Town, Bomi County. Group of fighters stormed the displace camp and burned it down along with Karmo Town.

November 1996: The later Samuel Kwah Mensah who once served as Superintendent from 1992-1994 for Maryland County was accused of conniving with LPC and was beaten for about four hours and later killed by a group of soldiers under the command of General Toe who served as Deputy Minister of Defense in the NTGL government, Sumo and Compaore (Gambian) all of the NPFL.

During the period of 2001-2003: During the period from 2001-2003, about 750-1000 civilians, comprising of pregnant women, children, of 12-18 years old, elderly people were taken from their hiding places (bushes) villages, towns and forests by LURD soldiers and forced to carry ammunition on their heads from Fassama to Macenta and Bopolu. These civilians were not allowed to go further into Guinea, but some brave ones would escape while many others were killed whenever they complained about hunger or tiredness while in route. The content or consignment of goods and ammunition which they were often forced to carry had an average weight of about 50-75kg. Women and girls were used as domestic slaves to pound rice and cooked while others were sexually abused.

March 7, 2002: Police arrested and detained five Human Rights Activists Tunny Zeogar, Peter Nicholson, John Okai, Sam Nimely and Aloysius Toe for protesting the arrest of New Deal Movement Chairman Nigba Wiaplah.

October 28, 2002: Police arrested Blamoh Sieh, Director, National Human Rights Center

and three staff members from the Center for Protection of Human Rights.

Torture, Including Rape and Ill-treatment

Mid-1989: A suspected murderer and another man sentenced to death for murder in February both died at Buchanan Central Prison reportedly as a result of harsh conditions.

October, 1989: Henry B. Walker, a murder suspect, died at the Monrovia Central Prison reportedly as a result of harsh conditions.

October, 1989: Two murder suspects died at Monrovia Central Prison, apparently as a result of torture, ill-treatment or medical neglect. Following their arrest, thought to have been in April or May, they had been held illegally and incommunicado in the Post Stockade, a military detention facility where political detainees have been tortured in the past.

January, 1992: While still formally allied to the Interim Government, the INPFL ill-treated and held two journalists - Isaac Bantu and Dan Brown - for three days under harsh conditions.

September, 1992: Nearly 600 ECOMOG soldiers were taken prisoner; some of whom were severely beaten by their NPFL captors.

January, 1993: ECOMOG soldiers beat and injured a local British Broadcasting Corporation journalist, apparently because he had criticized ECOMOG in his reports.

December, 1993: 800 captured NPFL fighters held by the Interim Government at Monrovia Central Prison were reported to be suffering severe malnutrition and medical neglect; five were said to have died.

July, 1994: LPC fighters beat and detained, for five days, a civilian in Buchanan who resisted having his bicycle stolen.

July, 1994: LPC fighters at Barnabo Beach in Number Four District allegedly heated machetes in a fire and branded their captives, leaving large third degree burns on their victims.

September, 1994: The NPFL reportedly detained and ill-treated 30 civilians from the Bassa ethnic group in Butuo, Nimba County, accused of supporting the LPC.

September, 1994: ECOMOG soldiers beat and injured a local British Broadcasting

Corporation journalist, apparently because he had criticized ECOMOG in his reports.

September, 1994: LPC fighters allegedly cut off the fingers and ears of Albert Mende, a journalist.

1995: LPC fighters, operating with the support of the AFL, systematically swept through rural areas in southeastern Liberia, robbing, torturing and intimidating people and forcing them to take refuge in Buchanan or other places under ECOMOG control. Many of those fleeing to Buchanan in February were reported to have been bayoneted, shot or flogged by LPC fighters. At the time, large numbers of people, perhaps as many as 6000, were reportedly being held by the LPC in the compounds of an agriculture company, where many were raped.

April, 1995: ULIMO-K set ablaze the towns of Fassama, Zuanna 1 and Zuanna 2. Survivors reported rapes, abductions and looting.

April, 1995: Benjamin Wilson, a journalist with "The Eye", was beaten by police when he refused to give them photographs he had taken of damages at a refugee compound in Monrovia.

June, 1995: UNICEF workers in Buchanan reported that they had registered 652 cases of women who had been raped, mostly by members of the warring factions, within a period less than 6 months.

July, 1995: Bill Jarkloh, a journalist with "The News", was beaten unconscious by ULIMO-J fighters. He had been interviewing Roosevelt Johnson when fighters stormed the building and he tried to photograph the incident. Three of those involved in the attack were arrested by ECOMOG and then handed over to the ULIMO-J high command.

September, 1995: James Momoh, a journalist with "The Inquirer" was beaten by ECOMOG soldiers when trying to photograph AFL soldiers at a check-point.

March, 1996: NPFL officials shot two men in the legs after they were found threatening civilians.

Additional Extrajudicial Executions; Unlawful killing of civilians including massacres

1990: The predominantly Gio and Mano rebel forces summarily killed government officials and others considered to be supporters of President Doe's government, particularly members of the Krahn ethnic group and the Muslim Mandingo

community.

1990: An unknown number of prisoners were executed after unfair trials before special courts set up by the rebels. At least a hundred people – government officials and members of the Krahn and Mandingo ethnic groups – were reportedly executed after being convicted of “crimes against the people” or of supporting the government.

January, 1990: Hundreds of unarmed civilians were killed by rebels and government troops in Nimba County in northeast Liberia.

January, 1990: A former prisoner of conscience, Robert Philips, was brutally murdered at his home in Monrovia by an AFL Death squad.

May, 1990: At least 30 Gio and Mano men, women and children were abducted by government soldiers from a UN compound where hundreds were seeking protection. They were then apparently executed extra judicially by the AFL.

June, 1990: A government soldier was executed by firing squad after being convicted by a court-martial of murdering a civilian.

June, 1990: Several hundred Gio and Mano soldiers were reported to have been arrested. Some appear to have been extra judicially executed - their bodies were found in the streets, although the government said that 150 had been released.

July, 1990: Large-scale killings occurred when predominantly Gio and Mano rebel groups entered Monrovia. One rebel leader was said, by eye-witnesses, to have personally shot four people dead in cold blood, including a Red Cross worker and a woman whom he shot in the face in front of her child.

August, 1990: In Grand Gedeh County, the NPFL forces were responsible for indiscriminate killings of people belonging to the Krahn ethnic group. Former government minister, Senator Fred J. Blay and Representative William T. Jabbah were reportedly executed by the INPFL; they did not appear to have had any form of trial.

September 10, 1990: The assassination of Liberian President Samuel Doe by Prince Yormie Johnson, leader of the Independent National Patriotic Front of Liberia (INPFL), after being captured the day before at the temporary headquarters of the ECOMOG.

October, 1990: Two Nigerian journalists detained by the NPFL, Tayo Awotunsin and Krees Imodibie, were reportedly executed extra judicially. TRC findings revealed that they were executed by food deprivation; they were allowed to starve till death in NPFL Prison.

1991: Accord between Charles Taylor and Firestone. The management at Firestone had an arrangement with factional leadership during the war to organize protection and export of their product. Firestone paid the NPFL \$2million annually for protection. NPFL's "G-2" security forces compelled rubber workers to continue work in exchange for use of Firestone communications equipment and a base for Operation Octopus that began in October, 1992.

1991: The NPFL was responsible for the killings of hundreds of members of the Krahn ethnic group and members of the Mandingo community in Grand Gedeh County, who were targeted for formerly supporting the Doe government. NPFL continued to detain, torture, and kill civilians in other areas under their control.

1991: The INPFL killed Angeline Watta Allison. It was also reported that her husband, a former defense minister, Major-General Gray Dioh Allison, was taken from his prison cell in Belleh Yellah and executed by the NPFL.

September, 1991: It was reported that a number of NPFL soldiers had been extra judicially executed after attempting to assassinate Charles Taylor. However, these reports were denied by the NPRAG administration. It said that an NPFL officer had been executed after a special court-martial had convicted him of murdering five soldiers.

October 20, 1991: Arrest of Jackson F. Doe. Paul Vaye, Henry Kerdiah, George Mansuo, and George Karsuo arrested Jackson Doe in Buchanan, Grand Bassa County, on the orders of Charles Taylor and murdered him in the town of Zorgowee in Nimba County.

January, 1992: The INPFL had executed at least three of their own soldiers at an NPFL camp near Monrovia for being in possession of new currency issued by the Interim Government.

April, 1992: NPRAG authorities charged four senior NPFL officers with the murder of seven suspected ULIMO supporters in Buchanan. Three were later released and it was not known if the other was tried.

July 3, 1992: NPFL fighters allegedly killed nine forestry workers in Jendemana.

August, 1992: When ULIMO seized NPFL-controlled territory, both NPFL and ULIMO forces were alleged to have killed civilians suspected of supporting the other side in the fighting.

August, 1992: Several dissident NPFL soldiers were reportedly executed by the NPFL for their involvement in an attempted assassination of Charles Taylor in which a

bodyguard was killed.

October, 1992: During the Octopus attack on Monrovia, NPFL forces were reported to have deliberately killed civilians and taken other prisoners. NPFL troops reportedly abducted 50 people and killed others when they took control of Louisiana Township near the capital.

October 20, 1992: Two nuns, both US nationals, a Liberian man employed by the nuns' convent and two ECOMOG soldiers were killed in the nuns' car near Barnersville apparently by the NPFL.

October 23, 1992: Six NPFL soldiers entered the nuns' convent in the suburb of Gardnersville, killed three other American nuns and a Lebanese businessman, and abducted the businessman's Liberian wife, two other Liberian women with their four children, and four Liberian novices. Those abducted were apparently later released. NPRAG officials denied that NPFL forces were responsible.

Late October, 1992: The NPFL allegedly killed more than 25 people in Maryland County, apparently because they were suspected of supporting ULIMO.

October, 1992: Civilians in Monrovia were subjected to ill-treatment, harassment and looting by AFL and ULIMO troops. At least six people were reported to have been summarily executed by these forces on suspicion of being NPFL fighters.

November, 1992: ECOMOG forces threatened to shoot on sight any member of the armed forces who broke a night curfew imposed in Monrovia.

January, 1993: Two unnamed soldiers were reportedly executed in January after being convicted of looting by an AFL court martial.

January, 1993: AFL soldiers found responsible for extrajudicial execution of Brian Garnham, manager of a research laboratory.

February, 1993: ULIMO reportedly executed eight of its fighters in February for looting and harassing civilians.

February, 1993: 13 elders at Haindi were held responsible for the drowning of a ULIMO commander when his canoe capsized. They were executed.

March, 1993: ULIMO summarily executed 114 young men in Zorzor suspected of supporting the NPFL. Refugees who fled to neighboring Guinea were reportedly either forcibly returned to Liberia or executed in Guinea after perfunctory investigations by

an illegal Court of Liberian exiles based in Macenta and apparently linked to ULIMO.

April, 1993: When ECOMOG forces took Buchanan in April, civilians who refused to flee with the NPFL were apparently killed by NPFL soldiers.

May, 1993: In an attack on Fasama, a town under ULIMO control, about 200 civilians were reportedly killed indiscriminately by NPFL soldiers.

July, 1993: ULIMO was alleged to have extra judicially executed as many as 300 members of the Lorma ethnic group in Voinjama who opposed their control of the town.

August/September, 1993: Reports of NPFL attacks on Liberian refugees in camps close to the border in Cote d'Ivoire or as they returned to tend their crops in south-eastern Liberia. Several were reportedly killed.

September, 1993: A UN inquiry found that the AFL had been responsible for the extra judicial executions of nearly 600 unarmed civilians- mostly women, children and elderly people- at displaced people's camps near Harbel in June. This report by the WAKO Commission is disputed by findings of the TRC to the effect that NPFL committed the atrocities.

October, 1993: ULIMO fighters reportedly killed large numbers of people from the Kissi ethnic group in Foya district.

October, 1993: Hundreds of civilians died or were deliberately killed during ULIMO takeover of Lofa and Bong Counties and the NPFL recapture of Bong County. Countless civilians who remained after the recapture were killed by the NPFL.

October, 1993: Sierra Leonean Revolutionary United Front forces were reported to have killed civilians in Lofa County on suspicion of supporting opposing forces.

October, 1993: Liberian Peace Council fighters reportedly killed civilians who refused to join them in Sinoe County in the southeast.

December, 1993: LPC fighters killed nine church ministers in Greenville after accusing them of being "anti-Krahn".

June, 1994: Mandingo ULIMO fighters reportedly killed at least four civilians and took women hostage for money when they burned and looted villages in the Tienne area.

June 17, 1994: ULIMO fighters raided the village of Goe. They forced all the villagers

to assemble at a central point and accused them of supporting a rival ULIMO group. They burnt houses and looted extensively. They also tied up the village chief in his hut and set it on fire.

June 19, 1994: An ULIMO group led by commander Keita killed six people from the Bangorama village and burnt down the house of the local chief.

June 23, 1994: An ULIMO-K group attacked the village of Ngojah and murdered two people. They were tied up and their throats slit.

July, 1994: In Barnablo Beach, LPC fighters allegedly tied the victims' arms behind their backs, burned them severely with heated machetes, forced them to carry looted goods to another village and shot dead one man who had collapsed on the way.

July, 1994: LDF fighters reportedly killed more than 70 civilians in the village of Worzi, near Zorzor, Lofa County.

August, 1994: Mandingo ULIMO fighters allegedly killed at least 20 civilians in Gbesseh, Lofa County.

August/September, 1994: An ULIMO Court ordered the execution by firing-squad of civilians whom it suspected to be NPFL supporters.

August/September, 1994: Mandingo ULIMO fighters reportedly killed civilians in Lofa and Bong Counties.

August, 1994: The NPFL was reportedly to have executed up to 80 of its own fighters, without trial, and to have tortured and killed Lieutenant-General Nixon Gaye, an NPFL Commander, for leading a mutiny against Charles Taylor.

September, 1994: The massacre of over 100 persons who were hospitalized and/or seeking shelter at the Phebe Hospital. Some of those killed were fleeing fighting between ULIMO-K and NPFL. The NPFL is alleged to have committed the crime.

September, 1994: NPFL fighters tied up at least 20 men, women and children and threw them into the St. John River at Baila Bridge.

September, 1994: At least two Tanzanian UNOMIL soldiers were killed in Kakata when Krahn ULIMO fighters reportedly attacked a convoy of civilians fleeing Gbarnga, which included UNOMIL observers and aid workers.

September, 1994: NPFL fighters reportedly shot dead some 100 people in Palala, Bong

County, on suspicion of being ULIMO supporters.

September, 1994: LPC fighters in Greenville were reported to have killed Marie Tokpa, a girl from the Kpelle ethnic group, who resisted being raped.

September, 1994: LPC fighters reportedly assembled the inhabitants of Kpolokpala, Kokoya District, Bong County, killed 30 alleged NPFL fighters and supporters with machetes, then shot dead 15 other civilians prisoners and fired into the crowd. TRC investigations confirmed.

September, 1994: NPFL fighters robbed and killed civilians as they fled fighting for the control of Gbarnga with ULIMO.

October, 1994: From October NPFL fighters reportedly killed scores of civilians in Maryland County whom they suspected of supporting the LPC, among them Simon Gyekye, a Ghanaian school principal in Pleebo.

October, 1994: LPC fighters apparently fired on assembled civilians in Zanzaye, killing scores of them.

November, 1994: LPC fighters allegedly killed 12 residents of Sabo Wofiken.

December, 1994: More than 50 civilians were massacred at Paynesville. Responsibility was unclear but witnesses said the attackers were Krahn AFL soldiers.

December, 1994: The NPFL executed six (6) senior commanders held responsible for the fall of Gbarnga in September, apparently after a court-martial.

December 15, 1994: The massacre of 48 civilians at Cow Field, Duport Road, Montserrado County. The civilians were murdered and burned by Paul Vaye, Sam Lartoe and other soldiers from the NPFL while they were asleep in their homes.

January 1995: Liberian Peace Council (LPC) fighters killed eighteen (18) citizens in Grand Kru County.

April, 1995: UNICEF representatives reported a massacre in Yourcee, a village near Buchanan. They stated that at least 62 people, including women and children, had been rounded up and killed – most had been hacked to death. The UNICEF workers could not determine who was responsible for the massacre; the area had been controlled by the NPFL but was contested by the LPC.

June, 1995: Clashes between ULIMO factions in Royesville left many civilians dead;

survivors were raped and terrorized.

August, 1995: After the peace agreement, it was reported that NPFL fighters had been responsible for the massacre of at least 75 civilians in the Tappita area, Nimba County. Although he discounted the figure of those killed, Charles Taylor, leader of the NPFL, stated that some NPFL members had been arrested and would face court-martial for these acts.

November, 1995: At least four LPC commanders were executed by firing-squad on the orders of a specially constituted court. According to reports, the execution followed a two-week investigation into human rights abuses.

December, 1995: UNOMIL observers commenting on the human rights situation in Tubmanburg confirmed that ULIMO-J had forced civilians out of the hospital where they had sought refuge from the fighting and had used them as “human shields” to protect their positions.

January, 1996: Members of the LPC killed, raped, and harassed members of the Grebo ethnic group in southeast Liberia.

January, 1996: The buried remains of five civilians were exhumed in Tubmanburg, together with those of nine ECOMOG soldiers, allegedly killed by ULIMO-J. One of the victims had been decapitated and, according to a pathologist, another had apparently been tied up and then shot.

February, 1996: Lieutenant Prince Musa of the NPFL was killed a few minutes after being found guilty by a court-martial of killing a civilian who refused to hand over money.

March, 1996: At least four (4) civilians were reportedly killed when LPC combatants in Buchanan opened fire on them after running over a pedestrian with their vehicle.

April 6, 1996: The attempted arrest of Roosevelt Johnson by the NPFL and ULIMO-K with ECOMOG support. The attempt led to the third battle for Monrovia, in which the US government supported the beleaguered ULIMO-J troops.

April 18, 1996: The murder of twelve (12) persons in Zuanna Town and Bloun Town, Bomi County. A group of fighters stormed the area and burned down the displacement camp and Karmo Town.

April & May, 1996: Fighters loyal to the NPFL publicly displayed the head of a ULIMO-J fighter who had been shot and then decapitated.

April & May, 1996: The body of Benson Gwyan, former Managing Director of the Forestry Development Agency, was found near the police academy in Paynesville. He was reportedly killed by the NPFL.

May, 1996: Five (5) bodies were found on Benson Street, Monrovia. The victims reportedly had their ears cut off or their throats cut before being shot, following fighting between ULIMO-J and the NPFL.

July, 1996: Aid workers reported that ULIMO-K was restricting the movement of civilians in a displaced camp in Suehn and starving the inhabitants to cause food supplies to be diverted to their troops. ULIMO-K released some 60 starving children within a few days but did not permit the evacuation of other inhabitants for a further two weeks.

September, 1996: Dozens of civilians were killed after clashes between ULIMO-J and ULIMO-K. At least 21 civilians were killed in Sinje, Cape Mount County, reportedly by ULIMO-K. One of those killed was a baby girl, whose skull had been fractured.

September 28, 1996: The massacre of about seventeen citizens in Sinje, Grand Cape Mount County according to a UN press release issued by the Special Representative of the Secretary General, Amb. Anthony B. Nyakyi.

1996: An LPC official publicly stated that LPC fighters responsible for the killing of three civilians in Buchanan would be executed.

The Charles Taylor Era (1997-2003)

November 28, 1997: The murder of Samuel Dokie, a former ally of Taylor, was allegedly murdered by Taylor's special security forces after defecting to found the Central Revolutionary Council (CRC). Dokie was arrested with his family at a checkpoint in Gbarnga. The Special Security Services (SSS), a government force within Liberia dedicated to the protection of the president, ordered the arrest and killing. Benjamin Yeaten is linked.

December 16, 1997: The murder of Daniel Nyenkan. Nyenkan was found dead somewhere near Freeport, Monrovia with bruises all over his body.

April, 1998: The discovery of a mass grave in Zorzor, Lofa County. The NPFL has been implicated. The victims, including pregnant women, were bound at the hands and legs before being buried alive in shallow graves.

July 10, 1998: The abduction of Nowai Flomo, a prominent market woman, was taken by nine members of the SSS. She was allegedly abducted from her house at about 11:00

a.m.

September 18, 1998: The attack on Roosevelt Johnson on Camp Johnson Road. The attack claimed the lives of between 53 to 100 people. Johnson and others fled to the US Embassy for protection and were later evacuated to Nigeria and Sierra Leone.

September 19, 1998: The execution of 1,500 Liberian civilians at dawn. The execution took place pursuant to President Taylor's order that Roosevelt Johnson be evicted from his residence. The operation was spearheaded by Col. Junior Fania, Leo Jebo, Saah Gbollie, Joe Tuah, General Eric Sway, Arthur Saah and Benedict Mentee.

September 19, 1998: The murder of thirteen (13) Krahn individuals on Shiefflin highway by Mark Guahn.

August 10, 1999: The massacre of about 25 Quardu-Gboni individuals. The massacre took place in Nekebozu, Lofa County by militia men.

September 2, 1999: The massacre of about 25 persons in Nekebozu, Lofa County. The massacre was blamed on the Defense Minister, Daniel Chea.

September 28, 1999: The murder of Papa George. Henrique Cassell, the Deputy Commissioner of Immigration and brother-in-law of President Taylor, shot Mr. George, a taxi driver, for overtaking him on a road. Cassell moves around freely without any published knowledge of how he got released from prison.

October 10, 1999: The massacre of about twenty (20) civilians by Siafa Norman.

2000: The summary execution of more than 100 persons at the Gbartala ATU Training Base in Bong County by Charles Taylor, Jr. Some of the victims were trainees charged with failing to follow instructions.

January, 2000: The massacre of eighteen (18) Mandingo persons in Bawon Town, Zorzor District, Lofa County.

January, 2000: The massacre of 26 unarmed civilians in Gbah, Bomi County. The civilians were accused of being supporters of LURD and were killed on the orders of Melvin Sogbandi.

May, 2000: The summary execution of 42 captives in Voinjama by Joe Gbala. The victims were presumed to be Government of Liberia (GOL) soldiers who had surrendered in a battle between John Town and Zorzor.

June, 2000: The murder of Enoch Dogolea. Dogolea was a vice president when he died.

September, 2000: The attacks by the Revolutionary United Front (RUF) on Guinea. The RUF was accompanied by Liberian fighters and Guinean dissidents including General Zoumanigui. The RUF eventually captured Gueckedou and Macenta at a high cost of human lives.

March, 2001: The summary execution of fourteen (14) persons in Konia, Lofa County on the orders of Momo Jibba. Jibba ordered the executions after the GOL recaptured the town from the Liberian United for Reconciliation and Democracy (LURD). He also planned and executed the death of Francois Massaquoi, the Youth and Sports Minister at the time.

May, 2001: The massacre of seven (7) Mandingo individuals by Daniel Gweh and Tony Gonyor of GOL forces in Saclepea, Nimba County.

June 9, 2002: The massacre of 110 young men and women in Bopolu, Gbarpolu County by LURD combatant Oforie Diah (a.k.a Iron Jacket). The victims were accused of being GOL sympathizers.

July 20, 2002: The massacre of 175 persons on the orders of Benjamin Yeaten at Maher River Bridge, Tubmanburg, Bomi County. The victims were accused of being LURD sympathizers.

September 18, 2002: The summary execution of Isaac Gono in Congo Town, Monrovia on the orders of Charles Taylor, Jr. He ordered the death of Gono, his driver, because he hit a dog with the car.

October 21, 2002: The incursion by Benjamin Yeaten, Joe Tuah, Edwad Zamay, Joe Walloe, Osebeo Dehmin, and Matthew Karn into the Ivory Coast on the mandate of Charles Taylor. The purpose of the incursion was to act as mercenaries for Philip Doh. A number of people died in the operation including those who refused to sign on.

2003: The abuses against Kissi civilians in Lofa County by LURD members were widely reported.

February 28, 2003: The murder of Kara Lund, Emmanuel Sharpolor, and Musa Keita of the Adventist Development Relief Agency by Gbor Vaye in Toe's Town, Grand Gedeh County.

June 4, 2003: The murder of John Yormie and Isaac Vaye on the orders of Benjamin Yeaten in Paynesville, Montserrado County. Yormie, the Deputy Minister for National

Security, and Vaye, the Deputy Minister for Public Works, were arrested by a group of armed men acting under the command of one "Banana" of the SSS who was acting on the orders of Benjamin Yeaten. They were brought to Monrovia and interrogated before they were killed. Their bodies were dumped on the train tracks but have not been found.

May 6, 2003: The massacre of Samuel Bockarie, his wife, mother, and two children in Nimba County by Adolphus Sampson, Gola Red, Alphonso Nyanay and Marcus High Grade on the orders of Benjamin Yeaten.

May 26, 2003: The murder of a family of five at the railroad bridge near Gban, Nimba County by Adolphus Sampson. Sampson, the Special Bodyguard to Benjamin Yeaten, murdered the family upon seeing them with 75,000 Liberian Dollars and two pieces of diamonds.

May, 2003: The murder of 24 persons on Lofa Bridge by General Sekou Kromah of the LURD and his men.

June 9, 2003: The murder of eighteen (18) persons at the Stockton Creek Bridge in Monrovia by Charles Taylor, Jr. The victims were POWs arrested by General Roland Duo's men.

June/July, 2003: The murder of 42 persons on the Johnson Street Bridge in Monrovia by Lomax and Marcus High Grade. Lomax was the artillery crew commander of the Wild Geese. High Grade was the bodyguard to Yeaten and Nyenay. The victims were accused of looting and summarily executed.

July, 2003: The murder of 78 wounded soldiers by Marcus High Grade and Gola Red on the instruction of Benjamin Yeaten at Combat Camp. The soldiers, who had demanded payment from Charles Taylor, were transported from Monrovia to the camp under the pretense that they were going to be paid.

July, 2003: The summary execution of 26 persons in Klay by General Abbas of LURD. The victims were arrested on Bushrod Island as POWs.

September 8-20, 2003: The feeding of 26 living persons to Charles Taylor's lions by Joseph Zigzag Marzah at Tubman Farm, Bong County. This was the prescribed punishment for crimes.

October 11-26, 2003: The execution of over 26 persons on the Po-River, Tubmanburg highway on the orders of General Wasue Donzo of the LURD. Some of the bodies were dumped in the Po River. Nineteen (19) mass graves were discovered by researchers

for the Truth and Reconciliation Commission in Lofa County. Locals attributed the dumping to Marine Chief of Staff, Roland Duo.

Arbitrary Arrest, Detention, Torture and Ill-treatment

February – May, 1997: ECOMOG forces undertook cordon-and-search operations to find hidden weapons. More than 70 people were arrested and held in secret detention camps on suspicion of possessing weapons. Most of them were tortured or ill-treated.

February, 1997: An ECOMOG patrol arrested 25 suspected former combatants in Grand Cape Mount County, took them to Monrovia and held them in a secret cell at the ECOMOG base. They were reportedly beaten with electric wire.

February, 1997: Four dock workers suspected of being former United Liberation Movement of Liberia for Democracy-Johnson branch (ULIMO-J) fighters were arrested in Sayon Town and taken to the ECOMOG base in Monrovia. There, three ECOMOG soldiers reportedly beat them with wire on their backs, shoulders and legs and kicked them.

May, 1997: ECOMOG soldiers based in Fendell traveled to grand Cape Mount County to conduct a cordon-and-search operation at Lajoy goldmine. During interrogation, six former fighters and three civilians were reportedly slashed with razor blades. One former combatant died during the night following the beating. The other victims reportedly had swollen faces, injured eyes, slashed wounds and hearing problems.

September, 1997: Liberian police and ECOMOG soldiers assaulted a group of some 500 employees of the Firestone Plantations Company in Harbel, near Monrovia, who were demonstrating peacefully for the release of four colleagues held by the company's security staff. Police and soldiers reportedly beat the workers with batons and gun butts, and then opened fire, injuring seven people.

April, 1999: At least 34, people mainly of Krahn ethnicity were charged with treason following fighting in September 1998. In April, 13 of the defendants were acquitted. Observers at the trial expressed concerns about the competence of the court and irregularities in the trial proceedings. Some of the defendants complained that they had been ill-treated before and during the trial. Some appeared to have been beaten severely, and at least two had loss of hearing and broken limbs.

1999: A group of military officers, nine of whom were charged with sedition, was arrested in connection with the fighting in Monrovia of September 1998 and brought to trial during 1999. Their trial was suspended several times by a Court Martial Board amid controversy about the government's reported failure to ensure adequate financial

resources for the trial. By the end of 1999, the trial was suspended indefinitely. Concerns were also expressed about the perceived lack of guarantees for a fair trial and about alleged intimidation of defense lawyers. Moreover, the defendants were reportedly ill-treated and held in conditions which might have amounted to cruel, inhuman and degrading treatment. They were reported to have been regularly denied food and medical care. On at least one occasion defendants fainted during the trial proceedings, reportedly because they had been denied food for several days. The prisoners were also repeatedly beaten and flogged in the early days of their detention.

February, 2000: A court martial convicted four army officers of sedition - General Joseph Jarlee, Major Alphonso Dubar, Master Sergeant Alexander Gee and Private Okpakakpu Mongar - and sentenced them to 10 years' imprisonment. Five other officers were acquitted. There were concerns that the trial did not meet international standards for fair trial and about the alleged intimidation of defense lawyers. The defendants, who were reportedly beaten following their arrest, continued to be detained in harsh conditions at a military barracks. General Jarlee was reportedly denied adequate food or medical treatment.

August, 2000: The Liberian government issued an arrest warrant for Ellen Johnson-Sirleaf, an opposition leader in exile, to face treason charges, with 14 others, for allegedly supporting the insurgents. Of those charged, only Raleigh Seekie was still in detention awaiting trial at the end of 2000. Several other civilians suspected of supporting the insurgents were reported to have been arrested in Monrovia and in other parts of the country. It was not known whether they had been released by the end of the year.

December, 2000: The Supreme Court heard appeals by 13 people convicted of treason in April, 1999 and by the prosecution in the same case which called for longer prison sentences. The Court increased the sentences from 10 to 20 years' imprisonment. In April 1999, the Criminal Court had given as its reason for a lenient sentence the "need for genuine reconciliation in the country". The trial had been marred by irregularities and some of the defendants had been beaten severely following their arrest. Most were former government officials serving 10-year prison sentences in the Central Prison, Monrovia, where they were reportedly harassed and denied adequate medical care.

May, 2001: Over 100 men and boys in Bong County in northern Liberia were arrested as suspected dissidents. They were subsequently detained at Gbartala military base for periods of up to a month and reportedly tear gassed, had acid thrown at them, denied water and starved. Several reportedly died as a result.

April, 2001: As many as 15,000 fleeing civilians were halted for several weeks at the St. Paul River on the border between Lofa and Bong Counties by the Liberian security

forces. Civilians were subjected to violations such as torture, including rape and forced recruitment into the security forces. There were reportedly numerous deaths from starvation, disease and unsanitary conditions.

June, 2001: A 29-year-old man was captured by the LURD while trying to flee the fighting. His hands were tied behind his back. He was detained for several days with two other men and a woman. He reportedly witnessed the deliberate shooting and killing of the two other men on the orders of a high-ranking officer. The woman was reported to have been raped. Both the woman and the man eventually escaped.

June & July, 2001: On several occasions ATU and police forces reportedly entered a camp for internally displaced people in Bong County, fired in the air, seized men and boys and took them to Gbatala military base where they were severely ill-treated.

November, 2001: Two Nigerian nationals reportedly died in custody as a result of torture after being arrested on suspicion of stealing jewellery from a deputy government minister, Bedell Fahn. The deputy minister and members of the security forces were subsequently arrested, tried and convicted.

December, 2001: A 14-year-old boy in Gbarnga, Bong County, was shot dead for participating in a student demonstration by police who subsequently said that he was an armed robber.

January, 2002: A LURD commander forced several men from Kolahun, Lofa County, to carry ammunition. Two were shot in the leg for not walking fast enough, one of whom later died.

February 24, 2002: ATU and SOD forces arrested 45 young men at a displaced people's camp in Monrovia. They were released the following day after payments by their families.

February, 2002: In Tubmanburg, four men suspected for being "dissidents" were reportedly tortured by members of the ATU; one subsequently died. A surviving victim described his scrotum being beaten with a hammer. Arrest and ill-treatment of suspected opponents continued after the lifting of the state of emergency in September.

June, 2002: During an attack by the LURD on a refugee camp at Sinje, Grand Cape Mount County, five nurses working with a Liberian medical relief organization were abducted and held until September.

December, 2002: Leading members of the Inter-Religious Council of Liberia, David Kiazolu and Christopher Toe, were arrested, apparently suspected of collaborating

with the LURD.

December 11, 2002: Five members of opposition political parties were arrested in Grand Bassa County and taken to Monrovia where they remained held without charge before being released.

December 14, 2002: Throble Suah, a journalist on The Inquirer Newspaper, was stopped in the street of Monrovia and severely beaten by security forces, believed to be ATU members; he required urgent medical treatment.

Rape and Other Forms of Sexual Violence

March, 1999: Members of the military, searching for a missing man, detained and beat elders in the village of Dambala, Grand Cape Mount County. Villagers complained that the soldiers had raped several women and had looted money and goods. The alleged violations followed several hours of shooting in the village. Military authorities admitted that looting had occurred but denied the allegations of violence and rape.

June, 2001: A 17-year-old woman was seized in Vahun district by an ATU officer, detained and gang-raped repeatedly over 10 days. When she was released, her life was threatened if she told anyone.

February, 2002: A woman aged 23 who had fled her home was gang-raped and severely beaten by security forces in Margibi County.

May, 2002: As thousands of civilians fled fighting around Gbarnga as many as 20 women reported that they had been raped by security forces. They included a 19 year old raped by four government militia. Another woman was abducted, held for two days and reportedly raped by an ATU member.

August, 2002: Three women fleeing to Guinea were abducted by LURD combatants between Kotolahun and Honyahun. They were forced to carry loads and then raped. Those responsible were subsequently beaten by their commanders.

February, 2003: B.D., aged 18, from Bomi County, was captured by LURD forces in February, 2003 and forced to become the "wife" of a LURD combatant. A child was begotten out of the illicit relationship.

November, 2003: Persistent reports of killings, beatings, abduction and rape by MODEL forces were received. A 60-year-old man, narrated to Amnesty International how MODEL forces attacked Graie on November 1, 2003 burning most of the houses in Graie, Nimba County. Tied some people, beat them with cutlasses and stripped

people-both men and women.

April, 2003: Abduction of civilians from displaced peoples camps by LURD forces.

Repression on Human Rights Defenders; Opposition Leaders

July, 1997: During the election campaign, there were numerous reports of intimidation and harassment by former combatants, particularly in the north and the southeast of the country and by former members of the National Patriotic Front of Liberia (NPFL). Both were accused of threatening civilians and some returning refugees.

September, 1997: Philip Wesseh, managing director of an independent newspaper, The Inquirer, questioned police methods in dealing with alleged armed robbers. He was arrested and interrogated for several hours.

November, 1997: Samuel Dokie, former deputy speaker of the recently dissolved Transitional Legislative Assembly and a former Minister of Internal Affairs, his wife, Janet Dokie, and two other relatives were arrested by officials of the Special Security Service. In early December their bodies were found in a burned car; Samuel Dokie had reportedly been beheaded.

December, 1997: Seven journalists with The Inquirer Newspaper were taken to the President's residence, the Executive Mansion, in connection with an article about the killing of Samuel Dokie. They were questioned for two hours by members of the Special Security Services, who reportedly told them that some journalists might be killed if they did not improve their work.

December, 1997: Alex Redd, a journalist with Radio Ducor, was abducted by plainclothes security officials, apparently in connection with interviews he had carried out while covering Samuel Dokie's funeral. He was abducted some 150 kilometres outside the capital, Monrovia, but was found two days later in police custody in the city. He had reportedly been beaten and bore knife wounds. His captors had apparently abandoned him in the capital with his arms still tied behind his back and he had been handed over to the police. He was held for questioning and charged with treason but after six days in formal police custody the charges were reduced to felony and he was released on bail.

January, 1999: A journalist was arrested and detained in January for four days, apparently because of his investigative work on the involvement of Liberia in the Sierra Leonean conflict. He was allegedly beaten and held naked. He was accused of treason and espionage, but no formal charges were brought against him. The police authorities denied his arrest. His fiancée was briefly detained when she tried to locate him. A few

weeks later, he was again seized by plainclothes security officers, and released only after the intercession of senior officials and foreign representatives. He had previously been arrested and reportedly tortured in August 1998.

March, 1999: Police briefly detained Isaac Menyongai of the Heritage newspaper for refusing to disclose the source of his article about a South African businessman's ties to Liberian officials.

March, 1999: Philip Moore, a reporter with the independent newspaper The News, was arrested on charges of 'criminal malevolence'. He was released a day later after intervention from the Press Union of Liberia and the JPC.

December, 1999: Police arrested the news editor of the Concord Times newspaper, Sarkilay Kantan, and a reporter on similar charges, following their articles about corruption in government and state-run companies. Four other journalists were also sought for arrest.

December, 1999: Police arrested James Torh, the Executive Director of FOCUS, on charges of sedition in connection with comments he had made in a speech at a high school. James Torh had a record of speaking out about human rights concerns in Liberia and had publicly criticized President Taylor over the issue of a truth commission to investigate past abuses. He was released on bail after three days.

March, 2000: Suah Deddeh, President of the Liberian Press Union, was arrested and questioned by security officers after criticizing the closure of two privately owned radio stations, Star Radio and Radio Veritas, by the authorities. He was released the next day without charge. After protest, Radio Veritas was allowed to reopen but Star Radio remained banned.

March, 2000: James Torh, a prominent human rights activist, fled the country after Anti-Terrorist Unit officers twice came looking for him at his home at night. In December 1999, he had been briefly detained and charged with sedition for allegedly making remarks critical of the government. When he did not appear at a court hearing in April, the authorities ordered his re-arrest.

August, 2000: Four journalists working for Channel 4, a UK television station, Sorious Samura, Gugulakhe Radebe, David Barrie and Timothy John Lambon - were detained for several days in Monrovia and accused of spying. The four were beaten following their arrest and one of them was threatened with death. They were released unconditionally after widespread protests.

September, 2000: Staff members of the independent New Democrat, including its

editor Charles Jackson, fled Liberia following death threats, intimidation and harassment by the security forces.

November, 2000: Armed men believed to be civil war veterans, who reportedly included a senior armed forces officer, attacked members of a non-governmental organization, the Centre for Democratic Empowerment (CEDE), in Monrovia. They stabbed and wounded Conmany Wesseh, and physically assaulted Amos Sawyer, formerly head of the Liberian Interim Government during the civil war and CEDE Chairman, and other staff. The armed forces officer and seven others were subsequently charged with aggravated assault and released on bail to await trial. However, others believed to be also responsible for the attack were not known to have been investigated by police. Local human rights activists called for an independent inquiry. Suspects arrested in connection with a 1999 attack on the home of Conmany Wesseh and death threats against his family had been released without charge or trial despite evidence against them.

February, 2001: Joseph Bartuah, Abdullah Dukuly, Jerome Dalieh and Bobby Tapson, four journalists from the privately owned newspaper The News, were arrested and charged with espionage after publication of a report criticizing the delayed payment of civil servants salaries.

March, 2001: Dozens of university students and professors were whipped and severely beaten by the security forces during a peaceful protest in Monrovia against the arrests of more than 40 students. Some were released shortly afterwards without charge, with visible marks of beatings, and at least seven women students were reported to have been raped repeatedly in detention. At least 17 were released over the next three weeks after widespread public protests. In April the university suspended student leaders; most of whom fled the country.

April, 2001: Veteran politician Togba-Nah Tipoteh said that he and other politicians had received threats for criticizing the international community for giving financial assistance to the government.

April, 2001: Francois Massaquoi, Minister of Youth and Sports and former leader of the Lofa Defense Force, an armed group active in the civil war, was killed in unexplained circumstances in Lofa County. Reports suggested that he might have been killed because his political influence with government forces in the area was perceived to be a threat to the government.

September, 2001: Thompson Ade-Bayor, head of Liberia Watch for Human Rights, was illegally detained without charge or trial for 10 days after criticizing the security forces in a published article. The Liberian police reportedly paid fellow inmates to hang him

by his feet and beat him.

October, 2001: Emmanuel Wureh, president of the National Bar Association, was imprisoned for a week after he was found in contempt of court for alleged insulting remarks during court proceedings. Leading Bar Association members Marcus Jones and Ishmael Campbel announced a lawyers' boycott in protest and were themselves arrested. The House of Representatives subsequently asked the Minister of Justice to charge them with contempt of the Legislature and to detain them until they apologized to the House and retracted their protest. The legal basis for this process and their detention was unclear. Emmanuel Wureh was released in November and the other lawyers in December.

2001: Raleigh Seekie, an opposition leader, charged with treason along with 14 others in August 2000, was still in prison awaiting trial at the end of 2001. Others charged with him had not been arrested.

February, 2002: Frances Johnson-Morris, former Chief Justice and head of the Catholic Justice and Peace Commission, was arrested after publicly questioning the constitutional legality of the state of emergency. She was detained briefly with male detainees before the Minister of Justice ordered her release without charge.

March 20, 2002: Henry Cooper, a member of an opposition political party in Bong County, was reportedly arrested by police; his bullet-ridden body was found later.

April, 2002: Tiawon Gongloe, a human rights lawyer, was arrested and tortured in police custody, requiring hospital treatment for his injuries. He was initially prevented from leaving the country and was briefly detained again in May.

June, 2002: Hassan Bility, a journalist with The Analyst newspaper, was arrested with two associates, following articles condemning human rights violations. Sheikh Sackor, Executive Director of Humanist Watch, was arrested the following month. Both were held incommunicado and tortured. The government accused them of belonging to the LURD and announced that they would be tried by a military court.

October, 2002: Aloysius Toe, a leading human rights activist, went into hiding in late October after police raided his home and briefly detained his wife and three other human rights activists. These arrests followed the launch of a campaign by the Liberia Coalition of Human Rights Defenders to secure the release of Hassan Bility and Sheikh Sackor.

8.2.4 Recorded Massacres in Liberia (1979 – 2003)

Below is a synoptic presentation of massacres that occurred in Liberia between 1989 and 2003. To date the TRC has recorded more than 100 different mass graves containing the remains of massacre victims estimated in excess of 8000 persons.

Table 12A: Recorded Massacres

Case #	Date of incidence	Violations	Place of Occurrence	Source / Witness	Victims / Perpetrators
1	1994	Massacre	Nyounde Town, lower Bomi County	Eye Witness Account	83 Zoes from the surrounding towns and villages were massacred by the ULIMO-K led by Col. Donzo
2	November 2, 1992	Massacre	Camp Two, Harbel, Margibi County	Witness	During a football match, ECOMOG bomb fell on the playing pitch and killed about 150 persons and wounded about 86 persons
3	1993	Massacre	Greenville, Sinoe County	Mr. David Swen (Acting Hospital Administrator) & The National Newspaper, December 19, 1996-Vol. 1# 62	More than 100 human skeletons were discovered at the Francis J. Grant Hospital in Greenville, Sinoe County. According to Mr. David Swen, the acting hospital administrator at the time, skeletons of people taken captive By LPC in 1993. They were discovered when the hospital staff went in to access their facilities after ECOMOG was deployed 1996
4	January 15, 1994	Massacre	Neeswen Town, Rivercess County	Returnees from the county/Monrovia Daily News Newspaper Vol. 3 # 24	NPFL fighters killed 32 persons after they were accused of been supporters of the LPC. The NPFL fighters were said to have entered the town about 3:00 a.m. and began slaughtering occupants of houses marked by the LPC.
5	June 19, 1994	Massacre	Moulton Corner Browerville, Montserrado County	Charles Bryant, Benjamin Brown, Marilyn Wright/The INQUIRER Newspaper June 23, 1994 Vol. 4#111	Nine persons including an entire family were slaughtered in the area that was controlled by Mandingo fighters who captured in from Krahn fighters.

6	August 1996	Massacre	Barclay Training Center (BTC) beach Central Monrovia, Montserrat County	Chief Pathologist Dr. Isaac Moses/The National Chronicle, August 29, 30 1996, Vol. 1#31 Vol. 5#62:& the News, Vol. 7#	A team of medical doctors and health practitioners involved in the exhuming and reburial of the dead bodies revealed that over 500 bodies that were exhumed at the BTC beach and reburied at the center street cemetery. Some of the people died from bullets or blunt objects while some were beheaded civilians were killed and many injured while about 1000 civilians were bloodbath.
7	November 18, 1994	Massacre & Destructions	Dior. Jolorh District. Grand Kru County	Residents of the town	Liberia Peace Council {LPC} massacred 35-person. The 35 persons were massacred when the LPC forces opened suppressive firing into the town on the pretense that enemy were advancing on the town. All those got killed were all farmers that were returning from the farm that evening and they also burned down 14 houses
8	April 14, 1994	Massacre	Sogbeh – Bo. Grand Kru County Picnic District	Residents of the town	The Liberia Peace Council {LPC} massacred 45 – persons in Sugbeh-Bo., without reason.
9	August 18, 1994	Massacre & Human Rights Violations	Barclayville, Grand Kru County	Residents of the town	The NPFL massacred five persons in Barclayville, because the men were of the Krahn ethnic group other Human violations was carried on by this group, such as sexual slavery, forced labour and looting/extortion properties
10	Nov 18, 1994	Massacre	Sass Town beach Jolorh District, Grand Kru County	Residents of the town	The Liberia Peace Council {LPC} massacred 25- persons in Sasstown because of the alleged involvement in witchcraft deeds
11	Nov. 18, 1994	Massacre & Destructions	Dior, Jolorh District, Grand Kru County	Residents of the town	The Liberia Peace Council (LPC) Liberia Peace Council {LPC} massacred 35-persons. The 35 persons were massacred by the LPC forces . They opened suppressive firing into the town pretended that enemies were advancing. All those got killed were all farmers that were returning

					from the farm that evening and they also burned down 14 housesmassacred 25- persons in Sasstown because of the alleged involvement in witchcraft deeds
12	2003	Looting & extortion	Maryland County	Residents of Maryland County	The Seaport of Maryland county and the four Major Industrial logging companies were finally looted by the MODEL faction.
13	July 28, 1996	Massacre	Gbarma town, Gbarpolu County	Residents of Gbarma	Government forces massacred 24-civilians in the house where they sought refuge/safety from the fighting between LURD and the Government forces (Counter attacked) at Gbarma Town which lasted for about three hours (6:10 am)
14	Dec. 28, 1996	Massacre	Tubmanburg Bomi County	Residents of Tubmanburg	After December 28, 1996 after ECOMOG abandoned their Based in Tubmanburg, Bomi County ULIMO-J entered the based where about 27000 civilians sought refuge and massacred over 1000 displaced persons in cold blood.
15	May, 2002-3	Massacre	Gbarma Town Gbarpolu County	Residents of Gbarma	Massacre of 110-persons in Gbarma by General Oforie Diah of LURD. Who is presently serving as chief Security as the National Port Authority in the NTGL
16	2003	Massacre	Schiefflin High Way	Witness	About 50 ex- combatants mostly handicaps were massacred by the NPFL Government led by Gen. Benjamin Yeaten
17	January 15, 1994	Massacre	Neeswen Town, Rivercess County	Returnees from the county/Monrovia Daily News Newspaper Vol. 3 # 24	NPFL fighters killed 32 persons after they were accused of been supporters of the LPC. The NPFL fighters were said dto have entered the town about 3:00 a.m. and begtan slaughtering occupants of houses marked by the LPC.
18	June 19, 1994	Massacre	Moulton Corner Browerville, Montserrado County	Charles Bryant, Benjamin Brown, Marilyn Wright/The INQUIRER	Nine persons including an entire family were slaughtered in the area that was cotrolled by Mandingo fighters who cap-

				Newspaper June 23, 1994 Vol. 4#111	tured it from Krahn fighters.
19	August 1996	Massacre	Barclay Training Center (BTC) beach Central Monrovia, Montserrado County	Chief Pathologist Dr. Isaac Moses/The National Chronicle, August 29, 30 1996, Vol. 1#31 Vol. 5#62:& the News, Vol. 7#	A team of medical doctor and health practitioner involved in the exhuming and reburial of the dead bodies revealed that over 500 bodies that were exhumed at the BTC beach and reburied at the center street cemetery. Some of the people died from bullets or blunt objects while some were beheaded civilians were killed and many injured while about 1000 civilians were bloodbath. But other reports put the number at 25 to 48.
20	November 18, 1994	Massacre & Destructions	Dior. Jolorh District. Grand Kru County	Residents of the town	Liberia Peace Council (LPC) massacred 35-person. The 35 persons were massacred by the LPC forces. They opened suppressive firing into the town on the pre-tense that enemy were advancing on the town. All those got killed were all farmers that were returning from the farm that evening and they also burned down 14 houses
21	April 14, 1994	Massacre	Sogbeh – Bo. Grand Kru County Picnicess District	Residents of the town	The Liberia Peace Council (LPC) massacred 45 – persons in Sugbeh-Bo., without reason.
22	August 18, 1994	Massacre & Human Rights Violations	Barclayville, Grand Kru County	Residents of the town	The NPFL massacred five persons in Barclayville, because the men were of the Krahn ethnic group other Human Rights violations was carried on by this group, such as sexual slavery, forced labour and looting/extortion properties

The listing of county specific massacres recorded below were reported, recorded and confirmed by county delegates to the National Conference on Reconciliation.

Table 12B: County Specific Massacres:

Lofa County Specific: NUMBER OF MASSACRES & MASSACRE SITES

Districts	Massacre Sites	Warring Faction Responsible	Approximate # of People Killed	Year
Salayea	Danenama	LURD	213	2003
	Passama	LURD	112	2003
Zorzor	Yeala	ULIMO	86	1993
	Worzi	LDF	75	1993
	Balagwalazu	LDF	100	1993
Voinjama	Bakedu	NPFL	387	1990
	Kuruka	NPFL	27	1990
	Selega	NPFL	47	1991
	Malamai	ULIMO	142	1993
	Tenebu	LDF	86	1993
	Lawalazu	ULIMO	55	1993
	Jallamai	ULIMO	47	1993
	Kpotomai	ULIMO	40	1993
	Zowodamai	ULIMO	37	1993
	Kpankpalamai	ULIMO	11	1993
	Vezela	ULIMO	25	1993
	Kpakumai	ULIMO	20	1993
	Jaryamai	ULIMO	60	1993
	Nekebuzu	GOL/NPP	27	2003
	Voinjama City (Black Monday)	ULIMO K	750	1993
Kolahun	Kolba City	GOL	550	2003
	Kailahun-Luka	GOL	800	2002
	Yandihun	GOL	100	2002
	Popolahun	GOL	100	2002
	Fangonda	ULIMO	36	1993
	Kamatahun	GOL	147	2002
	Kambolahun	GOL	300	2002
Foya	Foya City	ULIMO	45	1993
	Nigesakonja	NPFL	27	1992
Vahun	Folima	ULIMO	130	1993
	Gbondomai	ULIMO	207	1993
	Gogoma	ULIMO	75	1993
Total Estimated Death toll from massacres in Lofa			4,864	

Note: The massacres took place because ethnic vengeance or revenge.

Lofa memorialization areas:

Memorialize areas selected are the district head quarters and the county seat.

Bong County Specific:

Districts	Massacre sites	Factions Responsible	Approximate #of people killed	Year
Jorquelleh	Kpolokpala	LPC	750 plus	1994
Zota	Naama	ULIMO K	1000	1994
	Gweyea	NPFL	500	1994
Sheansue	Samay	LPC/NPFL	500	1994
Jorquelleh	Folonailah	NPFL	100	1994
Suakoko	Phebe Hospital	NPFL	100+	1994
Sanoyea	Gbonota	NPFL	50+	1994
Sanoyea	Gbongyea	NPFL	125	1994
Gist				

Rivercess County Specific:

District	Massacre Sites	Factions Responsible	Approximate # Killed	Year
Yarnee	Poweh	LPC	9	1994
	Doe	LPC	10	1994
	Gbokon/Garade	NPFL	26	1993
	ITI	NPFL	100	1993
	Krakpo	LPC	15	1994
Timbo	Cestos City	-	6	1990
	Banwon	LPC	120	1995
	Bloe	LPC	560	1995
Nyuenwuen	Wrobone	LPC	37	1995
	Seah	NPFL	7	1994
Central "C"	Barkey	LPC	75	1995
	Neezuen	NPFL	60	1995
	Saywionwor	LPC	12	1995
	Garpue	NPFL	6	1995
	Bodazar	NPFL	7	1995
	Zammie	NPFL	200	1995
	Gbardiah	NPFL	60	1995
	Gborwuzohn	NPFL	64	1995
	Firestone	NPFL	8	1994
	Teekpeh	NPFL	22	1994
	Sahn	NPFL	9	1994
	Jodo	NPFL	13	1994
	Zeegar	NPFL	18	1994
Moweh	Zaryea	LPC	21	1994
	Budoin	LPC	7	1994
	Gleozahn	NPFL/LPC	70	1994
	Boe	LPC/NPFL	100	1994
	Paye	LPC	10	1994
	Karngbo	LPC	13	1994

Grand Bassa County Specific:**Sites of Massacres:**

<u>Town:</u>	<u>District</u>	<u>Alleged Perpetrators/Yr</u>
Messeh Camp	District #2	NPFL MARINE — — — 1995
Pallapoe	District #2	LPC — — — — — — — — 1994
Civil Compound	District #2	LPC/NPFL — — — — — 1994
Kpue Town	District #3	AFL — — — — — — — — 1990
Yorcee Town	District #4	
Ben Town	District #4	NPFL(KASAKA) — — 1994
Bahn Town	District #4	

Nimba County Specific:**Sites of Massacres:**

PPF Headquarters/Yekepa	1985	PPF Director/AFL
Karnplay	1990	AFL
Lutheran church	1990	AFL
Gbarnga Iron Gate	1990	AFL
Constance Farm/Saclepea Highway	2003	GOL Forces
CNC	2003	GOL Forces

Grand Cape Mount County Specific:**I. Bringing Closure**

Building memorial sights (monuments) by government at each massacre site
 Government should build guest houses in each district as specified by citizens
 bearing names of massacre victim in each district

Massacre Sites**A. Tewor District**

Town	Faction	Date/Year
1. Sanga	ULIMO Forces	1992
2. Zwanii #1	ULIMO Forces	1992
3. Gbesseh	ULIMO J&K	Aug. 1994
4. Tewor Mendimasa	ULIMO-K	1994
5. Ngojah	ULIMO-K	1994
6. Victoria Village	ULIMO-K	1994
7. Diah	ULIMO-J&K	1996
8. Sowee	ULIMO-J&K	1996

9. Jene Wonde	ULIMO-K	1996
10. Tiene	ULIMO-K	1996

B. Garwula District

Name/Town	Faction	Date/Year
1. Mehkor	ULIMO-K	January 17, 1995
2. Gbaah Forboi	NPFL	July 24, 1990
3. Singey	ULIMO J&K	April 28&Sept. 17, 1996
4. Dassalamu	ULIMO-K	Aug. 9, 1996

C. Common Wealth District

Town	Faction	Date/year
1. Mandoe	ULIMO-K	May 8, 1996
2. Robertsport	ULIMO-K	July 9, 1996

D. Gola Konneh District

Town	Faction	Date/Year
1. Lofa Bridge	NPFL	Jan. 9, 1991
2. Weajue	NPFL	Feb. 10, 1992
3. Mbaloma	ULIMO-J	Feb.17, 1994
4. Mecca	ULIMO-J	Feb. 17, 1994
5. Larjoh	ULIMO-K	March, 1995

E. Porkpa District

Town	Faction	Date/Year
1. Mano River	NPFL	July 21, 1990
2. Camp Israel	NPFL	Feb. 12, 1992
3. Bamballa	ULIMO Forces	May 16, 1994

Bomi County Specific:**Massacres sites**

- St. Dominic Compound- 300 children in 1996
- Maher River-many persons in 2002
- Weakama school building in 2003
- Demeh(mass graves) in 2003-amputees
- Madina (Suehn Mecca District) football field-150killed
- Bomi police station in 1990
- Golodee Gaila town
- Indian Water, New Road in 1990
- Gbah Jakeh Massacre in 1990
- Gbajay (Suehn Mecca) in 1990-50 plus persons

Gbarpolu County Specific:**Areas of Massacre****Bopolu District**

Bopolu Town
Media town on the football field
Totoquelleh town
Henry town
Obayama town
Armada town

Gbarma District

Gbarma town
Sawmill town
Yangayah town
Weasua town
Vaye town

Belleh District

Fassama district
Mavator town
Konasu town
Bokomu town
Monlaquelleh town
Bellekpama town

Kongba District

Zuoi town

Montserrado County Specific:**Massacre Sites**

Lutheran Church-14th Street Monrovia
Cow field, Duport Road
Fendell Campus
Grey Stone- Mamba Point
ELWA Compound
ETMI- CaldWell

Margibi County Specific:**Massacre sites**

- Carter Camp-1992
- Marshall Massacre
- Nyama Town Massacre
- Zoewein Town- Mambahn chieftdom
- Senzohn town
- Wheavien town

River Gee County Specific:

1. Wolfiken, Sarbo District;
2. Sweaken, Sarbo District;
3. Yougbo, Sarbo District/Glarro;
4. Salla, Sarbo District/Glarro;
5. Gbaweleken, Webbo District (Tuobo);
6. Putuken, Chedepo District (Putuken);
7. Kanweaken Villages, Gbaepo District;
8. Killepo Kanweaken, Chedepo District

Maryland County Specific:

1. Harper District – In this district, we have the Cavalla Massacres, Fish Town Massacre and Ferguson Campus Massacre;
2. Pleebo District – In this district, we have the Pleebo Compound Hill Massacre, Gbolobo Mission Town Massacre, Pedebo Massacre, Pleebo Diamond Light Massacre, and the Baraken Methodist Church Massacre;
3. Karluway District – In this district, massacre took place in Boniken, and Warteken;
4. Barrobo District: in the town of Glofaken, there are 11 sites.

Grand Gedeh Specific:

1. Gbarzon District: Zalaken, Pouh Town, Gorluway, Barh Town;
2. Konobo District: Boundary Town, Gboluo Town, Konobo Ziah Town, Walabo Town;
3. Tchien District: Tubman Palace – Zwedru, Bargblor Town, Kumah Town, Zaybay Town.

Grand Kru Specific:

1. Taybue, Buah District – 13 persons were killed by LPC on August 24, 1995;

2. Blebo, Trien District – nearly the whole town people were killed by LPC;
3. Wropluken, Buah District – 15 persons were killed by NPFL;
4. Jrao District – 10 persons were killed by NPFL;
5. Dorbor District – More than 30 persons were killed by NPFL.

Sinoe County Specific:

1. Pratt Farm – 42 persons were killed in 1990 by the NPFL (National Patriotic Front of Liberia);
2. Juazon Statutory District when Noriega called the citizens that their son Joe Wylie invited them (unfortunate);
3. Chebioh Town, 125 persons were killed by NPFL;
4. Elementary Demonstration/Old Sinoe High School, over 100 persons were killed by LPC (Liberia {Peace Council) in 1994 in Greenville;
5. Saywonkan-Jedep, over 20 persons were burnt in a house by LPC on the orders of Agent Tarlue the late;
6. Po-River, Greenville, in 2003, MODEL killed six persons;
7. Mississippi Street, Methodist 1st Church in July of 2003, MODEL killed some people there;
8. In Sayklapo-Butaw, 14 persons were killed in 1993 by LPC and at ENI Peace Conference, 500 persons were killed by LPC in 1994.

8.3. Nature, Pattern and Character of Human Rights Violations and War Crimes categories

The catalogue of violations enumerated above evidences the distinct nature of violations of human rights that characterized the conflict in Liberia. Rightly so, the TRC has determined that gross violations of international human rights and humanitarian laws, egregious domestic violations and other forms of violations were very much pervasive in Liberia's several wars and armed conflict during the TRC mandated period of review.

It is trite and banal to assert that war brings with it dastardly, carnage, wanton destruction of lives and properties. It is even common to accept that despite the prohibition of certain practices as war weapons – e.g starvation – it is not implausible for the human psychology to tolerate these occurrences as inevitable consequences of war. However, the species of crimes committed in the Liberian civil war – especially cannibalism (eating of human flesh by humans), disembowelment of pregnant women undoubtedly take the meaning of war crime/crime against humanity to another level and stretches the tolerance of mankind of war atrocities. According to Stephen Ellis, “the Liberian conflict topped and surpassed all other wars in form and character, in intensity, in depravity, in savagery, in barbarism and in horror. Whilst the Liberian



9

IMPACT OF THE CONFLICT AND VIOLATIONS ON THE PEOPLE



Many elderly persons have either lost real income or its value have dropped so dramatically that it can not meet their basic needs. Family members or children have been displaced or are in foreign lands as refugees. Elder folks also lost, many of them, their life time investment in housing destroyed or damaged during the war. Aged and incapable of active work or employment, this is often the source of trauma, depression leading to death. At the end of the conflict, the deaths of many elderly persons were reported because of heart failure. Yet in many isolated instances, they were directly targeted and abused sexually, killed under queer circumstances and rendered invalid, penniless and public charge.

Given the relatively youthful composition of the Liberian population and a national Life Expectancy rate of 55, it can be argued that any Liberian, age 55 would be considered an elderly person. In Liberia as in most African societies respect for the elderly is engrained in cultural norms and practices. Until the advent of the civil war these mores and norms governed traditional societies around the country whether amongst Kwa or Mande speaking peoples. During the war, however all of these norms were violated with reckless abandon as traditional authority, relations, and structures fell to the assault of the various fighting groups. In a number of reported cases elderly people, both male and female alike were killed, assaulted, abused, inhumanely degraded on the slightest pretext by perpetrators, on many occasions, by fighters old enough to be their children. The age-targeting of increasingly older men is for killing and looting. One possible interpretation of this is that perpetrator groups targeted older men, perhaps chiefs and elders of influence in the community for killing. Wealth and property may also have been concentrated among older men, making them targets for looting whereas, the younger population was targeted for force recruitment into the fighting forces.

Overall, we do not observe high levels of risk for elderly female victims in the violation categories studied by the TRC in statements except for in the age category of 70-74 for killing. We also see a bump in the relative risk for women between the ages of 65-69 for rape violations, though relatively small for the ages 65-69. Even though the actual number of rape violations for female victims between the ages of 65-69 is relatively small, however, when adjusted for the very small proportion this age-sex group makes up the population, we see that women in this age category faced a relatively high risk for suffering rape compared to other age-sex categories with the exception of much younger women.

9.7. Cultural, Traditional and Religious Dimensions

Liberia encompasses multiple religious traditions among its population. Prior to the founding of the Republic of Liberia by settlers very closely identified with the Christian faith, the land was inhabited by tribes and societies that practiced indigenous

traditional religions as well as the faith of Islam. Although it is generally recognized that a majority of Liberians profess to align themselves with Christianity, there is extensive intermingling of traditional and faith-based practices among religious participants such that the faith of many Liberians is blended and integrates elements of both indigenous traditional and religious practices. Nonetheless, the prevailing historical narrative of Liberia is from a distinctively Christian perspective that has failed to recognize and accommodate the full breadth of Liberia's diverse religious and Traditional communities and their significant influences on the distinctive history and formation of a Liberian identity.

The Constitution of Liberia was changed in 1986 to reflect that Liberia is a unitary state and that no religion is preferred over the other to address the perception that the historical association of Christianity with the nation's leadership undermined the free exercise of religious and political rights of practitioners of other faiths and religious traditions in Liberia.

Because of the close affiliation between religious practice and tribal identity, tribal or ethnic characteristics were closely identified with a particular faith. Most notably, it was presumed that all Mandingoes practice Islam. While adherence to Islam is strongly prevalent within the Mandingo tribe, this assumption led to the deaths of numerous Muslims who were unaffiliated with the Mandingo tribe, particularly in the early 1990s, because the NPFL presumed all Mandingoes (and thus, Muslims) to be aligned with their adversary, President Samuel K. Doe.

Violence was broadly directed against other ethnic groups or tribes often based upon perceived characteristics of that tribe, including a tribe's perceived support for certain political or military leaders. Because one's ethnicity, tribal identity and religious faith were rarely distinguished, it is difficult to discern whether a particular violent act or atrocity was motivated by ethnic or by religious hatred. However, military leaders and combatants sought the blessing and support of religious and traditional leaders for protection during battle. Such protection was offered by religious and traditional leaders in the form of prayers, blessings, charms and secret practices that were designed to provide protection from harm, such as "bullet protection". Some religious bodies solicited financial support for various factions. To date, there is no strong evidence to suggest that religious intolerance was or is at the core of Liberia's prolonged conflict.

A not uncommon practice by combatants during the conflict was to kill and dismember enemy combatants as well as civilians. Body parts were sometimes distributed to other communities for consumption by combatants. Certain organs, such as the heart, were often eaten with the belief that the eating of human flesh and organs would embolden the combatant. Another common practice was to create a concoction comprised of

human blood, sugar, gunpowder and gin to serve to combatants with the expectation that it would make them more powerful.

These practices were perverted derivations of Traditional rituals of secretive origin. During the conflict, these Traditional ritualistic practices became openly visible and commonly practiced by military as well as political leaders seeking supernatural powers in the prosecution of armed conflict.

Scholars point to religious and Traditional communities as having a reliance on political leaders of their respective eras. The case of Presidents Tubman and Charles Taylor dominating the affairs of their respective Christian denominations and at the same time playing leadership roles in the traditional societies was common. This is an attribute of the conflict with deeper roots in the Liberian political history of patronage. Likewise, these religious and Traditional institutions received patronage and otherwise benefited from their relationship with “the President”.

The civil war and the havoc that accompanied it pressured Liberia’s two main religious faiths to work together for peace. Partly in response to violence in Nimba County in 1990 directed at Muslims (who were identified as Mandingoes) by the NPFL, the Liberian Council of Churches and the National Muslim Council of Liberia collaborated in the formation of the Inter-Faith Mediation Committee (IFMC). The IFMC was later reorganized into the Inter-Faith Council of Liberia, and in 2001 organized into its present entity, the Inter-Religious Council of Liberia (IRC-L).

In addition to assisting with implementing disarmament and repatriation initiatives prior to the 1997 presidential elections, the IRC-L most notably embarked upon mediation efforts between the Government of Liberia and rebel factions beginning in 2002 that paved the way for formal peace talks between the parties in Accra, Ghana.

Among religious and traditional leaders active in peacemaking activities, leaders such as Catholic Archbishop Michael Kpakala Francis were recognized for their personal courage and continuous advocacy of peace. Likewise, it was the commitment of Bishop Arthur Kulah and Sheikh Kafumba Konneh who spearheaded cooperative interfaith efforts that led to the establishment of the IFMC.

There were acts of violence against religious populations and sacred places that were not *motivated* by intolerance of religious or Traditional institutions, but were directed specifically at religious and Traditional populations. In some instances and in some areas of Liberia, conflict and violence was in fact fueled by religious intolerance. The desecration and destruction of sacred places led to a weakening of religious and traditional institutions and threatened the collapse of systems of reliable rules and norms upon which religious and traditional communities depended on a daily basis.

Perpetrators intentionally violated the institution of 'sanctuary' – a place where the dispossessed should be able to find safety. The key events addressed below demonstrate a broader loss of respect for and violation of, religious and traditional institutions during the conflict.

For several months in 1990, St. Peter's Lutheran Church became the refuge of women, children and men predominately from the Mano, Gio and Kpelle tribes fleeing violence throughout the country. Of significance here is that the Church was seen as a place of sanctuary – sanctified by God as a place of worship and protection; it became an attractive site for protection from harm *because* it was a sacred place.

On the night of July 29, 1990 combatants from the Armed Forces of Liberia surrounded the church and desecrated its sanctity by committing the murder of approximately six hundred persons taking refuge there. First using cutlasses and bayonets and then gunfire, soldiers moved into the sanctuary and classrooms in the outbuildings to locate and kill persons who had sought the protection of the church. The next day, July 30th, the few that survived the attack were being assisted at neighboring facilities, including the nearby United Methodist Compound, where soldiers of the AFL again violated the sanctity of church facilities to kill survivors and those who sought to provide the victims with humanitarian assistance.

The expansion of the territorial scope of this atrocity is significant not only because its impact on the Christian community was therefore larger, but also because it reflects a larger community of religious institutions that were victimized because of their willingness to provide assistance in response to the carnage.

Lofa County is an ethnically and religiously diverse county where 16 tribes can be found living in close proximity to each other. Consequently, communities were gravely impacted as the conflict exploited and perpetuated religious and ethnic distinctions. Thus violence in Lofa County was directed specifically toward religious and Traditional communities and structures. The victimized community was primarily the Muslim community, but traditional sacred sites and communities were also targeted for violence.

It is commonly held that Traditional communities suffered greatly in particular through the desecration of sacred sites; although due to the secretive nature of traditional societies, little or no documentation can be obtained to detail the breadth and scope of this violence. However limited, documentation and dialogue with stakeholder communities provide evidence that acts of violence were directed toward Traditional societies, such as the instance where NPFL combatants rounded up all Zoes in a region, locked them in a house and set fire to the house. By comparison, there is substantial documentation on the plight of the Muslim community in Lofa County.

Events in and around Lofa County in the early 1990's exposed religious intolerance as a force fueling violence in those areas, particularly against Muslims who were generally associated with Mandingoes and who were seen by the forces of Charles Taylor as supporters of the Samuel K. Doe regime.

The killing of five Catholic Nuns in Monrovia by NPFL operatives appears to be intentional and bordering on religious intolerance, pointing also to the type of harm inflicted upon religious institutions during the conflict. Religious and Traditional communities were targeted and violated because of religious intolerance, ethnic associations and the exercising of political influence by religious and Traditional leaders. Religious and Traditional institutions bear some responsibility for prolonging the conflict by failing to intercede in preventing violence and by directly supporting warring factions through prayer, advocacy, ritual protection and financial support.

9.8. Liberian Diaspora

The West African nation of Liberia is recovering from years of conflict characterized by egregious violations of human rights that created the Liberian Diaspora. From 1979 until 2003, the Liberian people survived a bloody coup d'état, years of military rule, and two violent civil wars. The atrocities were the result of complex historical and geopolitical factors. The slave trade, U.S. efforts to return slaves to Africa, the abuse of the indigenous population by a ruling oligarchy, the looting of the country's substantial natural resources by its own corrupt government and by foreign interests, and the political ambitions of other African leaders all contributed to the conflict. The international community, including the United States, failed to take effective action to limit the bloodshed. Out of a pre-war population of three million, an estimated 250,000 people were killed, with as many as 1.5 million displaced. A mass exodus fleeing the fighting created Liberian Diaspora communities in many countries around the world, including the United States. An estimated 30,000 Liberians live in the state of Minnesota alone, but there are also tens of thousands of Liberians living in other U.S. cities, in the United Kingdom, and in refugee settlements in the West African sub-region.

The violence finally ended in 2003, but the peace remains fragile. The conflict's impact is evident in the streets of Monrovia, the homes of villagers in the Liberian countryside, and Liberian gathering places in London, Philadelphia, Minnesota and elsewhere. Liberians were forced from their homes and deprived of their education and livelihood. They are suffering from physical and psychological trauma and are separated from their families by death or distance. Deeply felt conflicts continue to divide the Liberian people at home and abroad. Corruption, both real and perceived, continues to pervade the society. Hence, Liberians in the Diaspora seek food, work, health care, education and a future. Increasingly, Liberians are also calling for justice. These demands are made to a government that struggles with few resources and an unstable security



12

RECOMMENDATIONS ON ACCOUNTABILITY: Extraordinary Criminal Court



12.0 RECOMMENDATIONS ON ACCOUNTABILITY: EXTRAORDINARY CRIMINAL COURT

In the preliminary Final Report of the TRC – Volume 1 Findings and Determinations, the TRC reserved the right to make determinations of responsibility for EDC, GHRV and SVHL on any persons, groups or entities, or those involved in a joint criminal enterprise or conspiracy including those that planned, instigated, ordered, committed, aided or abetted in the planning, preparation or execution of any crime within its mandate.

The TRC Act requires that the TRC produce a report that is "...detailed on all aspects of the TRC's work, investigations, hearings, findings and recommendations" ... "based on factual and objective information and evidence collected or received by it or placed at its disposal." The TRC Act further mandates that the TRC make recommendations to the President of Liberia with regard to the need for reparations to victims; rehabilitation of victims and perpetrators in need of specialized psycho-social and other rehabilitative services; legal, institutional and other reforms; continuing investigations and inquiries into particular matters; and prosecutions. See Art. X section 44, 48; Art. VII Section 26(h)(j) of the TRC Act (2005) which is incorporated by reference to this report.

Consequently, after several months of deliberation, debate and reflection, Commissioners have made numerous recommendations based on public hearings in Liberia and the Diaspora, testimonies, consultations with civil society, findings from investigations and inquiry, etc. and what they believe is needed to bring about truth, justice and reconciliation to Liberia.

The Commission determined that the TRC Act mandates that all TRC recommendations are authoritative, binding and have the weight of law serving as quasi-judicial directives that must be implemented by the Government of Liberia and National Legislature. The TRC Act mandates that "all recommendations shall be implemented" and requires the President to "report to the National Legislature within three months of receipt of the report of the TRC, and on a quarterly basis thereafter, as to the implementation of the Commission's recommendations." The Legislature must require the President to "show cause" for non-compliance with any TRC recommendations and ensure their compliance.

The TRC welcomes *THE VIRGINIA DECLARATION: A Call For a Way Forward to a New Liberia through Reconciliation and Justice* (The Virginia Declaration) adopted by the delegates to the National Truth and Reconciliation Processes Culminating in the National Conference on Reconciliation held at the Unity Conference Center in Virginia, Liberia from June 19-22, 2009. The TRC adopts through incorporation all of the

recommendations in The Virginia Declaration except for those recommendations that may conflict with findings, determinations and recommendations made by the TRC in this report. See Annex 1 for The Virginia Declaration.

12.1. Accountability: "Extraordinary Criminal Court for Liberia"

The TRC hereby recommends the establishment of an "Extraordinary Criminal Court for Liberia" to try all persons recommended by the TRC for the commission of gross human rights violations including violations of international humanitarian law, international human rights law, war crimes and economic crimes including but not limited to, killing, gang rape, multiple rape, forced recruitment, sexual slavery, forced labor, exposure to deprivation, missing, etc.

12.2. Nature, Jurisdiction and Scope of Authority of Criminal Court

See Article 10 of the Annex 2, draft Statute Establishing The Extraordinary Criminal Court For Liberia which is incorporated by reference.

12.3. Names of Those Responsible (Perpetrators) Recommended for Prosecution

The TRC recommends several persons for prosecution for gross human rights violations including violations of international humanitarian law, international human rights law, war crimes and egregious domestic laws violations of Liberia and economic crimes. Some perpetrators recommended for prosecution include:

LEADERS OF WARRING FACTIONS	
NAME	FACTION
Charles G. Taylor	NPFL
Prince Y. Johnson	INPFL
Roosevelt Johnson*	ULIMO & ULIMO-J
Alhaji G.V. Kromah	ULIMO & ULIMO-K
George Boley	LPC
Thomas Yaya Nimely	MODEL
Sekou Damante Konneh	LURD
Francois Massaquoi*	LDF

*Dead

MOST NOTORIOUS PERPETRATORS		
NO.	NAME	VIOLATIONS
1	Prince Y. Johnson	Killing, extortion, massacre, destruction of property, force recruitment, assault, abduction, torture & forced labor, rape
2	Moses Z. Blah	Torture, Abduction, Assault & Looting
3	William Sumo	Torture, Abduction, Assault & Looting
4	Mehnsayon Sayon	Torture, Abduction, Assault, Looting, force detention, force recruitment
5	John Gbeto	Torture, Abduction, Assault & Looting
6	Paulson Garteh alias Gen. Satan	Massacre, Torture & Extortion
7	Momoh Gebah (Bull Dog)	Killings, murder, & Torture
8	Joseph Kpeyon	Massacre
9	Mateus Paily	Massacre
10	Gen. Lawrence Guanuu	Force Labor & Massacre
11	Senator Jonathan Banney	Torture
12	Albert Sumeh	Murder & Rape
13	Gen. Sampson	Murder
14	Christopher Vambo alias Gen. Mosquito	Murder & Torture
15	Col. Joloka	Rape, Torture & Murder
16	Prince Nagbe	Rape, Torture & Murder
17	Pat Ran Kennedy	Murder, Looting & Force Labor
18	Klehgbayee	Murder, Looting & Force Labor
19	Abel S. Gbalah	Torture, Rape & Murder
20	Gen. Nally	Rape, Force Labor & Murder
21	Macdonald Tarpeh	Rape, Mutilation & Murder
22	Anthony Ponnio	Rape, Mutilation & Murder
23	Alfred Payne	Rape, Mutilation & Murder
24	Gen. Greene	Conscription, Rape & Murder
25	Saywalaka	Conscription, Rape & Murder
26	Chris Davis	Murder, Conscriptoin, Torture & Rape
27	Col. Boy Tarley	Murder, Force Labor, Mutilation
28	Moses Goahn alias Gen. Norriega	Massacre, killings, mutilation
29	Michael Davies alias Sundaygar Dear-boy	Looting, Torture, killing & Gang Rape
30	Peter Giah children father	Killing
31	Coco Dennis, Gen. Gonda, (NPFL)	Massacre, Killing, Forced Labor, Canibalism
32	Carsacar Group (NPFL) Joseph (model)	Massacre, Forced Labor
33	(LPC) Blood Sucker war bus	Rape, Killing, Torture & Canibalism
34	Nuku Johnson - Gen. Nathan (LPC)	Massacre, Torture, Rape
35	(NPFL) Red Devil	Massacre
36	(LPC) Mohammeh Bah (Superman)	Killing, Rape
37	(LPC) Superman	Massacre
38	J.Y. Wongboe NPFL (delta force)	Rape, Torture & Extortion
39	Chinese Jabber Philip Kamiongar (NPFL)	Killing, Rape, Torture, Forced Labor
40	LPC Debbah	Killing, Torture, Destruction
41	(NPFL Marine), Gonkarnue	Torture, Detention
42	NPFL-Markdamie, Black Diamond	Massacre, Cannibalism

43	Gen. James Freeman (NPFL)	Massacre
44	Sundaygar, young killer, skinny	Torture, Massacre
45	NPFL - Matthew Gio	Killing, Massacre
46	(NPFL) Gen. Gondah (Reginald Ballout)	Torture, Forced Labor, cannibalism or eating victim's human flesh
47	Citizens of Duo (single barrel) unit NPFL	Massacre
48	(NPFL) Mekarnu Goweh, Saye Boayou	Extortion, Torture
49	(LPC) George pee Solo Garsanoo	Killing, Destruction and Torture
50	Saah R. Gborllie	Murder, dismemberment of pregnant women
51	Cllr. Richard Flomo	Torture and Killing
52	Jerry Risks	Massacre
53	John Garan (Junior Garan)	Torture, Killings & Massacre
54	Gen. Steven Wontoe	Torture, extortion & Killings
55	Gen. Joe Tuah	Torture, summary executions, conscription, forced labor and ritualistic killings
56	David Daniel	Torture, rape, summary executions, conscription, forced labor and ritualistic killings
57	Martina Johnson	Killings
58	Junior Mitchell	Torture, sexual slavery, forced labor & killings
59	Gen. Rufus Fasue alias Equalizer	Rape, Massacre, looting, Summary killings, torture
60	George Dweh	Murder, killing & torture
61	Gen. Charles Julu	Murder, killing, destruction of property & torture
62	Augustine Nagbe alian Gen. Power	Torture, looting & destruction of property
63	Marcus High Gray	Torture, killing & looting
64	J. Appollo Swen	Killing & extortion
65	Sando Johnson	Killing & force recruitment
66	Joseph Marzah alian Zigzag Marzarh	Murder
67	Kai Farley	Massacre & killing
68	Varmuyah	Rape, torture & force labor
69	Amos Barclay	Rape, torture & force labor
70	Larry Murphy	Killing & torture
71	Gen. Ofori Diah, alias Iron Jacket	Force labor
72	George Warpo	Massacre, Arson & Torture
73	Co. Zero-Zero	Massacre, Arson & Torture
74	Peter Dahn	Massacre, Arson & Torture
75	Co. Kortor	Massacre, Arson & Torture
76	Tommy B. Wongba	Massacre, Arson & Torture
77	Peter Pewee, alias Gen. Katali	Killing & torture
78	Gen. Ericson Bardio	Rape, sexual slavery & force labor
79	Benjamin Yeaten	Murder, torture & abduction
80	Roland Duo	Murder, torture & abduction
81	Felix Washington	Murder
82	Senegalese	Murder, torture & force displacement
83	Moses Tarley alias Co. Crab	Torture & murder
84	Co David	Torture & extortion
85	Siafa Norman	Abduction & arson

86	Sakou Donzo	Arson
87	Adolphus Dolo (Peanut Butter)	Murder
88	Melvin Sogbandi	Killing, torture, massacre & looting
89	Mango Menlor	Murder, abduction & rape
90	Mark Guahn	Killing, genocide & murder
91	Moses Thomas- former SATU Commander	Torture, Murder,
92	Maj. Jerry Gban	Torture, Murder, Looting
93	Waheeb Saab	Torture, Murder
94	Maj. Henry Johnson	Torture, Murder
95	Zico Nah Darliah	Murder, torture & force displacement, Rape, Genocide, Massacre
96	Doepo Menkazohn	Murder, Torture, Looting
97	Alex Tolbert alias Gen. Young Devil	Torture, sexual abuse, murder, looting
98	Daniel K. Bracewell	Rape, murder, looting
99	Lanka Tay-Lanka	Murder, torture, looting, cannibalism
100	Nyondweh Monokonmanah	Massacre, ritual killing
101	William B. Toe	Killing, rape, abduction, destruction of property, forced recruitment of child soldiers, torture, robbery
102	David Kpoah (David Bryant)	Massacre, ritual killings
103	Dan Morias	Massacre, gun running, economic crime, destruction of property, summary execution, torture, killings
104	Capt. Paye Suah	Murder, massacre, torture
105	Gen. James Freeman	Massacre
106	John T. Richardson alias Gen. Octopus	Mastermind and chief executor of Operation Octopus
107	Benedict Bartuah	Rape, sexual slavery, killings
108	Yeanae Keryeazue	Massacre, killing, arson, destruction of property, extortion, looting, torture, rape
109	Tigae Wontee	Extra judicial killing, massacres
110	Tiagen Wontee	Massacres, murders
111	Edwin Voker	Massacres, murders
112	Charles Breeze	Massacres, murders
113	Gola Red	Killings, torture, rape
114	Josseph Montgomery	Killing, rape, arson
115	Moses Samukai	Killing, raper, arson
116	Momoli Jibba	Abduction, Killing, Rape, Massacre

12.4. Names of Persons (Perpetrators) Not Recommended for Prosecution

The TRC recommends, without prejudice to the Palava Hut process, that the following persons though found to be responsible for gross human rights violations including violations of international humanitarian law, international human rights law, war crimes and egregious domestic laws violations of Liberia are recommended not be prosecuted because they cooperated with the TRC process, admitted to the crimes committed and spoke truthfully before the Commission and expressed remorse for their prior actions during the war:

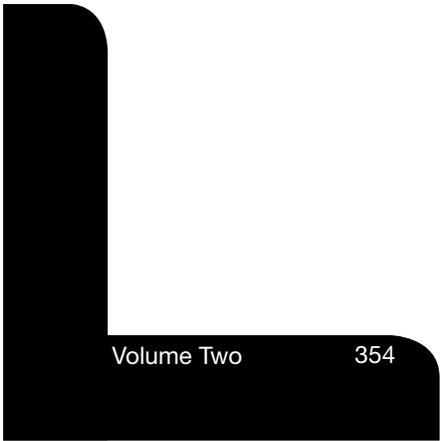
No.	Name	County	No.	Name	County
1.	Eugene Zinnah Gray	Montserrado	20.	Joseph Kpagbor	Grand Bassa
2.	Emmett Sando Gray	"	21.	Mulbah Sheriff	Gbarpolu
3.	Allan M. Nicholas	"	22.	Papa Ballah	"
4.	Joshua Milton Blayir	"	23.	George T. Sengbe	Bomi
5.	Alfred Suah Debleh	"	24.	Anthony Gballey	"
6.	Morris A. Padmore	"	25.	Amos Chea	"
7.	Musa Fofana	"	26.	Oldman Musa Pewee	"
8.	Yar Martor	"	27.	Felix Washington	"
9.	David Kennedy Vanyan	"	28.	Adam Johnson	Margibi
10.	Morris Weah	Marylandd	29.	Vivian Willie	Nimba
11.	Washington Moore	River Gee	30.	Rufus Mahmu Woyee	"
12.	Mohammed Sheriff	"	31.	Gertrude Pajebo	"
13.	Wilson Saweayah	"	32.	Junior Duo (J. Born J)	"
14.	Stephen Jones	Grand Gedeh	33.	Junior Flomo	Cape Mount
15.	Daniel Seth	Sinoe	34.	Sando Kiazolu	"
16.	Barduse Sarkoh	"	35.	Philip Wlue	Montserrado
17.	Bob Kofi Zar	Rivercess	36.	Thomas Boye Bloaju Boye	Montserrado
18.	Armah Youlu	Montserrado	37.	John Namayan	"
19.	Joe Wylie	"	38.	LPC Buck Naked Monger	"

12.5. Public Sanctions, Lustrations, Debarment from Holding Public Office

The TRC also recommends that all persons recommended for prosecution be barred from holding public office for thirty (30) years as a form of public sanction. All those holding elective offices shall continue to the end of their tenure and not be eligible to contest any public office in future. This recommendation considers that holding by-elections now would be impracticable in light of the current global financial constraints for which Liberia is no exception. However, those holding appointed offices should resign immediately. In the event they fail to resign immediately, all remuneration should be cancelled.

12.6. Witness Protection Statute

The TRC recommends the immediate enactment of a comprehensive Witness Protection Statute for the express purpose of securing protection; domestic or external for witnesses of the court.



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**RECOMMENDATIONS ON
ACCOUNTABILITY: Domestic
Criminal Prosecutions**

13.0. RECOMMENDATIONS ON ACCOUNTABILITY: DOMESTIC CRIMINAL PROSECUTIONS

13.1. Names of Those Responsible (Perpetrators) Recommended for Domestic Prosecution

The TRC recommends that certain individuals who committed egregious violations against the generality of the population but such crimes are lesser than “gross violations” those persons, at the discretion of the prosecutor, the Ministry of Justice shall be prosecuted under jurisdiction of appropriate domestic courts already existing.

- i. Group one comprises those persons that the TRC determined are responsible for committing the following EDC, GHRV and SVHL including, but not limited to: murder, attempted murder, aggravated assault, kidnapping, official oppression and mercenarism. These crimes form a part of Liberian penal law. Persons listed in this group should be prosecuted in Court “A” of the First Judicial Circuit in Montserrado County, or in any other court as designated by the Ministry of Justice having competent jurisdiction.

GROUP 1.	
NAMES OF PERPETRATORS DETERMINED RESPONSIBLE FOR COMMITTING EDC RECOMMENDED FOR DOMESTIC PROSECUTION	
NAME OF PERPETRATOR	
1.	(WATER FACE) NPFL
2.	(CIVILIAN KILLER) NPFL
3.	JUNIOR MATADI (NPFL)
4.	SONPON TOE DOE
5.	TARGBEH SAYDEE (DIRTY PRICK)
6.	(DO IT QUICK) MODEL
7.	JAMES (OCEAN)
8.	TWEH (YEKEZAI)
9.	(BULLET FLY) MODEL
10.	YAWALA KOLLIE
11.	MUHAMMED KEITA (TORTLE BONE)
12.	KARPHOHAM
13.	(3 QUESTIONS) NPFL
14.	JOSEPH KPINGBA
15.	ZACK FREEMAN (QUICK TO KILL)
16.	SAM YEABEH
17.	NYAMAH POTOKEENOR
18.	JAMES LAZALEE
19.	DAMO (KPELLE BOY)

20.	MATTHEW DOLO
21.	WILLIAM SUMO
22.	PAUL DOWEL (DOUBLE TROUBLE)
23.	ANTHONY NYEPAN
24.	ALEX TWEH (I MEAN IT)
25.	ALFRED GBAR
26.	VICTOR (KILLER)
27.	(WAR BUS) LPC
28.	WINSTON COOPER
29.	MOMODU KIAZOLU
30.	(KPELLEH BOY)NPFL
31.	(LORMA BOY) ULIMO
32.	TAMBA KWENDA
33.	CHARLES JACKSON
34.	KULA FASAMA
35.	JEAN YAIME
36.	AMOS TOTAYE
37.	PHILIP BROOME
38.	MUSA FOFANA
39.	BOAKAI BALO (PUMP YOUR JAW)
40.	SHAD BARTUNA
41.	(GENERAL GONPUE) NPFL
42.	MOSES PEWEE (MIKE TYSON)
43.	MOSES LOVERBOY MULBAH
44.	MARK DOSEN GELAY

ii. Group two comprises those persons that are responsible for committing sexual-related EDC including, but not limited to: rape, gang rape, aggravated involuntary sodomy, involuntary sodomy, voluntary sodomy, corruption of minors, sexual abuse of wards and sexual assault. These crimes form a part of Liberian penal law. Persons listed in this group should be prosecuted in Court "E" of the First Judicial Circuit in Montserrado County, or in any other court as designated by the Ministry of Justice having competent jurisdiction.

GROUP 2.	
NAMES OF PERPETRATORS DETERMINED RESPONSIBLE FOR COMMITTING EDC RECOMMENDED FOR DOMESTIC PROSECUTION	
NAME OF PERPETRATOR	
1.	(COME TO MY LEVEL)
2.	(GENERAL ABU)
3.	PORKPA (COM)
4.	(WOMAN THING)
5.	GRAY
6.	(PEOPLE THING)
7.	(FUCK MY DOG)
8.	(NEVER TO DIE)
9.	(RED BANANA)
10.	(PEOPLE SON)
11.	(RED DOG)
12.	JUNIOR CONTEH (BOMBLAST)
13.	VICTOR (KILLER)
14.	DANIEL T. SETH (DEATH ROW)

13.2. Names of Persons (Perpetrators) Not Recommended for Prosecution

No one from this category qualified for exemption from prosecution as in the case of section 12.3 above.

13.3. Public Sanctions – Lustrations, Debarment from Holding Public Office, etc.

The TRC also recommends that all persons recommended for prosecution within the domestic courts of Liberia be barred from holding public office for thirty (30) years as a form of public sanction. All those holding elective offices shall continue to the end of their tenure and not be eligible to contest any public office in future. This recommendation considers that holding by-elections now would be impracticable in light of the current global financial constraints for which Liberia is no exception. However, those holding appointed offices should resign immediately or be terminated.

14

**RECOMMENDATIONS ON
ACCOUNTABILITY: Public
Sanctions Generally**

14.0. RECOMMENDATIONS ON ACCOUNTABILITY: PUBLIC SANCTIONS GENERALLY

14.1. Nature, Description, Objective and Justification for Public Sanctions

Pursuant to the Powers and Authority of the TRC under the TRC Act to address issues of impunity and to ensure “accountability, political or otherwise” for violations committed during the period 1979-2003, the TRC is recommending that all those named in this report for commission of gross human rights violations, international humanitarian law violations, international human rights law, war crimes, economic crimes, and egregious domestic law violations be subject to public sanctions as named and described herein. See Art. VII Section 26(a)(b)(c)(d)(e) of the TRC Act (2005) which is incorporated by reference to this report.

The purpose of public sanctions is to promote integrity in public service, restore confidence of Liberians and the international community in Liberia’s under rated public service and ensure that any person that the TRC determined is responsible for committing EDC, GHRV or SVHL, or who has in any way contributed to armed conflict in Liberia, will be formally and publicly admonished and sanctioned for such action.

Public sanctions are a form of justice mechanism punitive in nature but short of prosecution; intended to redress impunity, ensure accountability and maintain integrity in public service. All those holding elective public offices shall continue to the end of their tenure and not be eligible to contest or hold any public office in the future. However, those holding appointed offices should resign immediately or their services be terminated.

14.2. Lustrations, Debarment from Holding Public Office

Public sanctions may take the form of lustrations, debarment from holding public offices, restitution, public apologies, written or oral; community service, restitution, compensation of victims, etc and other forms of social responsibilities that may be imposed for the purpose above stated.

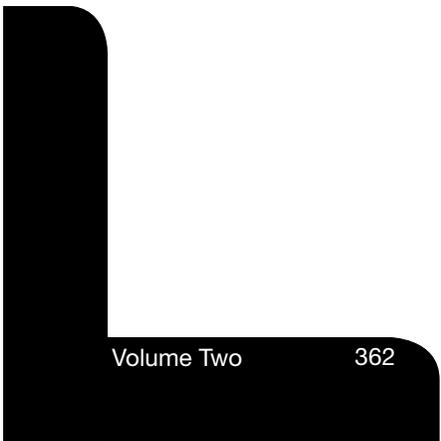
The TRC therefore recommends that any person that it determines is responsible for committing EDC, GHRV or SVHL, or that planned, instigated, ordered, committed, aided or abetted in the planning, preparation, financing or execution of any crime within its mandate, not be bestowed with government or legislative authority and power to govern or make decisions on behalf of the Liberian people whom they victimized.

14.3. List of Persons Subject to/Recommended for Public Sanctions

All those associated with former warring factions, their leaders, political decision makers, financiers, organizers, commanders, foot soldiers shall be subject to public sanctions in one form or another.

The below comprising of the most prominent political leaders and financiers of different warring factions and armed groups, by their conduct, leadership, finances, and support, actions or inactions, are responsible for the commission of gross human rights violations, international humanitarian law violations, international human rights law, war crimes, and egregious domestic law violations. This list is by no means exhaustive but represents the most prominent individuals identified by the TRC worthy of public sanction because of their roles during the years of war and instability in Liberia. The following and all other persons similarly situated shall be subject to public sanctions as herein described above in section 14.2 and are specifically barred from holding public office, elected or appointed, for a period of thirty (30) years as of July 1, 2009.

No.	Name	26	Alieu Kosia
1	Allen Brown, Sr.	27	Albert S. Toe and other members of the PRC
2	Randall Cooper	28	Weade Kobbah Wureh
3	Ethelbert Cooper	29	Octavious Walker
4	Toga McIntosh Gayewea	30	Lavali Supuwood
5	Jackson E. Doe	31	Tom Woewiyu
6	Dew Mayson	32	Tarnue Marwolo
7	Nyan Mantein	33	James Chelley
5	Clarence L. Simpson	34	Amos Lincoln
9	Byron Tarr	35	Noah Bordolo
10	Harry Yuan	36	Edward Slangar
11	Ellen Johnson-Sirleaf	37	Mohammed Jourmandy
12	Isaac Nyenabo	38	Prince Seo
13	Kabineh Ja'neh	39	Abbas Kenneh
14	Richlieu "Archie" Williams	40	Aisha Konneh
15	Tonie King	41	Morris Dolley
16	J. Apollo Swen	42	Alhaji Sekou Fofana
17	Joe Gbala	43	Charles Bennie
18	Thomas Ziah	44	Moses Jarbo
19	Maxwell Kaba	45	K.B.K. Sando
20	Ignatius Clay	46	Grace Minor
21	Vamba Kanneh	47	Wilfred Clarke
22	Valee Keita	48	Edward Massaquoi
23	Paul E. Mulbah	49	Cllr Momo Kpaka Rogers
24	El Mohammed Sheriff		
25	Kwame Fofana		



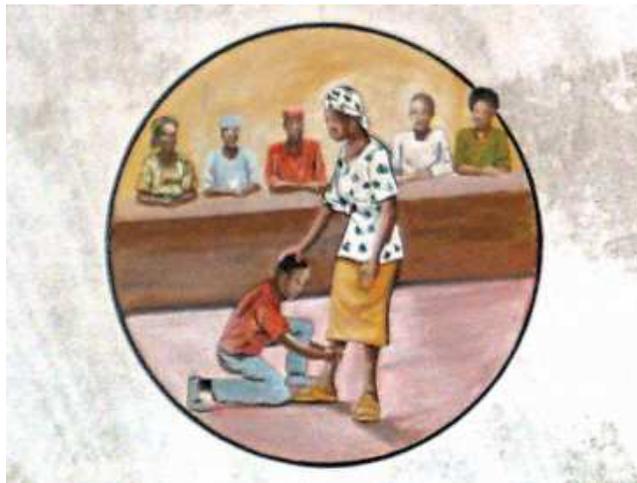
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**RECOMMENDATIONS ON
ACCOUNTABILITY: National
“Palava Hut” program**



15.0. RECOMMENDATIONS ON ACCOUNTABILITY: NATIONAL “PALAVA HUT” PROGRAM

Thousands of former combatants were disarmed and demobilized pursuant to the Accra Comprehensive Peace Agreement (CPA) of 18th August 2003. In order to facilitate their reintegration into society, they were provided with an allowance referred to as the Transitional Settlement Allowance (TSA) and opportunities for education and skills training. According to UNMIL Statistics, 103,019 former combatants were disarmed, and 101,495 demobilized. Of this number about 98,000 demobilized former combatants received reintegration assistance in the form of vocational training and formal education.

Local leaders, victims and communities from around the country believed that the ex-combatants were rewarded rather than punished for committing widespread atrocities against them, while war victims and local communities were provided with no remedy or assistance. Such perceptions were informed to a large extent by the displayed arrogance and unremorseful attitudes exhibited by many ex-combatants and their leaders during Liberian’s various episodes of armed conflict and reemphasized during the TRC hearings and consultations.

During public hearings conducted around the country, victims recounted the callousness and insouciance that ex-combatants have, since the cessation of hostilities, displayed in their interactions with local-host communities. It was not surprising therefore that during hearings victims made resounding calls for justice. But responding adequately to such calls is indeed fraught with difficulties. While the TRC has made concrete and substantive accountability recommendations, no court system, whether old or new, will be able to effectively prosecute the thousands of known perpetrators and alleged perpetrators, not including the unknown thousands whose identities are yet to be determined.

Moreover, the lack or absence of courts, resources, lawyers, penal institutions and police officers, in large parts of the country necessitates consideration of alternatives that would provide opportunity for reconciliation and justice. In this regard, the challenge will be finding the nexus between the shortcomings of the country’s dual legal system and tailoring it to address the exigencies created by the need for justice, reconciliation, institutional reform, amnesty and reparation as a product of the TRC process. Consequently, the TRC firmly believes that the nation must engage traditional authority structures, civil society and human rights organizations, religious institutions and local communities to ensure that justice and reconciliation are more than rhetorical phrases.

The National Palaver Hut Program, common to rural communities around the country,

is a conflict resolution mechanism wherein select members of integrity in the community adjudicate matters of grave concern to the community and seek to resolve disputes amongst or between individuals and or communities. Palava Hut derives legitimacy from a host of cultural influences including the Poro, Sande and Bodio institutions and has the greatest legitimacy and viability in rural areas. Decisions reached through Palava Hut are binding. This mechanism is adopted by the TRC to redress outstanding transitional grievances and create both the basis and opportunity to repair and restore broken relationships at the community and national levels.

The Palava Hut Program must be a transparent and well documented public process involving all levels of the Liberian society, playing multiple roles to the maximum extent feasible. It must involve community leaders and organizations, excluding any one known to be or perceived to be a human rights violator or corrupt official/officer in the past or present. Without limiting the generality of involvement, participation shall not be limited to civil society organizations, labor unions, victim groups, child advocacy groups, the children parliament, women organizations, youth and student organizations, professional bodies, religious and traditional institutions, etc.

15.1. Nature, Description, Objective, Jurisdiction, Sanction and pardoning Authority of Palava Hut)

The Palava Hut is another form of justice and accountability mechanism with traditional orientation to foster national healing and reconciliation at the community and grass root levels creating the opportunity for dialogue and peace building. It requires that all perpetrators, their associates, warlords, financiers, organizers, activists; whether named or not in the TRC report but who have committed some wrong including assaults, destruction of property, forced displacement, looting, robbery, extortion, etc. appear before it. Also appearing are persons recommended for public sanctions and prosecution in the TRC Final Report, Volume II, Consolidated Report.

The purpose of the Palava Hut is also to afford anyone who has committed a wrong or crime, whether knowingly or unknowingly, against an individual or the state, to admit the wrongful act and seek pardon from the people of Liberia through the Palava Hut.

The jurisdiction of the Palava Hut to render pardon shall be limited to public sanctions for supporting waring groups, factions and lesser crimes only. Persons recommended for prosecution in the TRC Report for the commission of high crimes i.e. crimes against humanity, war crimes, international human rights and humanitarian law violations are not entitled to pardon by the Palava Hut. Any recommendation from the Palava Hut in favor of any one accused of the commission of economic crimes or a high crime, i.e. war crimes, humanitarian law violations and gross human rights violations or persons recommended for prosecution in the TRC Report (Volume II, Consolidated

Report) shall be made to a court of competent jurisdiction or the Head of State.

The Palava Hut shall have tenure of not less than three years and not more than five years. For worthy cause, the tenure of the Palava Hut in particular district or locale may be extended upon recommendation from the Independent National Human Rights Commission (INHRC) to the Head of State. The Palava Hut may be established by Executive Order and subsequently enhanced or supported by statute so as to expeditiously commence the process off community and individual reconciliation.

The Palava Hut shall be established in all Statutory Districts and may extend to towns or villages as the need may arise. "National 'Palava Hut' Committees", once established, will serve as a traditional quasi-judicial forum for justice and reconciliation that provide: (1) persons and communities in the rural areas with a nationally recognized mechanism to seek redress for crimes committed against them and participate in and resolve long-standing conflicts and claims; (2) victims and communities with a community based public venue to confront perpetrators and alleged perpetrators that committed crimes against them in further pursuit of justice, closure, reconciliation and healing; (3) perpetrators and alleged perpetrators with yet another public forum to acknowledge their wrongs, apologize, seek forgiveness and make atonement for the crimes committed; (4) reparation to victims and communities; and (5) public sanctions to promote justice and accountability generally and specifically.

The Independent National Human Rights Commission shall oversee the Palava Hut process and coordinate its activities. Upon request, the INHRC may review a decision by any Palava Hut Committee or Forum.

15.2. Names of Those Responsible (Perpetrators) Recommended for Palava Hut

Anyone who has committed, any wrongful act or crime associated with the Liberian civil war, (1979 -2003) whether knowingly or unknowingly, against anyone or the state may seek pardon from the people of Liberia through the Palava Hut. In the case of those subject to public sanctions the number of debarred years may be reduced or waived. In the case of those recommended for prosecution for economic crimes and high crimes including international human rights and humanitarian law violations and war crimes, any recommendation in their favor must consider restitution of all gains made during the conflict period ending 2003 and other forms of compensation and restitution for victim.

In the case of those equally situated for prosecution or public sanctions and are not listed herein, the Palava Hut shall pronounce any range of public sanctions(see section 14.2 of TRC Final Report, Volume II, Consolidated Report) within its discretion to the

extent that the Palava Hut Program shall ensure that there shall be no impunity or blanket amnesty. A full listing of persons recommended for Palava Hut is contained in TRC Final Report, Volume III, Title XII. This listing is however, by no means exhaustive, provided that persons named in the “Not Recommended for Prosecution” category in the TRC Report may avail themselves to the Palava Hut process pursuant to its stated objectives.

15.3. Public Sanctions, Lustrations, debarment from holding Public Office, etc

Anyone who has committed, any wrongful act associated with the Liberian civil war, whether knowing or unknowingly, whether listed or not, against another individual, group or the state, and refused to take advantage of the Palava Hut process, as a peace building and reconciliation initiative, will be subject to public sanctions, lustrations, debarment from holding public office for life, civil actions and criminal prosecution in a court of competent jurisdiction, now or in the future, at the behest of the state or an individual.

15.4. Other forms of Accountability – traditional and Informal Mechanisms

The INHRC may sanction other traditional, cultural, ethnic and informal mechanisms for justice and accountability as part of the Palava hut mechanism which may impose penalties and sanctions as local culture, traditions and customs may warrant., provided that any such other traditional mechanism other than the Palava hut shall apply to members only or persons holding such “traditional or cultural” affiliation or beliefs.



17

RECOMMENDATIONS ON REPARATIONS



17.0. RECOMMENDATIONS ON REPARATIONS

The TRC hereby recommends that the Government of Liberia assumes its full responsibility under international law principles and regimes and pursuant to its moral, legal, social, political, cultural, economic, and security obligations to its citizens to provide reparations for all those individuals and communities victimized by the years of instability and war.

The TRC recommends a reparation program of approximately US\$500m spanning a 30 year implementation period. Specifically the TRC recommends that within the first 5 years that is from July 1, 2009 - July 30, 2014 all direct victim support program must be implemented including memorials, victim support and the process of prosecution. Further that the program of compulsory free education must continue in operation for at least 30 years. See annex 4 for some and Application of Reparation Funds.

17.1. Addressing the Needs of Victims

The TRC recommends reparation in the form of psychosocial, physical, therapeutic, counseling, medical, mental health and other health related services for all physically challenged individuals who were incapacitated as a consequence of the civil war to rehabilitate them in returning to normal live utilizing the full potentials of other human resources

The TRC recommends that personal cash or material assistance be given other victims who are today asking nothing more than assistance as little as a bundle of zinc or two to put shelter over their heads of their burnt out or badly looted residential structures to protect them from repeated sun beat and rain fall year in and year out. This shall be done on a case by case basis as the managers of the Reparation Trust Fund may determine.

17.2. The Reparation Trust Fund

The TRC recommends the resourcing of the reparation trust fund to ensure that the reparation programme is well managed and timely executed to satisfy the post-war objectives envisioned in the TRC Act and Policy on reparation.

Pursuant to this objective the TRC recommends that the E.J. Roye building which was constructed by tax payers' money for private purposes shall be nationalized and the proceeds therefrom be utilized for reparation trust fund.

The TRC also recommends that considering the history of land disputes and the well established fact that the colonialists of the ACS and pioneers of the Liberian

Government acquired land by force from the natives, that the JJ Roberts Trust Fund established by former president JJ Roberts for the education of the “children of Monrovia” be nationalized and the proceeds therefrom be utilized for the education of the “children of Liberia”.

17.3. Reparation for Particular Groups, Individuals and Communities

The TRC recommends that reparation in the form of community development project and programs including school, health facilities, road, be considered for communities most victimized by years of conflict and civil war including for example Lofa County which have acute housing needs because of the massive depletion of its housing stock more than any other county during the war.

The TRC recommends free education for all Liberians from primary to secondary education and for certain disciplines at the college level. Said disciplines are medicine, nursing, education, teachers training, agriculture, science and technology and according to the human development resource needs of the country.

The TRC further recommends that a reparation program for the empowerment of women devastated by the civil war be extended to survivors to advance their academic and economic pursuits in the form of soft micro credit economic programs, small enterprise and marketing programs with education on small business management for sustainability, including free education for themselves and children from primary to secondary as well tertiary education.

The TRC recommends that the Central Bank, Ministry of Finance or the Government of Liberia ensures that commercial banks and lending institutions expand existing micro economic programs and government guaranteed lending schemes to women every where, especially in the rural areas, and on very flexible terms and conditions suitable to poor people. Training in management of funding shall be critical and imperative.

17.4 Memorials

The TRC recommends that in order to memorialize the dead and out of respect for the survivors of the Liberian civil conflict, that there be established a national holiday for that purpose to be observed once every year; preferably that National Unification Day be renamed National Unification and Memorial Day, and that memorial sites be built in the capital cities of each county to include every site of massacres where the remains of our people en masse have been buried from 1979 to 2003.

The TRC recommends that befitting programmes be held on that day and that the

Government assist the people to conduct proper cleansing ceremonies according to their customs and traditions to cleanse the land and lay the spirits of the dead ones to rest. That there be assistance to rebuild the shrines and holy places and rehabilitate desecrated traditional, cultural and religious institutions.

17.4.1 Burial of former Presidents

The TRC recommends that appropriate national memorial ceremonies be held and a befitting grave be erected with a tomb to honor the memory and loss of President William R. Tolbert, Jr., the 19th President of Liberia who was buried in a mass grave in Monrovia.

The TRC also recommends that appropriate national memorial ceremonies be held and a befitting grave be erected with a tomb to honor the memory and loss of President Samuel K. Doe who surrendered to Prince Y. Johnson and was killed while in his custody. Hon. Prince Y. Johnson should be made to account for the remains of the late President, especially the skull of the head of the President which was occasionally displayed by Hon. Johnson as a “war trophy”.

17.4.2 Issuance of Death Certificates for war dead

The TRC recommends that certificates of death adorned in the National Colors, be issued to the surviving heirs of all those who lost their lives during the period 1979 to 2003 as a consequence of the national conflict and who to date remain unaccounted for, are without a grave or other legal evidence of death. The Independent National Human Rights Commission will verify and authenticate the conflict related deaths utilizing TRC database and other reliable sources and will work of the Bureau of Vital Statistics in the issuance of death certificates.

That all missing persons, that is, those who have not maintained any contact with relative or friends for a period of more than seven years, be and are hereby declared dead.

17.4.3 Public Apology

The TRC recommends that the Government of Liberia issues public apology to the people of Liberia for the dastardly nature of the Liberian conflict and the wanton loss of human life and destruction of properties that ensued in its wake.

The TRC also recommends that the Government of Liberia issues public apology to the Governments and peoples of West African nations and other foreign nations and their peoples for the wanton, malicious, inhumane and willful deaths of their citizens

during the Liberian civil war. The TRC takes particular note of the death of journalists Christopher Imodibe and Tayo Awotusin of the Guardian and Champion Newspapers respectively and recommends that the Government of Liberia issues death certificates to their memory and that the Press Union of Liberia hold appropriate memorial service in their honor and that of all other journalists who fell during the Liberian crisis.

The TRC further recommends that the Government of Liberia issues public apologies to each government that contributed troops to the various peace keeping missions deployed in Liberia for the wanton, deliberate, and malicious killings of their soldiers in active duty.



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT E

CRS Report for Congress

Received through the CRS Web

Liberia's Post-War Recovery: Key Issues and Developments

Updated May 5, 2006

Nicolas Cook
Specialist in African Affairs
Foreign Affairs, Defense and Trade Division

Liberia's Post-War Recovery: Key Issues and Developments

Summary

This report, which will be updated as events warrant, covers recent events in Liberia, a small, poor West African country. It held elections in October 2005, with a presidential run-off in November, a key step in a peace-building process following its second civil war in a decade. That war began in 1999, escalated in 2000, and ended in 2003. It pitted the forces of Charles Taylor, elected president in 1997 after Liberia's first civil war (1989-1997), against two armed anti-Taylor rebel groups. It also destabilized neighboring states, which accepted Liberian refugees and, in some cases, hosted anti-Taylor forces and became targets of the Taylor regime.

Ellen Johnson Sirleaf, an economist, won the presidential run-off vote, with 59.4% of votes cast. She took office in mid-January 2006, becoming the first female president of an African country. Her run-off rival was George Weah, a former star soccer player, who conceded her win after contesting it. Most observers viewed the vote as orderly, generally well-administered, and free and fair. It fulfilled a key goal of an August 2003 peace accord, which had ended the second civil war and led to an on-going, U.S.-aided post-war transition process, which is bolstered by the multi-faceted U.N. Mission in Liberia (UNMIL). It carries out diverse peacekeeping, civilian policing, and socio-economic assistance functions. UNMIL was preceded by the U.S.-assisted deployment in August 2003 of an Economic Community of West African States (ECOWAS) military intervention force. Liberia's security situation is stable but subject to periodic volatility. Humanitarian conditions are improving. Progress in governance under the interim government was mixed; widespread corruption within it was widely reported. Liberia's economy and state structures remain devastated by war. The United States is providing extensive post-war reconstruction and security sector restructuring assistance. On March 29, 2006, former President Taylor was captured in Nigeria, where he had been given asylum in August 2003. He fled after President Sirleaf requested that Nigeria transfer him to the Special Court for Sierra Leone (SCSL) to face war crimes charges. He was then flown to Liberia and turned over to the SCSL. He pled not guilty upon arraignment.

In addition to providing substantial support for Liberia's rebuilding and peace building processes, Congress has shown continuing interest in the status of Charles Taylor. It passed laws (P.L. 108-199 and P.L. 108-106) urging that SCSL indictees, like Taylor, face trial at the court. In May 2005, Congress passed H.Con.Res. 127 (Royce) urging the same outcome. H.Amdt. 480 (Watson) to H.R. 260 (Smith) would require that the United States seek the expeditious transfer of Taylor to the SCSL for trial. P.L. 109-102 provides \$13 million for the SCSL. Congressional interest in Liberia includes immigration and debt issues: H.R. 257 (Jackson-Lee), H.R. 2092 (Jackson-Lee), H.R. 3450 (Patrick Kennedy), S. 656 (Reed); S.Amdt. 452 (Reed); H.R. 1268 (Jerry Lewis); and H.R. 1130 (Waters). H.Con.Res. 327 (Eddie Bernice Johnson) and H.Con.Res. 313 (Payne) would commend Liberia for successfully holding elections and congratulate Sirleaf for her electoral victory. S. 779 (Dorgan) would designate Liberia as a tax haven country. H.R. 4939 (Jerry Lewis) would provide \$63.8 million in FY2006 supplemental aid for Liberia.

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Liberia's Post-War Recovery: Key Issues and Developments

Recent Developments

On March 16, the House passed H.R. 4939 (Jerry Lewis), the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, as amended. As reported by the House Appropriations Committee (H.Rept. 109-388), it would provide \$50 million in Economic Support Funds and \$13.8 million in Migration and Refugee Assistance funds for Liberia. On April 5, 2006, the Senate Committee on Appropriations reported an amendment to H.R. 4939 in the nature of a substitute (see Senate Report 109-230) that maintained the same levels of assistance for Liberia as the House-passed bill. No further funds for Liberia were added to H.R. 4939 during Senate floor consideration of the bill.

Charles Taylor, Liberia's former president, was arrested on March 29, 2006, in northern Nigeria after fleeing his home exile in southern Nigeria, which had given him asylum in August 2003. He fled after Nigeria's government announced that Liberia was "free" to take Taylor "into its custody." Nigeria was responding to an early March request by Liberia's president, Ellen Johnson Sirleaf, for Nigeria to transfer Taylor to the custody of the Special Court for Sierra Leone (SCSL) to face a war crimes indictment. Taylor was subsequently extradited to Liberia, flown to Sierra Leone, and taken into SCSL custody. On April 3 he was arraigned and pled not guilty. He is to later face trial by the SCSL, as discussed below.

Taylor's arrest followed a mid-March 2006 official working visit by President Sirleaf¹ to the United States, during which she addressed a joint session of Congress (March 15) and the United Nations Security Council (March 17), and met with President Bush (March 21). Sirleaf, elected in a November 8, 2005, run-off vote, had taken office on January 16, 2006. In her inaugural address, she laid out a detailed, multi-faceted governance agenda. In late January, she announced the first of several nominees to her cabinet. Most are seen as well-seasoned technocrats and professionals, but several proved controversial. She also launched a series of actions to counter corruption. She announced an audit of the outgoing transitional government and dismissed all transitional government appointees and, later, the entire staff of the Finance Ministry, pending a screening of employees' qualifications and level of probity. She later revoked all existing timber concession contracts, which had been widely criticized for being let in a corrupt fashion and for allowing environmentally unsustainable logging practices. Recruitment and vetting of

¹ While her name is widely cited as Johnson-Sirleaf, the Liberian president does not employ a hyphenated form of her last name. See Wil Haygood, "For Liberia's 'Iron Lady,' Toughness Part of Territory," *Washington Post*, Dec. 16, 2005.

personnel to serve in a reconstituted Liberian military, a U.S.-funded effort, also began in late January.

Background

Liberia, a small, poor West African country of about 3.4 million people, is undergoing a post-conflict transition and peace-building process after its second civil war within a decade. The latter conflict burgeoned in 2000, after several minor border incursions in 1999. It pitted the forces of Charles Taylor, elected president in 1997 after Liberia's first civil war (1989-1997), against two armed anti-Taylor rebel groups: Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia. The war led to an extreme deterioration in political, economic, humanitarian, and human rights conditions. It also affected neighboring states, which accepted Liberian refugees and, in some cases, hosted anti-Taylor forces and became targets of acts of armed aggression by the Taylor regime.²

Liberia at a Glance

Geography: Small tropical coastal West African country about the size of Virginia
Population: 3.4 million (2005 est.)
Annual population growth rate: 2.64%
Exchange rate adjusted Gross National Income (GNI): \$355.18 million (2003)
GNI per capita: \$110 (2003)
External Debt: \$2.568 billion (2003)
Key Exports: Rubber, iron, cocoa, gold, coffee. There is currently a U.N. ban on timber and diamond exports
Languages: English & 29 distinct languages or dialects
Ethnic groups: 16 indigenous groups (95%) and Americo-Liberian and former slave descendants (5%)
Religions: Indigenous beliefs 40%, Christian 40%, Muslim 20%
Literacy: Male, 73.3%; Female, 41.6% (2003; est. vary)
Under-5 Mortality rate: 235 deaths/1,000 live births
HIV/AIDS adult infection rate: 8%-12%
Life Expectancy, years at birth: Male, 46.75; Female, 48.65

Sources: CIA World Factbook 2005; World Bank Development Indicators; Ethnologue.com; U.N. data for AIDS rates; see below.

A peace accord was signed on August 18, 2003, after months of international mediation. It was facilitated by two events: Charles Taylor's resignation of the presidency and departure from Liberia on August 11, after he was granted political asylum in Nigeria; and the early August deployment of an Economic Community of West African States (ECOWAS) military intervention force, the ECOWAS Mission in Liberia (ECOMIL). ECOMIL, with extensive U.S. and United Nations (U.N.) assistance, deployed to Liberia to end heavy fighting and alleviate a worsening humanitarian crisis in the wake of a failed June 2003 cease-fire. It was tasked with monitoring and securing the cease-fire, enabling the delivery of relief aid, and preparing the way for the U.N. Mission in Liberia (UNMIL). UNMIL, first authorized by the U.N. Security Council on September 19, 2003, deployed to Liberia on October 1, 2003, two weeks before the National Transitional Government of Liberia (NTGL) took office on October 14. ECOMIL was dissolved and its military forces absorbed into UNMIL, which carries out diverse peacekeeping, civilian

² This report focuses on current issues and recent events. CRS Report RL32243, *Liberia: Transition to Peace*, and CRS Report RL30933, *Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations*, both by Nicolas Cook, provide in-depth background on events in Liberia during recent decades.

policing, and socio-economic assistance functions in support of Liberia's transition process. UNMIL has also assumed responsibility from the U.N. Mission in Sierra Leone (UNAMSIL) for providing a military guard force for the Special Court for Sierra Leone, discussed below; UNAMSIL's mandate ended on December 31, 2005.

UNMIL has a current authorized force strength of 15,250 military troops and 1,115 police. As of February 2006, it had a total force size of 16,098. As of late February 2006, U.S. uniformed personnel in UNMIL included two troops, five military observers, and 37 civilian police. U.S. funding for UNMIL is covered in **Table 2**, below. In September 2005, the Security Council requested that UNMIL leaders recommend a force drawdown plan for UNMIL, including specific benchmarks and a planned schedule in a March 2006 report. The report, the Tenth Progress Report of the Secretary-General on the United Nations Mission in Liberia (S/2006/159, March 14, 2006), found that there was a need for a two-year "consolidation phase," but that it is "too early for a major drawdown of UNMIL." During the "consolidation period," UNMIL would implement an "adjusted mandate" defined by an 11-point agenda of "priority tasks," centering on such objectives as maintenance of a stable and secure environment; completion of ex-combatant, refugees, and internally displaced persons reintegration; security sector reform; and consolidation of state authority and governance capacity. However, the report recommended that "in the absence of an immediate armed threat within Liberia [...] an adjustment to the UNMIL military component by reducing one infantry battalion in mid-2006 and another infantry battalion in early 2007 would be appropriate." These adjustments would be "followed by a drawdown of the Mission, which should begin in early 2007, security conditions permitting." UNMIL has implemented measures to prevent, monitor for, investigate, and sanction acts of sexual exploitation and abuse (SEA), in line with recent reforms and renewed U.N.-wide regulations regarding sexual conduct, following abuses in several U.N. peacekeeping missions around the world, including in Liberia. U.N. Resolution 1626 (2005) bars SEA, and UNMIL has created a mission conduct and discipline team and investigatory capacity to ensure adherence to these rules. Between June 2004 and February 2006, two civilians and 16 military personnel had been repatriated or dismissed for SEA abuses, and three civilians had been suspended. In mid-March 2006, five crew members of a UN contractor, who had been under investigation for alleged rapes and the assault of Liberian police officers, left Liberia after being released on bond. According to UNMIL, their departure "is highly regretted and the matter is being brought to the attention of the authorities of the country concerned."³

Transition Process

The August 2003 Comprehensive Peace Agreement,⁴ signed by the three warring factions and 18 political parties, laid out a peace process, provided for the creation of the National Transitional Government of Liberia (NTGL), and allocated leadership positions within it. The NTGL was mandated to re-establish functioning government authority and prepare for national elections that were held in mid-

³ See UNMIL, "Statement on the Departure from Liberia of Five Crew Members, Employees of a UN Contractor," Mar. 14, 2006.

⁴ Accord text available from U.S. Institute of Peace [<http://www.usip.org/library/pa.html>].

October and November 2005. The Sirleaf government replaced the NTGL in late January 2006. The NTGL consisted of an executive branch, presided over by a Chairman, Gyude Bryant, and an interim parliament, the National Transitional Legislative Assembly. Bryant, a businessman and church layman who leads the Liberian Action Party, oversaw the functions of the central government and various public corporations, agencies, and commissions. The transition faced many challenges, most related to the extremely destructive effects of many years of war in Liberia. Others included the dominant role within the NTGL of the three former armed factions, which were prone to internal rivalries; political discord over the allocation of state positions and resources; very limited state capacities; and reported public sector corruption.

2005 Post-War Elections

Peaceful Senate, House of Representatives, and presidential elections were held on October 11, 2005, and a presidential run-off vote was held on November 8. The 22-candidate presidential poll led to a run-off race. It pitted George Manneh “Oppong” Weah, 39 years of age, a former professional top soccer player whose star status and rags-to riches history make him a hero to Liberian youth, against Ellen Johnson Sirleaf, 67 years of age, a Harvard-trained economist and former businesswoman who had served as Liberian finance minister and as a United Nations and World Bank official. On November 15, 2005 the National Elections Commission (NEC) declared Sirleaf the winner of the presidential race, with 59.4% of votes against Weah’s 40.6%, making her the first-ever female president of an African country. Despite its declaration in favor of Sirleaf, the NEC subsequently probed and later rejected claims by Weah, discussed below, that the election was fraudulent.

In contrast to the presidential race, election results for seats in the bicameral legislature were disparate; no party received more than 24% of seats in either chamber and none dominated in both the Senate and the House. The largest party in the 64-member House of Representatives is Weah’s Congress for Democratic Change (CDC), which won 15 seats. The Liberty Party (LP) won nine House seats, while Sirleaf’s Unity Party (UP) and the Coalition for Transformation of Liberia (COTOL) each won eight. Seven other parties each won between one and five House seats, and seven independent candidates each won a seat. In the 30-seat Senate, COTOL won seven seats and the UP won four; all other parties won between one and three seats.⁵

⁵ Full election results are available online from the NEC: [<http://www.necliberia.org/results>].

**Table 1. Election 2005 Legislative Results by Party:
Seats and Percentage of Vote Won**

Party	Senate		House	
	Seats	Vote (%)	Seats	Vote (%)
Congress for Democratic Change (CDC)	3	10	15	23.4
Coalition for Transformation of Liberia (COTOL)	7	23.3	8	12.5
Liberty Party (LP)	3	10	9	14.1
Unity Party (UP)	4	13.3	8	12.5
Independent	3	10	7	10.9
Alliance for Peace and Democracy (APD)	3	10	5	7.8
National Patriotic Party (NPP)	3	10	4	6.3
All Liberia Coalition Party (ALCOP)	1	3.3	2	3.1
Nation Democratic Party of Liberia (NDPL)	2	6.7	1	1.6
New Deal Movement (NDM)	-	-	3	4.7
National Reformation Party (NRP)	1	3.3	1	1.6
United Democratic Alliance (UDA)	-	-	1	1.6

Source: National Elections Commission of Liberia, 2005 Election Results, [<http://www.necliberia.org/results>].

Notable among the newly elected legislators were several former Taylor regime officials and leaders of former armed factions or security services. These include senators Jewel Howard-Taylor, a former wife of Charles Taylor (NPP; Bong County); Prince Yormie Johnson (independent, Bong County); and Saye-Taayor Adolphus Dolo (COTOL, Nimba County). Johnson is the former leader of a faction that splintered from Taylor's early in the first civil war, and is infamous for personally presiding over the bloody, videotaped murder of former head of state Samuel Doe. He returned to run in the election from exile in Nigeria, where he had professed to have become a born-again Christian evangelist. Dolo is a former pro-Taylor militia leader, known by the *nom de guerre* General Peanut Butter, who reportedly committed war-time atrocities and recruited child fighters, and who is said to have aggressively opposed UNMIL peacekeeping activities. In the House, they include Edwin Snowe (independent, Montserrado County) and Saah Richard Gbollie (NPP, Margibi County), and Kai G. "White Flower B-50" Farley, (CDC, Grand Gedeh County). Snowe, who was elected speaker of the House in mid-January 2006, is a former Taylor in-law, and the former head of the Liberian Petroleum and Refining Corporation (LPRC), from which Taylor regime officials reportedly diverted significant amounts of funds, some of which may have benefitted Taylor during his exile in Nigeria.⁶ Gbollie is a former Taylor fighter and Taylor administration police official accused of human rights abuses. Farley is an ex-MODEL commander and NTGL official accused of threatening the 2003 peace accord.

⁶ Coalition for International Justice, "Following Taylor's Money: A Path of War and Destruction," May 2005.

Conduct of Elections. With some minor exceptions, the election was reportedly well-administered. About 1.35 million citizens registered to vote in April and May 2005, in a process that was marred by some minor acts and threats of violence and localized disruptions but was generally peaceful. Attempts by some NTGL ministers to try to run for office in the 2005 election, in violation of the 2003 peace accord, also sparked controversy. About 1.012 million registered voters (74.9%) participated in the October elections, and over 821,000 (60.7%) voted in the run-off poll. Registration results guided decision making about the distribution of polling places and electoral materials and the composition of constituencies. The large number of presidential candidates (over 50 initial prospective candidates, of whom 22 were ultimately registered) and registered political parties (30) reportedly proved confusing for some voters. Key election issues included national reconciliation and unity, corruption, jobs, general economic growth, and social services and physical infrastructure needs.

UNMIL elections staff and U.N. agencies supported media outreach and civic education, technical tasks, and electoral security coordination, together with the national police. UNMIL aid for the elections reportedly totaled about \$8 million, and the European Union pledged \$1 million. Most of \$10 million in U.S. elections assistance supported the programs of the nonprofit democracy strengthening organizations IFES (elections technical assistance); the National Democratic Institute or NDI (civic education); and the International Republican Institute or IRI (political party training). IRI and NDI, the latter jointly with the Carter Center, deployed teams to monitor the elections, as did the African and European Unions, the U.S. and many other governments, and international organizations. Over 6,000 domestic observers, including over 3,500 from civil society groups, also monitored the vote.⁷

Weah Election Dispute. Weah, who had claimed to have been cheated in the first round, contested his loss in the second round. Citing alleged evidence that he maintained had been turned over to him by “concerned citizens,” he claimed that the election had been rigged and “not free and fair” and called for a nullification and re-run of the vote. He pursued his claim through a number of formal channels, but after the NEC dismissed his claim, after meeting with Sirleaf, and under heavy international pressure, on December 21 he agreed to drop his claim and accept the poll results. Many observers were skeptical about claims that systematic or large-scale fraud may have marred the election. U.S. officials viewed the process as having been orderly, largely well-administered, and free and fair, and such views were shared by most other governments and international entities that observed the vote. The United States nevertheless called for an investigation of Weah’s claims and for any contest of results to be carried out peacefully and through established legal channels.

In Monrovia, the capital, Weah’s claims spurred political unrest and some political street violence, largely attributed to Weah supporters, who chanted such

⁷ The author of this report observed the election as a member of the IRI delegation. In the county where he monitored the voting process, the election was well-run. Poll workers appeared well trained; voting equipment and materials were distributed on time and in sufficient quantity; and voting was peaceful and voter turnout rates high.

slogans as “No Weah! No peace!” While he called on his supporters to protest peacefully, he also made volatile statements on several occasions. In mid-December 12, for instance, after returning to Liberia following meeting presidents John Kufuor of Ghana and Thabo Mbeki of South Africa, who urged him to concede his defeat with grace, Weah was quoted as stating on his King FM radio station that “I am President of this country, whether you like it or not ... One cannot have an inauguration in January when the case we are pursuing is not resolved. ... We are seeking justice and there cannot be peace without justice.”

New Government: Prospects

Sirleaf may face challenges in meeting high voter expectations, for instance in relation to her election promise to provide public electricity in Monrovia within six months of being elected, despite the complexity and great cost of such an undertaking. Voters also are seen as unlikely to give the new government a honeymoon period, following what many see as disappointing performance by the transitional government. The public is likely to demand rapid improvements in social services and the construction of physical infrastructure, particularly in support of education, healthcare, and transportation.

Past incumbents were the beneficiaries of a long tradition of concentrated executive branch power and strong ruling party power. Sirleaf may not be able to govern as unilaterally as they did, because the electorate gave no single party a strong governing mandate. In the 22-candidate presidential first round vote, no candidate garnered more than Weah’s 28.3% of votes, necessitating a run-off presidential poll. That keenly contested election and the splintering of the legislature among many parties suggests that no party enjoys the backing of a majority of the electorate. Sirleaf’s Unity Party does not enjoy a majority in the legislature, whereas several of the parties that lost in the presidential election are comparatively well positioned to potentially wield significant political power. Many observers also believe that the legislature may take a more engaged and assertive role in policy-making than has been traditional in Liberia. The fractionalized make-up of the legislature, however, suggests that successful national policy decision making will require coalition-building and that many independents and small parties may be able to exercise substantial bargaining power within such a process. The same features could, however, produce political gridlock or political flux characterized by fluid, *ad hoc*, and possibly issue-specific alliances, rather than clear and unified policy-making trends. Given the Liberian polity’s fragmented nature; the fact that Weah’s defeat has proven a bitter outcome for his largely youthful, sometimes volatile base of support; and because of deeply felt war-related social divisions and antagonisms, many analysts also see a need for Sirleaf to rapidly initiate efforts to foster national reconciliation and rebuild national unity, goals that she vowed to strongly pursue in her inaugural address.

Sirleaf Policy Agenda. In her inaugural address, Sirleaf laid out a multi-faceted policy agenda, based on what she pledged would be “a new era of democracy” characterized by political inclusion and toleration, non-violence, and safe-guarding and promotion of constitutional and civil liberties and rights. She highlighted national reconciliation as the most “urgent” and “compelling” task facing her administration, and pledged to support and strengthen the Liberian Truth and

Reconciliation Commission (TRC). In late February 2006, Sirleaf inaugurated the TRC, which was created by the transitional legislature in 2005. It has a mandate to investigate crimes and human rights abuses committed from 1979 until 2003.⁸

Economic Renewal. Sirleaf vowed to achieve “quick and visible progress” during the first 150 days of her tenure, in coordination with donors, under five “major pillars: Security, Economic Revitalization, Basic Services, Infrastructure, and Good Governance.” She laid out plans to create a \$1 billion “multi-year economic reconstruction plan tied to a Poverty Reduction Strategy Program” to relieve Liberia “from a staggering \$3.5 billion external debt” and meet the U.N. Millennium Development Goals in Liberia, saying that details of the plan would be presented at a “partnership meeting” in May or June 2006. She said she would pursue an economic agenda emphasizing the creation of “an investment climate that gives confidence to Liberian and foreign investors,” the exploitation of Liberia’s rich natural resources, land tenure reform focused on increasing agricultural production, and expanded economic and social infrastructure rehabilitation. She vowed to make youth and reconstruction-focused job creation a high priority and to target aid toward historically economically marginalized areas. Many observers view the broad dissatisfaction, extremely high jobless rates, and economic and education disenfranchisement of Liberia’s large youth population as having been a key structural factor facilitating Liberia’s armed conflicts.

Governance. Sirleaf vowed to “forcibly and effectively” fight the “debilitating cancer of corruption” as “the major public enemy” and warned that any member of her administration who tried to “challenge us in this regard” would “do so at his or her personal disadvantage.” She promised that she and all members of her administration would lead by example, and that all key officials would be required to declare their assets, and follow a National Code of Conduct, passage of which she outlined as a prospective legislative goal. She strongly endorsed and promised to “enforce” the Governance and Economic Management Program (GEMAP, discussed below) to deal with “serious economic and financial management deficiencies” in Liberia and to achieve her policy goals and obtain foreign assistance conditional upon implementation of GEMAP. She said that these outcomes, along with the implementation of an “integrated capacity building initiative” and what she predicted would be Liberia’s “competence and integrity in the management of our own resources,” would eventually obviate the need for GEMAP. She also vowed to undertake a wholesale overhaul of the civil service, the agencies of which she said “lack clarity in mandate and have little or no linkages to our national priorities, policies, and goals” and suffer from a “seriously bloated” workforce, but also contended that civil servant pay was poor and in arrears by about \$20 million. She promised to institutionalize a meritocratic civil service system based on “qualification, professionalism, and performance.”

⁸ While many Liberians and international human rights advocates have praised the creation of the TRC, some have criticized Sirleaf’s nomination of Kabinah Janneh, the transitional government’s justice minister and a former leading member of the LURD rebel group, as a Supreme Court Justice. Critics see Janneh as responsible, in part, for violence committed by LURD fighters against civilians during the Liberian war.

Foreign Policy. Sirleaf declared peaceful regional integration and security cooperation “based upon economic partnership” and private sector-focal regional integration to be her guiding foreign policy goals. She also vowed to maintain strong international bilateral and multilateral partnerships, notably within multinational organizations and treaty frameworks to which Liberia is a party and significantly, given recent regional history, stated that “no inch of Liberian soil will be used to conspire to perpetrate aggression” against neighboring countries.

Women. Paying homage to what she said were the special efforts of women in securing her election and the peace that made it possible, even in the face of war-related “inhumanity,” “terror,” military conscription, forced labor, and rape, Sirleaf vowed to “empower Liberian women in all areas.” She promised to strengthen laws and law enforcement to protect women against rape, support the education of children, notably of girls, and to provide programs to enable women to play a key role in the economic revitalization process. Sirleaf has nominated women to head the ministries of justice, finance, commerce, and youth and sports, and the national police force, the auditing bureau, and a commission on refugees repatriation and resettlement.

In mid-April 2006, in a document entitled *150 Day Action Plan: A Working Document for a New Liberia*, the Sirleaf administration laid out the details and status of its on-going short-term, quick impact policy and project implementation efforts and achievements to date.⁹

Security Conditions

Liberia’s security situation has improved markedly since August 2003 but remains “fragile,” subject to periodic volatility and localized instability, and “anchored on the presence of UNMIL” (see S/2006/159, March 14, 2006, *op. cit.*, and previous reports of the U.N. Secretary-General on UNMIL, among other sources). Over 101,000 ex-combatants (22% women and 10.8% children), were demobilized under a disarmament program administered by UNMIL and the NTGL that ended in late 2004. Public security has periodically been threatened by criminal acts, often by ex-combatants; civil unrest related to socio-economic grievances, predominantly involving students, workers, civil servants, and jobless youth; former fighters awaiting reintegration and expressions of dissatisfaction by former members of the Liberian military relating to severance and pension payments, and members of security services not included in demobilization programs; and political groups who lost political power due to Liberia’s elections and the attendant realignment of Liberian political forces. Price increases for rice, fuel, and cement are key sources of social dissatisfaction. The presence of ex-combatants, some armed, on several rubber plantations has also been a source of insecurity, including periodic violence relating to control of plantations. Rubber workers and local residents report that former fighters rob them and coerce them into selling rubber latex at sub-market prices. Instability in neighboring Côte d’Ivoire also poses a significant external threat to the

⁹ Available online from PeaceAfrica, a project of the AllAfrica Foundation. See [<http://allafrica.com/peaceafrica/resources/view/00010785.pdf>].

stability of Liberia and to sub-regional security, according to the United Nations (S/2006/159, March 14, 2006, *op. cit.*).

U.N. and U.S. officials and many Members of Congress had been concerned about persistent, credible reports that Charles Taylor had periodically interfered in Liberian affairs from exile in Nigeria through a network of political, military, and business associates, which Taylor denied. These alleged actions were seen as destabilizing and threatening to the consolidation of peace (see section on Taylor below). There had been some speculation that former Taylor administration officials would make large gains in the 2005 elections and that he would be able to use them as proxies to influence the new government. There was no such general outcome, but several close Taylor associates were elected (see “2005 Post-War Elections,” above).¹⁰ Although there are no specific publicly reported threats against Sirleaf, the United States has provided her with a personal State Department Diplomatic Security team.

Security Sector Reform. With U.S. assistance, Liberia has begun to create a new military made up of an initial 2,000 recruits.¹¹ Selection and vetting of volunteer enlistees, for purposes of screening out human rights abusers, began in late January 2006. The State Department is administering the overall military training program through two contractors: DynCorp International and Pacific Architects and Engineers (PAE), in coordination with U.S. military trainers. DynCorp is helping to vet, recruit, and provide basic training for the new force. PAE is to provide specialized advanced training, equipment, logistics, and base services. The training package is projected to cost about \$95 million, prospectively to be drawn from a mix of FY2004 through FY2007 International Disaster and Famine Assistance, Regional Peacekeeping, and Foreign Military Assistance funds. Training is slated to begin soon. Military restructuring was hindered by a need to demobilize and verify the severance pay eligibility of over 13,000 irregular forces and Armed Forces of Liberia

¹⁰ Liberia remains under U.N. sanctions, first imposed under U.N. Security Council Resolution 1521 (2003). These prohibit trade in arms, diamonds, and timber with Liberia, and the travel of certain designated individuals, mostly members or associates of the Taylor regime. The current U.N. travel ban list includes several newly elected legislators: Jewel Howard-Taylor, Adolphus Dolo, Edwin Snowe, and Kai Farley. Many of the listed individuals are also subject to financial asset freezes mandated by U.N. Security Council Resolution 1532 (2004). For background, see CRS Report RL32243, *Liberia: Transition to Peace*, by Nicolas Cook. The Security Council may reportedly consider lifting the ban on Liberian timber exports when it next reviews the diamond and timber sanctions, due to the relative success of efforts by the Sirleaf administration to ensure transparency in the timber and other sectors. Liberia reportedly has yet to meet the criteria that the Council would require in order for it to lift the diamond sanctions.

¹¹ In mid-February, stating that “our country currently lacks the technical and tactical capacities and proficiency to provide for its own defense and national security,” President Sirleaf appointed Major-General Luka Yusuf, a Nigerian UNMIL officer, to be Liberia’s military Chief of Staff heading the rebuilding of the armed forces. This action drew criticism from former Liberian military elements, who called it unconstitutional and an insult to Liberia’s national pride. She also said that she would seek the appointment of a U.S. military advisor. See Agence France-Presse (AFP hereafter), “Liberian Leader Names Nigerian to Head Military,” February 13, 2006 and Alphonso Toweh, “Liberia Leader Gets Flak for Hiring Nigeria General,” Reuters, February 14, 2006.

(AFL) soldiers. Funds for this purpose were scarce, but most irregular and regular forces have been demobilized. Total demobilization cost estimates vary between \$15 million and \$18 million. In late April 2006, 400-500 former AFL soldiers claiming nonpayment of salary arrears and retirement benefits conducted a violent protest outside the defense ministry and clashed with UNMIL peacekeepers sent to contain the unrest.

The United States is providing Liberia with UNMIL-administered civilian police (CIVPOL) training assistance, which includes the deployment of about 20 U.S. CIVPOL advisors as members of UNMIL, as well as equipment and contractor-based logistical support. The United Nations (S/2006/159, March 14, 2006, *op. cit.*) reports that while police reform and restructuring “has made progress,” a shortfall in funding for the demobilization of ineligible officers has impeded these processes. It also reports that the “Liberian National Police urgently requires [*sic*] continued mentoring.” The Special Security Service (SSS), a roughly 1,252-member presidential protection unit that under the NTGL continued to provide executive branch and VIP close protection functions, is being restructured. About 600 SSS officers are receiving general UNMIL police training and will continue to provide VIP protection services. The remaining SSS members are slated to be decommissioned, but there is no current funding for this purpose. On May 1, 2006, UNMIL announced that 841 SSS members had accepted U.S.-funded buy-out packages and been deactivated in April. U.S. aid also supports the rehabilitation of the judicial and penal systems.

Humanitarian Conditions

Humanitarian conditions are steadily improving, although from a base of severe and widespread post-war need, and poverty remains endemic. Liberia continues to receive substantial international food aid and is highly donor-dependent. International assistance is, however, increasingly supporting resettlement and socio-economic recovery, rather than emergency humanitarian needs. According to a U.N. High Commissioner for Refugees (UNHCR) briefing note, about 200,000 Liberian refugees had repatriated by mid-February 2006. By late April 2006, over 321,000 internally displaced persons (IDPs), including over 59,000 families, had returned to their places of origin or resettled. Most had received resettlement assistance, usually consisting of basic non-food items, transport aid, and two months of food supplies. U.N. agencies, together with non-governmental organizations (NGOs) and NTGL ministries have implemented a wide range of reconstruction and capacity building projects relating to nutrition, water and sanitation, primary healthcare services, and transport infrastructure. Numerous schools have re-opened nation-wide, with extensive assistance from UNICEF.

Nearly all child ex-combatants have reportedly been reintegrated into their communities of origin, and most are receiving follow-up aid in the form of social services. In mid-March 2006, the U.N. Secretary-General reported (S/2006/159, March 14, 2006, *op. cit.*) that 65,000 of 101,495 demobilized ex-combatants had benefitted from donor-financed reintegration and rehabilitation projects, and that about 37,000 were still waiting to be placed in such programs. The Secretary-General reported that although funding was available for most of these ex-combatants, about

\$5 million was “urgently needed” to provide such assistance to some 5,125 ex-fighters.

Health Issues. Liberia faces substantial public health challenges. Malaria is endemic, water-borne stomach illnesses are common, tuberculosis cases often go uncured, and there are periodic outbreaks of diseases like Yellow Fever, measles, and cholera, but Liberia lacks an adequate health infrastructure for combating such illnesses.¹² Medical supplies and trained staff are in chronic short supply. A number of donor-backed initiatives help improve health care capacity, however. UNICEF is aiding the reopening of health clinics nation-wide, and a UNICEF/WHO polio vaccination campaign that began in October 2004 has reached some 1.2 million children. WHO coordinates a U.N./government/NGO/USAID technical group that is working to improve the national health system, notably regarding HIV/AIDS, malaria and tuberculosis (see below). WHO and FAO are also helping the government to create an avian flu surveillance and response plan.

AIDS. The threat of HIV/AIDS in Liberia is gaining increasing attention. Although no reliable national prevalence tests have been completed recently — though such efforts are underway — Liberia is estimated to have an HIV infection rate of between 5.9% and 8.2%, though some observers believe that the rate could be as high as 12% in some population sub-groups.¹³ The UNMIL HIV/AIDS Adviser’s Office is supporting public education-related AIDS prevention and national planning efforts focused on care of orphans and vulnerable children, among other activities. The World Health Organization, in coordination with other U.N. agencies and the NTGL, is developing project proposals to fight AIDS, malaria, tuberculosis and build health system capacity. The U.N. Population Fund supports several AIDS awareness and prevention programs. Liberia receives Global Fund assistance, but its application for further assistance under the Fund’s recent Round 5 funding project assessment process was reportedly rejected.¹⁴ USAID implements several AIDS-related programs in Liberia on behalf of the Office of the U.S. Global AIDS Coordinator (OGAC). These include the first post-war demographic health survey, in partnership with other donors, which includes HIV surveillance; targeted behavior change efforts focusing on youth and other groups; and support for home-based care and related assistance. In her inaugural speech, in which she cited the 12% infection rate,

¹² War-related psycho-social trauma is also seen as widespread. The preliminary findings of a September 2005 WHO/Liberian government sexual and gender-based violence survey found that 91.7% of women and girls interviewed had been the victims of multiple violent acts during Liberia’s war (Security Council, S/2005/764, Dec. 7, 2005). The transitional legislature made all rape illegal in December 2005 (only gang rape had previously been illegal) and laid out punishments for rape-relation violations, but activists say increased sexual violence-related law enforcement is needed. See U.N. Integrated Regional Information Networks (IRIN hereafter), “Liberia: Sexual Abuse of Children Still Rampant, Report Says,” Feb. 22, 2006, *inter alia*.

¹³ IRIN PLUSNEWS, “Youth Not Putting HIV Prevention Lessons into Practice,” Oct. 27, 2005 and USAID, Health Profile: West Africa-HIV/AIDS, n.d.

¹⁴ For background on the Global Fund, see CRS Report RL31712, *The Global Fund to Fight AIDS, Tuberculosis, and Malaria: Background and Current Issues*, by Raymond W. Copson and Tiaji Salaam.

President Sirleaf vowed to “tackle this national scourge by updating and reinvigorating our HIV/AIDS policy within our first 150 days [and...] reconstitute and empower, along with our development partners, the National Commission on HIV/AIDS.” At a February 2006 House International Relations Committee hearing on Liberia (see below), Members suggested to USAID Assistant Administrator for the Bureau for Africa Lloyd O. Pierson that Liberia be considered for U.S. assistance under the Presidents Emergency Plan for AIDS Relief in South Africa (PEPFAR), a consideration that Mr. Pierson stated he would raise with appropriate Administration officials.

Governance

Progress in governance under the NTGL was mixed. Although it carried out most basic functions, the restoration of state authority and the rehabilitation of state institutions under its authority were hampered by central government ministry inefficiencies, widespread resource constraints, and lack of institutional and financial system capacities and trained manpower. Progress was reported in the last half of the transitional government’s tenure, however. Many revenue, customs, immigration, and local officials were deployed to sites outside Monrovia, and regional Central Bank offices opened, permitting salary payments without recourse to time-consuming travel to Monrovia. USAID is supporting the rehabilitation of administrative buildings in several key counties.

Among the most challenging issues facing governance capacity-building efforts were persistent reports of corruption within the NTGL, in some cases on a large scale. Alleged acts were particularly notable in the context of import-export transactions, government contracts and budgeting, and the issuance of commodity marketing or land, natural resource, and associated concession rights.¹⁵ The U.N. Secretary-General reported in mid-March 2005 that there was a “lack of [NTGL] transparency in the collection and use of revenues and the resistance of some government and public corporation officials to reforms and audits aimed at fighting corruption” (S/2005/177). The World Bank and bilateral donors made similar observations and called for transparency measures. National fiscal and budget obligation mechanisms and voucher record-keeping systems are described as chaotic and subject to manipulation in some cases by key officials. The agency miscellaneous expense budget account category “Other” was reportedly extremely large in many cases, and expenditures of such funds were said to have been carried out in a highly *ad hoc* manner. Actions by the transitional legislature either to appropriate for private use or pay very nominal lease fees for expensive vehicles that each legislator was given drew local and foreign condemnation. In November 2005, the U.S. Embassy in Monrovia stated that the U.S. government was

shocked and disappointed by the recent incidents of transfers of Liberian Government property and resources into private ownership. This drains vital

¹⁵ See, for instance, *The Analyst*, “NTGL’s Past Haunts Bryant, Others,” Mar. 9, 2006, regarding Liberian parliamentary investigations into the transitional government’s budget and EU audits of key Liberian parastatals, available via FrontPage Africa [<http://www.frontpageafrica.com>].

government resources that could otherwise be used for critical developmental programs, and sends the wrong signal to international donors who finance such programs. It also perpetuates the culture of abuse of public trust and impunity that has contributed to two decades of decline in Liberia. The U.S. Embassy considers these transfers unscrupulous, irresponsible, and contrary to the public interest of the people of Liberia. Liberian government resources are for the benefit of the Liberian people and should not be misappropriated for private use.¹⁶

Citing a 2004 presidential proclamation, it stated that Liberian government officials who engage in “violations of the public trust” and persons who abet such actions might, along with their families, be ineligible for U.S.-funded programs and services, including consideration for Diversity Visa, Immigrant Visa, and other visa services.¹⁷

Liberia is not eligible for African Growth and Opportunity Act (AGOA) benefits, “largely for reasons related to its poor record on economic reform, rule of law, corruption, human rights, and regional destabilization,” according to the Office of the U.S. Trade Representative (USTR).¹⁸ However, in late February 2006, the USTR announced that President Bush had reinstated duty-free Generalized System of Preferences (GSP) trade benefits for Liberia. USTR said that the action was intended to provide “strong support to recently elected President Ellen Johnson Sirleaf’s efforts to increase employment, diversify exports, and stabilize society.” It was made, according to the USTR, because Sirleaf had repealed a decree prohibiting strikes and invited the International Labor Organization (ILO) to help Liberia to conform with ILO obligations, thus making “improving worker rights a high priority.”¹⁹ In mid-February 2006, the U.S. Export-Import Bank (Ex-Im) announced that it had renewed its Short-Term Insurance Pilot Program for Africa (STIPP) for three years beginning March 31, 2006, and that Liberia had been added to the program. The STIPP helps businesses in eligible countries buy U.S.-made goods and services by insuring short-term export credit transactions involving various payment terms in countries where Ex-Im Bank is otherwise not open.²⁰ Following the USTR and Ex-Im announcements, the Overseas Private Investment Corporation (OPIC) announced that “following the election of President Ellen John Sirleaf and the

¹⁶ See U.S. Embassy-Monrovia, “U.S. Embassy Shocked and Disappointed at Abuse Of Public Trust,” Press Release, Nov. 18, 2005, and Integrated Regional Information Networks (IRIN), “Liberia: Scramble for Goodies Ahead of Political Handover,” Nov. 21 2005. IRIN is an editorially independent component of the U.N. Office for the Coordination of Humanitarian Affairs. It provides news and analysis about sub-Saharan Africa and other selected global regions. It seeks to inform decision makers in host and donor governments, non-governmental and international humanitarian and advocacy organizations, academic institutions, and the media about developments in the regions it covers.

¹⁷ See Proclamation by the President, *To Suspend Entry as Immigrants or Non-immigrants of Persons Engaged in or Benefitting From Corruption*, Jan. 12, 2004.

¹⁸ USTR, *2005 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act*.

¹⁹ USTR, “U.S. Reinstates Trade Preference Benefits for Liberia,” Feb. 22, 2006.

²⁰ Export-Import Bank, “EX-IM Bank Renews, Expands Africa Short-Term Insurance Initiative,” Feb. 10, 2006.

conclusion of its long civil war,” it had “reopened its programs in Liberia for the first time since 1990” as part of an effort of “[r]eaffirming U.S. government support for Liberia.” OPIC provides political risk insurance and financing aimed at helping U.S. businesses invest in emerging markets and developing nations.²¹

Concession Deals. Natural resource and land concession contract deals drew notable attention during the NTGL’s tenure because of their financial significance and potential long-term effects on national development. U.N. experts and donor governments questioned the propriety of a March 2005 monopsony diamond concession deal with a previously unknown firm, which was later cancelled.²² Some observers also questioned the NTGL’s award of offshore oil exploration permits to three relatively obscure firms just prior to elections.

The NTGL also signed two major long-term natural resource concession deals. One, with the Firestone group of companies, extends and amends a previous series of concession agreements, first signed in 1926, giving Firestone rights to large plantation areas for the cultivation of rubber.²³ The contract was amended, in part, because Firestone contended that it was unable to exploit its holdings due to fighting over the last decade and a half, and in order to boost foreign investment in Liberia. The deal gave the Firestone group surface rental and other rights to nearly 200 square miles of active or proposed rubber plantation land for 36 years in exchange for \$.50 per acre per year and various investments, tax payments, social and infrastructure development outputs, and various other commitments. It may be extended for another 50 years after renegotiation. Another deal, with Netherlands-based Mittal Steel Holdings, provides for the rehabilitation or construction of diverse mining, administrative support, processing, and transport infrastructure intended to support the extraction and shipment of iron ore from northern Liberia. It gives Mittal a variety of surface rental, mineral license, iron ore extraction, transport infrastructure

²¹ OPIC, “OPIC Reopens Programs In Liberia,” Mar. 21, 2006.

²² Diamond deposits in Liberia are mostly alluvial, i.e., found on or near the surface after having been deposited by water flows, often far from their point of origin. In January 2006, however, the firm Diamond Fields International (DFI) Ltd. announced that it had discovered strong indications of a kimberlite, or pipes of igneous, volcanic, often diamond-bearing material, in Grand Cape County. DFI is also involved in gold exploration in Liberia. See DFI, “Diamond Fields Announces the Discovery of Kimberlite in Liberia and Progress with Gold Exploration,” Jan. 9, 2006. Several other firms are involved in diamond explorations in various counties. Diamond exports are presently banned under a U.N. Security Council resolution, as discussed above. The Liberian government is attempting to set up structures and processes required to comply with the Kimberley Process, an international regime to regulate trade in rough diamonds, a precondition for removal of the diamond embargo. As part of such efforts, it has suspended issuance of diamond mining licenses, all of which expired at the end of December 2005; diamond mining is thus effectively illegal at present. According to the U.N. Secretary-General ((S/2006/159, Mar. 14, 2006, *op. cit*) the Liberian government “has made steady progress in meeting the conditions to join the Kimberley Process Certification Scheme” but “urgently needs funding and technical assistance to support” such efforts.

²³ The agreement is between the government of Liberia and Firestone Natural Rubber Company, a U.S. limited liability firm that is an affiliate of Bridgestone-Firestone North American Tire, and its Liberian subsidiary, Firestone Plantations Company.

construction, and other rights in exchange for diverse capital investments, totaling about \$900 million, and royalty, lump sum, tax, and other payments to the government. The initial term of 25 years is extendable for additional 25-year terms, if certain criteria are met.

Both deals drew criticism from some civil society groups that contended that the NTGL lacked a legal mandate to negotiate long-term concessions, that such functions could only be carried out by a duly elected government, and that such deals should be negotiated in a manner more favorable to Liberian economic and other national interests.²⁴ The contracts were also politically controversial. The Mittal deal was the subject of rival bids by the large mining firms Global Infrastructural Holdings Limited (GIHL), BHP Billington and Real Tito, and its ratification was contested legally and in parliament. Some civil society critics have alleged that the deals were not undertaken in a transparent manner. Mittal has denied that charge, and maintains that the contract was won in a “transparent and competitive bid process” and will bring significant foreign investment and infrastructure development to Liberia.²⁵ The former U.S. Ambassador to Liberia John Blaney reportedly pushed for requirements that, regardless of what firm was awarded mining rights, a major railroad that would be rehabilitated under such a deal be made a multi-use railroad.²⁶

The Firestone contract drew attention for other reasons. Some Firestone plantation workers have complained about poor working conditions and high production quotas. Some environmental advocacy groups and residents living near Firestone rubber processing facilities have alleged that chemicals used in latex processing are polluting wells, rivers, and water life. The Firestone group also is the subject of a class action suit brought in California by the International Labor Rights Fund, an advocacy organization that says its goal is to counter child, forced, and other abusive labor practices internationally, including through litigation. The suit alleges

²⁴ A coalition of Liberian human rights groups unsuccessfully petitioned the Liberian Supreme Court to halt execution of the two contracts on such grounds and contended that the deals had been made without public input. The complainants reportedly may seek to re-file their case after the formation of the new elected government. See Morrison O.G. Sayon, “Supreme Court Places ‘Stay Order’, Firestone, Mittal Steel Agreements,” *The Inquirer* (Monrovia), Nov. 7, 2005; John Walsh, “Supreme Court Issues Stay Order On NTGL; Ja’neh Appears Today,” *FrontPageAfrica*, Nov. 7, 2005; George Bardue, “Supreme Court Stops Budget Execution and Summons NTGL Officials,” *The News* (Monrovia), Nov. 7, 2005.

²⁵ Alphonso Toweh, “Liberia Minister Wants Mittal Iron Ore Deal Revised,” *Reuters*, Sept. 14, 2005; D. Moses Wantu, “Mittal Steel Hearing Backfires,” *The Analyst* (Monrovia), Sept. 6, 2005; Economist Intelligence Unit, “Liberia: A steel?,” *Country Monitor*, Aug. 29, 2005; Steve Swindells, “Mittal Steel Defends Pursuit of Liberian Iron Ore Concession,” June 14, 2005 *Metal Bulletin News Alert Service*; *The Analyst* (Monrovia), “Bryant, Mittal Steel Flout Law,” June 13, 2005; *The Analyst* (Monrovia), “NTGL Sued in U.S. District Court - Over LIMINCO Bidding,” June 13, 2005, *inter alia*.

²⁶ A smaller former mine railroad between Monrovia and Bong County has been rehabilitated by AmLib, a mineral exploration firm, and put into use as a multi-use transport line. It has reportedly contributed to a several-fold drop in charcoal prices in Monrovia, and is increasing the supply of other farm products to the capital. Charcoal is the main cooking fuel in Liberia.

that Firestone employs children, practices forced labor, involuntary servitude, and negligent employment practices. Firestone categorically denies these charges, describing the suit as “outrageous” and “completely without merit.” It maintains that its operations comply fully with Liberian laws and asserts that its workers are all adults of legal working age, are union-represented, are paid well above prevailing wages, are provided with social services, and that Firestone is bringing much needed investment to Liberia.²⁷

NTGL Anti-Corruption Efforts. The NTGL took some steps to halt corrupt practices. It established a Task Force on Corruption and a Cash Management Committee and attempted to eliminate bribe-taking in relation to commodity imports, notably by better managing Monrovia’s port, of which UNMIL took temporary control in late April 2005. In addition, the National Transitional Legislative Assembly (NTLA) created a committee to investigate allegations of administrative and financial irregularities by its leadership, which eventually led to the removal of key NTLA leaders. Some observers, however, saw the NTGL Task Force as lacking the capacity or political will to achieve significant results, and some Liberian officials resisted donor and ECOWAS-backed transparency and audit measures. An African Development Bank loan was reportedly not disbursed in 2005 because Liberia failed to provide required fiscal data, and an ECOWAS-sponsored auditing mission was opposed by Liberian auditors and certain government officials, who cited concern over a violation of Liberian sovereignty, despite the publicly-stated support of Chairman Bryant for the audit. In July 2005, Chairman Bryant suspended two officials over their alleged diversion of funds paid by the satellite communications firm Inmarsat to several Liberian state entities, and the NTGL suspended three Bureau of Maritime Affairs officials, including the Commissioner, and Liberia’s International Maritime Organization representative for fraud.

Concerns over transparency produced a sometimes halting and highly conditional provision to Liberia by donors of pledged aid, as well as some reticence to offer new funding. This negatively affected the scale and pace of resettlement, reintegration, and socio-economic rehabilitation. Nonetheless, a network of national, international, U.N., and private development and relief organizations has made considerable progress in these areas. Most of them participate in an inter-sectoral, U.N.-coordinated initiative, the Results-Focused Transitional Framework (RFTF). An April 2005 NTGL/U.N./World Bank assessment of the RFTF found that it has been effective in “addressing short-term, stabilization priorities,” but that medium to long-term post-transition institutional and reconstruction development will require a more robust, coherent, and comprehensive strategy.

Anti-Corruption Prospects Under Sirleaf. There are indications that Liberian-donor government relations may improve under Sirleaf, in large part due to her strong policy emphasis on anti-corruption efforts. In late January 2006, she

²⁷ Femi Oke, “Is Bridgestone/Firestone Exploiting Liberian Workers?,” *Inside Africa*, CNN International, Nov. 12, 2005; Joe Bavier, “Firestone Lease an Issue in Liberia Election Campaign,” VOA News, Sept. 14, 2005; Gary Gentile, “Firestone Accused of Using Slave Labor,” Associated Press (AP hereafter), Nov. 17, 2005; and Reuters, “Labor Group Sues Bridgestone on Liberia Plantation,” Nov. 17, 2005, *inter alia*.

announced a financial audit of the outgoing transitional government, which had repeatedly been accused of corruption. In early February, Sirleaf adopted the recommendations of the Liberian Forest Concession Review Committee, an entity comprised of Liberian civil society, government agency, UNMIL, and donor government representatives. It reviewed the legality and propriety of logging concession contracts and recommended diverse logging sector reforms. Her action canceled all existing logging concessions and created a Forestry Reform Monitoring Committee to regulate future concession contracts. Her move is seen as a key step in meeting requirements for the potential lifting of U.N. timber sanctions.²⁸ Sirleaf has also suggested that she may seek a review of other public contracts and concession deals granted by the NTGL.²⁹

Sirleaf has expressed strong support for the Governance and Economic Management Assistance Program (GEMAP), an agreement agreed to and signed in September 2005 by the NTGL and the International Contact Group on Liberia (ICGL), an international policy coordinating group of donor and regional governments and multinational institutions. GEMAP provides for contract-based management of the revenue and expenditure flows of key public sector entities, notably the main port, airport, and fuel refining firm, among others, in order to strictly enforce central government controls over state revenues and to improve public fiscal capacities. It also supports diverse economic governance and judicial capacity-building measures for the government aimed at institutionalizing the good governance and management capacity-building goals and reforms envisaged under GEMAP. Elements of GEMAP that call for an external management role were

²⁸ UNMIL is assisting government implementation of reforms required before the U.N. Security Council will consider a removal of the Liberian timber sanctions. The NGO monitoring group Global Witness, which has long investigated corruption and diverse labor, legal, and war-related security sector and human rights abuses within the forestry sector and pressed for reforms, praised the move, but called for “greater support” by UNMIL “to the Forestry Development Authority ... to ensure that it is able to operate in a secure environment” prior to the removal of timber sanctions (“Global Witness Welcomes President Sirleaf’s Decision to Cancel All Forest Concession Agreements,” Feb. 9, 2006). The Forestry Reform Monitoring Committee is tasked with carrying out its functions by applying or creating for implementation land-use planning principles; a timber production and export chain of custody tracking system; a market value-based tax system timber tax system defined by “equitable sharing of the benefits with local communities;” revised contract requirements; transparent forest concession allocation procedures based on the Public Procurement and Concession Act of 2005 allowing suspension of participants who abet civil disturbances or default on their financial obligations; a regulatory and law enforcement regime aimed at countering financial and tax fraud, human rights abuses, economic sabotage, and violations of labor and other laws relating to the misuse and mismanagement of forest resources; and an Environmental Impact Assessment process. It was also given the tasks of advising on implementation of GEMAP in the Liberian Forestry Development Authority, ensuring the full and transparent participation of communities and civil society in forest management, conducting a full review of the forestry laws and regulations, and recommending legislation to implement forestry reforms. See “Liberia, Forest Sector Reform (Executive Order #1), Feb. 7, 2006 [<http://www.elaw.org/resources/text.asp?id=3051>].

²⁹ Katharine Houreld, “Liberian Leader Says to Review Govt Contracts,” Reuters, Feb. 20, 2006.

initially opposed by some in Liberia as an intrusion on national sovereignty, but donor governments, including the United States, pushed for strict conditionality for future assistance to Liberia. International financial and monitoring experts have reportedly assumed duties at the Central Bank of Liberia, where the international GEMAP expert has co-signing authority, and on the Cash Management Committee, a Ministry of Finance-led body that manages all government funds. Similar personnel are expected to fill positions in key ministries, notably the Ministry of Lands, Mines, and Energy and the Bureau of Budget, and revenue-earning sources, including ports, airports, customs offices, and the forestry sector. GEMAP is overseen by an Economic Governance Steering Committee (EGSC) chaired by President Sirleaf, assisted by representatives of the United States, the European Union, the African Union, ECOWAS, and the International Monetary, World Bank, and U.N. agencies.³⁰

The United States has sent several Treasury Department advisors to Liberia in the areas of budget and tax policy, management, and administration; central bank operations and fiscal policy and regulation; and has assessed Liberia's financial enforcement (financial crime and corruption) capacity. A resident U.S. legal advisor and a temporary duty team of prosecution experts have been deployed to Liberia to assist in building Liberia's judicial capacity.

Taylor Indictment

Charles Taylor, Liberia's former president, was arrested at a border checkpoint on March 29, 2006, in the northern Nigerian state of Borno, while trying to cross by road into Cameroon. He was apprehended after fleeing the southern Nigerian city of Calabar, where he had lived with an entourage of aides and family members since August 2003, when he was given asylum by Nigeria. He reportedly fled on March 27, two days after Nigeria's government had announced that Liberia was "free" to take Taylor "into its custody," while not specifying how that end could or would be achieved, or moving to arrest him. The Nigerian statement came in response to an early March request by President Sirleaf for Nigeria to transfer Taylor to the custody of the Special Court for Sierra Leone (SCSL) to face an 11-count indictment³¹ charging him with war crimes, human rights abuses, and other crimes.³² After his

³⁰ See IRIN, "Liberia: Foreign nationals step into government positions to combat graft," Mar. 3, 2006 and S/2006/159, *op cit.*, among others.

³¹ The original indictment, dated March 3, 2003, approved on March 7, 2003, and unsealed on June 4, 2003, charged Taylor with 17 counts of war crimes, crimes against humanity, and other serious violations of international humanitarian law. The indictment was amended on March 16, 2006, to 11 counts to "ensure a more focused trial," according to a statement by the prosecutor.

³² In early March 2006, published news reports alleged that the Liberian government had made a request to Nigeria for Taylor's extradition, but neither government initially would publicly confirm that such a request had been made. However, on March 16, 2006, Representative Jim Kolbe stated on the House floor that President Sirleaf had verifiably informed Representative Nita Lowey and himself that she had requested that Nigeria extradite Taylor (see *Congressional Record* (House), pp. H1097-H1098, Mar. 16, 2006). Nigeria later acknowledged that the request had been made. See Nico Colombant, "Nigeria (continued...)"

capture, Taylor was extradited to Liberia in a Nigerian presidential jet. He was then immediately flown by UNMIL helicopter to Sierra Leone, where he was taken into SCSL custody. On April 3 he was arraigned and pled not guilty, though he qualified his plea by questioning the SCSL's "jurisdiction over me, as the 21st President of the Republic of Liberia."³³

Potential Transfer to the Hague. Taylor is to later face trial by the SCSL, possibly sitting in the premises of the International Criminal Court (ICC) in the Hague, the Netherlands, for reasons of security and to prevent potential instability in Sierra Leone and Liberia, where his trial could prove politically controversial and emotive. Member states of the ICC would have to assent to the use of ICC facilities by the SCSL, which would retain legal and institutional control over the trial.³⁴ The SCSL is reportedly in talks with the Dutch Foreign Ministry regarding Taylor's potential transfer to the Hague. The U.N. Security Council would need to authorize the SCSL to hold Taylor's trial there, so that Taylor could be tried under the institutional and legal aegis of the SCSL and its unique statute, rather than in Dutch courts. The Dutch government has also reportedly conditioned the transfer of Taylor's trial to the Netherlands on the willingness of an as-yet-undetermined third country's agreement to imprison him if he is convicted. Several countries have reportedly provisionally declined to do so, but Sweden is said to be considering the request. Sweden's government has submitted legislation to its parliament, "specifically because of the Charles Taylor case," that would amend Swedish laws to enable it to imprison an SCSL convict.³⁵

There is debate over the implications for justice of such a trial transfer. Some contend that Taylor should be tried in the country where his alleged crimes took place. Such an outcome, in this view, would demonstrate both to victims and perpetrators of international human rights and laws of war violations in Sierra Leone — and by extension, neighboring Liberia — that accountability for such actions can be achieved in the same social and geographic contexts in which they were

³² (...continued)

Confirms Liberia Request for Taylor's Extradition," VOA, Mar. 17, 2006, *inter alia*.

³³ The hearing judge, however, reminded Taylor that the SCSL Appeals Chamber had in May 2004 decided that heads of state could be prosecuted before the SCSL. It had ruled in response to a motion by an attorney, acting on behalf of then-president Taylor, who requested that the court quash Taylor's indictment on the grounds that the court lacked jurisdiction to indict Taylor because he was a head of state at the time he was indicted. At Taylor's April arraignment, a court-appointed defense attorney for Taylor also requested that he be tried in Sierra Leone, to facilitate the logistics of bringing defense witnesses resident in the sub-region before the SCSL and to prevent their possible denial of visas to travel to a venue held in Europe. See IRIN, "Transcript of Charles Taylor's Plea on First Court Appearance," Apr. 4, 2006.

³⁴ IRIN, "Liberia-Sierra Leone: Taylor trial could go to Europe," Mar. 30, 2006; BBC, "Sweden considers Taylor detention," Apr. 6, 2006; Michelle Faul, "International community determined to move former Liberian president's trial to The Hague," AP, Apr. 4, 2006; and Karl Ritter, "Sweden, Austria considering request to imprison Charles Taylor after trial," AP, Apr. 5, 2006, among others.

³⁵ IRIN, "Sierra Leone: Taylor Prison Location Holding Up Trial," May 4, 2006.

committed. Similarly, some contend that the didactic and symbolic value for the region of a local public trial would be greater, in part because it would allow more direct and proximate access to the court proceedings by the local population, which lacks widespread access to television and print media. Other factors cited in favor of holding a trial locally include concerns about the logistical, legal, financial, and bureaucratic barriers that an overseas venue might pose for witness participation in the trial, as well as for its general organization and staging. Others argue that any factor that might spark political unrest or conflict — such as Taylor’s trial — should be avoided if at all possible, given the relatively fragile and recent transition to peace in Liberia and Sierra Leone, both of which have extended histories of political instability. In this view, moving the trial to the Hague would lessen the immediacy of any political controversy prompted by Taylor’s trial and undercut his ability to directly appeal to or rally his potentially armed followers, should he attempt to use the trial as a political platform. Some also maintain that holding the trial in a distant location would help Sierra Leoneans and Liberians overcome the legacies of war. A local trial, according to this point of view, might present too visceral a reminder of the wartime suffering that so many in these countries have recently begun to overcome. Many local residents are tired of war and its effects and want to “move past” their experiences of wartime brutality and focus on peace and socio-economic reconstruction.³⁶

Controversy Over Arrest and Extradition. Nigeria’s transfer of Taylor and the manner in which it was achieved were a matter of some controversy, and the facts surrounding his flight prior to his arrest remain unclear. Taylor was arrested at the remote customs and immigration checkpoint of Ngala, on the border with Cameroon. He was traveling in a jeep carrying diplomatic license plates and had with him two large boxes or sacks of U.S. and European currency. He was accompanied by a female relative, a child, a driver, and a local guide.³⁷ How he was able to travel to the northern frontier post from his compound in Calabar remains the subject of speculation. Calabar, the capital of the southeastern state of Cross River, was his place of exile for nearly three years. Cross River state officials had been charged by Nigeria’s federal government with hosting Taylor and ensuring his protection, and had insisted just prior to Taylor’s flight that he was well-monitored.³⁸ Journalists,

³⁶ Such sentiments might undercut calls made by some for a special court to try crimes committed during Liberia’s civil wars. See Catherine Maddux, “Hague Trial Could Mean Justice for More West African War Victims,” VOA News, Apr. 10, 2006 and IRIN, “Liberia: Youths Petition for War Crimes Court,” Apr. 11, 2006. Some observers have suggested that Sirleaf does not, in general, support prosecuting those who committed war time atrocities during the 1989-2003 civil wars. See Jeremy I. Levitt and J. Peter Pham, “Liberia Must Confront its Past If It Wants a Brighter Future,” *The Baltimore Sun*, December 8, 2005, which quotes Sirleaf as stating consistently that she does “not support any war crime tribunal in Liberia,” because such tribunals might reignite old antagonisms and conflict.

³⁷ IRIN, “Taylor Captured By Nigerian Police,” Mar. 29, 2006 and Abdullahi Bego, Joe Oroye, and Bassey Ita, “How Charles Taylor Was Arrested,” Daily Trust (Nigeria), Mar. 30, 2006, among others.

³⁸ George Onah, Charles Ozoemena, John Ighodaro, and Tunde Sesan, “Taylor Escapes,” (continued...)

however, reported that in the days before Taylor fled, members of his entourage had begun to depart the Taylor compound in Calabar and that Nigerian security personnel who had normally guarded it had left their posts.³⁹ Taylor's flight, Nigeria's Information Minister said, had "shocked" President Obasanjo, who later stated that the act was an "abuse of our hospitality" by Taylor, who he characterized as "neither a friend of the President of Nigeria nor that of its people."⁴⁰ Obasanjo reportedly responded to Taylor's getaway by ordering the arrest of Taylor's aides, the detention of 22 police officers charged with guarding him, and an "aggressive and comprehensive search" for Taylor to ensure that he did not depart Nigeria. He also appointed an investigatory and advisory panel to probe Taylor's "disappearance," though it was disbanded after Taylor's capture.⁴¹ There have been reports, some based on claims by Taylor's spiritual adviser, Kilari Anand Paul — and all categorically denied by the Nigerian government — that rogue or corrupt agents of Nigeria's State Security Service (SSS) aided the escape. Another account suggests that Taylor arranged a phony, staged attack on his convoy, providing cover for his escape. Both accounts appear to relate to an incident in which a guarded vehicle convoy that was transporting Taylor from Calabar to an airport in the nearby city of Port Harcourt was halted. Paul has also alleged that the putative SSS assistance to Taylor was part of a Nigerian government plot to assassinate Taylor during his escape, a charge characterized by a Nigerian government spokesman as an "absolute falsehood."⁴²

Some of the speculation over the circumstances surrounding a potential Nigerian government role in Taylor's flight may be attributable to its long-standing reluctance to commit to transferring Taylor to the SCSL. When the Nigerian government, under U.S. and other international pressure, agreed to provide him with refuge in August 2003, it had stated that it was doing so to aid the Liberian peace process and would

³⁸ (...continued)

Vanguard, Mar. 29, 2006; John Ighodaro, "Taylor's Escape No Surprise to Foreign Observers," Vanguard, Mar. 29, 2006; and Mail and Guardian, "Nigeria orders arrest of Taylor's aides," Mar. 28, 2006.

³⁹ Anietie Akpan and Francis Obinor, "Taylor's relations, aides leave Calabar," The Guardian (Nigeria), Mar. 24, 2006 and Robyn Dixon and Hans Nichols, "Taylor to Face War Crimes Charges," Los Angeles Times, Mar. 29, 2006. As late as March 23, there were reportedly as many as 66 Taylor aides and extended family members at the compound. John Ighodaro, "Charles Taylor, 66 Aides Counted," Vanguard, Mar. 27, 2006.

⁴⁰ *Statement by His Excellency, President Olusegun Obasanjo, GCFR, President, Federal Republic of Nigeria on the Circumstances Surrounding the Disappearance of Mr Charles Taylor*, Washington DC, Mar. 29, 2006.

⁴¹ Michelle Faul, "Ex-Liberian Warlord Disappears in Nigeria," AP, Mar. 28, 2006; Mail and Guardian, "Nigeria orders arrest of Taylor's aides," Mar. 28, 2006; Vincent Nwanma, "Nigeria Orders Agents Arrested Over Taylor's Disappearance," Dow Jones Newswires, Mar. 28, 2006.

⁴² Michelle Faul, "Ex-Liberian Warlord Disappears..."; Michelle Faul, "Evangelist: Charles Taylor says Nigerians told him to flee, Nigeria's Obasanjo betrayed him," AP, APR. 2, 2006 and IRIN, "Taylor Captured By Nigerian Police," Mar. 29, 2006; and Felix Onuah, "Nigeria rejects Taylor death plot allegation," Reuters, Apr. 5, 2006, among others.

not countenance later pressure to extradite Taylor.⁴³ It also later stated that it would only agree to turn Taylor over to an elected Liberian government at the latter's request, and not to the SCSL directly.⁴⁴ Many human rights groups took issue with these positions. They argued that Nigeria, a member of the SCSL's management committee, had an obligation to cooperate with the court, and that Taylor's continued asylum perpetuated a "culture of impunity" for human rights abusers in Africa.⁴⁵ Pressure for extradition grew as reports emerged that Taylor, who was living in what many accounts described as luxurious circumstances, had extensively violated a Nigerian requirement that in return for asylum, he disengage from involvement in Liberia's politics and internal affairs, either directly or through proxies.⁴⁶ Such pressure, including more direct U.S. admonitions in favor of extradition, increased

⁴³ In a March 30, 2006 statement while in the United States, Obasanjo stated that "I took great political risk in offering to host Mr. Taylor on behalf of the international community and humanity to avoid continued bloodshed in Liberia even in the face of allegations of his [Taylor's] complicity in the death of some Nigerians in his country." *Statement by His Excellency...*, Mar. 29, 2006.

⁴⁴ Nigeria, speaking on behalf of ECOWAS also contended that any decision relating to Taylor's extradition would require the assent of governments in the region. In mid-2005, at least three members of ECOWAS, Sierra Leone, Liberia and Guinea, had formally urged that such consultations occur. In July 2005, the three countries, acting in their capacity as the constituent members of the Mano River Union, issued a joint communiqué suggesting that Nigeria should review the terms of Taylor's asylum or refer consideration of his status to the ECOWAS Heads of State. See AFP, "Backed by Neighbors, Liberia Requests Taylor Handover to Sleone War Court," July 29, 2005. The role of non-African members of the international community regarding Taylor's case was contested by some. In mid-November 2005, ECOWAS peace mediator and former Nigerian head of state Abdulsalami Abubakar rejected a call by the European Union, a major donor to Liberia, for the Sirleaf government to call for Taylor's transfer. He stated that any decision on Taylor's status was "beyond the scope of the European Union" and that such a proposition did "not meet the support of ECOWAS." See Hans Nichols, "Liberian President to Ask Nigeria to Hand over Charles Taylor to War Crimes Court," AP, Jan. 20, 2006; AFP, "Taylor's Indictment Not Immediate Priority: Sirleaf," Jan. 27, 2006; SAPA-DPA, "Sirleaf Addresses Taylor War Crimes Issue," Nov. 20, 2005; BBC News, "Liberian Taylor's Fate Discussed," Nov. 30, 2005; and Ann Curry, "Interview: Liberian President Ellen Johnson Sirleaf Discusses Her Election and Plans for Liberia," NBC News: *Today*, Jan. 16, 2006.

⁴⁵ Other observers of Liberian affairs argued that Taylor's asylum in Nigeria remained the best way to ensure continued stability in Liberia. Further background and information about debate surrounding Taylor's extradition and the case against him are contained in CRS Report RL32243, *Liberia: Transition to Peace*, by Nicolas Cook. It provides background on Taylor's indictment; issues pertaining to his departure from Liberia and political power; and his alleged involvement in illicit diamond trading and links with Al Qaeda. The latter issues are also covered in CRS Report RL30933, *Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations*, and CRS Report RL30751, *Diamonds and Conflict: Background, Policy, and Legislation*, both by Nicolas Cook.

⁴⁶ Taylor was reported on multiple occasions to have been in cell phone-based contact with political and business allies in Liberia, and to be have been involved in efforts to influence political events and outcomes in Monrovia and call in old business and political debts. See Douglas Farah and Shaoli Sarkar, *Following Taylor's Money: A Path Of War And Destruction, Coalition for International Justice*, May 2005, as well as multiple U.N. and press reports.

following Liberia's successful conduct of peaceful elections, but Nigeria's reluctance to surrender Taylor remained steadfast until he fled. Its position was highlighted after it acceded to Liberia's formal request for Taylor's extradition. Following Nigeria's announcement that Liberia was "free" to take Taylor "into its custody," human rights groups and other interested parties, including some members of Congress, called on Nigeria's government to secure Taylor and prevent him from fleeing. The SCSL prosecutor also again formally requested that Nigeria's government arrest Taylor. The Nigerian government, however, contended that it had not received such a request, and refused to arrest Taylor; a Nigerian presidential spokesperson stated that "our job is done" and that "Taylor is not a prisoner here."⁴⁷

The main reasons that the Nigerian government has cited for its position include a desire to uphold its right to state sovereignty, its assertion that Taylor's asylum agreement was purely voluntary on his part, and that the agreement governing his departure from Liberia included no provisions for the future withdrawal of asylum. A government spokesman was quoted as saying that no country could "just order us to surrender him [Taylor] to them, [*sic*] that is unacceptable and would not happen."⁴⁸ Femi Fani-Kayode, an aide and spokesman for Obasanjo, also implied that the Nigerian government takes no position on the indictment against Taylor. He stated that

The people that are charged with that responsibility [of taking custody of Taylor from Nigeria] are those people that are making those allegations and not Nigeria. And those allegations are being made by Liberia and by the Sierra Leonian government. It is for them to place him before that tribunal and not for us. What we were required to do was to simply allow the situation to ripe [*sic*] whereby the Liberian Government, a free Liberian Government, under a democratically elected president could come over to Nigeria and take him to wherever they wanted to take him. And we agreed to do that to honour our obligation. [...] But what we were not prepared to do was to take Charles Taylor to Liberia ourselves or take him to Sierra Leone, because that was never part of the agreement. He came to our country as a consequence of the fact that he was part and parcel of the peace process in Liberia and African Union; the ECOWAS heads of government came together, together with the Americans and the European Union and prevailed on Mr. President to allow him to come here so that peace could return to his country and he came here as our guest.⁴⁹

Some observers believe that President Obasanjo's position may have been driven by an aversion to altering his original commitment to Taylor, then a fellow elected regional head of state, possibly due to a fear that in the future other leaders might doubt Obasanjo's word. Others suggest that Obasanjo did not want to establish or help to legitimate a precedent that might facilitate the indictment on international

⁴⁷ Michelle Faul, "War tribunal urges Nigeria to arrest Liberian warlord Charles Taylor," AP, Mar. 25, 2006; AFP, "Obasanjo agrees to surrender Charles Taylor: official," Mar. 25, 2006; and AFP, "Nigeria Rebuffs Call to Detain Taylor, Says: 'Our Job Is Done'," Mar. 27, 2006, among others.

⁴⁸ Olusegun Adeniyi, "Nigeria, US, Liberia in Diplomatic Intrigues," This Day, Mar. 29, 2006.

⁴⁹ Ibid.

human rights violations of other African heads of state, as a matter of principle, given that many African governments are accused of serious human rights abuses. Another interpretation of Obasanjo's motives, given his government's extensive involvement in regional conflict mediation and management efforts, is that he did not want to create a precedent that might cause belligerents in future conflicts, including those accused of human rights abuses, to become averse to accepting negotiated ends to their disagreements.⁵⁰

Another factor that some believe may have played a part in Taylor's capture was the possibility that a scheduled meeting on March 29, 2006, between President Obasanjo and President Bush would have been cancelled. According to some reports, the fact that Taylor had disappeared on Nigerian territory — after the Liberian government, backed by the United States (see below), had requested his extradition — had imperiled the meeting.⁵¹ Several Members of Congress issued statements calling on President Bush to cancel the meeting if Taylor were not produced. Taylor's capture, however, was announced hours before the meeting was to begin, and it was held as scheduled, a fact that some analysts suggest may be more than coincidental, though none have offered evidence proving, as they imply, that the Nigerian government may have stage-managed Taylor's detention.

U.S. Views. The United States strongly supports the SCSL's mandate to try those responsible for war crimes in Sierra Leone. The court is also seen as providing an alternative institutional model to the International Criminal Court and is viewed as a smaller, leaner organization compared to the more administratively extensive and costly international criminal tribunals for the former Yugoslavia and Rwanda. Congress has appropriated \$22 million in funding for the SCSL, which may receive up to \$13 million in FY2006.⁵² There has been some friction, however, between the Administration and the SCSL with regard to the effect that some of the court's actions have had on political events and U.S. policy goals in West Africa. Some State Department officials in private, for instance, questioned the political prudence of certain actions taken by former SCSL Prosecutor, David Crane, such as his unsealing of the indictment against Taylor at a critical juncture during peace talks in June 2003. Some have also questioned the accuracy of his assertions that Taylor

⁵⁰ Other, more speculative interpretations have been proposed; they include the possibility that Taylor might hold information potentially damaging to the Nigerian or other governments, or that Taylor had some sort of financial relationship with key Nigerian officials.

⁵¹ In comments, a White House spokesman, while not directly addressing whether or not the meeting would be held, stated that “[W]e are looking for answers from the Nigerian government about the whereabouts of Charles Taylor... It is the responsibility of the Nigerian government to see that he is conveyed to the Special Court for Sierra Leone. We expect the government of Nigeria to fulfill this commitment.” See White House, Press Briefing by Scott McClellan, Mar. 28, 2006. According to an account by a former SCSL official, National Security Advisor Stephen Hadley warned President Obasanjo that the meeting would be called off unless Taylor was apprehended.

⁵² The conference agreement accompanying P.L. 109-102 (H.R. 3057/Kolbe), the FY2006 foreign operations appropriation, designates \$13 million in Economic Support Funds for the SCSL. P.L. 109-102 states that these funds “should” be made available for the SCSL.

abetted Al Qaeda operatives' purchases of Sierra Leonean diamonds; that Taylor sponsored the January 2005 attempted assassination of President Lasana Conté of Guinea; and that Taylor had traveled outside of Nigeria while in exile. Such reservations may, in part, explain the SCSL's failure to obtain authority under Chapter 7 of the U.N. Charter, which would oblige U.N. member states to cooperate with the SCSL. However, on November 11, 2005, the U.N. Security Council passed Resolution 1638, which authorized UNMIL to arrest Taylor were he to return to Liberia, as it did on March 29.

After Taylor was given asylum in August 2003, the Bush Administration periodically called for Taylor to "face justice," usually in response to questions from the press. Administration spokesmen maintained that the Nigerian and U.S. governments were "engaged" in talks about Taylor and his activities and about how "to address the matter," but generally offered few specific or concrete suggestions on how Taylor might be "held to account for the crimes he has committed."⁵³ In 2006, the United States began to pursue this goal more urgently, explicitly, and directly. During a telephone call to congratulate Sirleaf on her electoral victory, President Bush reportedly expressed support for bringing Taylor to justice so that "he can no longer threaten the people of Liberia and the region of West Africa," though he did not specify a venue where such a goal could be achieved.⁵⁴ At a February 8, 2006, House Committee on International Relations hearing on Liberia entitled *The Impact of Liberia's Election on West Africa*, State Department Assistant Secretary for Africa Jendayi Frazer stated that "the U.S. Government has consistently maintained that Taylor must be brought to justice before the Special Court" and had relayed that message to the Sirleaf administration. She added that the time for his extradition "is now," following the establishment of a duly-elected Liberian government. However, she also portrayed Taylor as a largely spent political force. At a February 16, 2006, House Committee on International Relations Hearing on the Fiscal Year 2007 International Affairs Budget, Secretary of State Condoleezza Rice portrayed him as representing a more pressing potential threat. She stated that

we believe very strongly that he ought to be brought to justice and that he ought to be brought to justice as soon as possible. We will work with all parties concerned to see that happen. He is a danger. He needs to be brought to justice

⁵³ See, e.g., State Department, Daily Press Briefing, May 5, 2005 and White House Press Briefing, May 5, 2005. In 2005, at least one State Department official did publicly call on Nigeria to hand Taylor over to the SCSL directly (Daniel Balint-Kurti, "Wanted for War Crimes, Liberia's Ex-president Hunkers down in Nigerian Exile," AP, May 31, 2005). Some had suggested that the United States should honor Nigeria's conditions for accepting Taylor after it agreed to accept Taylor following President Bush's publicly stated contention in 2003 that "Taylor must go" (White House, Press Conference of the President, "President Bush Discusses Top Priorities for the U.S.," July 30, 2003), and defer to Nigeria's views on the matter, given its central role as a regional peacekeeping and political mediating power. Howard F. Jeter, former U.S. ambassador to Nigeria, stated that "President Obasanjo acted with our full knowledge and concurrence" in testimony before the House Committee on International Relations at a hearing entitled *Confronting War Crimes in Africa* on June 9, 2004.

⁵⁴ State Department, "Bush Congratulates Liberian President-Elect," *Washington File*, Nov. 30, 2005.

[...] not just for reasons of reconciliation and justice, but because we don't want him in a capacity or a capability to come back. And so I think there's a very strong interest and there should be a very strong interest in the Liberian government — also the African states that helped to arrange his ouster — to see this resolved. And so you can be sure that it is the policy of the United States to pursue that.

Sirleaf and the Taylor Case. Taylor's SCSL case and extradition are delicate matters for President Sirleaf, because her government was not party to his asylum deal or indictment — but was charged with resolving issues arising from them — and because her government is intent on ensuring political stability. That goal could potentially be undermined if Sirleaf were to alienate or anger the supporters of Taylor, a former warlord whose troops had a reputation for brutality and who won the presidency with 75.3% of the vote in 1997. Prior to her mid-March 2006 visit to the United States, Sirleaf had stated that her administration would eventually seek the repatriation of former president Charles Taylor from Nigeria or his transfer to the SCSL under certain conditions. These included consultations with and the assent of “regional leaders who managed the process of leading to his exile;” accommodation for certain unspecified timing considerations; and a transfer process that would “not undermine the security” of Liberia. She also reportedly said that she did not view it as an immediate priority. She specifically stated that any solution would have to have the concurrence of the European Union, the African Union, and West African leaders, with whom she met during a regional pre-inauguration consulting tour, in part aimed at addressing “certain national and regional sensitivities.”

Notwithstanding these statements, in early March 2006, published press reports suggested that the Sirleaf administration was in talks with the Nigerian government regarding Taylor's possible extradition from Nigeria and that President Sirleaf had made a formal request toward that end to the Nigerian government. Her government, however, publicly denied that a formal extradition letter had been given to the Nigerian government — though Liberian Information Minister Johnny McClain confirmed the existence of a “briefing note” on this topic.⁵⁵ At various fora during a mid-March state visit to the United States, however, Sirleaf confirmed that a request had been made. She also said that his extradition would need to happen promptly, given the fragility of Liberia's peace and the potentially significant influence of Taylor in Liberia, and that any decision taken by the international community would have to “ensure that the safety of the Liberian people and the stability of our nation is not undermined.” She also observed that “Taylor was not indicted in a Liberian court ... he was indicted in the [SCSL] supported by the United Nations. This is why we say the resolution of this must be in accordance with the United Nations and the international community.”⁵⁶ She further stated that

⁵⁵ Tom Ashby and Alphonso Toweh, “Liberia denies asking Nigeria to extradite Taylor,” Reuters, Mar. 13, 2006.

⁵⁶ Some observers, including the Special Assistant to the SCSL Prosecutor and human rights activists, asserted that there was no need for Nigeria to consult African Union or Economic Community of West African States (ECOWAS) leaders regarding the potential extradition, as the Nigerian government had contended was necessary. See Robyn Dixon, “Liberia (continued...)”

international pressure “constraining our effort to ... raise the resources that we need for our development” had, in part, motivated her to request that Nigeria extradite Taylor.⁵⁷ She said, however, that such pressure had been “unfair” and that the Nigerian government and international community should have resolved the issue “long before” her administration took office.⁵⁸ In a March 30 statement to the Liberian people on Taylor’s transfer to the SCSL, Sirleaf welcomed the return to Liberia of the members of Taylor’s entourage of supporters who had lived with him in Nigeria, and warned that anyone who attempted to use Taylor’s transfer as the basis for insurrection would be dealt with harshly.⁵⁹

U.S. and Congressional Focus

U.S. First Lady Laura Bush and Secretary of State Rice, among other prominent U.S. guests, attended President Sirleaf’s inauguration. Their presence, Sirleaf stated in her inaugural speech, “manifests a renewal and strengthening of the long-standing historic special relations which bind our two countries and peoples.” She also stated that it “reflects a new partnership with the United States based on shared values” and that Liberians are “confident that we can continue to count on the assistance of the United States [...] in the urgent task of rebuilding of our nation.”

Sirleaf undertook an official visit to the United States, beginning the week of March 13, 2006, during which she addressed a joint session of Congress on March 15⁶⁰ and met with President Bush on March 21. She has reportedly closely consulted with U.S. officials regarding her priorities for Liberia and the status of Charles Taylor. During a pre-inaugural December 2005 trip to the United States, Sirleaf met with National Security Advisor Stephen Hadley and his Africa deputy, Cindy

⁵⁶ (...continued)

Seeks Extradition of Indicted Ex-Leader,” *Los Angeles Times*, Mar. 18, 2006.

⁵⁷ Prior to confirmation of Sirleaf’s extradition request to the Nigerian government, some in Congress had suggested that the continued provision of substantial U.S. development aid to Liberia would need to be conditioned upon her making such a request. During the February 8, 2006, House Committee on International Relations hearing on Liberia, Representative Royce, after outlining diverse reasons why Taylor should be promptly extradited, stated that “[t]his friend of Liberia has very little interest in providing more [U.S. assistance] money to rebuild Liberia until its President brings Taylor — a known force for destruction — one step closer to justice by calling on Nigeria’s President to send him to the Special Court.” He voiced similar sentiments during consideration of H.R. 4939; (*Congressional Record* (House), Mar. 16, 2006, p. H1097). Royce introduced H.Con.Res. 127, passed in May 2005, which urges that Nigeria transfer Taylor to the SCSL.

⁵⁸ U.N., “Press Conference by Liberia’s President,” Mar. 17, 2006. Some have echoed Sirleaf’s views, criticizing what they see as the unfair conditioning of assistance to Liberia on the Sirleaf government’s request for Taylor’s extradition, given that the Sirleaf administration was not a party to Taylor’s indictment or to the arrangements leading to his exile in Nigeria. Interview with Emira Woods, Institute for Policy Studies, *BBC World News*, Mar. 17, 2006.

⁵⁹ Nation-wide Address By Her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia, Mar. 30, 2006, via [<http://AllAfrica.com/>].

⁶⁰ *Congressional Record* (House), pp. H996-H998, Mar. 15, 2006.

Courville, Secretary of State Rice, Treasury Secretary John Snow, and selected Members of the House and Senate, including the Congressional Black Caucus and Majority Leader Bill Frist, as well as World Bank President Paul Wolfowitz (former Deputy Secretary of Defense).⁶¹

Congress has long monitored developments in Liberia. Most recently, on February 8, 2006, the Subcommittee on Africa, Global Human Rights and International Operations of the House Committee on International Relations held a hearing on Liberia entitled *The Impact of Liberia's Election on West Africa*. Congress has shown continuing interest in the status of Charles Taylor and has generally, with a few exceptions, shown strong support for the SCSL. It passed laws (P.L. 108-199 and P.L. 108-106) urging that SCSL indictees, like Taylor, be transferred to the court, and in May 2005, the House and Senate passed H.Con.Res. 127 (Royce), which urges the same outcome.⁶² P.L. 109-102, the FY2006 Foreign Operations Appropriations bill, reaffirms congressional support for the court. It would limit some types of assistance under certain conditions for countries in which SCSL indictees are “credibly alleged to be living” unless such countries cooperate with the SCSL, including by transferring such indictees to the SCSL. It also requires U.S. support for that goal within the U.N. Security Council. It specifically would, after a period, bar assistance to Nigeria unless the President reports to the Committees on Appropriations on steps taken in FY2003 through FY2005 to obtain Nigeria’s cooperation in surrendering Taylor to the SCSL and a strategy and time line for achieving that purpose. H.Amdt. 480 (Watson) to H.R. 2601, the FY2006 - FY2007 foreign relations authorization act, would require the Administration to seek the expeditious transfer of Taylor to the SCSL for trial.

Congress also provided substantial support for Liberia’s rebuilding and peace building processes; U.S. assistance is summarized in **Table 2**. An Administration Economic Support Fund (ESF) FY2006 budget request for \$75 million for Liberia, however, was not included in P.L. 109-102 (formerly H.R. 3057, Kolbe, the FY2006 foreign operations appropriations bill, which mandates special congressional notification for the expenditure of funds used to assist Liberia). Additional FY2006 ESF funding for Liberia may, however, be provided under H.R. 4939 (Jerry Lewis), the *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006*. Both the House- and Senate-passed versions of H.R. 4939 provide \$63.8 million in assistance for Liberia, in the form of \$50 million in ESF and \$13.8 million in Migration and Refugee Assistance funds. The ESF funds were added as a result of actions taken during a March 8, 2006, House Appropriations Committee markup hearing on President Bush’s FY2006 Emergency Supplemental request for other humanitarian assistance. The committee adopted by

⁶¹ Reed Kramer, “Showered With Enthusiasm, Liberia’s President-Elect Receives High-Level Reception in Washington,” *AllAfrica.com*, Dec. 11, 2005, *inter alia*. During a March 20 appearance with Sirleaf, World Bank President Paul Wolfowitz reportedly announced that the World Bank would provide \$25 million for a road-building fund for Liberia and stated that he was seeking debt forgiveness for Liberia by the World Bank, the IMF, and the African Development Bank. See VOA, “World Bank Commits \$25 Million to Liberian Infrastructure Fund,” Mar. 21, 2006.

⁶² The European Parliament passed a similar resolution in February 2005.

voice vote an amendment offered by Representative Jesse Jackson, Jr., that would provide \$50 million in Economic Support Fund (ESF) assistance for Liberia. The committee recommended that of the ESF funds, \$30 million be used for emergency employment activities to strengthen security and build roads; \$10 million be used to establish an electricity grid; and \$10 million be used for demobilization and reintegration of ex-combatants. The House passed H.R. 4939, as amended, on March 16. On April 5, the Senate Committee on Appropriations reported an amendment to H.R. 4939 in the nature of a substitute (see Senate Report 109-230) that maintained the same levels of assistance for Liberia as the House-passed bill. No further funds for Liberia were added to H.R. 4939 during Senate floor consideration of the bill, which was passed by the Senate on May 4 with non-Liberia-related amendments. On the same day, the Senate insisted on its amendment and asked for a conference, to which it appointed conferees.

Other congressional interest in Liberia focuses on Liberia-related immigration and debt issues, and several other matters. H.R. 257 (Jackson-Lee), H.R. 2092 (Jackson-Lee), H.R. 3450 (Patrick Kennedy), and S. 656 (Reed) would give permanent U.S. residence status to qualified Liberians resident in the United States, among other measures, as would S.Amdt. 452 (Reed) to H.R. 1268 (Jerry Lewis).⁶³ H.R. 1130 (Waters) would enact various measures intended to reduce the national debts of certain poor countries, including Liberia, and encourage their governments to fund social services. Two concurrent resolutions, H.Con.Res. 327 (Eddie Bernice Johnson) and H.Con.Res. 313 (Payne), would commend Liberia for successfully conducting elections and congratulate Sirleaf for her electoral victory. S. 779 (Dorgan), A Bill to Amend the Internal Revenue Code of 1986 to Treat Controlled Foreign Corporations Established in Tax Havens as Domestic Corporations, would designate Liberia as a “tax-haven country,” allowing the Internal Revenue Code to treat certain foreign corporations created or organized under Liberian law as U.S. domestic corporations for tax purposes.

⁶³ In August 2005, the Department of Homeland Security extended the designation of Liberia for Temporary Protected Status (TPS) by 12 months, from October 1, 2005, until October 1, 2006. TPS is a temporary “safe harbor” immigration status granted to qualified nationals of some countries affected by ongoing armed conflict, natural disaster, or other difficulties. See CRS Report RS20844, *Current Immigration Policy and Issues*, by Ruth Ellen Wasem and Karma Ester.

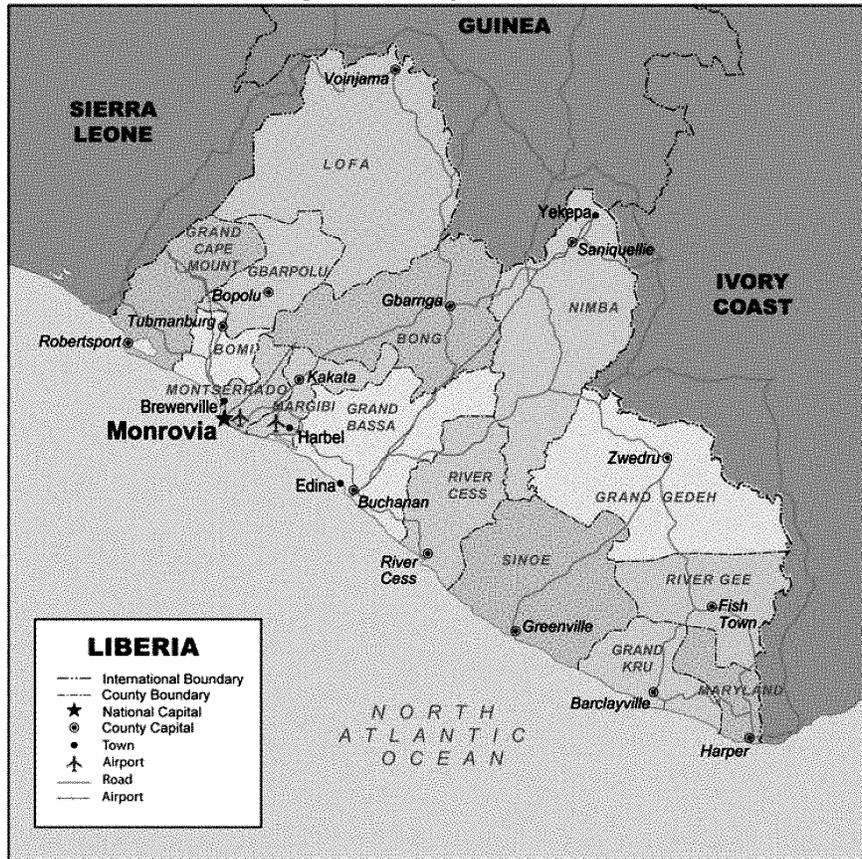
Table 2. U.S. Assistance to Liberia, FY2004-FY2007
(\$ millions; actual, estimate, supplemental, or request levels; errors due to rounding)

Account	FY2004 Act.	FY2005 Act.	FY2006 Est. ^a	FY2006 Supp. ^f	FY2007 Req.
Child Survival and Health Program (CSH)	2.82	3.97	3.16	-	3
Development Assistance (DA)	-	6.85	23.93	-	29.5
Economic Support Fund (ESF)	-	24.8	42.72	50	40
Foreign Military Financing (FMF)	-	2.98	1.98	-	1.6
International Disaster & Famine Assistance (IDFA)-Supplemental	200	-	-	-	-
IDFA Regular ^b	-	9.71	-	-	-
Int. Narcotics Control & Law Enforcement (INL)	0	5	0.99	-	0.8
Int. Military Education and Training (IMET)	0	0	0.2	-	0.25
Nonprolif., Antiterrorism, Demining & Related Projects-Small Arms & Light Weapons (NADR-SALW)	0.16	-	-	-	-
Africa Regional Peacekeeping (PKO)	-	25	20	-	14.8
P.L. 480, Title II [Emerg. Food Aid] ^a	22.5	22.55	15.19 ^b	-	-
Transition Initiatives (TI)	4.1	2.53	5.6 ^c	-	-
Migration and Refugee Assistance (MRA) ^a	27.89	28.19	-	13.8	-
Democracy and Human Rights Fund	-	.05	-	-	-
Special Self-Help Fund	-	.07	-	-	-
Totals - Bilateral and Emergency Aid	257.47	131.69	113.77	63.8	89.95
U.N. Mission in Liberia (UNMIL)/ Contribs. to Int. Peacekeeping Account (CIPA)	290.34	230.06 ^c	157.18	-	150
Totals - All Funding	547.81	361.75	270.95^f	63.8^f	239.95

Sources: State Department, *Congressional Budget Justification for Foreign Operations, and International Affairs (Function 150) Budget Request*, FY2007 and other fiscal years; and information from USAID/OFDA, State/PRM, and State/Political-Military Affairs officials.

- a. Funding under some accounts, such as P.L. 480, Title II, IDFA, and MRA, often rises during a given fiscal year because these accounts are appropriated in a global lump sum and allocated throughout the year in response to emergent needs.
- b. Levels to date. FFP entry reflects level as of March 14, 2006. The FFP levels are expected to rise to \$19.8 million by the end of April 2006.
- c. UNMIL FY2005 figure reflects payments to date; assessments from the U.N. total \$235.42 million; the amount for FY2006 reflects the appropriated level.
- d. P.L. 109-102, the foreign operations FY2006 appropriation act, which was signed into law on November 14, 2005, does not specify aid levels for Liberia, though it requires that the Committees on Appropriations be notified if funds appropriated under the act are used to assist Liberia. FY2006 assistance levels for Liberia have not yet been finalized pursuant to requirements in the Foreign Assistance Act of 1961 relating to Administration aid allocation decisions, which are arrived at, in part, through consultations between the executive branch and congressional appropriators.
- e. FY2006 budget is \$5.6 million; as of mid-March 2006, OTI had spent \$2.7 million in TI.
- f. The House-passed and Senate Appropriations Committee-reported versions of H.R. 4939 (Jerry Lewis) allocate the same FY2006 supplemental appropriation amounts for Liberia. The Administration requested \$13.8 in MRA funds for Liberia but did not request \$50 million in ESF support. If the above supplemental assistance is authorized, regular and supplemental FY2006 appropriations for Liberia will total \$334.75 million.

Figure 1. Map of Liberia



Source: Map Resources. Adapted by CRS. (K. Yancey 2/10/06)

Appendix 1: Acronyms Used in this Report

AFL:	Armed Forces of Liberia
AGOA:	African Growth and Opportunity Act
CDC:	Congress for Democratic Change, Liberian political party
CIPA:	Contributions to International Peacekeeping Account
CIVPOL:	Civilian police
COTOL:	Coalition for Transformation of Liberia, Liberian political party
CSH:	Child Survival and Health Program Fund
DA:	Development Assistance Account
ECOMIL:	ECOWAS Mission in Liberia
ECOWAS:	Economic Community of West African States
ESF:	Economic Support Fund
FMF:	Foreign Military Financing Account
GEMAP:	Governance and Economic Management Assistance Program
GIHL:	Global Infrastructural Holdings Limited
ICC:	International Criminal Court
ICGL:	International Contact Group on Liberia
IDFA:	International Disaster & Famine Assistance Account
IDP:	Internally displaced person
IFES:	Elections technical assistance organization formerly known as the International Foundation for Election Systems
INL:	International Narcotics Control & Law Enforcement
IRI :	International Republican Institute
LP:	Liberty Party, Liberian political party
NADR-SALW:	Nonproliferation, Antiterrorism, Demining and Related Projects-Small Arms and Light Weapons
NDI :	National Democratic Institute
NEC:	National Elections Commission (of Liberia)
NGO:	Non-governmental organization
NTGL:	National Transitional Government of Liberia
NTLA:	National Transitional Legislative Assembly
OFDA:	USAID Office of U.S. Foreign Disaster Assistance
OGAC:	U.S. Global AIDS Coordinator
P.L. :	Public Law
P.L. 480, Title II :	Humanitarian food aid
PKO :	Regional Peacekeeping Account
PRM:	Population, Refugees & Migration Bureau, State Department
RFTF:	Results-Focused Transitional Framework
SCSL:	Special Court for Sierra Leone
SDN:	Specially Designated National
SSS:	Special Security Service (of Liberia)
TI:	Transition Initiatives Account
U.N.:	United Nations
UNAMSIL:	U.N. Mission in Sierra Leone
UNICEF:	U.N. Children's Fund
UNMIL:	U.N. Mission in Liberia
UP:	Unity Party, Liberian political party
USAID:	U.S. Agency for International Development
USTR:	Office of the U.S. Trade Representative

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT F

102d Congress }
2d Session }

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1991

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED



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LIBERIA

Throughout 1991 Liberia remained a nation divided into two parts and three armed camps as a result of the war. The Interim Government of National Unity (IGNU), headed by President Amos Sawyer, represented a broad range of political views, but it exercised administration over only Monrovia and its immediate environs. About 50 percent of the total population in Liberia resided in this area which is totally within the defensive perimeter of the Economic Community of West African States' (ECOWAS) Cease-fire Monitoring Group (ECOMOG). The National Patriotic Reconstruction Assembly Government (NPRAG), based on and supported by the National Patriotic Forces of Liberia (NPFL), led by Charles Taylor, exercised political sway throughout the remaining 90 percent of the country. The two other former warring parties, the Independent National Patriotic Front of Liberia (INPFL), led by Prince Johnson, and the Armed Forces of Liberia (AFL) were encamped in Monrovia. Both INPFL and AFL factions, while monitored by ECOMOG, retained arms within their respective camps, and the INPFL sometimes acted independently. Johnson on several occasions killed a number of people, most of them members of his force.

The economy, based primarily on iron ore, rubber, and timber, was ravaged by the civil war. Gross domestic product for 1991 was no more than 25 percent of prewar levels. U.S. and other Western relief agencies and nongovernmental organizations initiated massive emergency operations in late 1990 to prevent widespread starvation in both parts of the country. Those operations continued through 1991.

When compared to the appalling civil war conditions of 1990, there was some improvement in the human rights situation in 1991, especially in the Monrovia area controlled by ECOMOG forces. However, the Interim Government's authority was limited, and all Liberian military forces committed serious human rights violations in 1991, including summary executions. The NPFL in particular detained several thousand West Africans throughout much of 1991, and NPFL soldiers reportedly killed many Krahn residents of Grand Gedeh in midyear.

As a police force had only begun to be reconstituted in 1991, and only in Monrovia, and most of them remained unarmed, ECOMOG assumed this function to a large extent in Monrovia. The NPFL policed the territory under its control, and, to a large extent, both the INPFL and AFL carried out this function within their camps. Soldiers from the warring factions regularly abused their position by mistreating civilians, usually in attempts to extort money and goods. Despite the continuing unstable security situation, there was some hope at year's end for a political solution following peace initiatives conducted by West African nations which led to general agreement on the need for free, internationally supervised elections in 1992. Implementation of the agreements is not assured. At the end of 1991, it was estimated that as many as 20,000 to 30,000 Liberians may have died in the conflict and approximately 600,000 more were refugees in neighboring countries.

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RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Indiscriminate killings declined sharply from the previous year, although many incidents continued to be reported (see Section 1.g.). Prince Johnson, the leader of the INPFL, was believed responsible for the killing in July of several soldiers of his own movement, including senior Commando Moses Varney. The INPFL Leader maintained that the soldiers had been tried under internal procedures and executed when found guilty. No details of the trials were made public. The IGNU condemned the killings. Johnson was also reportedly responsible for killing some civilians in September, but no action was taken against him as a consequence.

According to two Liberian religious leaders, NPFL soldiers killed 20 Ghanaians in Sinoe county in mid-February, and in July several Ghanaian women from Fanti fishing communities informed an international organization's representative in Cote d'Ivoire that the NPFL had killed their husbands. These reported killings continued a pattern from the previous year when NPFL followers allegedly killed Ghanaians and other West Africans in retribution for their respective nations' role in the conflict (see Section 1.b. and 1.d.).

NPFL Leader Charles Taylor reportedly ordered several NPFL members executed following an aborted coup attempt in late August. While Taylor publicly denied there had been a coup attempt, he acknowledged that an NPFL officer had been executed, ostensibly for killing five NPFL soldiers. According to Monrovia's media, which claimed to have interviewed ex-NPFL soldiers following the failed coup, up to 75 NPFL members were executed (see also Section 1.g.).

b. Disappearance

Disappearances were much less common in 1991 than in 1990, but little new information surfaced about persons missing as a result of the war. Many families remained divided among those living in Monrovia, those in NPFL areas, and those who fled Liberia and have not returned. Although there were many returnees during the year, movement between Monrovia and the NPFL areas was very difficult for most people. The International Committee of the Red Cross (ICRC) began a family tracer program but located only about 30 percent of the missing persons brought to its attention.

According to a Liberian religious leader, several Ghanaian children disappeared in March in Buchanan following a visit by ECOMOG intended to build confidence between it and the NPFL. The Ghanaian children warmly welcomed ECOMOG vehicles, some manned by Ghanaian soldiers. This affectionate display was said to have enraged some NPFL soldiers who were believed responsible for the children's disappearance shortly thereafter.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

During the height of the civil war, many members of the three warring factions rampantly indulged in acts of inhumanity.

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Abuses in 1991 declined sharply but cases of inhuman treatment continued. The most widely publicized incident occurred in February when INPFL forces inflicted inhuman treatment on nine members of the IGNU, including a cabinet minister-designate and several members of the Interim Legislative Assembly. They were stripped and flogged, and one was forced to sit in a mound of driver ants while another was made to lick feces. Under pressure from ECOMOG, the ICRC, and the Interim Government, INPFL Leader Johnson released the detainees, excusing his actions as necessary to call attention to alleged ECOMOG abuse of INPFL soldiers.

Prior to the 1989 civil war, conditions in the nation's jails were inhuman and hazardous to life and health. Prisoners were often denied access to family and medical care; cells were small, crowded, and filthy. Conditions at the notorious maximum security facility at Belle Yella had long been of concern.

During 1991 none of Liberia's prewar prisons were believed to be still functioning, although the IGNU was reported to be refurbishing one in Monrovia. NPFL Leader Charles Taylor announced in March that the Belle Yella Prison would be closed. He directed that its remaining prisoners be transferred to their respective counties for retrial. There was no information about the results of the transfer order.

d. Arbitrary Arrest, Detention, or Exile

There were few juridical protections to prevent arbitrary arrest, even in the ECOMOG-controlled areas, as the INPFL detention and abuse of nine Interim Government members for 3 days in February demonstrated (Section 1.c.). In theory the 1985 Constitution provides specific legal safeguards for the rights of the accused, including warrants for arrests and the right of detainees to be charged or released within 48 hours. Even before the civil war, these rights were frequently violated, particularly in cases allegedly involving national security. The Interim President repeatedly affirmed that his Government would respect the 1985 Constitution and its procedural safeguards, and in practice attempted to do so. In late 1990, the IGNU outlawed the use of military stockades for detaining civilians, a practice common under the previous regime.

Early in 1991, undisciplined elements of the AFL on occasion detained and threatened civilians deemed to be "rebel sympathizers." After AFL commanders called for greater discipline and in July formed a board of inquiry to investigate citizens' complaints of abuse, there appeared to have been some lessening of AFL abuses.

NPFL forces detained up to 4,000 West African nationals, primarily Nigerians and Ghanaians, behind NPFL lines during much of 1991. The NPFL forces viewed the West Africans as enemies and reportedly executed many in reprisal against ECOMOG, which fought the NPFL in October-November 1990. In March NPFL Leader Charles Taylor "released" the West Africans from the detention camps but prohibited them from traveling to Monrovia or crossing into neighboring countries. Approximately 300 to 500 Nigerians as well as a number of Ghanaians eventually managed to make their way in small groups to Monrovia. In late August, the NPFL announced "the first phase of the repatriation process" for West Africans and allowed over 100 Nigerians to cross safely into Cote d'Ivoire. The ICRC

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assisted in the repatriation, and the Nigerians were followed by several other groups, including Ghanaians and other West Africans.

Following the September incursion by anti-NPFL Liberians into western Liberia from Sierra Leone after an earlier NPFL invasion into Sierra Leone, the NPFL forcibly detained 4 Western and 35 Liberian relief personnel working in the area, accusing them of being "spies." In response the U.N. and nongovernmental relief agencies suspended all relief operations in NPFL areas until the detainees were freed. While the 4 Western nationals were released 2 days later, the 35 Liberians were held for another 8 days.

A number of other foreigners were detained by the NPFL for varying periods; all were eventually released.

e. Denial of Fair Public Trial

The structure of Liberia's legal system is closely modeled on that of the United States, with the Supreme Court at its apex. In practice before the civil war, the system afforded little protection for defendants due to corruption among court officials, lack of training, and inordinate executive interference. By mid-1990, the system had completely collapsed along with the rest of civil authority, with justice in the hands of military commanders of the warring factions. Many public records in Monrovia, including those of the courts, churches, and schools were looted and badly damaged during the civil war. The registrar of public records estimated that over 80 percent of national record holdings were damaged, and 30 to 40 percent destroyed.

The IGNU began in 1991 slowly to reconstitute the court system. Early in the year, it reestablished several magistrate's courts in Monrovia, and in September swore new circuit court judges into office. The IGNU, in an unprecedented move, asked the Bar Association to recommend candidates for judgeships. At the end of September, following new West African peace initiatives, the IGNU and NPFL agreed upon the composition of a five-member ad hoc Supreme Court. The Court's stated purpose is to adjudicate electoral disputes, but the full scope of its jurisdiction is still undecided. At the end of the year, the Court had not yet been inaugurated.

In the areas under NPFL control, legal and judicial protections were almost totally lacking. There were reports that the authorities imposed capital punishment for armed thefts. Another report said the NPFL executed suspected murderers after "tribunal trials in life-for-life retributive justice." Another source reported that armed robbery was discouraged in NPFL areas because "the death penalty is automatic."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Serious abuses of privacy by soldiers of all three forces continued in 1991 although not on the scale of 1990. AFL soldiers committed many armed robberies in the downtown Monrovia area, including seizure of several vehicles assigned to Interim Legislative Assembly members. They also illegally occupied some private homes. The AFL brigade commander publicly requested citizens to report abuses by AFL soldiers to the proper authorities and ordered soldiers to respect the rights of civilians but with only marginal effect. Only when

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ECOMOG increased its patrols in downtown areas at midyear did the situation improve somewhat, but abuses continued throughout the year.

The situation was worse in NPFL-held areas. According to Liberians who returned to Monrovia from Lofa County, NPFL soldiers regularly demanded food and personal possessions from village residents and often robbed and abused citizens. To escape the harassment, many Liberians moved their families to remote areas. Soldiers assigned to checkpoints demanded money and goods for passage, from both Liberians and expatriate relief workers.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Following the November 1990 cease-fire, fighting between the three warring factions and the use of excessive force against civilians sharply declined but did not end.

Perhaps the largest number of deaths occurred between July and August when the NPFL moved through Grand Gedeh County. According to survivors interviewed by the Western media and human rights groups in Cote d'Ivoire, as many as 1,500 people, mostly of the Krahn ethnic group of former president Samuel Doe, may have died. Others interviewed stated that the NPFL entered their villages shooting indiscriminately. Independent observers who visited the area confirmed that entire villages were destroyed and that many inhabitants had fled into the bush.

There were many other instances of the use of excessive force and violations of humanitarian law during the year. In January over 1,000 new refugees, mostly Krahn, fled to refugee camps in Tai, Cote d'Ivoire. They reported that the NPFL was conducting secret killings, raping women, looting homes, and stealing cattle. In July-August, approximately 10,000 people, mostly Krahns, fled across the border to Cote d'Ivoire reporting that the NPFL had attacked their villages, indiscriminately killing men, women, and children. Independent observers reported seeing jailed Krahns in chains.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There was increased freedom of speech and press in 1991, especially in Monrovia. However, people still had to be careful in criticizing the various factions. Although NPFL leader Charles Taylor affirmed publicly on several occasions that his government supported free speech and criticism, both Liberians and expatriates have been detained by his supporters for comments made about the NPFL.

There was no press censorship in Monrovia, and the number of newspapers in Monrovia grew rapidly, with as many as 13 separate newspapers reflecting a variety of opinion being published at different times in 1991. A shortage of newsprint, however, reduced this number by the end of the year. Unlike the previous Doe regime, the Interim Government did not publish its own newspaper. The INPFL sponsored a newspaper, The Scorpion, with articles highly favorable to Prince Johnson and the INPFL. The NPFL printed a monthly newspaper, The Patriot, which was also sold in Monrovia but which stopped publication late in the year. In December two newspapers describing

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themselves as independent appeared in Gbarnga, capital of NPFL-controlled territory.

Press freedom was not complete even in Monrovia. For example, ECOMOG reacted negatively to an article published in May by The Inquirer which alleged complicity by the ECOMOG field commander with a reputed arms merchant. The editor was briefly detained and asked to reveal the source of his information, which he refused to do. As a result of this incident, the Interim Government publicly called upon the press to be more responsible in its reporting. This, in turn, was publicly criticized by the Press Union of Liberia which claimed it had "an intimidating" effect on the press.

The Interim Government supported a shortwave radio station (ELBC), and its broadcasts from Monrovia were heard across most of the country. ELBC news reports were generally favorable to the IGNU. The Catholic Church-operated FM radio station, previously shut down by the Doe Government, resumed operations in May. The NPFL operated three radio and two television stations in its areas. NPFL news programs supported Charles Taylor and the NPFL, while discussing economic and social problems in NPFL territory. The NPFL's FM station, part of whose appeal is the current American music it broadcasts, acquired increased power in October and can now be heard by the majority of Liberians, including those in Monrovia.

When Monrovia journalists accompanied ECOMOG in May to the opening of the NPFL's legislative assembly in Gbarnga, a senior NPFL military leader, who later was appointed its chief of staff, attempted to detain two reporters and confiscate their equipment for having interviewed local residents. He also attempted to arrest a Monrovia radio reporter for "treason" for having broadcast news about Interim President Sawyer. ECOMOG press officers intervened to prevent the arrest.

b. Freedom of Peaceful Assembly and Association

In 1991 political parties and other groups in Monrovia were able to organize and to hold public meetings. New political organizations appeared, including the True Whig Party which Samuel Doe had outlawed shortly after seizing power in 1980. Under IGNU sponsorship, a coalition of organizations held a mass rally in August attended by up to 5,000 people to show public support for the ECOMOG peacekeeping effort.

Freedom of assembly and association was generally more restrictive in NPFL areas than in Monrovia. For instance, none of the prewar political parties were known to have reorganized or to have held public meetings during 1991 in NPFL areas.

According to Western and Monrovia press reporters on the scene, some Liberians in NPFL areas who greeted ECOMOG soldiers during the initial confidence-building visits in March with chants of "we want Taylor," later spontaneously broke out into chants of "we want peace" and "we want ECOMOG." Some reporters stated that the people had been forced to assemble and chant pro-NPFL slogans and that many were later punished for their praise of ECOMOG. One Western news service reported five people died from NPFL beatings following ECOMOG visits to Kakata and Buchanan. However, NPFL justice minister Laveli Supwood dismissed the reports as "malicious."

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c. Freedom of Religion

The 1985 Constitution states that freedom of religion is a fundamental right of all Liberian citizens, and in practice there are no restrictions in Monrovia on freedom of worship. There is no established state religion. Christianity has long been the religion of the political and economic elite, while the majority of the rural population continues to follow traditional religions. Muslims account for about 20 percent of the population. Mandingos, who are predominantly Muslim, were targeted during the civil war by the NPFL as being pro-Doe, and most mosques were closed in NPFL territory during the war. However, other Liberian Muslims did not receive the same treatment, and the action against the Mandingos was based primarily on ethnic/political considerations rather than an effort to repress religious freedom.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

While the Constitution provides every person the right to move freely throughout Liberia and to leave or enter the country at will, the previous Doe regime required exit visas for those wishing to leave the country, and it maintained a "black list" of those who were not permitted to depart. The Interim Government announced in March that it was abolishing this "unconstitutional" policy.

Throughout the year reuniting families and returning displaced persons were hampered by NPFL checkpoints, which made travel very difficult on roads in and out of Monrovia. The NPFL required employees of the various international relief agencies to have passes approved monthly. In spite of difficulties, many Liberians transited the lines, often by paying bribes or using guile to reach ECOMOG-controlled areas. During the period April-September, nearly 60,000 moved to Monrovia through these means.

Because of civil war abuses, approximately 600,000 Liberians, about 20 percent of the prewar population, remained as refugees in nearby countries, mostly in Cote D'Ivoire and Guinea. Smaller numbers are in Sierra Leone, Ghana, and Nigeria.

Following the NPFL incursion into Sierra Leone in March, the 125,000 Liberians who had originally sought refuge near the border in Sierra Leone were forced to flee to safer areas in that country, or to Guinea or NPFL-held territory in Liberia. Many who reached Sierra Leone's capital subsequently returned to Monrovia by ship. Some refugees have also repatriated to Liberia from Guinea, Cote d'Ivoire, Ghana, and Nigeria. The NPFL incursion also put Sierra Leonians to flight, and a reported 12,000 sought refuge inside Liberia near the border at Cape Mount.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Despite constitutional and legal guarantees of free and fair elections, Liberians could not exercise their right to change their government in 1991. However, there was limited progress in the search for new political formulas to restore unity under popularly elected leadership. In March-April, a second All-Liberia Conference (ALC) occurred in Monrovia (the first was held in August 1990 in The Gambia). The NPFL initially participated, but later withdrew. The second ALC created a new

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Interim Legislative Assembly (ILA). The six political parties and the NPFL selected representatives according to their own internal procedures, while the county representatives were selected informally from among members of the respective communities resident in Monrovia. Two seats were also allotted to the country's 18 registered interest groups, and filled by leaders from the Teachers' Association and the Trade Union Federation. In August the INFFL representatives resigned from the ILA after their leader, Prince Johnson, withdrew his support for the Interim Government. (The NPFL maintained its separate legislature, The National Patriotic Reconstruction Assembly, in Gbarnga.) The second ALC reaffirmed through a more widely based conference the interim administration which had resulted from the first ALC at Banjul. The IGNU is a relatively broad-based government with representation from the major political parties. Amos Sawyer was originally chosen President by the participants at the first ALC, and he was reaffirmed in that office by the participants in the second ALC.

Neither the legislature in Monrovia nor that in Gbarnga was truly representative. However, the ILA in Monrovia purported to function as a separate branch of government and both confirmed and rejected IGNU appointees following public confirmation hearings. It also subpoenaed members of the executive to explain the actions of the Interim Government. In contrast, the NPFL legislature was generally viewed as subservient to NPFL leadership views.

Following a new series of peace initiatives during the second half of 1991, conducted by the heads of numerous West African nations in Yamoussoukro, Cote d'Ivoire, the Interim Government in Monrovia and the NPFL in Gbarnga agreed to hold free and fair elections which, if the process continued, were expected to take place during the first half of 1992. Under the Yamoussoukro formula, the three warring factions would encamp and disarm their military forces under ECOMOG supervision. Subsequently an elections commission and an ad hoc Supreme Court were established by IGNU and the NPFL, and the members were appointed by mutual agreement. The electoral commission held its first meeting on December 31 and was formally sworn in several days later. By year's end, the ad hoc Supreme Court had not yet met.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

On numerous occasions, Interim Government President Sawyer declared the IGNU's commitment to human rights. Two fledgling human rights groups formed in 1991 and conducted public meetings and other activities. One issued the first of what it hopes will become a regular publication on human rights. The attitude of the NPFL government was not clear. Its conduct to date has been less than exemplary. One human rights organizations based in NPFL territory was established in 1991.

In August a representative of Africa Watch visited Monrovia and later successfully traveled to NPFL areas. However, a delegation of the New York-based Lawyers' Committee on Human Rights, which also visited Monrovia in August, did not go to NPFL areas because an NPFL escort failed to meet the delegates as previously arranged.

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Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

The roots of the civil conflict can be found in the historical division between the Americo-Liberians, who for over 150 years dominated the political, economic, and cultural life of the country, and the ethnic groups in the interior. The latter frequently complained of government discrimination in many areas, such as access to education and civil service jobs and to infrastructure development. The coup mounted by Sergeant Doe and other noncommissioned officers in 1980 was seen as a revolution, with the interior groups taking power from the Americo-Liberian elites. However, Doe's authoritarian, military-based regime exacerbated ethnic tensions while subverting the democratic reform process, exemplified in the 1985 Constitution, through rigged elections. During the Doe regime, resentment grew over domination by, and government favoritism toward, his tribe, the Krahn.

The 1985 Constitution prohibited discrimination based on ethnic background, race, sex, creed, place of origin or political opinion. However, it also provides that only "persons who are Negroes or of Negro descent" may be citizens or own land, denying full rights to many who have lived their lives in Liberia. There was no indication that this prohibition had been relaxed by either Monrovia's Interim Government or Gbarnga's NPFL government.

The status of women in Liberian society varies by region, with women holding some skilled jobs, including cabinet-level positions, in both the IGNU and NPFL Governments. In urban areas and along the coast, women can inherit land and property. In rural areas, where traditional customs are stronger, a woman is normally considered the property of her husband and his clan and is not usually entitled to inherit from her husband. Women in rural areas are responsible for much of the farm labor and have had only limited access to education. According to a recent U.N. study, females in Liberia receive only about 28 percent of the schooling given to males. In the massive violence inflicted on civilians during the conflict, women have suffered the gamut of abuses, especially rape. Even prior to the war, domestic violence against women was extensive but never seriously addressed by the Government or women's groups as an issue. There were no statistics on domestic violence against women, but it was considered to be fairly common. Female circumcision was, and almost certainly still is, widely practiced in rural areas.

During the height of the civil war, a person's language was used to identify him or her by ethnic group. Those from groups considered hostile frequently were summarily executed. The cease-fire in late 1990 stopped most of these abuses. However, NPFL reprisals against the Krahn, particularly in Grand Gedeh, continued well into 1991 (see Section 1.g.).

Section 6 Worker Rights

a. The Right of Association

The Constitution states that workers have the right to associate in trade unions. Over 20 trade unions were registered with the Ministry of Labor before the civil war, representing roughly 15 percent of the work force in the wage economy. Ten national unions were members of the Liberian Federation of Labor Unions (LFLU). However, the actual power

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these unions exercised was limited. The previous government did not recognize the right of civil servants or employees of public corporations to unionize or strike. Like virtually all other organized activity in the country, unions disappeared during the height of the war in mid-1990, and union activity remained limited in 1991. While some large-scale operations involving rubber and other extractive industries partially resumed in NPFL areas, it is not known if union activity associated with these industries resumed.

In April 1990, the U.S. Trade Representative announced that Liberia's status as a beneficiary of trade preferences under the Generalized System of Preferences program had been suspended as a result of the Doe government's failure to take steps to provide internationally recognized worker rights. The suspension remained in effect throughout 1991.

Labor unions have traditionally affiliated with international labor groups.

b. The Right to Organize and Bargain Collectively

In 1991 workers' rights to organize and bargain collectively were moot because of the lack of economic enterprise, especially in Monrovia where only a few businesses resumed operations, usually with reduced staffing. With the important exception of civil servants and employees of public corporations, prior to the civil war workers enjoyed the right to organize and bargain collectively. Labor laws had the same force in Liberia's one export processing zone as in the rest of the country.

The 1991 report of the Committee of Experts (COE) of the International Labor Organization (ILO) reiterated that Liberian labor legislation fails to provide workers adequate protection against discrimination and reprisals for union activity, fails to protect workers' organizations against outside interference, and does not give eligible workers in the public sector the opportunity to bargain collectively.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor, but even before the civil war this prohibition was widely ignored in rural areas, where farmers were pressured into providing free labor on "community projects" which often benefited only local leaders. Forced labor was used by some or all of the warring factions during the civil war, especially for moving equipment and supplies. Some vestiges persisted in 1991; for example, a local newspaper reported that following the incursion into Sierra Leone in March, the NPFL used forced labor in Lofa County to move supplies to the border. According to the same source, forced labor was also used to clean up several major towns in Lofa County. There was at least one report of the NPFL forcing local villagers to set up a communal farm to feed its soldiers, also in Lofa County.

d. Minimum Age for Employment of Children

Under the Doe government, the law prohibited employment of children under age 16 during school hours in the wage sector. Enforcement by the Ministry of Labor, however, was very limited. Even before the civil war, small children continued to assist their parents as vendors in local markets and on family subsistence farms. During the conflict, the NPFL and

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INPFL recruited young children, some less than 12 years of age, as soldiers. Many of these children had been orphaned during the war. While some children remained under arms, neither group was believed to have recruited additional children as soldiers in 1991.

e. Acceptable Conditions of Work

The labor law provides for a minimum wage, paid leave, severance benefits, and safety standards. Before the economy collapsed, the legal minimum wage varied according to profession but still did not provide a decent standard of living for a worker and his family and had to be supplemented by other sources of income, including subsistence farming. There had also been health and safety standards, in theory enforced by the Ministry of Labor. In view of the low level of economic activity in divided Liberia during 1991, these various regulations were not adhered to by many employers, and there was no attempt at enforcement.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT G

104th Congress
1st Session

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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1994

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND THE

COMMITTEE ON INTERNATIONAL
RELATIONS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED



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charge that the Government colludes with employers to inhibit union organizational activities in the workplace.

c. *Prohibition of Forced or Compulsory Labor.*—The 1987 Employment Act prohibits forced or compulsory labor, and there is no indication that such labor is practiced.

d. *Minimum Age for Employment of Children.*—The legal minimum age for employment in commercial or industrial enterprises is 14. In practice, however, children under 14 are often employed in the textile and garment sector and in family owned businesses. As much as 15 percent of the textile work force of some 12,000–15,000 may be children between the ages of 12 and 15, according to a 1994 U.S. Department of Labor study. There are prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, but enforcement is very lax. The Ministry of Labor and Employment's inspectorate is grossly understaffed. Basotho under 18 years of age may not be recruited for employment outside of Lesotho. In Lesotho's traditional society, rigorous working conditions for the country's young "herdboys" are considered a prerequisite to manhood and a fundamental feature of Basotho culture beyond the reach of labor laws.

e. *Acceptable Conditions of Work.*—Wages are low despite the Government's April decision to raise statutory minimum wages for various types of work. Monthly minimum wages in the established categories range from the equivalent of \$83 (294 Maloti) for an unskilled laborer to \$161 (565 Maloti) for a heavy vehicle driver. At the low end, minimum wages are insufficient to ensure a minimum decent standard of living for a worker and family. Most wage earners supplement their income through subsistence agriculture or remittances from relatives employed in South Africa. Many employers in Lesotho now pay more than minimum wages in an effort to attract and retain motivated employees.

The 1993 Labor Code spells out basic worker rights, including a 45-hour work-week, a weekly rest period of at least 24 hours, 12 days' paid leave per year, and paid public holidays. The Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees, and to install and maintain machinery to minimize the risk of injury. In practice, employers generally follow these regulations only within the wage economy, in urban areas, and the Ministry of Labor and Employment enforces the regulations haphazardly. The Labor Code does not explicitly protect the right of workers to remove themselves from hazardous situations without prejudice to employment. But Labor Code sections on safety in the workplace, and dismissal, imply that dismissal in such circumstances would not be legal.

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In 1994 Liberia remained a country increasingly divided factionally and geographically, even though warring factions did conclude an agreement in late December on ending the country's civil war. The Liberian National Transitional Government (LNTG) was seated after much delay in March as the successor to the Interim Government of National Unity (IGNU), which along with the National Patriotic Front of Liberia (NPFL) and the United Liberation Movement for Democracy in Liberia (ULIMO) signed the July 1993 Cotonou Peace Agreement under the aegis of the Economic Community of West African States (ECOWAS), the United Nations, and the Organization of African Unity. The Cotonou Accord did not, however, resolve the basic factional differences over political power or lead to the projected demobilization of the warring factions, or to planned free elections. In fact, the three groups that signed the Accord mushroomed to seven competing political-military groups which renewed factional fighting, thereby preventing the LNTG from extending its authority outside greater Monrovia and the corridor to Buchanan (see Sections 1.g. and 3). Throughout much of the year, the shifting factional military action served to keep Charles Taylor's NPFL forces, which almost captured Monrovia in late 1992, on the defensive.

In the confusing Liberian mosaic of political/military forces, an eighth group, composed of civilian political parties and other interest groups, convened a National Conference in August to pressure the armed factions to disarm and implement other Cotonou Accord provisions. The Conference strongly opposed a new agreement reached on September 12 in Akosombo, Ghana, by the Cotonou signatories, including the Armed Forces of Liberia (AFL) replacing the dissolved IGNU, under the auspices of ECOWAS Chairman Ghanaian President Jerry Rawlings. The Conference participants insisted that the new accord excessively favored warring-faction interests. While fighting raged in Liberia between followers of the faction leaders meet-

ing in Ghana, Rawlings continued to consult with the various Liberian parties, including the National Conference. Their leaders signed the Akosombo Clarification Agreement (three parties) and the Agreement of Acceptance and Accession (five parties, including the National Conference) on December 21 in Accra. The Accra Accords provided for a cease-fire on December 28 and established a 5-member ruling council to be inaugurated in early 1995 to govern the country, including conduct the November 1995 elections, until an elected government takes over in January 1996.

The key military force supporting the LNTG remained the ECOWAS Cease-Fire Monitoring Group (ECOMOG). At year's end, ECOMOG was composed of 6,000–8,000 troops—down from 12,000 in July—from six West African and two East African countries, although over half of the force was Nigerian. Initially a peacekeeping force, ECOMOG increasingly became the interim Government's *de facto* army and, in addition, assumed many police powers within the Monrovia perimeter. ECOMOG was effective in its military role in maintaining relative calm within the Monrovia-Buchanan perimeter and for promptly putting down a September 15 coup attempt by a general from the Armed Forces of Liberia (AFL), who deserted in 1990, and dissident AFL supporters. Some ECOMOG soldiers have, however, also earned an unenviable reputation for a variety of illegal activities. ECOMOG reassigned several officers who were believed by outside observers to be engaged in activities detrimental to the peace process. Despite continuing criticism of ECOMOG behavior by human rights monitors, the majority of ECOMOG forces conducted themselves well during the year.

The civil war-ravaged economy, previously based primarily on iron ore, rubber, timber, diamond, and gold exports, remained stagnant. Continued disruption of economic activity, 80 to 90 percent unemployment across all sectors except government, massive displacements of civilians, wanton destruction, and looting have all devastated the productive capacity of Liberia despite its rich natural endowments and potential self-sufficiency in agriculture. Massive emergency operations by the United Nations, as well as by American and other Western-based relief agencies and non-governmental organizations (NGO's) continued throughout the year in ECOMOG-controlled areas. However, they were periodically suspended in other parts of the country because of fighting, harassment, and detention of relief personnel; looting of relief agency supplies and vehicles; and occasional seemingly arbitrary security restrictions imposed by ECOMOG.

The number of human rights abuses unquestionably rose with the increased level of conflict across the country, including the massacre of over 65 civilians by inconclusively identified attackers in a Monrovia suburb on December 15. There were many credible charges that all factions flagrantly disregarded fundamental humanitarian values. Human rights monitors also criticized ECOMOG for incidents of human rights abuse. Since 1989, when Liberia's population was recorded at 2.4 million, an estimated 300,000 persons, most of them civilians, have been killed or wounded as a result of the conflict, and close to 800,000 have taken refuge in neighboring countries. An estimated 1.1 million people have been displaced within Liberia since the war began. Approximately 130,000 Sierra Leonean refugees were also displaced repeatedly throughout the year, some landing finally within the safe haven of Monrovia. In all combat arenas, fleeing displaced persons reported villages looted and burned; use of excessive force; arbitrary detentions; impressment, particularly of children under the age of 18 into the NPFL and ULIMO-Mandingo forces; torture; individual and gang rape; summary executions; mutilations and cannibalism. In the absence of progress on disarmament and demobilization, the U.N. Observer Mission in Liberia (UNOMIL) began drawing down its 443-member staff in August. The fighting and looting became so ferocious in September that all humanitarian assistance outside the Tubmanburg-Monrovia-Buchanan perimeter was halted, although several NGO's resumed modest food deliveries into the interior in November and December. No progress was made in resolving outstanding incidents of past human rights abuses.

Although obeisance was paid to the 1985 Constitution, the Penal Code, and the Labor Code, because of the violent conditions obtaining up country and the overcrowding and destitute conditions for a large percentage of people living in and near Monrovia, the rights provided by these documents were largely moot.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Indiscriminate killings increased sharply from the previous year. Although professing adherence to the rule of law, the leaders of the warring factions condoned and, in some instances, seemingly encouraged the murderous savagery that affected the civilian population more than

the combatants (see Section 1.g.). Despite claims to be the national army, the AFL acted as a warring faction, and AFL troops frequently engaged in a variety of human rights abuses, including alleged extrajudicial killings.

Individual ECOMOG soldiers, serving a dual role as peacekeepers and peace enforcers, committed several extrajudicial killings, such as the shooting death of a university professor on November 1 for running a checkpoint. The soldier was awaiting trial at year's end. In another case, ECOMOG court-martialed a soldier for killing a civilian and reportedly executed him. In contrast to the leaders of the warring factions, the ECOMOG high command was committed to bringing soldiers involved in crimes against civilians to justice. There were no reports of ECOMOG soldiers committing political killings.

On March 21, a Turkish citizen convicted of murder reportedly died of starvation in the Monrovia central prison. There was a cursory investigation undertaken by the LNTG's National Security Agency, but the authorities took no action to punish those responsible for the prisoner's death. Inmates credibly accused the guards of stealing the food provided for prisoners.

In the many killings committed by the warring factions, it was often impossible to sort out whether they were politically motivated or driven by tribal hatred. However, the savage killing of a judge of Lofa County in January by the ULIMO-Mandingo faction appeared to have clear political intent (see Section 1.g.). There were also unconfirmed but credible reports of Muslim ULIMO-Mandingo fighters executing civilians in Lofa County for religious and ethnic reasons (see Section 5).

There were no reports that factions punished fighters for politically motivated killings, but combatants of all factions were routinely executed for offenses in the eyes of their commanders, as in the case of Nixon Gaye, field commander of the largest NPFL unit. He was shot August 27 in his reported mutiny attempt against Charles Taylor and died of his injuries along with an unreported number of his supporters. Dissident NPFL cabinet ministers claimed Gaye was tortured to death after being wounded. Charles Taylor admitted on December 23 ordering the executions of several of his senior military commanders because of alleged connivance in the September loss of Gbarnga.

b. *Disappearance.*—In the area under LNTG/ECOMOG control, there were no known disappearances. NPFL and ULIMO-Mandingo forces were responsible for many unexplained disappearances, notably by impressment of children (see Sections 5 and 6.d.). Many families remained divided among those living in Monrovia, those located in other parts of Liberia, and those who fled the country and have not yet returned. The International Committee of the Red Cross (ICRC) has a family tracing program but, because of the inaccessibility of major sectors of the country throughout the year, located only a small percentage of the missing persons brought to its attention. In the wake of fighting in Bong and Maryland counties in September and October, a new wave of approximately 200,000 refugees flooded into Guinea and Cote d'Ivoire. Many of these refugees were unable to contact family members.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—While the 1985 Constitution prohibits torture and other degrading treatment, inhuman treatment continued to be frequent. In the greater Monrovia area under ECOMOG control, with a better educated populace, a freer press, the presence of national and international human rights and humanitarian aid groups, there were fewer reports of torture than in the past (see Section 1.d.). Although the Supreme Court ruled that "trial by ordeal" or "sassywood"—commonly, the placement of a hot metal object on a suspect's body to induce confession in a criminal investigation—is unconstitutional, the Ministry of Internal Affairs continued to employ licensed agents who subjected suspects to this practice. A leading Monrovia-based human rights group brought suit in March seeking compensatory damages for injuries sustained by victims of the continuing practice of sassywood. Tribal courts, which use this traditional mode of justice, did not function because of the disruptions of the civil war.

Eyewitnesses report that ECOMOG soldiers beat and humiliated persons at ECOMOG checkpoints in Monrovia, often for curfew violations. After ECOMOG detained prominent businessman and Unity Party stalwart Peter Bonner Jallah in November 1992 for allegedly abetting the NPFL surprise attack against Monrovia, it released him in May. Jallah credibly claimed that ECOMOG and the preceding government's intelligence officers had beaten him in the head with a gun butt, administered electrical charges to his body, burned him about the genitals with gasoline, and handcuffed him so tightly that he now suffers nerve damage in his hands (see Section 1.d.).

NPFL fighters stripped, beat, and tortured civilians at numerous highway checkpoints in NPFL areas, usually in connection with extortion or other forms of intimidation. The NPFL reportedly detained and tortured two traditional chiefs who went

to NPFL headquarters in Gbarnga in August to convince Charles Taylor to send representatives to the National Conference in Monrovia.

Roving bands of ULIMO-Krahn and ULIMO-Mandingo fighters raided villages in Cape Mount and Bomi counties, pillaging, beating, raping, and murdering civilians as they went. There are similar documented reports of primarily Liberian Peace Council (LPC) depredations in the southeastern counties. On June 28, ULIMO-Krahn fighters attacked the UNOMIL regional headquarters in Tubmanburg, beat and tortured six U.N. observers, and completely looted the headquarters.

All warring factions regularly committed various forms of torture and mistreatment of civilians, including individual and gang rape and other violence against women.

Conditions in government jails continued to be life-threatening. Officials frequently denied prisoners medical care, family contacts, and adequate food; cells remained small, crowded, and filthy. Female prisoners were held in separate cells in the central prison, but there were no separate facilities for juvenile offenders. In 1994, however, the LNTG and ECOMOG regularly granted human rights groups access to prisoners in Monrovia, and these groups frequently obtained needed medical treatment for their clients. In a number of cases, the pro bono work of human rights groups and interested individuals resulted in the release of prisoners, especially those whose cases were pending "further examination."

The conditions of detention outside Monrovia were even worse. When detained, prisoners were held in makeshift, substandard facilities and subjected to various forms of mistreatment, both physical and psychological—including beatings, rape, and threatened executions. More often, however, displaced persons reported that "authorities" either let prisoners go or shot them on the spot.

d. *Arbitrary Arrest, Detention, or Exile.*—The 1985 Constitution prohibits arbitrary arrest and provides for the rights of the accused, including warrants for arrests and the right of detainees either to be charged or released within 48 hours. In practice, police officers often disregarded these rights and made arbitrary arrests. Many police officers accepted bribes to arrest persons based on unsubstantiated allegations. At times they failed to inform detainees of the charges against them, and often charges went unrecorded. The LNTG Ministry of Justice moved to protect citizens' rights by issuing new procedural guidelines to the Bureau of Corrections, limiting the persons authorized to commit suspects to jail, and filing writs of dismissal for detainees who were not processed correctly.

ECOMOG soldiers played the major role in policing the greater Monrovia area, and citizens continued to turn to ECOMOG soldiers rather than the unarmed police force to arrest and detain alleged criminals. Detentions by ECOMOG peacekeepers frequently did not satisfy internationally recognized standards, and there were unconfirmed reports that ECOMOG coerced confessions from suspects. ECOMOG did, however, regularly allow NGO's access to prisoners in its various detention centers. As a result of politician Peter Bonner Jallah's 18-month detention without charge, the Center for Law and Human Rights Education filed a writ with the Supreme Court calling for a definition of ECOMOG's arrest and detention powers. In its controversial September decision, the Supreme Court stated that ECOMOG "as a peacekeeping force has no legal right to arrest and detain any citizen." Toward year's end, ECOMOG and various Liberian security and law enforcement agencies established a "joint task force" intended to appropriately apportion responsibilities and overall security duties.

Although the AFL claims to be the national army, ill-disciplined AFL troops frequently committed some of the most serious human rights abuses (see Sections 1.a. and 1.g.). For example, on June 24, AFL soldiers entered the UNOMIL Demobilization Center at Schiefflin and detained the staff for 3 days after which they looted the Center. On September 15, under the direction of a U.S.-domiciled former AFL general, some AFL soldiers attempted a coup against the Government, seizing the executive mansion. ECOMOG forces swiftly put down the attempted coup and captured leader Charles Julue, 78 AFL supporters, and 5 civilians. After a 3-week probe, ECOMOG released 40 soldiers and detained 38 for court-martial. It turned the five civilians over to the civilian judiciary. The trial of the five began on October 14 but was suspended as of year's end because of procedural and security issues. The AFL court-martial of Julue, three other generals, and others began on November 16 but suffered repeated delays due to security concerns caused by dissident AFL soldiers.

While accurate arrest information was unavailable, charged and uncharged pre-trial detainees in the Monrovia area formed a sizable portion of the total incarcerated population. Human rights groups reported that approximately one-third to one-half of the prisoners (average 75) at any given moment at the Monrovia central prison compound had not been tried. Modest reforms within the court system, such as

limiting the time frame for argument, reduced somewhat the backlog of judicial cases. Except for the September coup suspects, there were no known political/security detainees in the Monrovia area under LNTG jurisdiction, but it was impossible to determine the number of such detainees elsewhere in the country.

On April 5, ECOMOG released 800 NPFL fighters who had been held for over a year following their capture during the NPFL's October 1992 "Operation Octopus" attack on Monrovia. UNOMIL, which had been charged under the 1993 Cotonou Peace Accord with supervising a demobilization program, included the 800 in its initial demobilization figure of 3,500.

The NPFL committed repeated arbitrary detentions in its territory where martial law has been in effect since the war began. NPFL fighters had almost unbridled power to make arrests without warrants. They exercised that power often and capriciously, detaining persons, including U.N. military observers, on spurious grounds or without charge for periods ranging from several hours to several weeks, as in the case in May of an AFL colonel held for 1 month. The NPFL held 350 orphans, whom the NPFL abducted from Fatimah Cottage in October 1992, at Cuttington University College until the fighting reached Gbarnga in September. At the height of the fighting, the children fled, with most of them joining the 150,000 displaced persons still held by the NPFL at year's end near Totota. UNOMIL was able to evacuate 58 of the orphans by helicopter before the security situation made flights impossible.

There were no reports of Liberians being subjected to forced political exile.

e. *Denial of Fair Public Trial.*—The court structure is divided into four levels with the Supreme Court at its apex. Under the 1985 Constitution, defendants have the due process rights conforming to internationally accepted norms of fair trial. Most of these rights, however, were ignored in practice.

By 1994 all levels of the court system, which had been devastated by the years of civil war, were functioning in Monrovia, although erratically. While corruption and incompetent handling of cases remained a recurrent problem, some progress was made in addressing problems in the judiciary, including requiring that circuit court judges be law school graduates. The 1994 LNTG budget included the judiciary for the first time in 4 years, which resulted in judges being given office facilities and vehicles. The Supreme Court, composed of justices nominated by the warring factions, continued to operate.

In addition to the resurrection of the modern court system, customary law was also applied in Monrovia. The Ministry of Internal Affairs subjected persons accused of occult practices and other crimes to "trial by ordeal," submitting defendants to physical pain to adjudicate guilt or innocence (see Section 1.c.).

In the case of two AFL soldiers whom a military court found guilty of murder, a leading human rights organization on their behalf appealed the death sentence to the Supreme Court. The AFL, claiming no appeal was permitted from a court-martial judgment, initially threatened to execute the prisoners but subsequently delayed action after the Supreme Court issued a restraining order. By year's end, the Ministry of Defense had not constituted an appeal board.

Although in 1991 the NPFL also partially reactivated the court system in areas under its control, legal and judicial protections have been almost totally lacking since then. In the areas controlled by the other factions, there was little pretense of due process; swift judgment was meted out by the faction leaders. Given the continuing war, it was not possible to determine the total number of political/security detainees (see Section 1.d.) or political prisoners among the prisoners held by the factions.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—While the Constitution provides for these rights, there were many serious abuses of privacy and home—including confiscation of property and failure to obtain required warrants—by the police and fighters of all the warring factions. According to the Constitution, the police must have a warrant or a reasonable belief that a crime is in progress, or is about to be committed, before entering a private dwelling. In practice, the police engaged in forced entry without a warrant to carry out arrests and investigations.

Combatants of all the warring factions looted villages during the year, with ULIMO-Krahn and ULIMO-Mandingo factions in Bomi and Cape Mount counties and LPC and NPFL fighters in southeastern counties and elsewhere drawing considerable public outrage. These forces pilfered virtually any item of value and regularly demanded scarce food and personal valuables from already impoverished residents or displaced persons, often robbing them of their clothes and physically abusing them, particularly at checkpoints. Confiscation of private homes and vehicles was common practice.

These factions also used forced entry for purposes of intimidation. For example, AFL soldiers made two raids on the Monrovia residence of a legislative representa-

tive to harass the representative for his support of the new police director. In one instance, an AFL soldier shot the representative's guard in the leg. The representative sent a formal letter to the Transitional Legislative Assembly accusing four members of the AFL high command of attempted murder.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—In 1994 the warring factions inflicted considerably more harm on non-combatants than on each other. All factions indiscriminately ransacked villages and confiscated scant food supplies. They deliberately targeted, tortured, and murdered innocent civilians and regularly committed violence against women, children, and the elderly.

The number and complexity of warring forces increased in 1994. In addition to Charles Taylor's NPFL in the central counties, the anti-NPFL ULIMO split in March into its two ethnic components, the ULIMO-Mandingo faction and the ULIMO-Krahn faction. While there was intra-ULIMO fighting in the western counties, both ULIMO wings joined other groups, including the AFL, in fighting NPFL-Taylor forces in central Liberia. Made up of remnants of late President Samuel Doe's army, the AFL controlled pockets of terrain along the road to Buchanan and a few areas in and around the Firestone Plantation. The LPC, a predominantly Krahn group drawing major support from active and former AFL combatants, emerged in late 1993 and made serious inroads in 1994 against the NPFL in the south and eastern coastal region. Krahn ethnic loyalties closely linked the ULIMO-Krahn, the AFL, and the LPC. The Lofa Defense Force (LDF) provided sporadic challenge to ULIMO-Mandingo control of the northwest.

The NPFL also suffered a schism. In August a trio of dissident NPFL ministers, who took their LNTG cabinet seats in April, declared Charles Taylor unseated as Chairman of the NPFL's Central Revolutionary Committee. They joined other splinter groups in an anti-Taylor coalition which participated with ULIMO-Mandingo forces in a successful September attack on Taylor's Gbarnga headquarters which he reoccupied in December (see Section 1.a.).

There were many incidents throughout the year in which civilians died. On June 9, LDF fighters reportedly massacred or summarily shot 75 civilians at Russie village near Zorzor in Lofa county. On June 22, ULIMO-Mandingos massacred nine civilians, including women and children, in Brewerville, Montserrado county. Witnesses confirmed that ULIMO troops questioned the victims about their tribal backgrounds and then killed or tortured them and threw their bodies into a well. In late August, ULIMO-Krahn fighters massacred between 20 and 30 persons in Gbessah town, Cape Mount county. In September there were numerous reports of a "massacre" by ULIMO-Mandingo fighters who attacked Phebe Hospital near Gbarnga, looting it and killing an unknown number of civilians, including several Phebe staff members. Subsequently, NPFL leader Charles Taylor implied the killings of civilians at Phebe had been committed by members of the NPFL. In mid-December, fighters of undetermined affiliation attacked the Paynesville suburb of Monrovia, shooting, hacking, and burning 66 civilians to death.

Credible reports indicated that NPFL, ULIMO-Krahn, ULIMO-Mandingo, and LPC fighters committed acts of cannibalism. In some instances, the fighters ate specific organs in the belief that it would make the fighter stronger. Human rights groups estimated that 3 to 6 percent of combatants participated. Displaced persons reported seeing severed extremities and extracted body parts, such as the heart of a Lofa county judge displayed in the streets of Voinjama after he was murdered by ULIMO-Mandingo forces. Often, it was impossible to know where the victim came from or what had happened; on September 21, a diplomat came upon an unidentified, naked and tortured corpse (pieces of rope on the deceased's wrist) along the main road through a Monrovia suburb.

The NPFL took credit for mining the Bong Mine-Kakata Road, the feeder roads to the Monrovia-Buchanan Highway, and threatened to mine the Totota-Kakata Highway if anyone attempted to save the 150,000 displaced persons in Totota. Three mine explosions elsewhere killed several civilians and two ECOMOG soldiers.

Relief organizations estimated that 1.1 million persons have been internally displaced since the war began. Most of these are dependent on humanitarian aid for survival. Upper Lofa county, for instance, where a \$1 million staging base in Vahun had been gutted by ULIMO brigands in December 1993, remained bereft of relief operations throughout the year because the security situation was too unstable to allow relief workers to return. Fierce fighting in other sectors of the country hampered humanitarian work. Faction leaders and their followers, suspicious of the possible supply of aid to the enemy, often refused to allow international and humanitarian relief agencies access beyond their checkpoints to distribute food and supplies. U.N. and relief agencies reported continuous harassment and detention of

their staffs, confiscation of vehicles, and looting of foodstuffs, medical supplies, and gasoline.

In September interfactional warfare erupted in central Liberia with such renewed brutality that over 200,000 Liberians fled their homes, some to the bush and others into Guinea and the Ivory Coast. U.N. agencies and NGO's withdrew their up-country staffs after the NPFL took 43 U.N. observers hostage in various sectors of NPFL territory and after millions of dollars of U.N. and humanitarian assistance supplies and equipment had been stolen. Assistance outside the Monrovia and Buchanan areas ground to a halt in September but resumed to a few locations at greatly reduced levels late in the year.

Various factions attacked ECOMOG peacekeeping forces throughout the year and on a number of occasions took ECOMOG soldiers hostage. At least eight ECOMOG soldiers lost their lives, and many were wounded. Similarly, the warring factions detained UNOMIL staff members and at times tortured them.

ECOMOG soldiers also inflicted suffering on the civilian population. Individual soldiers committed a number of serious illegal activities, including systematic looting not only of small, easily transportable goods but also the stripping of entire buildings for scrap to be sold abroad. Credible reports indicated that members of ECOMOG facilitated the delivery of—if not delivering—weapons and ammunition to the AFL, LPC, and ULIMO combatants fighting to dislodge Taylor's NPFL. Allegedly, some ECOMOG soldiers engaged in the illegal drug trade (heroin and cocaine) and used Liberia as a transit point for drugs coming in from Nigeria and Ghana for onward shipment. ECOMOG soldiers were also accused of using children as young as 8 years of age as prostitutes.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—These freedoms are provided for in the 1985 Constitution and, with some significant limitations, citizens generally exercised these rights in Monrovia. Liberians are free to criticize the LNTG and ECOMOG, although they usually show restraint and self-censorship in favor of the temporary Governments.

Due primarily to continued economic stagnation, the number of publications in Monrovia fluctuated from month to month. At year's end, there were eight privately owned newspapers in Monrovia. While a restrictive, Doe-era media law providing the Ministry of Information wide discretion in licensing and regulating journalists remained on the books, official press censorship was not pervasive in Monrovia. Also, there were no newspapers forcibly closed during the year. Reflecting local opinion, most of the Monrovia press tended to be anti-NPFL; and some journalists admitted to self-censorship in favor of the interim governments.

Other journalists asserted that public calls by IGNU and subsequently LNTG officials for a "more responsible" press had a chilling effect on journalistic freedom. At times, government officials and senior ECOMOG officers, offended by articles, insisted on meeting privately with journalists. Perhaps most chilling were the reported threats to individual journalists by persons claiming to represent one or another of the warring factions. After a group of citizens from ULIMO territory published a statement in Monrovia that ULIMO should relinquish control of the western counties to the LNTG, the ULIMO leadership threatened physical harm to journalists who published articles making such suggestions.

There was no overt general attempt to censor the press, such as the mid-1993 directive from IGNU that journalists submit all "war-related" stories to the Ministries of Information and Justice for clearance on national security grounds. At that time, the Press Union of Liberia (PUL) and newspaper publishers objected to the measure as a prior restraint, but the PUL and IGNU later compromised on guidelines for military reporting. Those guidelines continued in effect and undoubtedly constituted part of the basis for self-censorship. Except when fighting became too widespread, international journalists were able to visit contested zones and to file reports without official censorship. Because of the fighting, journalists from Monrovia cannot report on events in NPFL areas, and vice versa.

Outside Monrovia, residents of Liberia exercised extreme care in their criticism of the various factions. Although NPFL leader Charles Taylor affirmed publicly on several occasions his support of free speech, citizens in his area were subject to sanctions for criticizing the NPFL. There were two pro-NPFL newspapers intermittently published in NPFL territory, but no newspapers were printed in ULIMO-or-LPC-controlled areas. Both NPFL papers were initially denied permission to circulate in Monrovia by the LNTG because they were not legally "registered." LNTG officials seized copies of one of the papers on at least one occasion.

ECOMOG, IGNU, and subsequently the LNTG supported a radio station (ELBC) which broadcast progovernment (and at times sycophantic) programming through-

out 1994. Many credible journalists alleged substantial censorship of ELBC. A privately owned radio station began broadcasting from Monrovia in October 1993 but limited its news and commentary in order to avoid possible governmental interference. The NPFL continued to operate intermittently at least one radio station, which uncritically supported Charles Taylor.

The University of Liberia functioned throughout 1994 despite some delays caused by financial problems. Academic freedom was generally respected, although the university authorities and most of the student body criticized pro-NPFL expression.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the rights of peaceful assembly and association. ECOMOG, apparently with full IGNU agreement, imposed a nighttime curfew in Monrovia from 7 p.m. to 7 a.m. after the NPFL attack in 1992; the curfew continued in force. ECOMOG soldiers enforced the measure strictly and arrested numerous persons for noncompliance. ECOMOG periodically meted out corporal punishment to repeat curfew violators.

The LNTG and ECOMOG permitted political parties and other groups to organize freely and hold public meetings in Monrovia, but ECOMOG did prohibit an outdoor peace rally in July and generally discouraged parades or demonstrations for security reasons. The NPFL and ULIMO-Mandingo forces severely restricted freedom of assembly and association in their areas. In other factions' areas, residents felt intimidated and did not attempt demonstrations.

c. *Freedom of Religion.*—The 1985 Constitution recognizes freedom of religion as a fundamental right, and Liberia has no established state religion. There was no evidence of systematic violation of religious freedom by warring factions, but there were isolated and sometimes violent incidents of religious repression by local fighters, especially by Muslim ULIMO-Mandingo forces (see Section 1.a.).

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement throughout Liberia as well as the right to leave or enter the country at will. ECOMOG monitored freedom of movement at checkpoints within Monrovia and around its perimeter.

Factional fighting interfered with freedom of movement, ranging from resettlement of displaced persons to ordinary commerce and travel. ECOMOG restricted the movement of civilians, humanitarian aid and staffers at various times throughout the year. All factions impeded the movement of relief workers and supplies and extorted, humiliated, and harassed citizens at checkpoints and makeshift barricades.

Of a total estimated population of almost 2.7 million at the end of 1994, approximately 1.1 million Liberians have been internally displaced since 1990, and 776,000 were refugees in neighboring west African countries, many out of fear of ethnic persecution. The number of refugees fluctuated depending on the intensity and proximity of the fighting to population centers. Many of the displaced went to Monrovia, including the 6,000 former refugees who returned to Liberia, reportedly because of the security and more reliable relief supplies.

There were approximately 130,000 Sierra Leonean refugees in Liberia as the civil war spilled over into Sierra Leone. Many Sierra Leoneans suffered mistreatment by both ULIMO factions and the NPFL as they were displaced from camps in western counties and made their way to camps in Lofa county, where approximately 70,000 reside, and camps in and around Monrovia.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Despite constitutional and statutory provisions for free and fair elections, Liberians could not exercise the right to change their government. Implementation of the July 1993 Cotonou Accord and followup September 1994 Akosombo Agreement lagged as the factions continued to argue at year's end over the detailed arrangements and timetable for seating a new transitional government, disarmament, and demobilization. The December Akosombo Clarification Agreement postponed elections until November 1995 and the installation of an elected government until January 1996.

The LNTG installed in March 1994 is a weak transition Government comprised of representatives of the signatories to the Cotonou Accord—IGNU, NPFL, and ULIMO. There is a 5-person Council of State appointed by the signatory factions, a 35-member Transitional Legislative Assembly (TLA) also appointed by the factions, and the judiciary. At the end of the year, it remained to be seen whether the factions could implement the new LNTG called for in the December 21 Accra agreements.

There are no restrictions in law on the participation of women in politics; in practice, two women hold cabinet-level positions in the LNTG, and a few hold positions in the legislature and judiciary. Overall numbers of women in the LNTG and the various political parties are small.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The interim governments have permitted domestic and international groups to operate freely. The few domestic human rights organizations are relatively new and underfunded but made progress improving their influence, visibility, and performance.

There were no domestic human rights organizations extant outside the ECOMOG-controlled areas due to the warring factions' hostility to such organizations.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1985 Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion, but discrimination exists in fact and in some cases in law.

Women.—The status of women varies by region, ethnic group, and religion. Before the outbreak of the civil war, women held one-quarter of the professional and technical occupations available in Monrovia. Some women currently hold skilled jobs in government, including in the Cabinet, legislature, and judiciary. On the whole, however, the lot of women deteriorated dramatically with the onset of war, the closing of many schools, and the loss of their traditional role in production, distribution, and sale of foodstuffs. In the past 3 years, several women's organizations formed in Monrovia and Gbarnga to advance family welfare issues, to help promote political reconciliation, and to assist in rehabilitating former combatants as well as civilian victims of war. In urban areas, women can inherit land and property. In rural areas, where traditional customs are stronger, a wife is normally considered the property of her husband and his clan and usually is not entitled to inherit from her husband.

Women in most rural areas do much of the farm labor and have only limited access to education. In the massive violence inflicted on civilians during the conflict, women suffered the gamut of abuses (see especially Sections 1.c. and 1.g.). Even prior to the war, domestic violence against women was extensive, but the Government, the courts, the media, and women's groups never seriously addressed the issue. There are several NGO's in Monrovia and Buchanan which have developed programs for treating abused women and girls and increasing their awareness of their human rights.

Children.—In the civil war, the various sides have given almost no attention to the welfare of children, whose education and nurturing have been seriously disrupted. Many who were disabled, orphaned, abandoned, or "lost" during a military attack on their homes or villages, reportedly accepted the protection and sustenance that joining a faction brought. Both The NPFL and the ULIMO-Mandingos recruited and trained children as cooks, spies, errand runners, guards, and in many instances combatants. There were no precise figures on the number of child soldiers, but some sources estimated that 10 percent of the 40,000 to 60,000 combatants are under 15 years of age. Many children are substance abusers and depend upon the factions for supply. As a result, children have become both victims and abusers in the conflict. Many suffer from posttraumatic stress disorder. Some NGO's have initiated small retraining and rehabilitation programs for a limited number of former child fighters (see Section 6.d.).

International health experts have condemned female genital mutilation (FGM), including clitoridectomy, as physically and psychologically damaging to the girls and young women on whom the operation is performed. In some instances, female health professionals in the tribes have successfully participated in the ceremony to the extent of providing hygienic conditions and postoperative care. FGM is practiced primarily on young girls by northern, western, and central tribes, particularly in rural areas and among traditional societies. According to an independent expert in the field, the percentage of Liberian females who have undergone this procedure may be as high as 60 percent. Although there was one newspaper report of a failed attempt to force a girl in Monrovia to undergo the procedure, it was difficult to confirm the extent to which this procedure was practiced in 1994 by Liberia's uprooted, displaced, and often inaccessible population. The most extreme form of FGM, infibulation, is not practiced in Liberia.

National/Racial/Ethnic Minorities.—Although the Constitution bans ethnic discrimination, it also provides that only "persons who are negroes or of negro descent" may be citizens or own land, thus denying full rights to many who were born or lived most of their lives in Liberia. There has been no legislative initiative to repeal this racial test. The 1975 Economic "Liberianization" Law prohibits foreign ownership of certain businesses, such as travel agencies, retail gasoline stations, and beer and soft drink distributors. This law resulted in the rejection of several foreign-owned business proposals.

The roots of the civil conflict can be found in the historical division between the Americo-Liberian minority, who, despite representing less than 5 percent of the population, for over 150 years dominated the political, economic, and cultural life of the country, and the indigenous ethnic groups. The latter frequently complained of government discrimination in many areas, such as access to education and civil service jobs and to infrastructure development.

The authoritarian military-based regime established after the 1980 coup mounted by Sergeant Doe and other AFL noncommissioned officers progressively exacerbated ethnic tensions while subverting the democratic reforms embodied in the 1985 Constitution. During the Doe regime, resentment grew over domination of government by Doe's ethnic group, the Krahn, which represent approximately 4 percent of the population. Throughout the civil war, the factions have used an individual's language to identify ethnicity and often summarily executed those from groups considered hostile. The ULIMO faction split in March along Krahn-Mandingo lines and fought each other and the NPFL. The NPFL, supported by the Gio and Mano groups, waged war against four preponderantly ethnically constituted factions, three of them Krahn: The predominately Krahn AFL troops in and around Monrovia, the Krahn LPC along the southern coast and north into (Krahn) Grand Gedeh county, and the ULIMO-Krahns in Bong county. The ULIMO-Mandingos made incursions against the NPFL in Bong county and from early September until December held control of Gbarnga, the NPFL stronghold (see Section 1.g.).

Religious Minorities.—While the law prohibits religious discrimination, there were claims of discrimination in practice. Some Muslims, who represent a growing share of the population, believe that Liberia's secular culture gives preference to Christianity in civic ceremony and observances, and that discrimination spills over into areas of individual opportunity and employment. The Muslim education system stresses religious as opposed to skills-based learning. As a result, the authorities frequently by-passed Muslims for the highly sought-after technical and bureaucratic jobs available in government. In addition, many Liberian Muslims believe that their access to jobs and roles in public life is restricted by an anti-Muslim bias in many sectors of Liberian society with a predominately Christian orientation.

People With Disabilities.—The protracted civil war has produced a large number of persons with permanent injuries in addition to persons disabled from other causes. There is no legal discrimination against the disabled, but in practice they do not enjoy equal access to education, employment, and scant social services. There are no laws mandating accessibility to public buildings or services.

Section 6. Worker Rights

a. *The Right of Association.*—The 1985 Constitution states that workers, except military and police, have the right to associate in trade unions (see also Section 6.b.). However, as with virtually all other organized activity in the country, unions disappeared during the height of the 1989–90 war. With the signing of the July 1993 Cotonou Peace Accord, many industries planned to resume, and affected unions began reorganizing and attempting to locate members. However, union efforts to reorganize generally faltered in 1994 as factional fighting increased. The most active organization was the Ship Workers' Union.

The 1985 Constitution is silent on the right to strike. While the Labor Code provides for this right, the Doe government issued a no-strike decree in 1980. Governments up to 1990 intimidated labor officials, assuring a generally docile work force and labor environment. Neither of the subsequent IGNU and LNTG legislative assemblies repealed or affirmed the no-strike decree, which was not challenged in 1994 as there were no strikes. During the year, the LNTG took no discriminatory actions against organized labor.

In 1990 the U.S. Government suspended Liberia's eligibility for trade benefits under the Generalized System of Preferences because of its violations of worker rights.

Labor unions have traditionally affiliated freely with international labor groups.

b. *The Right to Organize and Bargain Collectively.*—With the important exception of civil servants, workers (including employees of public corporations and autonomous agencies) have the right to organize and bargain collectively. In the past, labor and employers negotiated agreements freely without government interference. In 1994 these rights were largely moot because of the lack of economic enterprise, especially in Monrovia, where only a few businesses resumed operations, usually with reduced staffing. There were no formal mechanisms in place for resolving complaints of discrimination against union workers.

There was no activity in Liberia's one export processing zone (EPZ) which has been inoperative since 1990 when fighting reached the free port of Monrovia. When operational, labor laws have the same force in the EPZ as elsewhere in the country.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor, but even before the civil war local authorities widely ignored this prohibition in rural areas where farmers were pressured into providing free labor on “community projects,” which often benefited only local leaders. The warring factions used forced labor during the fighting, especially for moving equipment or supplies. According to credible reports, ULLIMO-Mandingo fighters also used Sierra Leonean refugees to acquire food for them, occasioning the flight and repatriation of approximately 5,000 Sierra Leoneans from Vahun, Lofa county.

d. *Minimum Age for Employment of Children.*—Under the Doe government, the law prohibited employment of children under age 16 during school hours in the wage sector. This law is still technically in effect, but there is no enforcement. Even earlier, enforcement by the Ministry of Labor was limited, and small children continued to assist their parents as vendors in local markets and on family subsistence farms. This practice persisted in 1994, particularly in those areas where school had been closed because of the war. During the conflict, the NPFL and ULLIMO-Mandingos recruited young children as soldiers, many of whom had been orphaned; some were less than 12 years of age. Many of these children, especially in the NPFL, remained under arms in 1994 (see Section 5).

e. *Acceptable Conditions of Work.*—The Labor Code provides for a minimum wage, paid leave, severance benefits, and safety standards. Before the economy collapsed, the legal minimum wage varied according to profession but did not generally provide a decent standard of living for a worker and family. (The minimum wage for agricultural workers was approximately 90 cents per day, with industrial workers receiving three or four times that amount.) Often workers were forced to supplement their incomes through other activities to maintain a minimal standard of living. Those not displaced turned to subsistence farming. The minimum wage was not enforced adequately by the Ministry of Labor.

The Labor Code provides for a 48-hour, 6-day regular workweek with a 30-minute rest period for every 5 hours of work. The 6-day workweek may extend to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours. In view of the low level of economic activity during 1994, most employers ignored these various regulations, and there was very little attempt at enforcement in the country.

Prior to 1990, there also had been government-established health and safety standards, enforced in principle by the Ministry of Labor. Workers did not have a legal right to remove themselves from dangerous work situations.

MADAGASCAR

Madagascar's 2-year transition from the 16-year authoritarian Socialist rule of Didier Ratsiraka officially ended in 1993 with the fair election of Albert Zafy as President in February and the selection by the new National Assembly in August of Francisque Ravony as Prime Minister. Under the 1992 Constitution, power is divided between the President, the Prime Minister and his Government, and the National Assembly. The year was dominated by the failure of the new leadership to agree on the pace and scope of a coherent economic reform (structural adjustment) program in order to come to an agreement with the International Monetary Fund (IMF) and the World Bank. The Ravony Government's decision to devalue the Malagasy franc in May was an important step in the direction of an agreement. Absent appropriate accompanying measures, however, and with the printing of new money, the resulting inflation increased resistance to further structural adjustment measures. An impasse between opponents and advocates of the structural adjustment program led in July to a vote on a motion of censure against the Government in the National Assembly. The motion failed, but provoked, nonetheless, a cabinet reshuffle in August, and at year's end the leadership had still not agreed upon a firm course of action.

The Government further increased civilian control over the military. Under the new leadership, mixed commands of military, gendarmerie, and the National Police are responsible for internal security. The Government did not reduce the overall size of the security forces but did change some of the key personnel in the 1,800-man Presidential Security Guard, which had been loyal to Ratsiraka and responsible for violence aimed at upsetting the electoral process in 1992. The intelligence wing, the Directorate General of Internal and External Investigations and Documentation (DGIDIE), reports to the President. There were occasional reports of police brutality of detainees in 1994, and village-level law enforcement arrangements known as “dina” were also responsible for some abuses.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT H

106th Congress }
1st Session }

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BY THE

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strikes in 1994, and the Government maintained it could not oblige their employers to reinstate them. The Government was, however, successful in negotiating the reinstatement of employees following several illegal strikes in 1995 and 1996. Security forces violently suppressed some of the strikes in the textile, garment, and construction industries during 1994 and once during 1996.

There were no instances of governmental restrictions on international affiliations or contacts by unions or their members.

b. *The Right to Organize and Bargain Collectively.*—All legally recognized trade unions in principle enjoy the right to organize and bargain collectively, but in practice the authorities often restrict these rights. Although there was some bargaining between unions and employers to set wage and benefit rates, employers generally continued to set wage rates through unilateral action.

Lesotho has several industrial zones, in which mostly textile and apparel firms engage in manufacturing for export. All national labor laws apply in these industrial zones.

c. *Prohibition of Forced or Compulsory Labor.*—The 1987 Employment Act prohibits forced or compulsory labor, and there is no indication that such labor is practiced.

d. *Minimum Age for Employment of Children.*—The legal minimum age for employment in commercial or industrial enterprises is 14. In practice, however, children under 14 are often employed in the textile and garment sector and in family-owned businesses. As much as 15 percent of the textile work force of some 15,000 may be children between the ages of 12 and 15, according to a 1994 study by a foreign government. After visiting all 14 of Lesotho's nonartisan garment producers in 1994, the ILO, responding to a complaint by trade unions in the textile and clothing industry, was not able to confirm the unions' allegation of illegal child labor.

There are prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, but enforcement is very lax. The Ministry of Labor and Employment's Inspectorate is severely understaffed. Basotho youth under 18 years of age may not be recruited for employment outside of Lesotho. In traditional society, rigorous working conditions for the country's young "herdboys" are considered a prerequisite to manhood and a fundamental feature of Basotho culture beyond the reach of labor laws.

e. *Acceptable Conditions of Work.*—Wages are low. The monthly minimum wage for unskilled labor is \$68 (320 maloti); for a heavy vehicle operator it is \$131 (616 maloti). Minimum wages in lower skilled jobs are insufficient to ensure a decent standard of living for a worker and family. Most wage earners supplement their income through subsistence agriculture or remittances from relatives employed in South Africa. Many employers now pay more than minimum wages in an effort to attract and retain motivated employees.

The labor code spells out basic worker rights, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid public holidays. The Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury. In practice employers generally follow these regulations only within the wage economy in urban areas, and the Ministry of Labor and Employment enforces the regulations haphazardly. The Labor Code does not explicitly protect the right of workers to remove themselves from hazardous situations without prejudice to employment. However, labor code sections on safety in the workplace and dismissal imply that dismissal in such circumstances would be illegal.

LIBERIA

The Liberian civil war entered its seventh year with a continuation of death and destruction. In April and May, Monrovia was nearly destroyed by fighting in the capital. Up to 3,000 may have died and more than 2,000 foreign nationals were evacuated. Almost half the population of the capital of 850,000 inhabitants was displaced. The breakdown of law and order continued until West African peacekeepers (ECOMOG) regained control of the city in late May.

The fighting in Monrovia jeopardized the Abuja peace process that was launched in August 1995. A new peace accord—the fifteenth since the war began—was signed in Abuja, Nigeria, on August 17. It called for a cease-fire, disarmament, demobilization, reintegration, and the holding of national elections. The factions signing the new accord included: the National Patriotic Front of Liberia (NPFL); two ethnic wings—Krahn and Mandingo—of the United Liberation Movement for Democracy in

Liberia (ULIMO); and a coalition of anti-NPFL forces composed of the Liberian Peace Council (LPC), the Lofa Defense Force, and a breakaway-NPFL group called the Central Revolution Council (CRC). The second Abuja Accord contained provisions for sanctions—such as travel restrictions, exclusion from elections, and establishment of a war crimes tribunal—for factions not complying with the peace agreement.

Although the capital returned to relative quiet by late May, when ECOMOG reasserted its authority, the factions continued to wage war in the countryside beyond the scheduled cease-fire date of August 20. A new State Council chair, Ruth Sando Perry, assumed office on September 3, creating the third Liberian National Transitional Government (LNTG III). Given noncompliance with phase one of the peace process (implementation of a cease-fire and disengagement of fighters), phase two (disarmament and demobilization), which began November 22, faced formidable hurdles.

As an institution, the Armed Forces of Liberia (AFL) remained largely inactive. Many AFL Krahn soldiers, however, joined Krahn LPC troops in April and May to fight against the NPFL and ULIMO-Mandingo forces in Monrovia. There was a small corps of nonfactionalized AFL soldiers who remained neutral in the April-May events and stayed, unarmed, in the Barclay Training Center.

The Liberia National Police (LNP) and the National Security Agency (NSA), which report to the Ministry of Justice, together with the Special Security Services, which reports directly to the LNTG, also have responsibility for internal security, but they lacked the leadership, resources, and training to function effectively. The LNTG II appointment of a police director and top management team from one of the factions further reduced the effectiveness of the LNP. A special Rapid Response Unit (RRU), formed in 1995 to combat soaring violent crime in Monrovia, was infiltrated and corrupted by the NPFL. A new Minister of Justice appointed in September disbanded the RRU. However, she was dismissed in December and her successor announced he would reconstitute the RRU. Members of the RRU committed serious human rights abuses.

ECOMOG was the key military force supporting the LNTG III, as it was for all previous interim governments. At the end of 1996, ECOMOG claimed to have approximately 7,200 troops from 6 West African countries; over half were Nigerian. Regional governments, which had promised 2,700 additional troops for ECOMOG after the Abuja II Accord was signed, had not followed through on their commitments by the end of the year. In the absence of an effective central government, ECOMOG assumed many police powers in areas under its control. In contrast to previous years, there were no confirmed reports of ECOMOG committing human rights abuses.

The economy, ravaged by civil war, remained in severe disarray. No reliable information on the GDP is available. Prior to 1990, the economy was based primarily on iron ore, rubber, timber, diamond, and gold exports. Ninety-five percent unemployment, massive displacements of civilians throughout the country, and widespread destruction and looting devastated productive capacity, despite the country's rich natural resources and potential self-sufficiency in food. Meanwhile, the parallel black market economy thrived as the faction leaders and businessmen exploited and looted the wealth of the country. Using forced labor and stolen goods and fuel, they logged old growth timber, used environmentally unsound mining methods, and illegally tapped rubber trees in the areas under their control. The millions of dollars of profits from these enterprises were used to purchase more munitions, reinforcing the cycle of violence.

Factionally affiliated Government forces, factional forces, and agents were responsible for numerous human rights abuses. Some individual AFL members committed killings. RRU forces were responsible for killings, disappearances, and brutality. Factional members of the RRU actively participated in plundering and burning the capital in April and May, while threatening and, in some cases, murdering civilians. Ministry of Internal Affairs agents also used brutality against suspects. Conditions in government jails were life-threatening. Police arbitrarily arrested and detained persons, and at times infringed on citizens' privacy rights.

Because of the war, citizens have not been able to elect a representative government. The judicial system, already hampered by inefficiency and corruption, collapsed for 6 months following the outbreak of fighting in April. There were attempts by authorities to limit freedom of the press and freedom of association; journalists practiced self-censorship. Violence and discrimination against women are longstanding problems and have been widespread during the war. The war resulted in extensive abuse of children. The practice of female genital mutilation (FGM) persisted. Discrimination against minorities remains a problem. No progress was made in resolving outstanding incidents of past human rights abuses.

There were credible reports that some members of ECOMOG facilitated the delivery of—if they did not actually deliver—weapons and ammunition to the factions. Eyewitnesses also reported that some ECOMOG soldiers participated in the looting and destruction of Monrovia in April and May; this appeared to be limited to the Guinean contingent.

Although the 1985 Constitution, the Penal Code, and the Labor Code remain in effect, because of the civil war the rights provided for in these documents were largely not protected in practice.

The war has taken a horrendous toll on civilians. Of an estimated prewar population of 2.8 million, 200,000 died as a result of the civil conflict, 750,000 fled the country, and over 1.2 million are internally displaced. Approximately 1.5 million Liberians require humanitarian assistance to survive. The media, eyewitnesses, human rights groups, and international observers all reported flagrant disregard for human rights by the factional fighters. The factions committed summary executions, torture, individual and gang rapes, mutilations, and cannibalism. They burned people alive; looted and burned cities and villages; used excessive force; engaged in arbitrary detentions and impressment, particularly of children under the age of 18; severely restricted freedom of assembly, association, and movement; and employed forced labor.

Following the looting and destruction in Monrovia in April and May, which included facilities of the United Nations and humanitarian relief organizations, and left them without offices, vehicles, and resources; the few remaining NGO's had difficulty providing subsistence-level humanitarian relief, even within the Monrovia safehaven. The NGO's gradually rebuilt their staffs, even though fighters from various factions continued to hold up relief convoys, take relief workers hostage, and use civilians to attract humanitarian aid (see Section 1.g.).

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Political violence has been endemic to Liberia since the war began in 1989. Factional members of the RRU and AFL committed illegal killings. There were credible reports of extrajudicial killings by all factions during the April and May fighting in Monrovia and elsewhere throughout the year. NPFL-dominated RRU forces targeted and killed political opponents of NPFL head Charles Taylor in Monrovia. One outspoken NPFL critic was kidnaped in April by NPFL fighters and forced to view the headless bodies of people critical of Charles Taylor as a warning. On October 31, there was an assassination attempt by unidentified individuals against Charles Taylor at the executive mansion in Monrovia. Fighters—whether AFL, LPC or one of the ULIMO sub-factions—also targeted their enemies, fighters and civilians alike, removed their victims' body parts and ate them in front of civilians.

Although they publicly professed adherence to the rule of law, the leaders of the major warring factions condoned and in some instances seemingly appeared to encourage the murder and maiming of both civilians and combatants (see Section 1.g.). It was often impossible to determine whether these crimes were politically motivated or driven by tribal hatred (see Section 5). Among the many human rights atrocities in April, the Mandingo AFL Chief of Staff Mohammed Doumouyah was ritualistically tortured, mutilated, murdered, dismembered, and cannibalized by Krahn fighters in front of hostages at the AFL Barclay Training Center in Monrovia. There have been no arrests.

The majority of civilian deaths took place during factional raids on villages (see Section 1.g) in the countryside. ULIMO fighters executed civilians, and looted and burned their villages in Grand Cape Mount and Bomi counties. Even after the cease-fire of the Abuja II Accord went into effect in August, killings continued. Local human rights monitors reported that: On September 16, in Dia town 14 civilians were killed and the village—hometown of State Council chairwoman Ruth Perry—burned to the ground; on September 21, in Kango town, 16 civilians were murdered; on September 23, in Gunn town, 17 civilians were murdered; on September 28, in Sinje, another massacre took place (see Section 1.g) with more than 20 civilian victims; on December 7, in Zwanna Town (Royesville), 8 civilians were murdered; and on December 14 in Armadu Town, Bomi Highway, 4 people were killed. Fighting between the NPFL and LPC in the southeastern counties continued throughout the year, again resulting in many civilian deaths as villages repeatedly changed hands.

No progress was made in investigating the many killings from previous years, including the December 1994 massacre at DuPont Road. ECOMOG transferred the alleged perpetrators of the murder and cannibalization of a university student in August 1995 to civil authorities. The case has not yet been heard in court.

b. *Disappearance.*—There were no confirmed reports of disappearance perpetrated by the AFL, LNTG II or III regular police units or security forces, or by ECOMOG. However, there were credible reports of nighttime abductions and detention in secret jails by the NPFL-dominated RRU and other factions in Monrovia in April and May. The major factions were also responsible for many unexplained disappearances outside Monrovia (see Sections 1.g., 5, and 6.d.). Two Liberian nongovernmental organization workers in Zwedru disappeared on April 1 and are presumed dead. There are credible reports that NPFL fighters abducted civilians, including children, to use as combatants and for forced labor in illegal rubber tree tapping and timber operations. Both ULIMO factions used forced civilian labor to harvest alluvial gold and mine for diamonds.

The International Committee of the Red Cross (ICRC) runs a program allowing family members separated by the conflict to exchange Red Cross messages, mainly between people remaining in the country and relatives living abroad. Save the Children/UK reunited 140 children with their families during the year.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture and other degrading treatment. There were no reports of torture by the LNTG II, or LNTG III police or security forces (with the exception of the RRU), or by ECOMOG. RRU forces were seen brutalizing civilians, burning houses, and looting during the April and May fighting in Monrovia. Men dressed in RRU trademark black clothes were involved in armed robberies and murders in the capital from June until September when they were disbanded.

Although the Supreme Court ruled that "trial by ordeal" or "sassywood"—commonly, the placement of a burning metal object on a suspect's body to induce confession in a criminal investigation—is unconstitutional, the Ministry of Internal Affairs continued to have licensed agents who subjected suspects to this practice. A lawsuit brought in 1994 for injuries resulting from sassywood is still pending before the Supreme Court.

All major factions engaged in torture and other cruel, inhuman, and degrading treatment. Many victims exhumed in Monrovia after the April and May fighting had been "tarbeeyed" before being killed—their arms tied tightly behind their backs at the elbow and wrist—an excruciating torture. Throughout the year, reports were received of rape, pillage, and the burning of villages in the western counties as the two ULIMO sub-factions fought for control. ULIMO-Mandingo fighters herded hundreds of displaced civilians into their Bomi county headquarters, Suehn, and held them hostage to attract relief food. When United Nations humanitarian workers were finally able to enter ULIMO-Krahn-controlled Tubmanburg in September, they found 20,000 starving civilians. Health care workers estimated the malnutrition rate at 83 percent; many people had died. Some civilians in Grand Cape Mount, when reached by the humanitarian community after 7 months, asked not to be given food because they feared that the fighters would kill them to get it (see Section 1.g.). LPC and NPFL fighters were accused of beating, torturing, and killing civilians, especially persons suspected of being sympathizers of the other faction, and burned their villages in the southeastern counties. Humanitarian relief workers were frequently detained and harassed by fighters, their personal property and vehicles confiscated, and food, intended for hungry civilians, stolen. Members of all factions practiced cannibalism (see Section 1.g.). The warring factions regularly committed violence against women, including individual and gang rapes.

Neither the LNTG II nor the LNTG III adequately addressed the life threatening conditions in government jails. There were incidents of starvation as the interim governments did not provide prisoners with adequate food or medical care. They did not pay guards for months. Cells were small, crowded, and filthy. Women, representing 5 percent of the central prison population, were held in separate cells, but there were no separate facilities for juvenile offenders. Ninety percent of the prisoners in the Monrovia central prison had been jailed for over 1 year without charge when the central prison was abandoned and the prisoners escaped during the fighting in early April. The central prison did not reopen until October 24 and very few of the escaped prisoners were recaptured.

The LNTG II and LNTG III granted human rights groups access to prisoners in Monrovia, and these groups frequently obtained needed medical treatment for prisoners. In a number of cases, the work of human rights groups and interested individuals resulted in the release of prisoners.

Reliable reports indicate that all warring factions operated secret jails both to enforce discipline in their own ranks and to intimidate or punish their enemies. The conditions in these clandestine jails were even worse than in government jails. Factions held prisoners in makeshift, substandard facilities and subjected them to various forms of inhuman treatment, both physical and psychological.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and provides for the rights of the accused, including warrants for arrests, and the right of detainees to be either charged or released within 48 hours. In practice some Liberian National Police officers in Monrovia and Buchanan often disregarded these rights and made arbitrary arrests. Many officers, whose average monthly salary was already less than \$5.00, were not paid during the year and accepted bribes to arrest persons based on unsubstantiated allegations. As the police have no logistics or forensic investigative capabilities, they were unable to investigate crimes such as the August murder of Seh Vincent, a civilian representative in the Legislative Assembly.

In January the editors of a Monrovia newspaper were arbitrarily arrested and detained by the NPFL-appointed police director because of an article they published concerning the director (see Section 2.a.). On February 27, the NPFL-appointed Minister of Justice, acting without a warrant, arrested a journalist for an article he had written; the journalist was beaten but later released. On April 2, the NPFL detained a well-known religious leader and human rights activist on the fabricated charge of hindering law enforcement activities when he tried to mediate a dispute between faction leaders.

ECOMOG soldiers played the major role in policing the greater Monrovia and Buchanan areas. Many citizens continued to turn to ECOMOG rather than the unarmed, unpaid, and underequipped police force to arrest and detain alleged criminals. ECOMOG regularly turned detainees over to civilian authorities, as in the case of three men arrested for the October 17 murder, mutilation, and burning of two market women in Monrovia. There were no reports that ECOMOG officials coerced confessions from suspects.

Fighters outside of the ECOMOG safehavens of Monrovia and Buchanan did not honor due process safeguards and they arbitrarily detained numerous persons. Having almost unlimited power in practice to make warrantless arrests, they exercised that power often and capriciously, detaining persons, including international relief workers and missionaries, on spurious grounds or without charge for periods ranging from several hours to several weeks.

Approximately 750,000 citizens (over one-fourth of the prewar population), including former political leaders and human rights activists, fled the country because of the war.

The Government does not employ forced exile.

In April and May, over 2,000 foreign nationals, including United Nations agency and international humanitarian aid workers were evacuated when fighting broke out in Monrovia. In May approximately 5,000 civilians fled NPFL-LPC fighting in the southeast to seek refuge in Cote d'Ivoire. Approximately 2,000 civilians fled to Tabou, Cote d'Ivoire, when fighting began in September between the NPFL and LPC in Grand Gedeh county. Approximately 4,000 to 6,000 displaced Sierra Leoneans and 2,000 Liberians fled into Sierra Leone to avoid the fighting in the western counties in September. Many were forced back into Bo-Waterside in October and November due to fighting in Sierra Leone.

e. *Denial of Fair Public Trial.*—While the Constitution provides for an independent judiciary, the judiciary has always been subject to political, social, familial, and financial pressures. Corruption and lack of professionalism remained a recurrent problem. Because of the war, the judiciary did not function in most areas of the country.

Under the Constitution, defendants have due process rights conforming to internationally accepted norms of fair trial. Most of these rights, however, were ignored in practice. The NPFL-appointed Abuja II Minister of Justice rejected a court order releasing an NPFL defector, reasoning that the courts had no jurisdiction because this was an internal NPFL affair since the arrestee was an NPFL member.

The court structure is divided into four levels with the Supreme Court, whose members were appointed by the LNTG II, at its apex. All levels of the court system, including the Supreme Court in Monrovia, functioned erratically until fighting began in April. Subsequently the courts remained closed until September.

Customary law was also used both in Monrovia and the countryside. As in previous years, the Ministry of Internal Affairs subjected persons accused of occult practices and other crimes to "trial by ordeal," submitting defendants to physical pain to adjudicate guilt or innocence (see Section 1.c.).

In the areas controlled by the major factions, there was little pretense of due process; swift, arbitrary punishment was meted out by the faction leaders.

The Government does not hold political prisoners.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—While the Constitution provides for these rights, in wartime Liberia LNTG II and LNTG III authorities sometimes ignored them. The Constitution provides that police must

obtain a warrant, or have a reasonable belief that a crime is in progress, or is about to be committed before entering a private dwelling. In practice some police forced entry without a warrant to carry out arrests and investigations.

The warring factions committed the most egregious abuses. Combatants looted the entire country with impunity. Widespread destruction in Monrovia in April and May included private homes, schools, hospitals and clinics, shops, churches, government buildings, and the offices of United Nations agencies and NGO's. Many buildings were burned. United Nations agencies and international NGO's were targeted by the factions and were looted of \$30 million in equipment and vehicles in April.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The major warring factions inflicted considerably more harm on noncombatants than on each other. They deliberately targeted, tortured, and murdered civilians, and regularly murdered women, children, and the elderly, indiscriminately ransacking villages and confiscating scant food supplies.

The massacre of more than 20 people, mostly women and children, at Sinje, Grand Cape Mount county, on September 28 illustrates the factions' disregard for humanitarian law. An exhumation of the bodies revealed that a baby girl's skull had been crushed. She was buried still strapped to her mother's back; her mother had been shot. Many more civilians were wounded, including an 8-month-old girl who had her foot cut off. Investigation has yet to determine which sub-faction of ULIMO—Krahn or Mandingo—was responsible. There were probably dozens of additional massacres in remote areas of conflict involving hundreds of victims which did not come to immediate public attention due to extensive political and social disruption throughout the year.

In June volunteer relief workers including the ICRC unearthed more than 520 corpses from shallow graves where they were temporarily buried during the factional fighting in the capital. Most of the victims died from bullet wounds, starvation, or disease.

There were credible reports that NPFL, ULIMO-Krahn, ULIMO-Mandingo, and LPC fighters committed acts of cannibalism (see Section 1.a.). In some instances, the fighters ate specific organs in the belief that it would make them stronger or invincible.

Relief organizations estimated that 1.2 million persons have been displaced since the war began. During this period, the factions have become experts at diverting humanitarian assistance. Most civilians are dependent on humanitarian aid for survival, but are often denied freedom to seek such assistance, as faction leaders and their followers forcibly detained them. These abducted civilians served as human shields for the fighters and were also used as forced labor (see Sections 1.b. and 6.c.). The factions often refused access by international and humanitarian relief agencies to distribute food until a medical and nutritional emergency existed, as was the case in Grand Cape Mount and Bomi counties when thousands of civilians were held hostage for over 7 months (see Section 1.c.). When assistance finally arrived for civilians, the armed groups frequently stole it. Fighters extorted humanitarian convoys at checkpoints, often insisting on providing "protection" for convoys, raiding upcountry warehouses, and taxing civilians in supplies after the delivery of food and medicines. Some civilians began asking that no food be delivered, as they did not want to be further brutalized by the factions. In October NPFL fighters looted 270 metric tons of food, then falsely accused two NGO workers of the theft. An NPFL spokesperson later declared that the food was intended for the civilians and, therefore, no crime was committed. The NPFL fighters were not disciplined. None of the warring factions returned the equipment or vehicles stolen during the fighting in April and May to the U.N. or to the relief organizations from which they had been stolen.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—These freedoms are provided for in the Constitution and, with some significant limitations, were generally exercised in Monrovia. The former NPFL-appointed LNTG II Minister of Justice and the NPFL-appointed police director attempted to intimidate and restrict the press (see Section 1.d.). Citizens, including journalists, usually showed restraint and self-censorship in favor of the interim governments. Due to continued economic stagnation, all newspapers struggled to get their editions published. Following the April hostilities, the press was virtually moribund.

The restrictive Media Law, instituted during the Doe regime, remains in force and provides the Ministry of Information wide discretion in licensing and regulating journalists. A 1993 decree, which also remains in effect, set up guidelines for reporting on war-related issues.

Despite threats and harassment from the factions, the independent press continued to function until April/May. The independent press was among the first targets when fighting broke out in Monrovia. Only 1 of 13 independent newspapers escaped destruction, as it had changed its offices 2 weeks prior to the outbreak of fighting, but had not moved its trade sign. The independent press lost almost all of its equipment and supplies as did the two printing houses in Monrovia. No newspapers were printed for almost 4 months. Although by December six independent newspapers were publishing sporadically in Monrovia, they were financially weak. The other independent newspapers were still trying to reopen, but one, the Daily Observer, discouraged by the destruction and intimidation, remained closed until January 1997.

In addition to the independents, there was one pro-NPFL newspaper, The Patriot, and one pro-ULIMO-Mandingo newspaper, The National.

Although there once were three regional television stations in addition to one in Monrovia, television broadcasts ceased when the war started and have not resumed. Prior to the April and May destruction in Monrovia, there were six radio stations. With the exception of the NPFL-owned station, the others were looted or destroyed. In December only the government radio station, ELBC, the NPFL station, KISS-FM, and the independent Radio Monrovia were broadcasting regularly. In November the NPFL initiated a new short wave radio station from Totota.

Academic freedom was generally respected at the University of Liberia, however, it has been closed since April.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the rights of peaceful assembly and association. The LNTG II and LNTG III generally permitted political parties and other groups to organize freely and hold public meetings in Monrovia. In February, however, both government officials and faction leaders vigorously opposed a civil society (including NGO's)-sponsored "stay at home day," the purpose of which was to express the popular demand for warring factions to disarm. In March the Women's Development Association of Liberia planned a public event on International Women's Day. The NPFL-appointed Minister of Justice publicly criticized the rally and denied the organizers permission to march in the capital. The organizers were granted permission by ECOMOG and the march was held as scheduled. For security purposes, however, ECOMOG continues to generally discourage large-scale parades or demonstrations.

The factions severely restricted freedom of assembly and association in areas they controlled.

c. *Freedom of Religion.*—The Constitution recognizes freedom of religion as a fundamental right, and Liberia has no established state religion. Although Islam is gaining adherents, as much as 40 percent of the population profess to be Christian. A significant portion of the population follows traditional animism or blends traditional religions with Christianity or Islam. Although the law prohibits religious discrimination, Islamic leaders complained that Muslims were discriminated against (see Section 5). There was no evidence of systematic violation of religious freedom by the warring factions.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement throughout the country as well as the right to leave or enter. To protect the 1 million people in Monrovia and Buchanan from rampant lawlessness and banditry, ECOMOG established a protective cordon around those cities and numerous checkpoints within the capital. In April and May, however, ECOMOG failed to protect Monrovia from factional fighting. It was not until May 27 that the Monrovia and Buchanan safehavens were reestablished. When ECOMOG could not guarantee safe passage upcountry, it restricted the movement of civilians and humanitarian aid workers at various times throughout the year.

Throughout the year, factional fighters prevented freedom of movement, restricting a range of activities from resettlement of displaced people to ordinary commerce and travel, throughout the areas they controlled. The warring factions also impeded the movement of relief workers and supplies, and extorted, humiliated, and harassed civilians throughout the country at checkpoints and makeshift barricades. Even after the seating of the LNTG III Council of State in September, there were reports that beatings of international humanitarian workers and thefts of foodstuffs and humanitarian vehicles by the warring factions continued. In November, on the eve of disarmament, aid workers reported that fighters in Tubmanburg threatened to hold them hostage if the aid workers did not distribute food as they desired (see Section 1.g.).

Since 1990 over 1.2 million citizens (of an estimated prewar population of 2.8 million) have been internally displaced. There are more than 750,000 Liberian refugees in neighboring West African countries. Some of the internally displaced returned to

Monrovia in January-March, but fled again when fighting resumed in April. Most subsequently returned, and there was no influx of displaced persons returning to Monrovia following the Abuja II accord.

The Government provides first asylum. Although in 1995 there were approximately 120,000 Sierra Leonean refugees in Liberia, because of the fighting in western Liberia where most of the Sierra Leonean refugees lived, it is not known how many still remain.

The LNTG III cooperated with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in attempting to assist refugees. However, inaccessibility to refugees due to fighting and security concerns severely limited the amount of relief assistance that could be provided. There were no reports of forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Despite constitutional and statutory guarantees of free and fair elections, due to the civil war citizens could not exercise the right to change their government. A new interim government, the LNTG III, was installed on September 3, as a result of the signing of the Abuja II Accord on August 17. The Abuja II Accord calls for national elections in May 1997.

There are no restrictions on the participation of women in politics, however, they are underrepresented. Overall numbers of women in the LNTG II and LNTG III and the various political parties are small. With the advent of the LNTG III, a woman chaired the Council of State, but there were no women as government ministers. A woman was appointed as chairman of the Elections Commission.

One vice councilman on the Council of State is a Muslim.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The interim governments have generally permitted domestic and international groups to operate, but factional members of the Council of State have harassed, threatened, and beaten local human rights and humanitarian workers when they did not like their reports assessing responsibility for human rights violations.

The few domestic human rights organizations were underfunded, understaffed, and their personnel lacked adequate training. These groups were specifically targeted during the April and May fighting in Monrovia by factional fighters. Several influential human rights activists, who were the targets of RRU killers, left the country. Some have not returned. In December there were eight small human rights groups in the country; all struggled to rebuild looted offices and secure the funding needed to continue their work. The support structure for the consortium of human rights NGO's in Monrovia was destroyed during the April fighting and has not been reconstituted.

Prior to the fighting in Monrovia in April, some of the domestic human rights groups, as well as lawyers performing legal aid work, visited prisoners in government jails. None reported governmental interference with their activities. There were no domestic human rights organizations outside the cities of Monrovia and Buchanan due to insecurity associated with the warring factions' hostility to such organizations, but a few Monrovia-based human rights workers and members of the press sometimes were able, often at great risk to themselves, to visit the countryside to investigate reports of massacres and other human rights abuses.

Although the United Nations Observer Mission in Liberia (UNOMIL) has responsibility for monitoring human rights, for most of the year no one carried out this function. No UNOMIL reports on human rights were made public. The trained human rights observer assigned to UNOMIL in October 1995 resigned in November 1995, claiming lack of support for his work by the Special Representative of the Secretary General. He was replaced by another trained human rights observer in December 1996.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion, but discrimination exists. There are no laws against gender-based discrimination, ethnic discrimination, or female genital mutilation (FGM).

Women.—In the massive violence inflicted on civilians during the conflict, women suffered the most (see Sections 1.c. and 1.g.). Rape was commonplace. Even prior to the war, domestic violence against women was extensive but never seriously addressed as an issue by the Government, the courts, the media, or women's groups. Since the war began, several women's organizations were established in Monrovia

and Gbarnga to advance family welfare issues, to help promote political reconciliation, and to assist in rehabilitating former combatants as well as civilian victims of war. Several NGO's in Monrovia and Buchanan have developed programs for treating abused women and girls and increasing awareness of their human rights. Facilities and equipment were destroyed in the April fighting. At year's end, the NGO's were attempting to restart many of their programs.

The status of women varies by region, ethnic group, and religion. Before the outbreak of the civil war, women held one-fourth of the professional and technical occupations available in Monrovia. Some women currently hold skilled jobs in government, including in the judiciary. On the whole, however, the situation of women deteriorated dramatically with the onset of war, the closing of most schools, and the loss of their traditional role in production, allocation, and sale of food. In urban areas, women can inherit land and property. In rural areas, where traditional customs are stronger, a woman is normally considered the property of her husband and his clan and usually is not entitled to inherit from her husband.

Children.—Denied a normal childhood, Liberian youth have been seriously victimized by the civil war. The factions have abused children and have given no attention to their welfare; education and nurturing have been completely disrupted. Many who were disabled, orphaned, abandoned, or "lost" during a military attack on their homes or villages, accepted the protection and sustenance that joining a faction brought. The NPFL, LPC, and the two wings of ULIMO recruited and trained children as cooks, spies, errand runners, guards, patrols, and in many instances, combatants. Factions provided addictive drugs to children, thereby ensuring their compliance and continued participation in warfare. Many have been killed or wounded, have witnessed terrible atrocities, or themselves committed atrocities, becoming both victims and abusers in the conflict. There are no precise figures on the number of child soldiers, but some sources believe that 10 percent of the estimated 60,000 combatants are under 15 years of age; about 50 percent may be under 19. Many suffer from posttraumatic stress syndrome and have become addicted to drugs. Some NGO's and UNICEF initiated small retraining and rehabilitation programs for a limited number of former child fighters (see Section 6.d.), but these programs and facilities were destroyed during the April and May destruction of Monrovia.

Female genital mutilation (FGM) is widely condemned by international health experts as damaging to both physical and psychological health. FGM traditionally has been performed on young girls by northern, western, and central tribes, particularly in rural areas among traditional societies. Prior to the onset of civil war in 1989, approximately 50 percent of women in rural areas among northern, western, and central tribes between the ages of 8 and 18 underwent FGM. The war, however, has totally disrupted village life. Today probably less than 10 percent of females undergo FGM. In some instances, female health professionals in the tribes participated in the practice to the extent of providing hygienic conditions and postoperative care. The most extreme form of FGM, infibulation, is not practiced.

People With Disabilities.—The 7-year civil war has produced a large number of persons with permanent injuries in addition to persons disabled from other causes. There is no legal discrimination against the disabled, but in practice they do not enjoy equal access. There are no laws mandating accessibility to public buildings or services.

Religious Minorities.—The law prohibits religious discrimination. Some Muslims, however, who represent a growing share of the population, believe that Liberia's secular culture gives preference to Christianity in civic ceremonies and observances, and that discrimination spills over into areas of individual opportunity and employment. Although there are some Muslims in senior government positions, many Muslims believe that they are bypassed for highly sought-after government jobs.

National/Racial/Ethnic Minorities.—Although the Constitution bans ethnic discrimination, it also provides that only "persons who are negroes or of negro descent" may be citizens or own land, thus denying full rights to many persons who were born or lived most of their lives in Liberia. There has been no governmental initiative to repeal this racial test, but there are reports that non-Liberians have acquired Liberian passports. The 1975 economic "Liberianization" law prohibits foreign ownership of certain businesses, such as travel agencies, retail gasoline stations, and beer and soft-drink distributors.

The roots of the current civil conflict can be found to a large extent in the historical division between the Americo-Liberian minority who comprised 5 percent of the population and the 16 indigenous ethnic groups. Ethnic tensions were exacerbated during the Doe regime (1980-89) because of domination by his ethnic group, the Krahn. Throughout the civil war, the factions used an individual's language to identify ethnicity and often summarily executed those from groups considered hostile.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution states that workers, except military and police, have the right to associate in trade unions. The Constitution also states that unions are prohibited from partisan political activity. Government interference in union activities, especially elections and leadership conflicts, was commonplace both before and during the war.

Even though legal economic activity came almost to a complete halt during the on-going 7-year civil war, there were 32 functioning unions with the common objective of protecting the rights of their 60,000 members, who were largely unemployed. There is a proposal before the unions to merge into one body called the All Liberia Trade Union Unity Council which, if instituted, would encompass the Liberian Federation of Labor Unions. Despite this union activity, the actual power the unions exercised was extremely limited. The most vocal organization was the Liberian Seaman, Port and General Workers Union, which urged the government to pressure Liberian flag vessels to employ more Liberian workers.

The Constitution is silent on the right to strike, but labor laws protect this right. During the year, neither LNTG II nor LNTG III took discriminatory actions against organized labor. There were no noteworthy strikes during the year. Government officials were attempting to solve the problem of salary arrearages for all civil servants at year's end.

Liberia's status as a beneficiary of trade preferences under the United States' generalized system of preferences (GSP) program was suspended in 1990 as a result of the Doe government's failure to take steps to provide internationally recognized worker rights.

Labor unions have traditionally affiliated with international labor groups, such as the International Confederation of Free Trade Unions.

b. *The Right to Organize and Bargain Collectively.*—With the important exception of civil servants, workers (including employees of public corporations and autonomous agencies) have the right to organize and bargain collectively. In the past, agreements were negotiated freely between workers and their employers without government interference. In 1996 these rights were largely moot because of the lack of economic enterprise, especially in Monrovia, where only a few businesses resumed operations, usually with greatly reduced staffing, after the April and May fighting.

There are no export processing zones. All were destroyed when the war started.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor, but even before the civil war this prohibition was widely ignored in rural areas where farmers were pressured into providing free labor on "community projects" which often benefited only local leaders. During the year the warring factions continued to use forced labor for all purposes, including the exploitation and theft of national resources. Displaced persons reported that the LPC and the NPFL forced civilians to labor in the illegal timber cutting business throughout the south-east.

d. *Minimum Age for Employment of Children.*—Even before the civil war, enforcement of the law prohibiting employment of children under age 16 during school hours in the wage sector was lax. Small children continued to assist their parents as vendors in local markets and on family subsistence farms. This practice persists, particularly in those areas affected by the war, where there are no schools. All factions recruited young children as soldiers. Many of these children remained under arms (see Section 5). Based on extensive interviews, one NGO reported that only the LPC abducted children and forced them to serve in the war.

e. *Acceptable Conditions of Work.*—The Labor Law provides for a minimum wage, paid leave, severance benefits, and safety standards, but with the war, the enforcement mechanisms collapsed. In the war-ravaged economy, citizens were forced to accept any work they could find, regardless of wage. A legal minimum wage of approximately \$0.90 per day for agricultural workers and 3 or 4 times that amount for industrial workers remains in force, but because of the war, it was not enforced.

The Labor Code provides for a 48-hour, 6-day regular workweek with a 30-minute rest period per 5 hours of work. The 6-day workweek may extend to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours. Prior to 1990 there also were government-established health and safety standards, enforced in theory by the Ministry of Labor. Because of the war these regulations were not in fact enforced. Even under the Labor Code, workers did not have a specific right to remove themselves from dangerous work situations.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT I

109th Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1997

REPORT

SUBMITTED TO THE

COMMITTEE ON INTERNATIONAL
RELATIONS
U.S. HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 118(d) AND 602B(b) OF THE
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED



MARCH 1998

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There are several industrial zones, in which mostly textile and apparel firms engage in manufacturing for export. All national labor laws apply in these industrial zones.

c. *Prohibition of Forced or Compulsory Labor.*—The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred. The 1987 Employment Act prohibits forced or compulsory labor, and there is no indication that such labor is practiced.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The Government specifically prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

The legal minimum age for employment in commercial or industrial enterprises is 14. In practice, however, children under age 14 are often employed in the textile and garment sector and in family-owned businesses. As much as 15 percent of the textile work force of some 15,000 may be children between the ages of 12 and 15, according to a 1994 study by a foreign government. After visiting all 14 of Lesotho's nonpartisan garment producers in 1994, the ILO, responding to a complaint by trade unions in the textile and clothing industry, was not able to confirm the unions' allegation of illegal child labor.

There are prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, but enforcement is very lax. The Ministry of Labor and Employment's Inspectorate is severely understaffed. Young people under 18 years of age may not be recruited for employment outside of the country. In traditional society, the rigorous and occasionally dangerous working conditions for the country's young livestock herdboys are considered a rite of passage and a prerequisite to manhood within rural Basotho culture which is beyond the reach of labor laws (see Section 5 Children.)

e. *Acceptable Conditions of Work.*—Wages are low. The monthly minimum wage for unskilled labor is \$68 (320 maloti); for a heavy vehicle operator it is \$131 (616 maloti). Minimum wages in lower skilled jobs are insufficient to ensure a decent standard of living for a worker and family. Most wage earners supplement their income through subsistence agriculture or remittances from relatives employed in South Africa. Many employers now pay more than minimum wages in an effort to attract and retain motivated employees. There are also indications that some employers, especially in export sectors, treat the minimum wage as a maximum wage, rather than a minimum. This situation is made possible by the high levels of unemployment and underemployment, which offer a large pool of surplus unskilled labor that bids down wage rates and undermines job security for workers who make demands for better wages and conditions of work.

The labor code spells out basic worker rights, including a maximum 45-hour work-week, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid public holidays. The labor code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury. In practice employers generally follow these regulations only within the wage economy in urban areas, and the Ministry of Labor and Employment enforces the regulations haphazardly. The Labor Code does not explicitly protect the right of workers to remove themselves from hazardous situations without prejudice to employment. However, Labor Code sections on safety in the workplace and dismissal imply that dismissal in such circumstances would be illegal.

LIBERIA

After more than 7 years of civil war, implementation of the August 1996 Abuja Peace Accord restored peace to Liberia. The human costs of the war were immense—200,000 war-related deaths, 1.2 million persons displaced internally, and approximately 750,000 refugees in neighboring countries.

Under the provisions of the Abuja Accords, presidential and legislative elections were held on July 19 for the first time in 12 years. Thirteen political parties competed, including the parties of the three major former faction leaders—Charles G. Taylor, Alhaji Kromah, and George Boley. Charles Taylor won the presidency with over three-quarters of the votes cast and his party, the National Patriotic Party, won control of both houses of the legislature. The elections were judged free and transparent by international observers. Taylor was inaugurated as President on August 2 and promised to give high priority to national reconciliation, human rights, the rule of law, ensuring a stable environment for economic development, and elimi-

nating corruption. The judiciary is subject to political influence, outside pressure, and corruption.

Approximately 10,500 West African peacekeepers (ECOMOG) were deployed throughout the country, providing the security that facilitated disarmament, demobilization, the holding of national elections, and the return of some refugees. More than 20,000 weapons and over 10 million rounds of ammunition were turned in to ECOMOG between November 1996 and February 1997, the end of the period for voluntary disarmament. Demobilization and reintegration programs for the more than 20,000 former combatants who disarmed (21 percent of whom were former child fighters under age 17) were established but many former combatants were unable to participate. While significant disarmament was achieved, factional command and control structures were not completely dismantled and remained largely in place. ECOMOG remained the key military force supporting the Liberian National Transition Governments (LNTG) III and IV as well as the new Taylor administration. In December ECOMOG began drawing down its troops in preparation for leaving the country; an agreement for a continued ECOMOG presence was being negotiated. For the past 7 years, ECOMOG assumed many police powers in the absence of a central government capability. The outlook for maintenance of security after ECOMOG's departure remains unclear. Although the ECOMOG peacekeeping force generally maintained internal discipline, there were a number of incidents in which individual ECOMOG soldiers killed and tortured civilians.

As an institution, the Armed Forces of Liberia (AFL) remained largely inactive. In October the Government announced that it would begin restructuring the AFL, although the Abuja Accords stated that ECOMOG was to restructure the AFL. The President's decision resulted in a very public dispute between him and the ECOMOG force commander. The new Taylor administration also sought to move 4,000 largely Krahn AFL troops and their families from the central barracks in downtown Monrovia to the outskirts of the capital, creating tension between the AFL troops and the new Government.

Under the LNTG III and IV Governments, the Liberia National Police (LNP) and the National Security Agency (NSA), which report to the Ministry of Justice, together with the Special Security Services (SSS), which report directly to the Head of State, were responsible for internal security, but they lacked the resources and training to function effectively. After Taylor's inauguration in August, his administration made security a top priority, placing many NPFL former combatants in the security apparatus. In September Taylor reappointed as police director his cousin, who was known to have directed and participated in the looting of Monrovia in April and May 1996. In October the President announced that a 1,000-man paramilitary force would be armed and deployed along the border with Sierra Leone to prevent a spillover of hostilities from that country. By year's end, the administration had placed several hundred unarmed NSA and SSS officials at major border crossing points with Cote d'Ivoire, Guinea, and Sierra Leone. Members of the security forces committed human rights abuses.

The economy, ravaged by civil war, remained in severe disarray. The Taylor administration inherited an external debt estimated at over \$2 billion and over \$230 million in domestic debt. No reliable information on the gross domestic product was available. Prior to 1990, the cash economy was based primarily on iron ore, rubber, timber, diamond, and gold exports. Eighty-five percent unemployment, a 15 percent literacy rate, the continued internal displacement of civilians, and the absence of infrastructure throughout the country continued to depress productive capacity, despite the country's rich natural resources and potential self-sufficiency in food. Government officials, businessmen, and former combatants continued to exploit the wealth of the country, logging old growth timber through environmentally unsound mining methods, and illegally tapping rubber trees in plantations under their control. Profits from these illicit enterprises were used for personal benefit. In December the President announced that a new currency would be introduced in 1998 to replace the two separate currencies that were in use in different parts of the country in addition to the U.S. dollar, which is also legal currency. The new currency was designed to address the multiple currencies problem, which had hindered economic activity.

The Government's human rights record was poor, and there were serious problems in many areas; however, there was some improvement in comparison with 1996. Security provided throughout the country by ECOMOG and the largely successful disarmament program led to a decline in human rights abuses prior to September; however, abuses increased towards the end of the year. Security forces committed extrajudicial killings; however, it was difficult to distinguish in many cases whether some killings were a result of political, criminal, ethnic, or other motives. Security forces were responsible for a number of disappearances. Security forces

beat citizens, and the Ministry of Internal Affairs used torture to coerce confessions. Conditions in jails remained life threatening, and police and other security forces at times arbitrarily arrested and detained persons and infringed on citizens' privacy rights. On two occasions, the Government investigated or punished security force members for offenses. The judicial system, hampered by inefficiency, corruption, and a lack of resources, was reconstituted in April with the installation of a defactionalized, independent Supreme Court to decide disputes arising from the national elections. However, after his election, President Taylor, exercising his constitutional prerogative, installed a new Supreme Court. The judiciary was generally unable to provide citizens in all parts of the country with their rights to due process and a fair trial due to lack of resources. The Government limited freedom of speech and the press; security forces intimidated and occasionally beat journalists, and journalists often practiced self-censorship. The Government restricted freedom of movement. Unfavorable conditions limited the return of refugees from neighboring countries, as well as former combatants who were not relocated after disarmament. However, by December more than 100,000 refugees and internally displaced persons had returned to their previous home areas. Approximately 1.5 million citizens depend upon humanitarian assistance to survive. At year's end, authorities increased the harassment of democracy and human rights groups. Violence and discrimination against women, and violence against children are longstanding problems. The practice of female genital mutilation (FGM) persisted, although apparently on a much reduced scale. Discrimination against religious and ethnic minorities remained a problem. Forced labor, including by children, was a problem, and authorities provided little protection for worker rights. Ritualistic killings and vigilante justice continued.

No progress was made in resolving outstanding incidents of past human rights abuses, despite the appeal of many local and international organizations. The Taylor administration enacted a controversial bill in October to create a Human Rights Commission, which was limited to investigating only current and future human rights abuses, with no power to compel the testimony of witnesses and no government funding to conduct its activities. In December President Taylor appointed a former rival, Alhaji Kromah, as chairman of the commission on national reconciliation; however, the commission was not constituted or functioning by year's end.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. *Political and Other Extrajudicial Killing.*—The incidence of political and extrajudicial violence and killing decreased in comparison with 1996, but violence and killings increased during the last months of the year. It was often difficult, however, to distinguish between political, criminal, or ethnic killings. Members of the security forces committed a number of extrajudicial killings.

On January 16, nine people, including five former fighters of the ULIMO-Krahm faction, were ambushed and killed on the Tubmanburg highway in Bomi County, allegedly by former members of the Congo Defense Force. Also in January, a Mandingo taxi driver was brutally murdered in Monrovia. The killing led to a wild-cat strike of taxi drivers, most of whom are Mandingos, who claimed continued anti-Mandingo bias in the society (see Section 5). In March a senior government official from the Ministry of Finance was killed in his home in the course of an apparent robbery. Some observers believe that he was killed to conceal alleged governmental financial mismanagement.

In August and September, a number of bodies of individuals killed in suspicious circumstances were discovered in Monrovia, for example, the body of an unidentified adult male was found on the lawn of a former finance minister who belongs to the Mandingo ethnic group. In August a female teacher and major opposition party supporter was killed by an unknown assailant. Thirteen bodies were found in the 2-month period. There is no conclusive evidence whether the killings were criminally or politically motivated. There have been no leads as to the perpetrators.

In October police, alleging an escape attempt, fatally shot a suspected armed robber; there are unconfirmed reports that he was shot in the back of the head at close range and that he had ties to a major opposition political party. Also in October, Monrovia city police beat a taxi driver to death for a minor vehicle violation. No action was taken against the police. On November 29, government security personnel detained opposition political leader Samuel Saye Dokie and three family members at a checkpoint near Gbarnga, Bong County. The Dokies disappeared. Their mutilated, burned bodies were discovered 3 days later. The head of the SSS admitted that he had ordered the Dokies' arrest, but disavowed participation in or knowledge of the Dokies' murder. Five suspects, including at least three SSS officers in-

volved in the Dokie abduction, were subsequently arrested; they were awaiting trial at year's end. On December 19, a 34-year-old man, who had been beaten brutally by police, died while in custody in Monrovia. At year's end, no action had been taken against the police.

At least two persons died in detention facilities due to harsh conditions and official negligence (see Section 1.c.).

The results of the investigation into the October 1996 assassination attempt against Charles Taylor was never made public.

Ritualistic killings, in which young people are murdered and body parts extracted, continued. Incidents included: In February an 18-year-old boy in Gardnersville, a Monrovia suburb; in March in Junction, Grand Cape Mount county, a young woman; in May a 1-month old baby in Caldwell, Montserrado county; also in May, a fisherman in Grand Bassa county; in October, a 2-year-old girl in Buchanan, Grand Bassa county; and a young man from Monrovia in September. No police action has been reported against such practices.

Vigilante justice also continued. In February civilians in Monrovia caught and beat to death a known rapist and armed robber after police refused to take the suspect into custody. The police subsequently took no action.

No progress was made in investigating the many killings from previous years, including two massacres in Sinje, Grand Cape Mount county in 1996. There was no progress in the case of the canibalization of a university student referred to civil authorities by ECOMOG or the canibalization of the AFL Chief of Staff in 1996.

There was no further developments in the discovery of mass graves in 1996. None of the equipment stolen from international agencies was returned and none of those who stole relief supplies and food in 1996 were tried or punished for their crimes.

Although ECOMOG generally maintained internal discipline, there were a number of incidents in which individual ECOMOG soldiers killed civilians. In February ECOMOG soldiers were involved in the death of a man in Vonzula, Grand Cape Mount county. In May during a cordon-and-search operation for illegal weapons at Lajoy gold mine, Grand Cape Mount county, ECOMOG soldiers tortured and murdered two men. In June ECOMOG soldiers also beat to death a man in Sanoyea, Bong county while interrogating him. There was no reported investigation of the incident or punishment of the soldiers involved.

b. *Disappearance*.—There were no confirmed reports of disappearances perpetrated by ECOMOG or the LNTG III regular police or security forces. However, there were credible reports that security forces were involved in such disappearances. Members of the joint security forces of the LNTG IV in May attacked and beat the general commander of a police station in Monrovia who later disappeared. In December four persons incarcerated in the (Gbarnga) Bong county detention facility disappeared. There have been confirmed disappearances of a few people and several opposition activists and businessmen are missing or otherwise unaccounted for at year's end.

There were credible reports that a number of demobilized child fighters, who had been reunited with their families, were abducted again by members of their former warring factions for forced labor (see Section 5).

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*.—The Constitution prohibits torture and other degrading treatment; however, government security forces beat persons, and the Ministry of Internal Affairs used torture to coerce confessions.

During the latter part of the year, there were numerous credible reports of government security forces beating and intimidating journalists (see Section 2.a.), as well as beating civilians for minor offenses.

The Ministry of Internal Affairs used torture to coerce confessions. Although the Supreme Court ruled that "trial by ordeal," or "sassywood"—commonly, the placement of a burning metal object on a suspect's body to induce confession in a criminal investigation—is unconstitutional, the Ministry of Internal Affairs continued to have licensed agents who subjected suspects to this practice at the Ministry. A lawsuit brought in 1994 for injuries resulting from sassywood is still pending before the Supreme Court.

In September joint security forces and ECOMOG troops wounded six people at the Bridgestone/Firestone rubber plantation in Harbel, Margibi county, during a labor strike (see Section 6.e.).

After the end of the period for voluntary disarmament in February, some ECOMOG troops detained more than 50 former fighters during nationwide cordon-and-search operations for weapons. Many of these former combatants reported being tortured to elicit information about illegal weapons; they were then incarcerated in the Monrovia Central Prison. The prisoners were never charged with any offense and were released in March. During several cordon-and-search operations in which

ECOMOG arrested, interrogated, and shot several former combatants, ECOMOG left the victims, who in some cases suffered life-threatening injuries, untreated; but following the intervention of an international organization, the victims received treatment. Individual ECOMOG soldiers also tortured and killed persons (see Section 1.a.).

In September and October, while enforcing a long-forgotten law that prohibits market activity on Sundays and at any time during the week on the streets, police beat several women marketeers, confiscated and never returned thousands of dollars worth of goods and produce, and destroyed hundreds of small market stalls.

There were many incidents in which former combatants, who claimed not to have received sufficient benefits for disarming, harassed and extorted civilians and, in some areas, engaged in massive looting. There were credible reports that returning refugees and displaced persons were harassed by former combatants, especially in the border areas. Also in January, civilians in Grand Cape Mount asked that humanitarian relief supplies not be delivered for fear that former fighters would continue to steal the supplies at gunpoint (see Section 1.f.). In February when former fighters in Nimba, Bomi, and Grand Cape Mount counties continued to harass civilians, the ECOMOG force commander issued a stern warning about such behavior and took additional steps to protect civilians.

In January several individuals, who claimed to have been kidnaped, incarcerated, and tortured in the Watanga (Monrovia) secret jail of the former NPLF faction, publicized the details of their detention. Their claims appeared to be credible. They also reported that other persons were murdered and that they were ordered to bury them.

Neither the LNTG III, LNTG IV, nor the newly elected Government adequately addressed the often life threatening conditions in government jails. The International Committee of the Red Cross (ICRC), in cooperation with the Ministry of Justice, sought to make improvements to prison facilities in Monrovia and Kakata. The Governments did not provide prisoners with adequate food or medical care. They did not pay guards for months. Cells were small, crowded, and filthy. Two inmates died in the Bong County detention facility in November, allegedly from starvation. Women, constituted about 5 percent of the prison population, and were held in separate cells, but there were no separate facilities for juvenile offenders. Police who caught children for petty crimes often took them to their own homes rather than incarcerating the minors with adult criminals.

The police director ordered the escaped prisoners released in 1996 to return to jail or be subject of an intensive search. One prisoner surrendered, but later escaped again.

Human rights groups were granted access to prisoners in Monrovia, and these groups frequently obtained needed medical treatment for prisoners. In a number of cases, human rights groups and interested individuals achieved the release of prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and provides for the rights of the accused, including warrants for arrests, and the right of detainees either to be charged or released within 48 hours. In practice some LNP officers and other security officials often disregarded these rights and made arbitrary arrests. Many officers, whose average monthly salary was already less than \$5.00, often were not paid and accepted bribes to arrest persons based on unsubstantiated allegations. The police have almost no logistic or forensic capabilities, and generally were unable to investigate crimes, including murder cases. Most people arrested for serious crimes are not released within 48 hours or brought before a judge as the Constitution requires. In September and October, the new police director, allegedly in an effort to combat the increase of armed robberies in the capital, arrested dozens of suspects who were incarcerated for prolonged periods without being charged. The police director and the SSS director also frequently forced journalists who published stories perceived as antigovernment to visit police headquarters or the Justice Ministry where they were often threatened and intimidated.

In July the editor of the Liberia Communications Network was arrested at a press conference held in the Independent Elections Commission's (IECOM) headquarters after asking the IECOM chairman whether there had been tampering with the ballots for the national election; the editor was not charged and was later released. In August the editor of the *Funtimes Gazette* was arrested for publishing an article about President Taylor's personal life. Following public criticism, the editor was released. In October the LNP Director ordered the editor of the *Inquirer* newspaper, which had published several critical articles about the police, arrested for allegedly buying stolen property, although there was no evidence to support the charge. The *Inquirer* editor later was released. The police director also attempted, but failed, to have Liberia's leading human rights advocate arrested following a press conference

that the advocate had called to protest the Inquirer's editor's arrest. Following public criticism, this matter, too, was dropped. Also in October, the LNP Director ordered the arrest of one of his officers without an arrest warrant, based upon the officer's reported death threat against the director. The arresting officers, unable to locate the individual either at his home or at church, detained the man's wife, children, and other occupants of the house; a local human rights organization urged police to release them from unconstitutional detention, which they did once the officer surrendered.

ECOMOG soldiers played the major role in policing the country, particularly during the early part of the year. Many citizens continued to turn to ECOMOG rather than the unarmed, unpaid, and underequipped police force to arrest and detain alleged criminals. ECOMOG regularly turned detainees over to civilian authorities. In May, however, ECOMOG detained several former members of the ULIMO-Krahn faction in Tubmanburg and a former Krahn cabinet minister and two assistants in Monrovia for their alleged participation in an attempt to assassinate Charles Taylor. Although the Krahn were held for several weeks, they were never charged or turned over to civilian authorities.

The Government does not employ forced exile.

e. *Denial of Fair Public Trial.*—Although the Constitution provides for an independent judiciary, the judiciary has always been subject to political, social, familial, and financial pressures. Corruption and lack of professionalism remained a recurrent problem. Even after the elections, the judiciary did not function in most areas of the country due to lack of infrastructure. Acting under his constitutional authority, in October President Taylor installed a new Supreme Court which began making plans to make the judiciary more professional and reestablish courts outside of the capital. All of the new Supreme Court justices are trained professionals. At year's end, how they will execute their responsibilities is not clear.

The court structure is divided into four levels, with the Supreme Court at its apex. All levels of the court system in Monrovia, including the Supreme Court, functioned, though erratically. Two new courts were established. Although a new juvenile court was constituted in June, the first in the country's history, no cases were tried. A criminal court for hearing armed robbery cases also was created, but remained relatively inactive due to lack of resources and trained personnel.

Under the Constitution, defendants have due process rights that conform to internationally accepted norms for fair trial. Most of these rights, however, were ignored in practice. Customary law also was used and, as in previous years, the Ministry of Internal Affairs subjected persons accused of occult practices and other crimes to "trial by ordeal," submitting defendants to physical pain to adjudicate guilt or innocence (see Section 1.c.).

There were no reports of political prisoners.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—While the Constitution provides for these rights, authorities sometimes ignored them. The Constitution provides that police must obtain a warrant, or have a reasonable belief that a crime is in progress, or is about to be committed, before entering a private dwelling. In practice most police and other governmental security forces entered private homes and churches without a warrant to carry out arrests and investigations. In one case, police arrested family members of a suspect whom they sought to locate (see Section 1.d.).

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—More than a million civilians remained dependent on humanitarian aid for survival. However, before the end of the period for voluntary disarmament in February, some civilians asked that no food be delivered to their communities because they did not want to be further brutalized by factional fighters, who seized such provisions from their homes and communities. In June former fighters in Bong county went on a rampage and looted civilian homes as well as a Catholic relief service food warehouse. In December disgruntled former NPFL fighters looted and set ablaze the homes of administration officials in more than 10 towns, including Buchanan, in Grand Bassa county, claiming that President Taylor had neglected them since they were disarmed.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, however, the Government limited and continually challenged these freedoms. In April the NPFL-appointed Information Minister blocked the publication of six Monrovia newspapers, claiming that they had not paid the required registration fees. His action was interpreted as an indirect warning that the Government would ban papers if it objected to what was printed. In July after a local newspaper reprinted a foreign newspaper editorial about Taylor's election victory, the In-

formation Minister cautioned members of the press to scrutinize their newspapers to ensure that they accorded due courtesy and respect for government officials. In November the Minister also blocked the reopening of an independent newspaper, allegedly because the law required that permits be requested in January. Shortly thereafter, the Information Minister granted a permit to another new newspaper owned by the President. The Minister also repeatedly warned members of the press to be careful about what they printed concerning the Government and singled out three newspapers in particular as being antigovernment. Citizens, including journalists, usually showed considerable restraint and self-censorship in favor of the Government. In November the Taylor administration also threatened to close the national radio station, which was known for its independence. In December the station's reporting became more favorable towards the Government. Government harassment of the press increased noticeably at year's end.

Starting in September, arbitrary arrest, illegal detention, and intimidation of journalists by government security forces became commonplace (see Section 1.d.). Six independent newspaper editors and many journalists were arbitrarily detained and arrested for publishing articles that security forces considered antigovernment; a well-known former NPFL general and six unidentified men attempted to kidnap a leading broadcast journalist from his home; the country's foremost political cartoonist received numerous death threats and may have been put under surveillance by government security forces; an independent journalist, who was detained in Bong County following the Dokie funeral and his attempted investigation into the circumstances surrounding the Dokies' deaths, was charged by the police with treason; this charge was later reduced.

The restrictive Media Law, instituted during the Doe regime in the 1980's, remained in force and provided the Ministry of Information with wide discretion in regulating journalists. In May the Press Union of Liberia adopted a code of conduct for journalists to encourage professionalism. The code of conduct, however, in some instances appeared aimed at punishing journalists for publishing articles unfavorable to the Government. Some members of the press were barred from official press conferences at the executive mansion for printing stories unfavorable to the Government; other members of the press were beaten at the executive mansion by government officials. No official action was taken against the perpetrators.

Largely as a result of the national elections and the candidates' desire to influence public opinion, the press grew from 6 newspapers in January to 15 by July. Charles Taylor either owned or controlled seven of the newspapers that published regularly up to the elections. Newspapers controlled by other prominent political figures usually were published only when there was a political purpose involved. All eight independent newspapers had to deal with repeated attempts at censorship and struggled to stay in business. By October the number of regularly published newspapers had dropped to six. Four could be considered independent and, when the Government allowed them, were capable of serious, critical, newsworthy reporting.

Before the war, there were three regional television stations in operation in addition to one in Monrovia. Regular television broadcasts ceased when the war started in 1989. The President's privately owned media company reopened a television station in Monrovia on August 2 to broadcast Taylor's inauguration. The station remained on the air but only broadcast sporadically. In September DUCOR Radio Broadcasting opened Monrovia's second television. It, too, broadcast only sporadically.

Throughout the year, the government radio station (ELBC), the Taylor-owned station (KISS-FM), and the two independents—Radio Monrovia and DUCOR radio—broadcast regularly but only within the greater Monrovia area. A Taylor-owned short wave radio station, based in Totota, Bong county, also broadcast throughout West Africa, the only station with such a capacity prior to the holding of national elections on July 19. This short wave radio station was the only source of information for voters outside the greater Monrovia area and contributed to Taylor's electoral victory. The ELBC also had a short wave radio, but it broadcast only sporadically. Subsequent to the election, two other radio stations—the Catholic Church's Radio Veritas and the independent Star Radio—began broadcasting throughout the country. With the exception of the Taylor-owned media, most other stations, including the government-owned station, were poorly equipped and subject to pressure from government officials. In December the Ministry of Post and Telecommunications claimed that Radio Veritas and Star Radio were illegally using diplomatic broadcast frequencies and threatened to shut them down. In early January 1998, Star Radio was closed by the Government.

During the IECOM announcement of election results, ECOMOG forced Radio Monrovia to stop its live broadcasts.

Academic freedom was generally respected at the University of Liberia; however, the administrators and faculty carefully avoided antagonizing any powerful interest groups. The students felt more free to voice their criticisms. Due to a lack of funding, the university did not begin its academic year in August, as is customary, but resumed in December.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of peaceful assembly and the Government generally respects this right, but limited it in some instances. Although ECOMOG generally ensured security throughout the country in the period leading up to and during the presidential campaign and on election day, there were several incidents of political harassment and violence against candidates. While campaigning in Sanniquellie, Nimba county, the Unity Party standard-bearer and her campaign workers were assaulted: Taylor partisans smashed the candidate's car windshield, threw acid on two of her campaign workers, and severely beat another. On June 17, in Gbarnga, Bong county, the Reformation Alliance Party's presidential candidate was greeted by catcalls and rock throwing by Taylor partisans when he began his campaign in the former NPFL stronghold. Several other incidents were reported around the country, especially in Monrovia. However, the number of incidents decreased as the electoral campaign progressed and total violence during the campaign was low. The Constitution provides for the right of association, and the Government generally respects this right, but limited it in some instances.

c. *Freedom of Religion.*—The Constitution recognizes freedom of religion as a fundamental right, and Liberia has no established state religion. Although Islam is gaining adherents, as much as 40 percent of the population profess to be Christian. A significant portion of the population follows traditional animism or blends traditional religions with Christianity or Islam. Although the law prohibits religious discrimination, Islamic leaders complained that Muslims, especially Mandingos, were discriminated against (see Section 5). In September when the new Speaker of the House invited a Muslim mullah to open the session with a prayer, Christian members of the House strenuously objected, arguing that such action was unconstitutional. After long debate, the mullah was allowed to pray, but the legal issue remains unresolved.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement throughout the country as well as the right to leave or enter. In the period leading to national elections, ECOMOG maintained numerous checkpoints throughout the country. The week before the July 19 presidential election, the border with Guinea was closed, although the border with Cote d'Ivoire remained open. After the elections, ECOMOG significantly reduced the number of its checkpoints and began to prepare for handing over its security functions to the new Government. Freedom of movement within the country after the Taylor administration took office was further restricted by numerous checkpoints set up by security forces and by the extremely poor condition of roads that had not been maintained during the 7 years of war. Also in December, the Government reinstated an exit visa requirement for all residents and sometimes refused to issue permits for travel. The Government also announced that diplomats should notify the Foreign Ministry a week in advance of any proposed travel outside of the capital.

Some government officials, including the police, and some former fighters set up roadblocks to harass and extort money or other valuables from civilians, including internally displaced people and refugees who had returned to their home towns and villages, and humanitarian aid workers.

Following the military coup in Sierra Leone in May, ECOMOG increased its presence along the border with Sierra Leone and, at different times, when fighting intensified in eastern Sierra Leone, restricted access to its border area. On October 21, the Taylor administration announced that it was closing the border with Sierra Leone to prevent fighting in Sierra Leone from reigniting fighting in Liberia. The practical effect of this announcement was unclear since ECOMOG controlled the borders. Following fighting in Sierra Leone in December, more refugees fled into Liberia through unmanned border crossing points.

Since 1990 over 1.2 million citizens (of an estimated prewar population of 2.8 million) have been internally displaced. With the improved security conditions made possible by ECOMOG, more than 100,000 internally displaced persons and refugees returned to their home villages to register and vote. According to the UNHCR, as many as 480,000 Liberian refugees remain in neighboring West African countries.

The Government provided first asylum. Following the military coup in Sierra Leone in May, about 30,000 new Sierra Leonean refugees fled to Liberia. Although no official census has been taken, there are probably more than 120,000 Sierra Leoneans living along the western border in Grand Cape Mount and Lofa counties.

The LNTG III and IV Governments and the Taylor administration cooperated with the office of the United Nations High Commission for Refugees (UNHCR) and other humanitarian organizations in attempting to assist refugees, primarily Sierra Leoneans. However, inaccessibility to refugees due to poor road conditions and the limited capacity of local NGO's severely limited the amount of relief assistance that could be provided. The Taylor administration has cooperated with the UNHCR's efforts to inform Liberian refugees about the UNHCR's voluntary repatriation operations. There were no reports of forced return of persons to a country where they feared persecution.

There were several instances of mistreatment of foreigners, including citizens of ECOWAS countries, especially Nigerians. In September two members of ECOMOG's Nigerian contingent (which constituted over half of the ECOMOG force) in Monrovia were stoned and beaten by a mob provoked by the superstitious belief that even slight body contact with foreigners could harm Liberians. Several immigration officers were dismissed for beating and harassing foreign nationals in October. Some members of the expatriate community complained about the Taylor administration's lack of cooperation in issuing visas. In October the administration announced that Sierra Leonean refugees living in Grand Cape Mount county would be moved inland for security reasons, but at year's end had not implemented this policy.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of free and fair elections and citizens exercised their right to change their government in elections deemed free and transparent on July 19. Since the election was held on the basis of proportional representation, President Taylor's party, the National Patriotic Party, won control of the legislature by the same 75 percent margin that he won the presidency.

The July 19 national elections were held under the auspices of the Abuja II Peace Accord rather than the Constitution. On the first day that the newly elected national legislature convened, it reaffirmed the primacy of the Constitution in all matters, including future elections.

At year's end, the legislature had not exercised real independence from the executive branch. There are only a handful of opposition legislators, but they tend to be much weaker than traditional opposition figures.

There are no restrictions on the participation of women in politics; however, they are underrepresented, largely illiterate, and generally did not have access to voter and civic education programs during preelectoral activities. The sole female candidate among 13 in the presidential race finished a distant second. Overall numbers of women in high-ranking positions in the Taylor administration and in the various political parties are low. Two of the 20 cabinet positions are held by women and a woman was appointed Chief Justice of the Supreme Court.

One cabinet minister is Muslim (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The LNTG III and IV Governments and the Taylor administration permitted domestic and international human rights groups to operate. During the national elections, more than 400 international and 600 local observers surveyed election activities. However, at year's end, reported incidents of harassment of democracy and human rights groups had increased.

Domestic human rights organizations were underfunded, understaffed, and their personnel lacked adequate training. In September 12 of the small, local human rights organizations joined to establish the National Human Rights Center of Liberia. In October four human rights groups constituted a new umbrella organization called the Liberia Federation of Human Rights Organizations. Both of these organizations sought to ensure that human rights issues were kept in the forefront of the country's postconflict development plan.

Some of the human rights groups, as well as lawyers performing legal aid work and U.N. human rights personnel, visited prisoners in the police holding cells and the central prison. None reported governmental interference with their activities. As a result of the security environment provided by ECOMOG prior to the elections, several domestic human rights organizations established branches outside of the capital.

The United Nations Observer Mission in Liberia (UNOMIL) had responsibility for monitoring the human rights situation until September 30, when its mandate ended following completion of disarmament, demobilization, and the holding of national elections. For 9 months, three experienced UNOMIL human rights officers conducted investigations and worked to build the capacity of local human rights organi-

zations. No UNOMIL human rights reports were made public. In December it was announced that a U.N. peace-building mission would be established in Monrovia for 6 months.

In October the new Government created a human rights commission; however, it triggered considerable controversy by limiting the commission's investigatory power to prospective abuses only, with no power to compel testimony or gather evidence and no funding to support operations. At year's end, the human rights commission had not functioned. Although the independent media urged the Government to create a commission to investigate the Dokie murders, the Government declined.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion, but discrimination exists. There are no laws against gender based discrimination, ethnic discrimination, or female genital mutilation (FGM).

Women.—Domestic violence against women was extensive but never seriously addressed as an issue by the governments, the courts, or the media. Several NGO's in Monrovia and Buchanan continued programs to treat abused women and girls and increase awareness of their human rights, but NGO's are not vocal about women's political rights.

The status of women varies by region, ethnic group, and religion. Before the outbreak of the civil war, women held one-fourth of the professional and technical occupational positions in Monrovia. Some women currently hold skilled jobs in government, including the judiciary. On the whole, however, the situation of women deteriorated dramatically with the onset of war, the closing of most schools, and the loss of their traditional role in the production, allocation, and sale of food. In urban areas, women can inherit land and property. In rural areas, where traditional customs are stronger, a woman is normally considered the property of her husband and his clan and usually is not entitled to inherit from her husband or retain custody of her children if her husband dies. The LNTG III and IV Governments and the Taylor administration did not sign a law passed by the legislature that would have ensured equal rights for women. There were very few programs to help any combatants reintegrate into society; and particularly, no programs especially designed to help former female combatants. The absence of special programs, however, was not discriminatory, but reflected the fact that there were few former female former combatants. Several women's organizations, however, advanced family welfare issues, helped promote political reconciliation, and assisted in rehabilitating former combatants as well as civilians affected by the war.

In Monrovia at the end of the year, a growing number of professional women's groups—including lawyers, marketeers, and businesswomen—became increasingly vocal about their concerns. Government officials often responded negatively to public criticism and there were reports of harassment and possible surveillance of outspoken critics.

Children.—Due to the poor condition of government schools, most children who attended school went to private institutions. However, many private schools had to be refurbished, which were largely destroyed during the April and May 1996 fighting since the Government decided not to pay private schools the subsidies that had been in effect before the war, school fees were drastically increased, thereby denying a large sector of the school-age population access to education. In both public and private schools, however, children were often asked to provide their own books, desks, copy books, pencils, and reams of paper.

Denied a normal childhood during the civil war, Liberian youth were seriously victimized. An estimated 50,000 children were killed; of those wounded, orphaned, or abandoned, many witnessed terrible atrocities or committed atrocities themselves. Twenty-one percent (4,306) of the combatants who disarmed under the provisions of the Abuja II peace accord were child soldiers under the age of 17. As education and nurturing were almost completely disrupted, many children suffered post traumatic stress disorder syndrome. Some are still addicted to drugs. It is estimated that 1.4 million children experienced violence, hunger, and homelessness during the war. The number of street children in Monrovia and the number of abandoned infants increased significantly following disarmament. NGO's and UNICEF continued retraining and rehabilitation programs for a limited number of former child fighters (see Section 6.d.).

After a 2-year effort by the Association of Female Lawyers, a bill creating a juvenile court system, enacted in 1959 and amended in 1971, was implemented in June. The new court system was limited to Monrovia and lacked the resources and person-

nel to function effectively. Children continue to be incarcerated with adults and there were long delays in deciding cases involving minors.

Female genital mutilation (FGM) is widely condemned by international health experts as damaging to both physical and psychological health. FGM traditionally has been performed on young girls by northern, western, and central tribes, particularly in rural areas among traditional societies. Prior to the onset of the civil war in 1989, approximately 50 percent of women in rural areas between the ages of 8 and 18 underwent FGM. In some instances, female health professionals in the tribes participated in the practice to the extent of providing postoperative care. The war, however, totally disrupted village life. The war caused most of the population to flee to neighboring countries or become internally displaced. Social structures and traditional institutions, such as the secret societies which often performed FGM as an initiation rite, were also undermined by the war. Most experts believe that the civil war has caused a reduction in FGM, estimating that the incidence has dropped to as low as 10 percent. The most extreme form of FGM, infibulation, is not practiced. The Government has taken no action against FGM.

People With Disabilities.—The war produced a large number of people with permanent injuries in addition to persons disabled from other causes. There is no legal discrimination against the disabled, but in practice they do not enjoy equal access to public buildings. There are no laws mandating accessibility to public buildings or services.

Religious Minorities.—The law prohibits religious discrimination. However, some Muslims, who now represent a significant portion of the population, believe that Liberian secular culture gives preference to Christianity in civic ceremonies and observances, and that discrimination spills over into areas of individual opportunity and employment. Although there are some Muslims in senior government positions, many Muslims believe that they are bypassed for highly desirable government jobs. The Taylor administration dismissed many Muslims, particularly Mandingos, from longstanding jobs. Following President Taylor's public accusation in September that Muslim Mandingos were fighting in Sierra Leone, prominent Mandingos in Monrovia and elsewhere began receiving threats to their person and property from unknown individuals. Many Muslim business proprietors believe that the Taylor Government's decision to enforce an old statute prohibiting businesses from opening on Sunday discriminates against them, as they celebrate their Sabbath on Friday and consequently are forced to close for the two most active selling days of the week. There were also credible reports that returning Muslim Mandingo refugees were not allowed to resettle in their home villages in Lofa, Bong, and Nimba Counties.

National/Racial/Ethnic Minorities.—Although the Constitution bans ethnic discrimination, it also provides that only "persons who are negroes or of negro descent" may be citizens or own land, thus denying full rights to many people who were born or lived most of their lives in Liberia. There has been no governmental initiative to repeal this racial test. In September and October during the confirmation hearings for Taylor Government nominees, the issue of national and ethnic origins was widely debated, particularly for two cabinet nominees, of mixed Lebanese-Liberian parentage, and for one minister-designate who is a Muslim Mandingo, naturalized Liberian citizen.

The 1975 economic "Liberianization" law prohibits foreign ownership of certain businesses, such as travel agencies, retail gasoline stations, and beer and soft-drink distributors. In October several bills extending the Liberianization law were passed by the legislature, but by year's end they had not been signed into law by the President.

Some members of former President Samuel Doe's ethnic group, the Krahn, believe that they were being systematically discriminated against by the Government, although there are some Krahn holding ministerial positions in the Government.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution states that workers, except members of the military and police, have the right to associate in trade unions. The Constitution also states that unions are prohibited from partisan political activity. Government interference in union activities, especially union elections and leaderships conflicts, was commonplace both before and during the civil war.

Although legal economic activity almost halted during the war, unions proliferated. Thirty-two functioning unions were loosely organized under two umbrella groups—the Federation of Liberian Trade Unions and the Congress of Liberian Trade Unions—with the common objective of protecting the rights of their 60,000 members, who were largely unemployed. The actual power the unions exercised was extremely limited, as the country's work force is largely illiterate and the labor laws tend, in some respects, to favor management.

The Constitution is silent on the right to strike, but labor laws protect this right. Due to the destruction of the economy and the continuing 85 percent unemployment rate, strikes were infrequent. On September 6, however, about 300 people demonstrated at the Bridgestone/Firestone rubber plantation in Harbel, Margibi county, demanding greater death and insurance benefits and immediate reemployment of more than 3,000 former employees. After ECOMOG troops fired warning shots into the air to disperse the crowd and the shots were ignored, ECOMOG moved to break up the demonstration, shooting six workers.

During the year, neither the LNTG III, LNTG IV, nor the Taylor administration took discriminatory actions against organized labor. With the advent of each new administration, however, many workers were dismissed and replaced with political appointees. Unlike previous administrations, the Taylor Government reportedly dismissed large numbers of Muslim Mandingos. The Taylor Government also strictly enforced the union registration requirements that had fallen into disuse during the war. Many civil servants had not been paid for almost a year; the Taylor administration paid most of them by the end of December.

Liberia's status as a beneficiary of the trade preferences under the United States' generalized system of preference (GSP) program was suspended in 1990 as a result of the Doe Government's failure to take steps to provide internationally recognized worker rights.

Labor unions traditionally have affiliated with international labor groups such as the International Confederation of Free Trade Unions.

b. *The Right to Organize and Bargain Collectively.*—With the important exception of civil servants, workers (including employees of public corporations and autonomous agencies) have the right to organize and bargain collectively. In the past, agreements were negotiated freely between workers and their employers without government interference. These rights were largely moot because of the lack of economic enterprise.

There were no export processing zones. All were destroyed after the war started.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor, but even before the civil war this prohibition was widely ignored in rural areas where farmers were pressured into providing free labor on "community projects" that often benefited only local leaders. In many parts of the country, this practice continued. The proliferation of forced labor during the civil crisis by factions that used captured enemies declined dramatically with the conclusion of voluntary disarmament in February.

The Constitution prohibits forced and bonded labor by children. There were credible reports, however, that former combatants kidnaped former child soldiers who had been reunited with their families in order to use them for forced labor, primarily in illicit logging and mining operations.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—Even before the civil war, enforcement of the law prohibiting employment of children under age 16 during school hours in the wage sector was lax. In all areas of the country, particularly where there were no schools, small children continued to assist their parents as vendors in local markets or on the streets, to take care of younger brothers and sisters, and to work on family subsistence farms. With few educational opportunities and with rampant economic hardship, most children still worked to help keep their families alive.

The Constitution prohibits forced and bonded labor by children, however, there were reports of its use (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The Labor law provides for a minimum wage, paid leave, severance benefits, and safety standards, but the enforcement mechanism collapsed during the war and the Taylor administration did not make this a high priority issue. With the economy almost totally destroyed, citizens were forced to accept any work that they could find regardless of wages or working conditions. The 1977 Labor Law requires a minimum wage of approximately \$.25 per hour not exceeding 8 hours per day, excluding benefits, for unskilled laborers. Agricultural workers are paid \$1.50 for an 8 hour day, excluding benefits. Skilled labor has no minimum fixed wage, but industrial workers usually received three or four times the wage paid to agricultural workers. The Ministry of Labor did not have the resources to monitor compliance with the labor laws. In practice wages are paid in Liberian dollars which are worth less than three cents in U.S. currency. Even if both spouses work, the minimum wage is far less than a family needs to survive. Families dependent on minimum wage incomes also engage in subsistence farming, small scale marketing, petty extortion, and begging.

The Labor Code provides for a 48-hour, 6-day regular workweek with a 30-minute rest period per 5 hours of work. The 6-day workweek may extend to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours.

Prior to 1990, there also were government-established health and safety standards, enforced in theory by the Ministry of Labor. During the war, these regulations were not enforced. Even under the Labor Code, workers did not have a specific right to remove themselves from dangerous situations.

MADAGASCAR

Madagascar held its second presidential election under the 1992 Constitution in December 1996, following the impeachment and removal of then-President Albert Zafy earlier in the year. The winner, former Second Republic President Didier Ratsiraka, took office in February. The election was widely accepted as free and fair. Under the Constitution, power is divided among: The President, the Prime Minister and his Government, and a bicameral legislature (Senate and National Assembly). A number of institutions provided for in the Constitution, including the Senate, an independent judiciary, some decentralized local governments, and new courts that require Senate appointments had still not been established by year's end. Legislative elections scheduled for August did not take place because of new requirements that voters possess national identity cards. These elections are planned for March 1998.

The State Secretary of the Ministry of Interior for Public Security—and, under the State Secretary, the National Police—are responsible for law and order in urban areas. The Ministry of Armed Forces comprises the National Army, including army troops, air force, navy, and the gendarmerie. The gendarmerie has primary responsibility for security except in major cities, and is assisted in some areas by regular army units in operations against bandit gangs and cattle thieves. Military force strength continued to decline slowly, dropping below 20,000 troops. There are also traditional village-level law enforcement groups or vigilance committees, known as *dina*. There were occasional reports that police and gendarmes committed human rights abuses, as did the *dina*.

Madagascar is a very poor country. The economy relies heavily on agriculture; production of coffee and vanilla fell further, but shrimp exports rose. Rice, the major staple, remained at near self-sufficiency. Manufacturing in export processing facilities increased modestly. The smuggling of vanilla, gold, precious stones, and cattle continued to be major problems. Overall economic performance improved, but three-fourths of the population of 13 million still live in poverty. Foreign economic assistance remains a major source of national income. Living standards are low, with average per capita gross domestic product estimated at \$230 per year. Annual inflation stabilized at about 9 percent during 1996 and 1997. Unemployment and underemployment, especially among youth, remained high. The Government implemented a program of economic reform and structural adjustment to foster a stronger market economy.

The human rights situation improved somewhat from 1996. There was very little political violence. However, there were occasional reports of police brutality against criminal suspects and detainees, as well as instances of arbitrary arrest and detention. Prison conditions remained harsh and often life threatening. In some prisons, women experienced abuse, including rape. A total of 62 new judges were appointed in an effort to relieve the overburdened judiciary. Nonetheless, suspects were often held in lengthy pretrial detention that often exceeded the maximum sentence for the alleged offense. *Dina* imposed summary justice in rural areas where the Government's presence was weak, but authorities increased their efforts to bring *dina* under closer regulation and scrutiny. Women continued to face some societal discrimination.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. *Political and Other Extrajudicial Killing.*—There were no reports of political killings by government forces. However, harsh prison conditions and the authorities' failure to provide adequate food and medical treatment contributed to an undetermined number of deaths in custody (see Section 1.c.).

Village *dina* continued to mete out summary justice, including executions, to combat rising rural banditry.

There were no developments in several pre-1997 incidents: The 1994 beating death of radio journalist Victor Randrianirina, who had allegedly reported on sapphire smuggling; the deaths of unarmed civilians by security forces in 1991-93; the deaths of more than 30 demonstrators who were killed by the Presidential Guard

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT J

106th Congress }
1st Session }

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SUBMITTED TO THE

**COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE**

AND THE

**COMMITTEE ON INTERNATIONAL
RELATIONS**

U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
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dispute cases on the docket of the Labor Court, which has only one labor judge who is now dealing with cases filed in 1995.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury. In practice employers generally follow these regulations only within the wage economy in urban areas, and the Ministry of Labor and Employment enforces the regulations haphazardly. The Labor Code does not explicitly protect the right of workers to remove themselves from hazardous situations without prejudice to employment. However, Labor Code sections on safety in the workplace and dismissal imply that dismissal in such circumstances would be illegal.

LIBERIA

Liberia is a centralized republic dominated by a strong presidency. Although the Constitution provides for three branches of government, there is no effective system of checks and balances, and presidents traditionally have wielded extraordinary power. Americo-Liberians, descendants of freed African-American slaves from the United States and the Caribbean who make up about 5 percent of the population, dominated the country's government through the True Whig Party until 1980, when Sergeant Samuel K. Doe, a member of the indigenous Krahn ethnic group, seized power in a military coup. Doe was killed by rebels in 1990 at the start of a 7-year-long ethnically divisive civil war, which was ended by the Abuja Peace Accords in 1996, and from which forces led by Charles G. Taylor, who is of both indigenous and Americo-Liberian ancestry, emerged dominant. In July 1997 Taylor won the presidency, and his National Patriotic Party (NPP) won three-quarters of the seats in the Congress, in elections that were administratively free and transparent, but were conducted in an atmosphere of intimidation, as most voters believed that Taylor's forces would resume fighting if Taylor were to lose. The leaders of the former warring factions, including Taylor, did not make any serious attempt to reconcile their differences. In his first year in office, Taylor restored the trappings and ceremony customarily associated with the presidency, but his NPP Government did not pass any significant legislation. The judiciary is subject to political influence, economic pressure, and corruption.

The regular security forces included: the armed forces; the national police, which have primary responsibility for internal security; the Special Security Service (SSS), a large and heavily armed executive protective force; as well as numerous other irregular security services attached to certain key ministries and parastatal corporations, the responsibilities of which appeared poorly defined. The national army, which fought against Taylor's faction during the civil war, has yet to be downsized and restructured as required by the Abuja Peace Accords, although a restructuring plan exists. Only a few contingents have been deployed to maintain security in parts of rural areas. The many, newly created security services absorbed Taylor's most experienced civil war fighters. Armed units within these services consisted almost exclusively of undisciplined Taylor loyalists. Remnants of ECOMOG, the West African peacekeeping force deployed around greater Monrovia, interceded on several occasions to contain violence triggered in part by the government security forces. While civilian authorities generally maintained control of the security forces, there were frequent instances in which the security forces acted independently of government authority. Members of the security forces committed numerous human rights abuses.

Liberia is a very poor country with a market-based economy that is only beginning to recover from the ravages of the civil war. There is no reliable data on average per capita income, but it is estimated at only a small fraction of the prewar level. Prior to 1990, the cash economy was based primarily on iron ore, rubber, timber, diamond, and gold exports. Eighty-five percent unemployment, a 15 percent literacy rate, the continued internal displacement of civilians, and the absence of infrastructure throughout the country continued to depress productive capacity, despite the country's rich natural resources and potential self-sufficiency in food. Government officials and former combatants continued to exploit the country's natural resources for personal benefit. Extortion is a widespread phenomenon in all strata of society.

The Government's human rights record was poor, with serious problems in many areas. The security forces committed many extrajudicial killings. Police shot and killed suspects in custody, and security forces on September 18 encircled and killed perhaps hundreds of ethnic Krahns who were affiliated with a faction that opposed

Taylor during the civil war. Members of the SSS were implicated in the disappearance and apparent murder of a market woman. Security forces tortured, beat and otherwise abused or humiliated citizens. The Government investigated some of the alleged abuses by the security forces, but in all cases in which officers were charged, they either were treated leniently or exonerated. Prison conditions in all 13 counties were harsh, and in the case of Gbarnga Central Prison, life threatening. Security forces continued at times to use arbitrary arrest and detention, and lengthy pretrial detention remained common. The judicial system, hampered by inefficiency, corruption, and a lack of resources, was unable to ensure citizens' rights to due process and a fair trial. In some rural areas where the judiciary had not been reestablished, clan chieftains administered criminal justice through the traditional practice of trial-by-ordeal; at times authorities tacitly condoned this practice. The security forces violated citizens' privacy rights, conducting warrantless searches and looting homes. The Government restricted freedom of the press, temporarily closing private newspapers and radio stations, stopping the printing of a private newspaper, flogging a journalist, and threatening other journalists critical of the Government. Security forces restricted freedom of movement, using roadblocks to extort money from travelers and returning refugees. The Government postponed local elections. Security forces frequently harassed human rights activists. Violence and discrimination against women, and violence against children remained problems. The education and care of children remained widely neglected, and the civil-war-era decline in female genital mutilation (FGM) began to be reversed. Societal ethnic discrimination remained widespread, ethnic differences continued to generate violence and political tensions, and the Government continued to discriminate against indigenous ethnic groups that had opposed Taylor in the civil war, including the Krahn ethnic group. Forced labor, including by children, persisted in rural areas. Child labor remained widespread. Ritualistic killings also persisted.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. *Political and Other Extrajudicial Killing.*—Security forces committed a substantial number of extrajudicial killings during the year; most were killings of ethnic Krahn on or after September 18.

On the night of January 8–9, a police unit tasked with curbing a wave of armed robberies, went to the home of a former rebel commander, Mannah Zekay. Eyewitnesses claim that the police took Zekay, clad only in underwear, into custody along with an associate, Weah Saydee. At one stage during his detention, Zekay broke free from the police and ran to an ECOMOG checkpoint for protection. The French-speaking soldiers on duty did not understand Zekay's plea for help and returned him to police custody. On the morning of January 9, the police displayed the bullet-riddled bodies of two men at police headquarters and announced that the antirobbery task force had killed them in a heavy exchange of gunfire. No policemen were wounded. Zekay's skull appeared to have been fractured with a blunt instrument. There was no official investigation and no autopsy.

On the night of February 8, the antirobbery task force went to a displaced persons camp in Brewerville in search of an alleged armed robber, John Nimely. They found Nimely and took him to police headquarters for questioning. The following morning, the police displayed his body and announced that he had been killed while trying to escape from police custody. The cause of death appeared to be a single gunshot to the back of Nimely's head. According to the police, Nimely admitted under interrogation to a string of armed robberies and the rape of two women. He volunteered to accompany a squad of officers to a cemetery where he had a weapons cache. At the cemetery, Nimely allegedly removed a loaded weapon from the cache and opened fire on the police officers. The police allegedly returned fire, killing Nimely. No policemen were injured. There was no official investigation and no autopsy.

During the year, many persons were killed in clashes between government forces and the forces of Roosevelt Johnson, the only one of the warlords who had fought against Taylor during the civil war and still remained in the country. Until September Johnson and a substantial number of his former fighters were based on Camp Johnson Road in downtown Monrovia just six blocks from President Taylor's office in the Executive Mansion. Mutual suspicions and misperceptions by these men and their former fighters resulted in widespread unrest on four occasions between February and August. Johnson's followers, almost all members of the Krahn minority, frequently harassed motorists and pedestrians passing through their neighborhood at night. When the security forces were sent to deal with these problems, undisciplined and heavily armed former combatants within the SSS and the Liberian National Police (LNP) Special Task Force used excessive force, thereby further provok-

ing the Krahn. Altogether, at least four persons were killed in these clashes. In each case ECOMOG stepped in to restore order.

On September 18, security forces in the capital conducted a military assault, codenamed Operation Camp Johnson Road, against Johnson's base. Hundreds of SSS officers and members of the police Special Task Force, joined by scores of irregular former combatants of Taylor's former faction, employed automatic weapons, rocket-propelled grenades, and mortars. Much of the shooting occurred at nighttime and was indiscriminate. Credible reports indicate that as many as 300 persons, most of them Krahns, many of them women and children, were killed in a 17-hour battle, and in subsequent house-to-house searches and summary executions by government forces. On the night of September 18, ECOMOG peacekeepers reported witnessing a double execution of unidentified males on the eastern outskirts of Monrovia. Krahn leader Roosevelt Johnson survived the initial attack and sought refuge in a Western embassy on September 19; police opened fire on Johnson and seven supporters in the entryway of the embassy, killing two members of Johnson's party, and wounding other members of his party as well as two embassy employees. One hour later and three blocks away, several international NGO workers witnessed an execution of an unidentified male by security force members. Five senior officers and several junior officers of the Krahn-dominated Armed Forces of Liberia (AFL) were interrogated and tortured on September 21 at a military stockade in central Monrovia. They were then taken to a military base outside the capital and executed. The Government falsely claimed that the men had been caught in crossfire during the September 19 fighting. Eleven persons reportedly were tortured before being killed on October 1 (see Section 1.c.). Following these events, about 9,000 persons, most members of the Krahn ethnic group, fled from the country to neighboring Cote d'Ivoire. Although the Government agreed to the demands of the international community for a United Nations investigation of these events, no inquiry had begun by year's end.

Five SSS officers were charged in January with the November 1997 murder of opposition political leader Samuel Saye Dokie and three family members. The LNP had detained the Dokies at a police checkpoint in Gbarnga on November 28, 1997. On the following day, the five accused officers forcibly removed the Dokies from police custody. The Dokies' mutilated, burned bodies were discovered 3 days later. The director of the SSS publicly admitted that he had ordered the Dokies' arrest, but he disavowed participation in or knowledge of the murders. Although Dokie had been a renegade from Charles Taylor's National Patriotic Front, the President promised to bring the Dokies' murderers to justice. When the trial of the five SSS officers began on February 25, the prosecutor dropped charges against three of the five men, who agreed to turn state's evidence against the other two. The Government also issued arrest warrants for four other individuals, including the SSS regional commander, who allegedly fled to Cote d'Ivoire. There were numerous procedural irregularities in the ensuing trial. On April 8, the jury unanimously found the two accused men not guilty. The Government made no serious attempt to locate or extradite the other suspects in the case.

Ritualistic killings, in which body parts used in traditional rituals are removed from the victim, continued to occur (see Sections 2.c. and 3). The number of such killings is difficult to ascertain, since police often describe deaths as accidents even when body parts have been removed. Deaths that appear to be natural or accidental sometimes are rumored to be the work of ritualistic killers.

b. *Disappearance.*—On the night of June 28, nine members of the SSS allegedly abducted Nowai Flomo from her residence near Monrovia. The 37-year-old market woman, whose sister is an SSS officer, allegedly engaged in a heated discussion with her abductors before being taken from the house. After several persons claimed to have witnessed Flomo's ritual murder, a coalition of women's groups threatened a massive protest march to demand the arrest of SSS officer David Daniel. Daniel was arrested on July 7, but was released 3 weeks later for lack of evidence. Daniel was arrested again on August 27 and detained in connection with Flomo's disappearance, but was not brought to trial.

On June 6, six former fighters of the ULIMO-Krahn faction allegedly disappeared at Roberts International Airport while waiting for a flight to Banjul, The Gambia. Widespread reports that they had been tortured and killed by government security forces proved to be incorrect. There were in fact only five men, not six, and they subsequently turned up in Banjul, where they denied having been detained.

Scores of victims of Operation Camp Johnson Road and persons subsequently killed during house-to-house searches were buried secretly by the security forces, leaving their next of kin in doubt as to their whereabouts.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture and other degrading treatment; however, govern-

ment security forces tortured, beat and otherwise abused or humiliated citizens. A local human rights organization claimed that security personnel often use torture in interrogating those they suspect of criminal activity. There were also reports that as many as 11 officers of the armed forces detained at the Barclay Training Center, among 27 persons detained pending trial on treason charges, were tortured on September 21 before being taken to another location and killed (see Section 1.a.). Other evidence also indicated that government claims that they were killed in a gun battle were disingenuous. There were numerous credible reports that security forces subjected citizens to cruel, inhuman or degrading treatment. On several occasions during the year, security forces publicly disrobed, flogged, and humiliated perceived opponents of the administration. In April the Director of Police ordered the flogging of a member-designate of the Liberia Human Rights Commission for an alleged traffic violation. J. Kormah Bryemah sustained multiple contusions from the flogging. President Taylor appointed a commission to investigate the matter, but refused to publicize its findings, claiming that he had ordered the probe for his personal information. The Senate subsequently declined to confirm Bryemah's appointment to the commission.

The Government often dispatched security force units to rural areas without paying or provisioning them. There were many incidents in which members of the security services and the armed forces serving in rural parts of the country harassed and extorted money and goods from civilians. There were many credible reports that security forces harassed returning refugees, displaced persons, and refugees from Sierra Leone, especially in the border areas (see Section 2.d.).

In July, August, and October, while dismantling several-thousand market stalls used by small traders, police manhandled numerous marketers and confiscated thousands of dollars worth of money and goods. The campaign, which was carried out in the name of urban beautification, was suspended in September but resumed in December.

Clan chieftains continued to use the traditional practice of trial-by-ordeal to resolve criminal cases in rural areas. Although the Supreme Court ruled that trial-by-ordeal—commonly, the placement of a burning metal object on a suspect's body to determine whether he or she is telling the truth—is unconstitutional, the Ministry of Internal Affairs continued tacitly to condone the practice in an unknown number of cases in 1998. In April four young men in Nimba County who were accused of stealing gin distillery equipment were admitted to a local clinic with third degree burns on the bottoms of their feet. The injuries were the result of trial-by-ordeal carried out by a clan chief on the orders of the local army commander. A lawsuit brought in 1994 for injuries resulting from trial-by-ordeal still was pending before the Supreme Court at year's end.

Armed supporters of Roosevelt Johnson, the last of the warlords who had opposed Taylor in the civil war, also regularly harassed citizens and subjected them to extortion, according to numerous reports. However, Johnson and many of his supporters left the country after the Government's attack on them in September (see Section 1.a.).

Prison conditions were harsh, and in some cases life threatening. The Government did not provide prisoners with adequate food or medical care. Cells at Monrovia Central Prison occasionally were overcrowded with prisoners awaiting trial. The Deputy Minister of Justice for Corrections welcomed and supported initiatives by the International Committee of the Red Cross (ICRC), the Catholic Justice and Peace Commission, and other NGO's to make improvements to prison facilities in Monrovia and Kakata. President Taylor visited Monrovia's Central Prison in December and subsequently ordered the release of some prisoners being held without charge.

Women, who constituted about 5 percent of the prison population, were held in separate cells. A jailer raped a female inmate in August in Saniquellie, Nimba County. A local magistrate ordered the severe flogging of the jailer. There were no separate facilities for juvenile offenders.

Human rights groups were granted frequent access to prisoners in Monrovia, and these groups often obtained needed medical treatment for prisoners. In a number of cases, human rights groups and interested individuals achieved the release of prisoners.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, security forces continued at times to arrest and detain persons arbitrarily. The Constitution provides for the rights of the accused, including warrants for arrests, and the right of detainees either to be charged or released within 48 hours. Although the Government generally adheres to these standards, warrants were not always based on sufficient evidence, and detainees, especially

those without the means to hire a lawyer, often were held for more than 48 hours without charge.

Lengthy pretrial detention is also a serious problem. Two armed robbery suspects from Rivercess were detained for over 2 months before they were charged. Eighteen persons arrested in Vai Town in October 1997 and charged with a single murder remained in pretrial detention for over a year. The police have only limited logistics and forensic capabilities, and cannot adequately investigate many crimes, including murder cases. When the courts release known criminals for lack of evidence, police officers often rearrest them on specious charges.

In September, following Operation Camp Johnson Road, the Government arrested some members of the armed forces and 19 civilians, including some senior Krahn leaders, on charges that included treason and sedition in some cases. The Government dropped charges against 5 of the civilian suspects in return for their testimony as state witnesses; the trial of the remaining 14 civilian detainees was just beginning at year's end. The military personnel arrested at the same time remained in detention, uncharged, at year's end.

The Government did not use forced exile, but the security forces frequently harassed and threatened opposition figures to the point that a number of them departed the country due to fear for their personal safety or that of their families. Several times during the year, President Taylor publicly alleged that some of these opposition figures had gone abroad to conspire in the overthrow of his Government. The effect of such statements was to keep numerous prominent opposition figures and former warlords out of the country indefinitely.

e. *Denial of Fair Public Trial.*—Although the Constitution provides for an independent judiciary, judges always have been subject to political, social, familial, and financial pressures. Corruption and lack of professionalism remained a recurrent problem.

The judiciary is divided into four levels, with the Supreme Court at the apex. All levels of the court system in Monrovia, including the Supreme Court, functioned, though erratically. A new juvenile court, the first in the country's history, was established in 1997, but it tried no cases during the year. A criminal court established late in 1997 specifically to handle armed robbery cases heard only one case during 1998. Outside Monrovia the judiciary did not function in most areas due to an acute lack of trained personnel, infrastructure, and resources. In some parts of the country, refugees returning from abroad found squatters occupying their houses, but had no legal recourse to evict them. Several localities reverted to traditional forms of justice administered by clan chieftains (see Section 1.c.).

Under the Constitution, defendants have due process rights that conform to internationally accepted standards. However, in practice these rights are not always observed. Courts regularly received kickbacks on damages awarded in civil cases. Defense attorneys often suggested that their clients pay a gratuity to appease judges, prosecutors, and police officers, and ensure a favorable ruling.

In August the Chief Justice of the Supreme Court summarily sentenced a Deputy Minister of Information to 5 days in the central prison for criminal contempt after he said in a radio interview that he felt that the judiciary was "rotten." In December the President called for reform of the judiciary and dismissed a number of magistrates and justices of the peace accused of incompetence or malfeasance.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right of privacy and the sanctity of the home; however, authorities regularly infringed on these rights. The Constitution provides that police must obtain a warrant, or have a reasonable belief that a crime is in progress, or is about to be committed, before entering a private dwelling. In practice, police and SSS officers frequently entered private homes and churches without a warrant to carry out arrests and investigations. For example, in April armed SSS officers entered the home of a former minister of commerce with the stated purpose of killing him. The former minister was not at home, but the SSS officers nonetheless manhandled his female friend. Police searched scores of homes without warrants following Operation Camp Johnson Road, in several cases triggering gun battles with the Krahn inhabitants.

The security forces regularly harassed and threatened opposition figures and their families by surveilling, and in some cases, entering their homes, usually at night. Several journalists and human rights activists slept in the homes of friends or relatives for months at a time due to fear that the security forces might follow through with their threats. These incidents of harassment increased significantly in the immediate aftermath of Operation Camp Johnson Road. In rural areas, armed security forces illegally entered homes, most often to steal food, money, or other valuables (see Section 1.c.). This problem was especially prevalent in remote parts of Lofa County during the first half of the year.

Section 2. Respect for Civil Liberties, Including:

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government restricted this right in practice. The Government temporarily closed newspapers and radio stations, and harassed and threatened journalists, many of whom practiced self-censorship.

The Government took several steps in the beginning of the year that appeared to be part of a concerted effort to limit freedom of the press. However, in each case the Government subsequently reversed course. For example, on March 20, the Ministry of Information announced new media guidelines that, if enforced, would have driven most private newspapers and radio stations out of business. The guidelines established liquidity requirements, minimum education and experience standards for editors, and a minimum daily circulation level that would have forced cash-strapped newspapers to double their output. The Press Union of Liberia challenged the guidelines as unconstitutional, because they restricted freedom of expression. After discussing the issue with the press union, the Ministry agreed to revise the guidelines to the satisfaction of the private media. In May, journalists raised concern about the fact that Decree 88-A, promulgated by President Samuel Doe in the 1980's, remained in force and could be invoked by the Government to restrict press freedom. The Justice and Peace Commission researched the matter and found that an interim legislature had repealed the decree in August 1993. However, to allay lingering concern, President Taylor formally repealed the decree in July.

Despite the Government's reversal in these areas, it took a number of actions that restricted press freedom. On January 5, the Ministry of Information ordered Monrovia's only printing press to cease publication of *Heritage*, a twice-weekly private newspaper. The Ministry claimed that a *Heritage* editorial was inflammatory. The opinion piece in question innocuously chided the Government for apparent ingratitude towards ECOMOG, the Nigerian-led peacekeeping force. The Government permitted the newspaper to resume publication after the managing editor formally apologized to the Ministry.

On January 22, the head of the police Special Task Force severely flogged Hassan Bility, the managing editor of *The National*, a twice-weekly private newspaper, while escorting him to police headquarters for questioning. President Taylor promised to take disciplinary action against the police officer concerned, but no action was taken by year's end.

Security forces periodically threatened private print media editors and journalists throughout the year. In April a group of police officers used a charge of reckless driving as a pretext to harass the managing editor of a private daily. In May security officers threatened to burn alive the staff of another private daily, and in August they warned the same staff, "neither God nor Satan can save you this time." Several leading private journalists did not sleep in their own homes for extended periods because of frequent nighttime visits and verbal threats by security officers. The harassment of private journalists intensified greatly following Operation Camp Johnson Road, resulting in a high degree of self-censorship, particularly with regard to security issues.

Seven private newspapers were published regularly in the country. Two were dailies and five appeared once or twice weekly. Some of them carried articles that were critical of the Government. However, their editors admitted to practicing self-censorship by withholding news reports that reflected unfavorably on—and commentary that was highly critical of—the President, the security services, and official corruption.

Due to limited literacy and the relatively high costs of newspapers and television, radio remained the most important medium of mass communication. Six private FM radio stations located in the capital broadcast to the greater Monrovia area and in some cases beyond. The Monrovia Communications Network, affiliated with President Taylor's National Patriotic Party and reportedly financed by the President personally, operated one of these stations, and also maintained a short-wave station that broadcasts to the entire country from the town of Totota, near the center of the country. Its programming was not critical of the executive branch of the Government. Of the five other privately owned domestic FM radio stations, two were owned by nationals of the country, one was operated by the Catholic archdiocese, one was an evangelical station, and one was foreign owned. The Catholic Church also operated a weak short-wave transmitter. Programming on these private stations, largely domestically produced, was occasionally critical of the Government. Telephone talk shows were popular. In September police arrested a prominent businesswoman and questioned her about comments she made on a telephone talk show. In her remarks, she suggested that the Government apologize to a foreign government for a shooting incident in which security forces trespassed on the premises of that government's embassy and wounded two members of the embassy's staff (see Section I.a.).

On January 7, the Government ordered the closure of Star Radio, a private station operated by a Swiss NGO. It later relented and allowed the station to continue broadcasting. However, in October the Government prohibited Star Radio from posting its news bulletins on the Internet and broadcasting on short wave. The Government reversed its position shortly thereafter and permitted the station to resume use of the Internet, but at year's end it continued to prohibit its use of short-wave frequencies. The Government's limitation of Star Radio to FM broadcasts prevented its broadcasts from reaching audiences outside the immediate Monrovia area.

Two television stations operated in the country; both were privately owned. They broadcast to an apparently small number of viewers in the greater Monrovia area. One was very irregular due to technical difficulties. The other, financed by President Taylor, broadcast for a couple of hours every evening, usually showing coverage of government events or old movies. News reports and editorials on the more independent station were seldom critical of the Government, but were not known to have been restricted by the Government. No international cable or satellite television services were available. There were no known restrictions on personal satellite receivers.

Two private Internet service providers—the country's first—began operations during the year. Several government officials publicly criticized citizens who disseminated damaging information and criticism of the Government to Liberians living abroad. However, there have been no known attempts to disrupt or otherwise limit access to the Internet. The Government maintained its own website, which it used to counter what it considered false allegations propagated on the Internet.

The Liberian Broadcasting Corporation (LBS) operates one FM station that covers the greater Monrovia area and a short-wave station that reaches outside the country. News programming is informative and generally balanced, but seldom critical of the Government. At least one reporter was suspended during the year for broadcasting news considered uncomplimentary to the Government. During the 1997 general and presidential elections, candidates enjoyed equal access to the state-owned radio station. LBS also owns a television transmitter, which was inoperative. The Ministry of Information publishes a newspaper that generally appears once a week. Reports and editorials were strictly progovernment, and occasionally were stridently adversarial towards critics of the Government.

Academic freedom was generally respected at the University of Liberia. In July and August, speakers at a 3-week long national conference on the future of the country were openly critical of the Taylor administration's first year in office. There were no known reprisals.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. The Government used objective criteria to approve or disapprove permits for public meetings. Approvals for marches and gatherings were sometimes contingent upon rerouting or changes in venue. Several permits were denied during 1998 on security grounds. These actions did not appear to be discriminatory towards any particular group. In September the Justice Minister denied a permit for a demonstration at a foreign embassy that had been instigated by President Taylor, following the embassy's decision to provide temporary refuge to Roosevelt Johnson.

The Constitution provides for the right of association and the Government generally respects this right in practice. Registration requirements can be onerous, but do not appear to be discriminatory towards any specific group.

c. *Freedom of Religion.*—The Constitution recognizes freedom of religion as a fundamental right, and the Government generally respects this right in practice. There is no established state religion. Although Islam is gaining adherents, as much as 40 percent of the population profess to be Christian. A significant portion of the population follows traditional animism or blends traditional religions with Christianity or Islam. Little reliable information appears to be readily available about traditions associated with ritual killings (see Section 1.a.).

Although the law prohibits religious discrimination, Islamic leaders complained of societal discrimination against Muslims (see Section 5).

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement throughout the country as well as the right to leave or enter; however, the Government restricted freedom of movement by means of numerous joint security checkpoints where travelers routinely were subjected to arbitrary searches and petty extortion. Security forces also extorted money from returning refugees.

In June the Government repealed an exit visa requirement for all residents, and no longer required foreign visitors to register with the immigration service within 48 hours of arrival.

The law includes provisions for granting refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provided first asylum. There was a large influx of refugees from neighboring Sierra Leone due to the political violence in that country.

Although no official census has been taken, it is estimated that there are more than 120,000 Sierra Leoneans living along the western border of the country. The Taylor administration cooperated with the office of the United Nations High Commission for Refugees (UNHCR) and other humanitarian organizations in attempting to assist these refugees. However, inaccessibility due to poor road conditions and the limited capacity of local NGO's severely restricted the amount of relief assistance that could be provided. A large number of refugees were moved from the least accessible camp in Vahun to a newly established camp in Kolahun, which was farther from the border and more accessible. Many refugees, among them families and camp followers of a Sierra Leonean rebel group, the Revolutionary United Front, remained in Vahun voluntarily.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right to vote in free and fair elections, and citizens exercised this right in 1997 in elections that international observers deemed free and transparent. However, the elections were conducted in an atmosphere of intimidation, as most voters believed that the forces loyal to Charles Taylor would resume the civil war if Taylor were to lose the election. Since the legislative election was held on the basis of proportional representation, Taylor's National Patriotic Party won control of the legislature by the same 75 percent majority that Taylor received in the popular vote for the presidency. The 1997 legislative and presidential elections were held under a special election law in accordance with the terms of the Abuja peace process.

In July the chairman of the Election Commission issued a warning that candidates for public office who engaged in ritualistic killing, in the belief that it would enhance their electability, would be disqualified and would face criminal prosecution for murder (see Section 1.a.) This appeared to be a response to a genuine social problem rather than an attempt by the Government to create a pretext for restricting political competition.

The Congress did not exercise genuine independence from the executive branch. Opposition legislators, who controlled only one-quarter of the seats in the House of Representatives and in the Senate, were generally more docile than some maverick members of the ruling NPP. Although all representatives and senators had been elected by proportional representation and did not campaign in their individual districts, most demonstrated a strong sense of responsibility towards their constituents. However, Congressional committees failed to develop expertise in their respective areas of responsibility. No major legislation was passed into law during the year.

The State is highly centralized. The President appoints the governors of the 13 counties. Municipalities and chiefdoms elect their own officials. Subnational governments at all levels have no independent revenue base and rely entirely on the central Government for funds. Education, health, and public works are provided by central Government civil servants. Local officials serve mainly as lobbyists to the central Government.

Municipal and chiefdom elections were to have been held in May. Due to disorganization, poor planning, and financial mismanagement, polls were held in just one county, where a by-election was required to fill a vacant senate seat. The election commission spent \$480,000 on the Lofa County election, in which only 40,000 citizens cast ballots. Disgruntled poll workers who claimed that they did not get paid held a member of the Election Commission hostage for several weeks to dramatize their demands. Polling in the country's 12 other counties was at first put off until October, and then postponed until the spring of 1999.

There are no restrictions on the participation of women in politics, but they nevertheless remained underrepresented in government. The sole female candidate in the 1997 presidential election finished a distant second behind President Taylor. The overall numbers of women in high-ranking positions in the Taylor administration and in the various political parties are low. Two of the 20 cabinet positions are held by women, a woman serves as Chief Justice of the Supreme Court, and a woman chairs the National Reconciliation Commission.

Muslims also tend to be underrepresented in government; only one cabinet minister is a Muslim.

No ethnic or regional group was conspicuously overrepresented in the Government. President Taylor has described himself as one-third Americo-Liberian, two-

thirds indigenous. During the year, he appeared to rely on Americo-Liberian support less than he did in previous years. Personal loyalty to President Taylor appeared increasingly important in the allocation of high public office.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Until mid-September, the Taylor administration permitted domestic and international human rights groups to operate largely without interference, but members of the security forces frequently harassed individual democracy and human rights activists. Although the Government routinely criticized these actions, and pledged to investigate them and punish the perpetrators, it did not follow through on these pledges. Harassment increased significantly during the last 3 months of the year as domestic human rights groups and international NGO workers attempted to gather data on the number of persons who were killed, wounded, and remain missing as a result of Operation Camp Johnson Road.

Domestic human rights organizations were underfunded, understaffed, and their personnel lacked adequate training. There are two coalitions of human rights groups: the National Human Rights Center of Liberia has 12 member organizations, while four other groups joined together to form the Liberia Federation of Human Rights Organizations. Both of these organizations sought to further public discussion of human rights problems.

Some of the human rights groups paid regular visits to detainees at police headquarters and prisoners at the central prison. Several domestic human rights organizations have established branches outside of the capital and perform similar monitoring functions there. There was no discernible pattern of government interference with these activities.

The Government created a Human Rights Commission in 1997, but it caused considerable controversy by limiting the commission's investigatory power to future abuses only, restricting its ability to compel testimony or gather evidence, and denying it budgetary support. Four members were named to the commission in 1997. When the Senate finally held a confirmation hearing in July, it rejected two of these four individuals (see Section 1.c.). However, the Senate passed a bill that strengthened the commission by, among other things, giving it the right to subpoena witnesses. The President failed to nominate persons to fill the three vacancies on the commission, and it remained inactive for all of 1998.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion, but discrimination exists. There are no laws against gender discrimination, ethnic discrimination, or female genital mutilation (FGM). Differences involving ethnic groups, notably the Krahn group, continued to contribute to serious political violence and abuses.

Women.—Domestic violence against women was extensive but never was addressed seriously as an issue by the Government, the courts, or the media. Several NGO's in Monrovia and Buchanan continued programs to treat abused women and girls and increase awareness of their human rights.

The status of women varies by region, ethnic group, and religion. Before the outbreak of the civil war, women held one-fourth of the professional and technical jobs in Monrovia. On the whole, women have not recovered from the setbacks imposed by the civil war, when most schools were closed and they could not carry out their traditional roles in the production, allocation, and sale of food.

In urban areas, women can inherit land and property. In rural areas, where traditional practices are stronger, a woman normally is considered the property of her husband and his clan and usually is not entitled to inherit from her husband or retain custody of her children if her husband dies. There continued to be few programs to help former combatants reintegrate into society, and there were none specifically to benefit former female combatants. However, several women's organizations advanced family welfare issues, helped promote political reconciliation, and assisted in rehabilitating both former female combatants and women who were victims of the civil war.

Throughout the year, professional women's groups—including lawyers, marketers, and businesswomen—remained vocal about their concerns. Government officials often responded negatively to public criticism. There were credible reports of harassment and possible surveillance of outspoken critics. Security officers forcibly brought a prominent women's rights activist to police headquarters for questioning and detained her for several hours after she revealed to the media that there were witnesses to the killing and secret burial of Nawai Flomo (see Section 1.b.). The activist

eventually was set free, but only after thousands of women threatened to march on police headquarters to demand her release.

Children.—Due to the poor condition of government schools, most children who attended school went to private institutions. Since many private schools had to be refurbished due to wartime damage, school fees were increased greatly, thereby making education unattainable for many school-age children. In both public and private schools, children often were asked to provide their own books, pencils, and paper. No data were known to be available on either school enrollment or government expenditure on education.

Young persons were victimized seriously during the civil war. An estimated 50,000 children were killed; many more were wounded, orphaned, or abandoned. Nearly all youths witnessed terrible atrocities and some committed atrocities themselves. Twenty-one percent (4,306) of the combatants who disarmed under the provisions of the Abuja Peace Accords were child soldiers under the age of 17. Many youths remain traumatized and some still are addicted to drugs. The number of street children in Monrovia and the number of abandoned infants increased significantly following disarmament. NGO's and UNICEF continued retraining and rehabilitation programs for a limited number of former child fighters. A new juvenile court was established in Monrovia in 1997, but it lacked the resources and personnel to function. Children continued to be incarcerated with adults, and there were long delays in deciding cases involving minors.

Female genital mutilation is widely condemned by international health experts as damaging to both physical and psychological health. FGM traditionally has been performed on young girls by northern, western, and central tribes, particularly in rural areas among traditional societies. Prior to the onset of the civil war in 1989, approximately 50 percent of women in rural areas between the ages of 8 and 18 were subjected to FGM. In some instances, female health professionals in the tribes participated in the practice to the extent of providing postoperative care.

The war totally disrupted traditional village life. Most of the population fled to neighboring countries or became displaced within the country. Social structures and traditional institutions, such as the secret societies that often performed FGM as an initiation rite, also were undermined by the war. While many experts believe the incidence of FGM had dropped to as low as 10 percent by the end of the war, traditional societies are reestablishing themselves throughout the country, and a rise in the incidence of FGM is expected. The most extreme form of FGM, infibulation, is not practiced. The Government has taken no action against FGM.

People With Disabilities.—As a result of the civil war, there is a large number of persons with permanent injuries in addition to those disabled by accident or illness. It is illegal to discriminate against the disabled, but in practice they do not enjoy equal access to public buildings. There are no laws mandating accessibility to public buildings or services.

Religious Minorities.—The law prohibits religious discrimination. However, Liberian secular culture gives preference to Christianity in civic ceremonies and observances, and discrimination spills over into areas of individual opportunity and employment. Although there are some Muslims in senior government positions, many Muslims believe that they are bypassed for highly desirable government jobs.

Many Muslim business proprietors believe that the Taylor Government's decision to enforce an old statute prohibiting business on Sunday discriminated against them.

Between April and June, unknown persons set fire to six mosques in Lofa, Bong, and Nimba counties; these mosque burnings apparently were part of a conflict between the predominantly Muslim Mandingo ethnic group and other non-Muslim ethnic groups. President Taylor criticized the arson attacks, blamed them on religious hatred, and promised to investigate. Although no arrests were made, there were no further arson incidents during the year.

In December there was a small number of violent clashes between Muslim and Christian youth groups in Monrovia during a Christian evangelical crusade.

National/Racial/Ethnic Minorities.—Although the Constitution bans ethnic discrimination, it also provides that only "persons who are Negroes or of Negro descent" may be citizens or own land. Many persons of Asian descent who were born or lived most of their lives in Liberia are denied full rights as a result of this racial distinction. It appeared that the issue of national and ethnic origin would be a major topic on the agenda of the July-August National Conference on the Future of Liberia. However, in his remarks at the opening of the conference, however, President Taylor declared that the issue would be addressed in a national referendum and should not be discussed by delegates.

The country, although small, is ethnically diverse. The population of about 3 million is made up of 16 indigenous ethnic groups as well as the Americo-Liberian mi-

nority—descendants of freed African slaves from the United States and the Caribbean—which until 1980 dominated the Government and the public sector through the True Whig Party. The indigenous ethnic groups generally speak distinct primary languages and are concentrated regionally. No ethnic group constitutes a majority of the population.

A very large but undetermined number of innocent citizens who happened to be of the Krahn ethnic group were victimized during house-to-house searches following Operation Camp Johnson Road. Government security forces also turned away from hospitals virtually every Krahn who sought treatment for wounds received during the fighting.

Many members of the predominantly Muslim Mandingo minority encountered hostility when they sought to return, after the end of the civil war, to their villages in Lofa, Bong, and Nimba counties. Many Mandingos were unable to reoccupy their own homes, which had been taken over by squatters. Arsonists burned six mosques in the region between April and June, in what appeared to be a pattern of violence against the Mandingos by members of rival ethnic groups. Members of the Lorma, Gio, and Mano minorities generally held all Mandingos responsible for atrocities committed by the ULIMO-Mandingo faction during the civil war. The lack of competent security forces and a fully functioning judiciary in these areas prevented many Mandingos from seeking redress.

Section 6. Worker Rights

a. *The Right of Association.*—The Constitution states that workers, except members of the military and police, have the right to associate in trade unions. The Constitution also states that unions are prohibited from partisan political activity. Government interference in union activities, especially union elections and leaderships struggles, was common both before and during the civil war.

Although most economic activity was interrupted by the war, unions proliferated. Thirty-two functioning unions were organized loosely under two umbrella groups—the Federation of Liberian Trade Unions and the Congress of Liberian Trade Unions—with the common objective of protecting the rights of their 60,000 members, who largely were unemployed. The actual power that the unions exercised was extremely limited, since the country's work force is largely illiterate and the labor laws tend to favor management.

The Constitution is silent on the right to strike, but labor laws protect this right. A decree passed by the People's Redemption Council in 1984 outlawed strikes, but it was not enforced during the year. Due to the destruction of the economy and the estimated 85 percent unemployment rate, strikes were infrequent. However, on April 12, the Firestone Rubber Plantation Agricultural Workers' Union went on strike over a proposed wage increase. The strike was settled 7 weeks later.

The Taylor Government strictly enforced the union registration requirements that had fallen into disuse during the war. Its failure to make civil service salary payments on time produced conflicts in several government departments and agencies.

Labor unions traditionally have been affiliated with international labor groups such as the International Confederation of Free Trade Unions.

The United States suspended Liberia's status as a beneficiary under the Generalized System of Preference (GSP). The program was suspended in 1990 as a result of the Doe government's failure to provide internationally recognized workers' rights.

b. *The Right to Organize and Bargain Collectively.*—With the important exception of civil servants, workers (including employees of public corporations and autonomous agencies) have the right to organize and bargain collectively. In the past, agreements were negotiated freely between workers and their employers without government interference. These rights were largely moot because of the lack of economic enterprise.

There were no export processing zones. All those previously existing were destroyed during the civil war.

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor, but even before the civil war this prohibition was widely ignored in rural areas where farmers were pressured into providing free labor on "community projects" that often benefited only local leaders. In many parts of the country, this practice continued. Two domestic NGO's reported cases of forced labor in the southeast.

The Constitution prohibits forced and bonded labor by children. However, in January an international NGO reported from Sinoe County in the southeast that former combatants "adopted" former child soldiers and used them for forced labor, primarily in farming activities. The Government appointed a commission, consisting largely of security personnel, which reported after a cursory investigation in the

southeast that it had discovered no evidence of the practice. A leading local NGO sent a separate mission, which it said confirmed that this practice does exist.

d. *Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits the employment of children under the age of 16 during school hours in the wage sector, but enforcement traditionally has been lax. Throughout rural areas, but particularly where there were no schools, small children continued to assist their parents as vendors in local markets or on the streets, to take care of younger brothers and sisters, and to work on family subsistence farms.

The Constitution prohibits forced and bonded labor by children; however, there were reports of its use (see Section 6.c.).

e. *Acceptable Conditions of Work.*—The Labor Law provides for a minimum wage, paid leave, severance benefits, and safety standards, but enforcement was targeted solely against profitable firms that generally observed these standards. The Ministry of Labor assessed heavy fines against these firms in order to generate revenue. Due to the country's continued economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions.

The 1977 Labor Law requires a minimum wage of approximately \$0.25 per hour not exceeding 8 hours per day, excluding benefits, for unskilled laborers. Agricultural workers are paid \$1.50 for an 8-hour day, excluding benefits. Skilled labor has no minimum fixed wage, but industrial workers usually received three or four times the wage paid to agricultural workers. The much-sought-after minimum wage jobs provided a decent standard of living for a worker and family. However, there were very few such jobs. Families dependent on minimum wage incomes also engage in subsistence farming, small-scale marketing, petty extortion, and begging.

The Ministry of Labor did not have the resources to monitor compliance with the labor laws.

The Labor Law provides for a 48-hour, 6-day regular workweek with a 30-minute rest period per 5 hours of work. The 6-day workweek may extend to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours. Prior to 1990, there also were government-established health and safety standards, enforced in theory by the Ministry of Labor. During the war, these regulations were not enforced. Even under the Labor Law, workers did not have a specific right to remove themselves from dangerous situations without risking loss of employment.

MADAGASCAR

Madagascar held its second presidential election under the 1992 Constitution in 1996, following the impeachment of then President Albert Zafy earlier that year. The election was widely accepted as free and fair, and the winner, former Second Republic President Didier Ratsiraka, took office in February 1997. An extensive revision of the 1992 Constitution was narrowly approved in a March constitutional referendum; while International Foundation for Election Systems' observers concluded that the election was generally free and fair, the referendum was marred by significant difficulties in compiling voter lists, distributing electoral cards, and other problems, which led to charges of fraud and manipulation. Although power remains formally divided between the President, his Prime Minister, the Cabinet, and a bicameral legislature (Senate and National Assembly), the revised Constitution significantly strengthened the presidency and weakened the National Assembly. National Assembly elections held in May were generally accepted as free and fair, however, there were a number of credible complaints of electoral fraud. A number of institutions provided for in the revised Constitution, including the Senate, a restructured judiciary, and autonomous provincial governments are scheduled to be established by March 2000. The judiciary is subject to outside influence.

The State Secretary of the Ministry of Interior for Public Security—and, under the State Secretary, the national police—are responsible for law and order in urban areas. The Ministry of Armed Forces oversees the army, air force, navy, and the gendarmerie. The gendarmerie has primary responsibility for security except in major cities, and is assisted in some areas by regular army units in operations against bandit gangs and cattle thieves. After a number of years of decline, military force strength has stabilized at about 22,000 troops, including the gendarmerie. There are also traditional village-level law enforcement groups, or vigilance committees, known as *dina*. There continued to be occasional reports that police, gendarmes and *dina* commit human rights abuses.

Madagascar is a very poor country. The economy relies heavily on agriculture; the growth of agriculture declined from 2.5 percent in 1996 to 1.9 percent in 1997. Traditional exports (vanilla and coffee) continued to decline in value in 1997, but non-

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT K

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	L-00	NEA-00	DCP-01	NSAE-00	OIC-02	OIG-03	IRM-00
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APPROVED BY: INR/AA:JYATES

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 TO ALL AFRICAN DIPLOMATIC POSTS
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C O N F I D E N T I A L STATE 091190

E.O. 12958: DECL: (X-1, X-5)

TAGS: PINR, XA

SUBJECT: INR ANALYSIS FOR MAY 6-12, 2002

CLASSIFIED BY JOHN YATES, INR/AA OFFICE DIRECTOR, REASONS
1.5 (C) AND (D)

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FOLLOWING IS INR/GGI ANALYSIS PROVIDED FOR YOUR INFORMATION
AND/OR COMMENTS.

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: CHARLES L DARIS
DATE/CASE ID: 23 OCT 2006 200603915

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CAMPAIGN AGAINST THE POLITICAL OPPOSITION, INDEPENDENT MEDIA, AND CIVIL SOCIETY GROUPS. A RECENT ESCALATION OF REPRESSIVE MEASURES THREATENS FURTHER TO RESTRICT THE COUNTRY'S ALREADY WEAK POLITICAL STRUCTURE AND TO SABOTAGE THE RECONCILIATION CONFERENCE PLANNED FOR JULY. PRESIDENT TAYLOR HAS STEPPED UP HIS ANTI-INTERNATIONAL COMMUNITY RHETORIC, COINCIDING WITH THE SANCTIONS DEBATE AT THE UN.

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-- FIVE MEMBERS OF THE NATIONAL HUMAN RIGHTS CENTER OF

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SYSTEMATIC THAN THOSE OF THE GOVERNMENT AND ITS
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REPRESSION OF DISSENT.
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

EXHIBIT L

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, 2010

BEFORE HIS HONOR:	JOHNNIE N. LEWIS	CHIEF JUSTICE
BEFORE HIS HONOR:	FRANCIS S. KORKPOR, SR.	ASSOCIATE JUSTICE
BEFORE HER HONOR:	GLADYS K. JOHNSON	ASSOCIATE JUSTICE
BEFORE HIS HONOR:	KABINEH M. JA'NEH	ASSOCIATE JUSTICE
BEFORE HER HONOR:	JAMESETTA H. WOLOKOLLIE	ASSOCIATE JUSTICE

Archie Williams, of the City of Monrovia,
Liberia Petitioner)

versus

Christiana Tah, in her capacity as Minister of Justice &
Attorney General, The Independent National Human Rights
Commission (INHRC), represented by its Chairman, R. Leroy
Urey, and the Government of Liberia (GOL), by and thru the
Ministry of Justice, represented by its Minister Respondents)

)
) Petition for Declaratory
) Judgment
)
)
)
)

Heard January 12, 2011.

Decided January 21, 2011.

PETITION GRANTED.

MR. CHIEF JUSTICE LEWIS delivered the opinion of the Court.

On November 30, 2010, Archie Williams, petitioner, believing that his constitutional rights had been abridged by the Final Report of the Truth and Reconciliation Commission (TRC) dated June 30, 2009, filed a petition in the Civil Law Court for the Sixth Judicial Circuit, Montserrado County, seeking a declaratory judgment on the constitutionality of the Act that established the TRC and the specific provision of the TRC Report that banned him and forty-eight other persons from holding public office, elective or appointed, for a period of thirty years. The petitioner named as respondents Christiana Tah, in her capacity as the Minister of Justice and Attorney General of the Republic of Liberia, and the Independent National Human Rights Commission (INHRC), recently established by an Act of the Legislature, represented by its Chairman, Counselor R. Leroy Urey. The petitioner states, as reason for naming Christiana Tah, the Minister of Justice and Attorney General as a respondent, that she is "the highest ranking public official in this jurisdiction who is responsible for conducting, prosecuting or defending all suits and proceedings in the courts in which the Republic of Liberia or any officer thereof, as to such officer, is a party or may be interested; render services requiring legal skills to the President; institute legal proceedings necessary for law enforcement, and who is the principal officer or agent of the Republic of Liberia charged by the President of Liberia with implementing the Final Report of the [TRC]"

The petitioner states, as justification for naming the INHRC as a party respondent, that the INHRC is "an agency of the Government of the Republic of Liberia charged by the Act to Establish the [TRC which has] the responsibility to ensure that all the recommendations contained in the [Final] Report of the TRC are implemented."

In the petition, the petitioner contends that although "he was never served with notification, oral or written, from the TRC charging him with any crime," and that he denies "any knowledge of, or participation in any military, para-military, or command and control group for any warring faction at any time during the Liberian crisis since its inception," and that "not only

... was [he] never charged with any crime or given the opportunity to defend himself, [and that] no witness was ever brought before petitioner to be confronted, offer direct testimony or [to] be cross-examined on any accusation that petitioner aided and abetted any one in designing, conceiving, directing, or implementing any act which violated the human rights, as internationally or locally recognized, of any Liberian or foreign national[s] on Liberian soil during the Liberian crisis or anywhere for that matter," yet "the TRC released its [Final Report] in which, amongst others, it recommended and directed that petitioner, along with certain other Liberians, be barred from holding public office for thirty years, for what the Commission termed as petitioner's major role in the Liberian conflict," noting that "the pertinent part of the [Final] Reports states: "[T]he following and all other persons similarly situated shall be subject to public sanctions as herein described above in section 14.2 and are specifically barred from holding public office, elected or appointed, for a period of thirty years as of July 1, 2009."

Setting out further his reason for seeking a declaratory judgment from the Court, the petitioner states in counts 17 to 27 of his petition:

"17. Petitioner says as a law abiding citizen of the Republic of Liberia, he has privilege to public employment and other forms of employment opportunities in Liberia, and such privilege is constitutionally protected which may only be taken away as a result of a hearing judgment consistent with due process.

"18. Petitioner has a vested interest in his employment privilege and livelihood, and is afraid that co-respondent Tah, at the instruction of the President of Liberia, the 'Head of State' contemplated by the Act, to begin enforcing the 'recommendations' of the now defunct TRC, the effect of which would be the arbitrary and unconstitutional loss of petitioner's public employment privilege now and for the rest of his life as he may be too old to return to public service after thirty years. Petitioner submits that the enforcement of the challenged part of the TRC's recommendations will infringe on petitioner's need to make a livelihood and his right to the pursuit of happiness."

"19. Article 20(a) of the Constitution of Liberia provides: 'No person shall be deprived of life, liberty, security of the person, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law. Justice shall be done without sale, denial or delay, and in all cases not arising in courts not of record, under courts-martial and upon impeachment, the parties shall have the right to trial by jury.

"20. In a long line of decisions, this Court has defined 'due process' to be: (a) a hearing [which must] occur before a tribunal competent to pass on the subject matter in dispute; (b) the party-of-interest must have been duly served with process and must have submitted to the jurisdiction of the tribunal; and (c) the party-of-interest must have the opportunity to appear and present evidence in his/her own behalf. *Wolo v. Wolo*, 5 LLR 423, 427-429 (1937); *Howard v. Republic*, 8 LLR 135, 138 (1943); *Mulba v. Dennis*, 22 LLR 46, 49-50 (1973); *Ayad v. Dennis*, 23 LLR 173, 177 (1974); *Doe v. Sinkor Bakery*, 25 LLR 292, 295 (1976); *IBM v. Tulay*, 33 LLR 105, 112 (1985); *The Middle East Trading Company v. Chase Manhattan Bank*, 34 LLR 419, 429-430 (1987); *Express Printing House, Inc. v. Reeves*, 35 LLR 455, 464 (1988).

"21. Petitioner submits that the TRC's recommendations and directives barring him and certain other Liberian [citizens] from holding office, elected or appointed, for a period of thirty (30) years as of July 1, 2009, [are] not only a criminal sanction which cannot be imposed by an agency of the Executive Department of Government, such as the defunct TRC, but it is effectively a sentence without due process of law, in violation of the mandatory requirement of the Constitution.

"22. Article 21(a) of the Constitution of Liberia provides: 'No person shall be made subject to any law or punishment which was not in effect at the time of the commission of an offence, nor shall the Legislature enact any bill of attainder or *ex post facto* law.'

... judgment of a court of competent jurisdiction, that the TRC was only

"23 Prior to the imposition of the 'recommended' thirty-year ban on the petitioner, no such punishment was ever passed into law for any offense, including any imaginable offense under the TRC Act with which petitioner could be charged, and the petitioner specifically denies committing any such act. Petitioner submits that the Legislature cannot enact any law requiring punishment of a thirty (30) year ban from public office, either elected or [appointed], for any act which is alleged to have occurred prior to the coming into effect of the law requiring such punishment. The 'recommendation' therefore violates Article 21(a) of the Constitution of Liberia.

"24 Article 61 of the Constitution of Liberia provides: 'The President shall be immune from any suits, actions, proceedings, judicial or otherwise, and from arrest, detention, or other actions on account of any act done by him/her while President of Liberia pursuant to any provision of this Constitution or any other laws of the Republic. The President shall not, however, be immune from prosecution upon removal from office for the commission of any criminal act done while President.'

"25 Section 48 of the Act to Establish the [TRC] provides: 'The Head of State shall report to the National Legislature within three months of receipt of the report of the TRC, and on a quarterly basis thereafter, as to the implementation of the Commission's recommendations. All recommendations shall be implemented. Where the implementation of any recommendation has not been complied with, the Legislature shall require the Head of State to show cause for such non-compliance.' The 'Head of State' contemplated by the Act is the President of Liberia.

"26. [T]o show cause for non-compliance is a proceeding, judicial or otherwise, within the meaning [and] scope of Article 61 of the Constitution of Liberia. Petitioner contends that if the President of Liberia is subjected to a 'show cause' order, she may likely be forced to instruct co-respondent Tah to take such necessary action that would cause petitioner to lose his job and be deprived of his constitutional right to the pursuit of happiness.

"27. To the extent that section 48 of the Act creating the [TRC] contravenes Article 61 of the Constitution of Liberia, section 48 of the Act is unconstitutional."

Other counts of the petition assert that the TRC's recommendations and the Act establishing the TRC violate Article XIII of the Comprehensive Peace Agreement (CPA) which ushered in a Transitional Government for Liberia and restored peace to the country, and contravened the spirit and intent of the drafters of the CPA. The petition further alleges that the recommendations of the TRC violate the very Act that established the TRC, and that the recommendations are politically motivated and influenced by persons outside of the TRC.

The named respondents, having been summoned, each filed separate returns/answers to the petition. The respondents have not contested the allegations made by the petitioner that he was listed amongst the 49 persons named in the TRC Final Report as being banned from public office for thirty years. The respondents, however, challenge the petitioner's standing to seek a declaratory judgment on the constitutionality of the Act establishing the TRC and banning him from public office for thirty years, and naming of Christiana Tah and the INHRC as respondents, for reasons that: (a) the petitioner has not suffered disbarment from holding any public office; (b) [the] petitioner has sued the wrong persons, in that he should have named the Government of Liberia, as respondent, rather than Christiana Tah and the Independent National Human Rights Commission, both of whom are only agents of the Government, and as to the INHRC, it has not been privy to the recommendations; and (c) that the [Final] Report of the TRC contains only recommendations, and not law, and not being law, the recommendations are not binding on any person and therefore not enforceable by any court, especially since the Act that established the TRC was repugnant to the Constitution; that the TRC [Final Report] did not and could not deprive any person of his or her liberty, property, or privilege, which could only be done by a statute, law or judgment of a court of competent jurisdiction; that the INHRC was only

to ensure the implementation of the recommendations and not to implement the recommendations, and that the petitioner has not pleaded that he has suffered or sustained any injury or been denied any right or damage he has suffered as a result of the recommendations. Same could therefore not be made the subject of a petition for declaratory judgment.

In response to the respondents' assertion that the petitioner should have named the Government of Liberia as respondent, rather than Christiana Tah and the INHRC, the petitioner filed a motion to join the Government of Liberia as a party to the suit. The Government of Liberia, having been served with the motion, and the Government of Liberia and the other named respondents not having interposed objections to the motion to join, the Government of Liberia became a party to the suit and filed an answer in response to the petition. In its returns, the Government of Liberia noted that section 14.3 of the TRC Report went beyond mere recommendations, but instead purported to actually ban the petitioner and 48 others from holding public office. Accordingly, the Government of Liberia agreed with the petitioner that in light of the mandatory command of the Act establishing the TRC that the President implement the TRC recommendations, and the allegations of the petitioner that he was never been accorded his due process right before the TRC which purported to ban him from holding public office, that the Supreme Court will determine whether the provisions of the TRC Act making the implementation of the TRC recommendations mandatory is constitutional.

On December 11, 2010, the case was called for hearing and arguments were entertained by the trial court judge, including the petitioner's request that as the matter contained constitutional issues, same be certified to the Supreme Court for determination of the constitutional issues. On December 22, 2010, the trial judge delivered a ruling in which, as requested, he certified the case to the Supreme Court for disposition of the constitutional issues raised in the petition and traversed in the returns and answer.

At the call of the case for hearing before this Honorable Court on January 6, 2011, it was brought to the attention of the Court that a communication had been filed with the Supreme Court informing the Court that counsel for the INHRC and its Chairman, who also had represented that Institution in the lower court, were out of the country, and hence the INHRC had requested a continuance of the case pending their arrival in the country. On further information that the Chairman of the INHRC had in fact returned to the country, the case was reassigned to January 12, 2011, to allow representation by the INHRC as to whether it had joined with the Government of Liberia. When the case was resumed for hearing on Wednesday, January 12, 2011, the Chairman of the INHRC confirmed that it had joined the Government, and that both the Government and it would be represented by the same counsel and subscribed to the brief filed with the Court by the Government of Liberia.

In the brief filed by the Government of Liberia, and subscribed to by all of the respondents, the challenge to the capacity of the petitioner to bring the action was no longer an issue for determination by the Court. The Court would nevertheless emphasize that, as later discussed in this opinion, the petitioner does have standing to seek redress, having been named in the TRC Final Report as one of the persons banned from public office for thirty (30) years. Moreover, the petitioner having had the Government of Liberia joined as a party to the

proceedings, the issue of the wrong party being brought to court, no objections having been advanced by the parties, and the Government of Liberia having accepted to be joined and having filed an answer, has rendered the issue moot. Accordingly, this Court finds one issue that is determinative of the case. Whether section 48 of the Act establishing the TRC, which makes it mandatory that the President implements the recommendations of the TRC, is unconstitutional, as applied to section 14.3 of the TRC Final Report which bans the petitioner and other persons for thirty (30) years from holding public office? It is only this section, and not any other sections of the TRC Act that this Court is called upon to deal with, and which the Court deems appropriate to address.

Section 48 of the Act which established the TRC provides: "The Head of State [meaning the President of Liberia] shall report to the National Legislature within three months of receipt of the report of the TRC, and on a quarterly basis thereafter, as to the implementation of the Commission's recommendations. All recommendations shall be implemented. Where the implementation of any recommendation has not been complied with, the Legislature shall require the Head of State to show cause for such non-compliance" [emphasis supplied]. There is no doubt in our minds that the Act makes it mandatory that the President implements the recommendations of the TRC, and that a failure to implement the recommendations could have consequences for that office.

A recommendation is as "an advice, proposal, suggestion, counsel which has no binding effect and its implementation is left solely to the discretion of the party to whom it is made." BLACK'S LAW DICTIONARY, 1144 (5th ed). In the instant case, however, the TRC Act makes it mandatory that the President implements the "recommendations" of the TRC, and if she fails to do so, she must appear before the Legislature to justify why any of the recommendations have not been complied with. This prompts the question: If any of the TRC's "recommendations" contravene one or more provisions of the Constitution or any existing law, is the President under a duty to implement the "recommendations," knowing that to do so would be in violation of the Constitution or an existing law?

The Constitution of Liberia (1986), and our statutes and decided cases of this Court, emphasize that the Constitution is the supreme law of the land. Article 2 of the 1986 Constitution provides:

"This Constitution is the supreme and fundamental law of Liberia and its provisions shall have binding force and effect on all authorities and persons throughout the Republic. . . . All laws, treaties, statutes, decrees, customs and regulations found to be inconsistent with it shall, to the extent of the inconsistency, be void and of no legal effect. The Supreme Court, pursuant to its power of judicial review, is empowered to declare any inconsistent laws unconstitutional."

This provision has been affirmed by this Court in several opinions.

In *Kuyete v. Wardsworth and Sirleaf*, 28 LLR 163, 169 (1979), this Court held that "constitutional provision has supremacy over legislative enactment in conflict with such provision."

In re the Application of Harper S. Bailey, 36 LLR 803, 815 (1990), this Court held that "legislation which violates the Constitution is without legal force."

Notwithstanding the Supreme Court has power to declare null and void any laws in violation of the Constitution, *In re the Petition of Benjamin J Cox*, 36 LLR 837, 849 (1990), and the Court has determined that whenever a statute is in violation of the Constitution, the Court must so find and give effect to the Constitution, *The Management of B.A.O. v. Mulbah and Sikeley*, 35 LLR 584, 594 (1988), this Court has shown a reluctance in declaring a statute unconstitutional, except where there is compelling reason for the declaration. In accord: *Monrovia Breweries, Inc. v. Karpeh*, 37 LLR 288, 302 (1993); *Farhat et al. v. Gemayel and Reeves*, 34 LLR 24, 37 (1986); *Weasua Transport Company Ltd. v. The Ministry of Labour*, 40 LLR 225, 237-8 (2000).

In the case at bar, the petitioner argues that section 48 of the TRC Act should be declared unconstitutional insofar as it compels the President to implement the "recommendations" of the TRC, stating that any such implementation by the President would be in violation of the petitioner's constitutional right since he was adjudged guilty by the TRC of the commission of various crimes, local and international, and a mandatory penalty imposed by the TRC without having been accorded his due process right, guaranteed by Articles 20(a) and 21(h) of the Constitution.

Section 14.3, the part of the TRC Report attached by the petition, reads:

"List of Persons Subject to/Recommended for Public Sanction: The below comprising of the most prominent political leaders and financiers of different warring factions and armed groups, by their conduct, leadership, finances, and support, actions or inaction, are responsible for the commission of gross human rights violations, international humanitarian law violations, international human rights law, war crimes, and egregious domestic law violations. This list is by no means exhaustive but represents the most prominent individuals identified by the TRC worthy of public sanctions because of their roles during the years of war and instability in Liberia. The following and all other persons similarly situated shall be subject to public sanctions as herein described above in section 14.2 and are specifically barred from holding public office, elected or appointed, for a period of thirty (30) years as of July 1, 2009."

In arguments before this Court, counsel for petitioner indicated that the petitioner was never informed of the commission of any crime or of charges against him in connection with the commission of a crime or a number of crimes as proffered in section 14.3; that no person had complained that the petitioner had committed any crime and what crime he is alleged to have committed; that he was never allowed to confront any of his accusers, if there were any, or to cross-examine any witness(es) alleging that petitioner committed a crime; that petitioner was never given the opportunity to produce witness(es) in his defense to refute any allegations that he had committed any crime; and that he was never given the opportunity to secure counsel and challenge all allegations of the commission of a crime. The Government of Liberia, for its part, when questioned, indicated that it had reviewed the records submitted to it by the TRC and that it had found no indications in the records that the petitioner had committed the several offenses indicated in section 14.3 of the TRC Final Report.

Article 20(a) of the Liberian Constitution (1986) provides:

"No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law. Justice shall be done without sale, denial or delay; and in all cases not arising in courts not of record, under courts-martial and upon impeachment, the parties shall have the right to a trial by jury."

Article 21(h) of the Liberian Constitution (1986) provides:

"No person shall be held to answer for a capital or infamous crime except in cases of impeachment, cases arising in the Armed Forces and petty offences unless upon indictment by a Grand Jury; and in all such cases, the accused shall have the right to a speedy, public and impartial trial by a jury of the vicinity, unless such person shall with appropriate understanding, expressly waive the right to a jury trial. In all criminal cases, the accused shall have the right to be represented by counsel of his choice, to confront witnesses against him and to have compulsory process for obtaining witnesses in his favor. He shall not be compelled to furnish evidence against himself and he shall be presumed innocent until the contrary is proved beyond a reasonable doubt. No person shall be subject to double jeopardy."

This Court has held in a long line of cases that no person shall be adjudged guilty and deprived of any of the protections and rights provided by the Constitution unless he or she is accorded guaranteed constitutional and statutory due process of law. The protection of this nation and its entire citizenry, the good and the bad, the rich and the poor, the educated and the uneducated, the high and the low, of any and all ethnic backgrounds, and of any religious or political affiliation, rest upon the scrupulous adherence to and respect for this principle. And even when the forum is one as respected and as delicate as the TRC, and which is a significant outgrowth of the quest for peace and reconciliation of our people, it is held to the same standard and subjected to the same scrutiny and the same principle laid in the Constitution and which was, from the very birth of this nation, and remains today the bedrock of this nation. This Court espoused, as far back as 1937, in *Wolo v. Wolo*, 5 LLR 423 (1937), that the nation's institutions, whether legislative, executive or administrative, must adhere to the due process of law principle and that there can be no exceptions. In the *Wolo* case, a Harvard graduate had sought a divorce from his illiterate or uneducated wife, but rather than utilizing the avenue of the courts, as would have accorded his wife opportunity to exercise her due process right, he sought and obtained, by legislative fiat, a resolution divorcing him from his wife. Mr. Chief Justice Grimes, speaking for this Court, said of due process:

"It is a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial. . . . It extends to every government proceeding which may interfere with personal and property rights, whether the proceeding be legislative, judicial, administrative, or executive. . . . It relates to that class of rights the protection of which is peculiarly within the province of the judicial branch of the government. . . . [It] means . . . that there must be a tribunal competent to pass on the subject matter, notice, actual or constructive, an opportunity to appear and produce evidence, to be heard in person or by counsel, or both, having been duly served with process or having otherwise submitted to the jurisdiction. . . . *In fine, to deprive even an official of office, be said official legislative, executive or judicial, or to deprive any person of his property or other right, without notice, an opportunity to appear and cross-examine witnesses adduced against him, to produce witnesses in his own behalf, and to be heard in person, by counsel or both, is to deprive such official of office, or person of his property or other rights, without 'due process of law', and is therefore unconstitutional* [emphasis supplied]. 5 LLR 423, 427 (1937).

This Court has, in a series of cases thereafter, reiterated the definition and the standard attached to due process of law. *IBM v. Tulay*, 33 LLR 105, 112 (1985); *Wilson v. Firestone Plantations Company and the Board of General Appeals*, 34 LLR 134 (1986); *The Middle East*

Trading Company v. Chase Manhattan Bank, 34 LLR 419, 429-430 (1986); *Express Printing House, Inc. v. Reeves*, 35 LLR 455, 464 (1988); *Mensah v. Wilson*, 37 LLR 656, 662 (1994); *Salala Rubber Corporation v. Garlawolu*, 39 LLR 609, 616-617 (1999); *Republic v. The leadership of the Liberian National Bar Association*, 40 LLR 635 (2001); *Snowe v. Some Members of the House of Representatives, led by Honourable Kettehkumehn Murray*, Supreme Court Opinion, October Term, 2006, decided January 29, 2007; *Liberia Telecommunications Authority v. West Africa Telecommunications, Inc.*, Supreme Court Opinion, March Term 2009, decided July 23, 2009.

The TRC can be held to no lesser standard, as respectful and formidable that institution may have been and may still be. The constitutional standard we expect of the Legislature and the Executive, and even of the Judiciary, must be the same standard that the TRC must comply with and conform to. We believe that was also the expectation of the drafters of the Comprehensive Peace Agreement, for as much as that document purported to suspend certain provisions of the Liberian Constitution, it left fully in tack all of the provisions of the Constitution relating to the rights and protection of the citizens of Liberia and those within our borders. No Act can be passed by the Legislature that instructs or directs the President of Liberia to implement judgments and decisions, under any pretext, which imposes criminal penalties that take away significantly the enjoyment of the constitutional rights accorded citizens, where the right to due process was denied the accused. That would set a bad precedent for the nation. It would threaten the new democracy of the nation, and it would expose the people to grave and significant abuse, including a withdrawal of fundamental rights held sacred to our nation. Thus, as reluctant as this Court has been in declaring statutes unconstitutional, including resorting to other bases or reasons to protect rights and guard against illegal infringements, while at the same time avoiding a declaration of unconstitutionality of a statute, we believe that this Court, as was decided in *Center for Law and Human Rights Education v. Monrovia City Corporation*,

has a constitutional duty and is compelled to make a declaration of unconstitutionality of a specific statutory provision, where the statute commands and makes implementation mandatory by the President, and thereby promotes an obvious violation of fundamental rights guaranteed by the Constitution. We, therefore, declare section 48 of the TRC Act, in so far as it makes mandatory the implementation of a TRC decision or recommendation, where a fundamental provision of the Constitution, such as the due process of law clause, has been violated, and where the implementation of the TRC decision or recommendation would result in an obvious further violation of the Constitution, unconstitutional.

This Court is not unmindful of the sensitivity of the undertakings of the TRC, and the process that was involved in those undertakings. That makes it even more important that the TRC process adheres to every constitutional provision and mandate, especially in ensuring that all rights, including the rights of even those we believe to have committed offenses, are scrupulously guarded and protected. How can the system explain that a person who commits murder in peace time is entitled to a greater due process standard than one who commits the same murder in the course of a conflict? As much as this Court believes that persons who transgress the laws of the land must and should be exposed to punishment, it cannot subscribe to a process that deprives those persons of the right to defend themselves against accusations that could result in the withdrawal of significant parts of their fundamental rights. The TRC Act,

in certain sections, recognizes that due process of law warrants respect and adherence to by the TRC.

Section 31 of the Act provides that "[A]ny person who has been subpoenaed or called upon to appear before the Commission may appoint a legal representative. The Commission may, in order to expedite proceedings, place reasonable limitations with regard to the time allowed for cross-examination of witnesses or any address to the Commission." The section clearly demands that every person cited before the Commission, and which the Commission may deem it has evidence of criminal acts committed by such person, must be accorded due process of law. The section, consistent with the provisions of Article 20(a) and 21(h) of the Liberian Constitution (1986), and the Penal Law and the Criminal Procedure Law, does not vest in the TRC the discretion of deciding whether the right will or should be accorded or enjoyed, or that the TRC has the authority to withdraw from the accused the entitlement to the exercise of the right. Rather, the Act directs that the due process right be respected. The only limitation imposed by the Act is that the TRC may decide on limiting the time accorded the party. Clearly then, where a deviation of the right results in a constitutional and legal violation, the statute cannot compel that the penalties imposed, growing out of such violations, be mandatorily implemented by the President, and such a mandate renders the specific provision of the statute unconstitutional, as it relates to the specific situation outlined by the petitioner.

There is no evidence in the TRC Final Report that the petitioner committed any of the offenses indicated in section 14.3 of the TRC Final Report. Can the Legislature, therefore, by section 48 of the TRC Act, compel the President of Liberia to implement the recommendation, which in effect is the penalty imposed by the TRC, on the petitioner for the commission of the alleged crimes? To do so would be in violation of the Liberian Constitution (1986). We hold that the Legislature may not, and that insofar as the section purports to compel the President to take such action, is unconstitutional.

This Court, in *Republic v. Tolbert*, 36 LLR 739, 759 (1990), held: "The President, in exercise of executive power and prerogatives, is authorized to perform any act that the needs of the nation demand, unless forbidden by the Constitution."

This Court is of the opinion that the implementation of section 14.3 of the TRC Final Report is unconstitutional. The TRC Final Report acknowledges that the list is not exhaustive,

and therefore leaves the impression that although many persons may have committed the crimes listed in that section, only the select ones by the TRC should face prosecution. It is difficult to justify the basis for selecting some persons and not others, an act which could be characterized as discriminatory. What criteria did the TRC use in determining that it would make only certain persons, and not others, the focus of its decision? By what authority did the TRC create laws, not passed by the Legislature, when the Constitution mandates that only the Legislature has the authority to make laws, and to determine the punishment for the violations thereof?

The power of the Legislature to make laws and to determine the punishment for violations thereof is not delegable to any other branch of the Government, whether it be the Executive or the Judicial. The prescribing of crimes by the TRC, not enacted by the Legislature, are unconstitutional. The Liberian Constitution (1986) provides that the Legislature shall pass no *ex post facto* law. The Legislature, therefore, cannot direct or command the President to act upon or implement decisions or recommendations which are in violation of the Constitution or statutory laws. The section of the TRC Act giving such directive is unconstitutional.

Persons named in section 14.3 of the TRC Report are lumped together as having committed the same, and all of the offenses stated in the TRC Report. It is our opinion that the TRC should have named each person with specificity, regarding the particular crime(s) committed by such person. Did all of the named persons commit the same offense(s), as would warrant that the same penalty be meted out to all of them? How, for example, can it be justified that a financier who may have provided one thousand dollars be given the same penalty as one who committed murder or directed the commission of murder? This Court is of the opinion that had due process been accorded the petitioner, and others named in section 14.3 of the TRC Final Report, he and the others would have queried allegations that he and the others committed any/and or all of the offenses stated in section 14.3 of the Final Report. The characterization of all the offenses, without a statement as to who committed which particular offense, renders the decision/recommendation clearly in violation of the Constitution and other laws of the country, and any Act which mandatorily compels the President to implement the decision or recommendation is unconstitutional.

The provision of Section 48 of the TRC Act which compels the President to implement all recommendations of the TRC, in so far as it relates to the section 14.3 decision and ruling of the

TRC is unconstitutional for any implementation of the TRC section 14.3 decision would not only deprive the petitioner of the constitutional guaranteed right to an appeal, but would infringe on the constitutional prerogatives of this Honorable Court. Article 20(b) is clear and unambiguous on the right to an appeal by and accused against whom a judgment or decision has been entered and it leaves no room for any doubts. It states: "The right of an appeal from a judgment, decree, decision or ruling of any court or administrative board or agency, except the Supreme Court, shall be held inviolate. The Legislature shall prescribe rules and procedures for the easy, expeditious and inexpensive filing and hearing of an appeal." Liberian Constitution (1986), Art. 20(b). The Legislature, therefore, cannot pass an Act which deprives a party of his or her constitutional right to appeal the decision or ruling of any Body. This Court has decided in a long line of cases that while the Legislature can prescribe the procedure and requirements for and the process of appeal, as vested in that Body by Article 20(b) of the Constitution, it cannot take away the right of an aggrieved party, such as the petitioner, to appeal a ruling, and any Act which purports to take away that right, as section 48 of the TRC Act does by mandating that the President must implement all recommendations of the TRC. This removal of the right of appeal by an aggrieved party is clearly unconstitutional. The instant case is even more particularly crucial since the legislative body that passed the Act was itself not a constitutionally functional body, but existed by virtue of a document, the Comprehensive Peace Agreement, and a process, a selection of persons by the warring parties and political parties rather than elected legislators by the people as prescribed by the Constitution, that was extra-constitutional.

Even more critical to this Court is the apparent usurpation of this Court's power by a body of the Executive; for, if the President is to proceed to implement all of the recommendations of the TRC, as directed by the TRC Act, without according the aggrieved party, such as the petitioner, the right to appeal from the TRC decision, it would in effect make the TRC decision final and thereby make the TRC the final arbiter of disputes and decisions. That process would be tantamount to removing from the Supreme Court the constitutional authority vested in it as the final arbiter of all cases and matters arising within the Republic of Liberia. Like Article 20(b) which unambiguously grants to every aggrieved part the right of appeal, Article 66 of the Constitution makes the Supreme Court the final arbiter of all matters of a judicial nature. It states: "*The Supreme Court shall be the final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases whether emanating from courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority, both as to law and fact except cases involving ambassadors, ministers, or cases in which a county is a party. In all such cases the Supreme Court shall exercise original jurisdiction. The Legislature shall make no law nor*

create any exceptions as would deprive the Supreme Court of any of the powers granted herein" [emphasis supplied]. Liberian Constitution (1986), Art. 66. In our opinion, section 48 of the TRC Act would have the effect forbidden by the Constitution, for that provision clearly prohibits the Legislature from passing any Act that would deprive the Supreme Court of the powers granted it by the Constitution. To make the TRC Report and recommendations, as specifically relate to section 14.3 decisions contained in the Report, final such that the President must implement same, is to attempt to deprive the Supreme Court of the right of review granted by the Constitution.

We noted earlier in this opinion that while the Comprehensive Peace Agreement suspended certain provisions of the Constitution, the preservation of rights, including the right of appeal, *was never suspended or in any way tampered with*. Those rights remain fully protected and enforceable today, the same as they did during the time of the TRC proceedings. The right of appeal is sacred to our democracy and judicial process, and by virtue of the mandatory directive of the Constitution, can never be suspended or abolished by an Act of the Legislature. Hence the mandatory implementation provision of section 48 of the TRC Act, the net effect of which is that section 14.3 decision of the TRC banning certain persons from public office, elected and appointed, for thirty years, with no right of an appeal therefrom, is unconstitutional as it would make the TRC the final arbiter of the matters contained in the section 14.3 of the Report. The Legislature is vested with no such authority and can therefore exercise no such authority which exceeds the authority granted by the Constitution.

Wherefore and in view of the foregoing, it is the considered opinion of this Court that the portion of section 48 of the TRC Act directing mandatorily that the President implements all of the recommendations of the TRC is unconstitutional, of no legal effect and therefore unenforceable, and it is hereby so declared. Accordingly, the Act of the TRC in adjudging the petitioner guilty of certain criminal offenses and imposing a thirty year ban on him from holding any public office, elected or appointed, without according to the petitioner and all persons named in the TRC Report and subject to the ban, relying on section 48 of the TRC Act as the basis for the decision, is unconstitutional and of no legally enforceable effect. The petition is hereby granted.

Petition granted.