



The Center for Justice & Accountability

Twenty Years of Bringing Human Rights Abusers To Justice

Judge Allows Lawsuit to Proceed Against Suspected Commander in Liberian Massacre

Moses Thomas to answer to over 600 deaths in the infamous Lutheran Church Massacre

San Francisco, December 18, 2018 - The U.S. District Court for the Eastern District of Pennsylvania [ruled](#) Friday, December 14 that extrajudicial killing, torture, crimes against humanity and war crimes claims can proceed against Philadelphia resident Moses Thomas, a former Colonel in the Armed Forces of Liberia (AFL), under two U.S. statutes: the Torture Victim Protection Act (TVPA) and the Alien Tort Statute (ATS). [The lawsuit](#) was filed by [the Center for Justice & Accountability \(CJA\)](#) with law firms Debevoise & Plimpton LLP and Blank Rome LLP serving as co-counsel, with assistance from the [Global Justice and Research Project](#) in Liberia.

[Moses Thomas](#) is suspected of instigating the infamous 1990 Lutheran Church Massacre, widely considered one of the most violent events in Liberia's 14 years of armed conflict. Thomas sought to dismiss the case, arguing that the claims brought against him were barred by a ten-year statute of limitations. Friday's decision paved the way for the Plaintiffs, survivors of the Lutheran Church Massacre, to pursue all of their claims against Thomas. In doing so, the Court recognized that until 2011, there had been hope that justice would come in Liberia following Liberia's [Truth and Reconciliation Commission](#), which recommended criminal accountability through the establishment of an Extraordinary Criminal Court for Liberia. Hope for justice in Liberia was stymied when the Liberian Supreme Court in 2011 determined that the TRC recommendations were non-binding. Plaintiffs in this case turned to American courts for justice.

Importantly, the Court also recognized that continued impunity for war crimes in Liberia, and the fact that several alleged perpetrators of wartime human rights abuses continue to hold senior positions in government, meant that victims and witnesses seeking to identify and hold accountable perpetrators of human rights abuses in Liberia faced real risk of violent retaliation.

In another win for the Plaintiffs, the Court found that claims involving war crimes and crimes against humanity under the ATS may also proceed. Following the U.S. Supreme Court's decision in [Kiobel v. Royal Dutch Petroleum](#), federal courts must determine whether ATS claims involving extraterritorial conduct sufficiently "touch and concern" the U.S. for jurisdiction to be warranted. Although the facts surrounding the Lutheran Church Massacre occurred entirely within Liberia, the Court held that the Defendant's residence in the U.S., his alleged fraudulent participation in a U.S. immigration program designed to benefit victims of human rights abuses, and the

attacks on U.S. agencies over the course of the Lutheran Church Massacre sufficiently ground the case in the U.S.

Since the case was initially filed on February 12, 2018, the movement for a war crimes court in Liberia has grown rapidly to include a [coalition of close to 80 international and regional NGOs](#) urging President George Weah to take action. [The United Nations Human Rights Committee](#) has also called on Liberia to prosecute perpetrators of civil war atrocities. On November 9, 2018, human rights groups, the Liberian Government, the UN, and diplomatic missions met for the [first time in nearly ten years](#) to discuss the continued need for accountability for wartime atrocities in Liberia. The conference was followed by a [peaceful march of several thousand Liberians](#) in the streets of Monrovia demanding justice for human rights abuses committed during the civil wars.

“Our goal is to see justice and accountability for our clients and for all of the victims and survivors of the Liberian civil wars,” said CJA Senior Staff Attorney Nushin Sarkarati. “That the trial of Moses Thomas will move forward in Philadelphia is an important step. We hope this case can also help pave the way for prosecutions in Liberia.”

Hassan Bility, director of the Monrovia-based [Global Justice and Research Project \(GJRP\)](#) added, “Fifteen years have passed since the fighting ended yet victims continue to live side by side with perpetrators responsible for the rape or death of loved ones. This situation cannot continue as is. Trust in government and real democracy can only be built on the backbone of justice. It is time for all war crimes perpetrators, regardless of what tribes they belong to or what their status is today, to face their past in a court of law. President Weah must act to establish that court of law here in Liberia.”

Legal Background

CJA filed the [Jane W et al. v. Thomas \(Lutheran Church Massacre\)](#) case under the [Alien Tort Statute and Torture Victim Protection Act](#), two federal statutes that permit civil suits in U.S. courts to remedy a limited set of human rights violations. In relation to the Lutheran Church Massacre and the harm to the four victims, the complaint alleges that Thomas is liable for extrajudicial killing, torture, war crimes (including the war crime of targeting a building designated for religious and humanitarian purposes) and crimes against humanity for mass execution and persecution of civilians based on their tribal affiliation.

Cases Against Perpetrators Residing Outside of Liberia

The case against Moses Thomas follows the successful 2009 U.S. prosecution of [Charles "Chucky" Taylor](#), Charles Taylor's son, for torture, and the successful 2017 "[Jungle Jabbah](#)" case in Philadelphia. It is part of a larger movement of Liberian survivors pushing for access to justice on a global scale. Earlier this year former National Patriotic Front (NPFL) Defense Minister [Tom Woewiyu](#) was found guilty in the U.S. for immigration fraud related to human rights abuses in Liberia and will be sentenced early next year; NPFL Commander [Martina Johnson](#) was charged in Belgium for atrocity crimes; United Liberation Movement (ULIMO) Commander [Alieu Kosiah](#) faces charges in Switzerland for crimes against humanity and torture; and [Agnes Reeves Taylor](#) faces charges in the United Kingdom for her alleged role in NPFL abuses in Liberia. On September 7, 2018 [Kunti K](#), former commander for the United Liberation Movement of Liberia for Democracy, was arrested in France for alleged involvement in crimes against humanity.

About the Center for Justice and Accountability

The [Center for Justice and Accountability](#) (CJA) is a San Francisco-based international human rights legal organization dedicated to deterring torture, crimes against humanity and other severe human rights abuses through innovative litigation, policy, and transitional justice strategies that strengthen the rule of law. CJA partners with survivors, legal institutions, civil society groups, and governments to establish a world where justice thrives.

About the Global Justice and Research Project

Established in 2012, the [Global Justice and Research Project](#) (GJRP) is a Liberia-based non-profit, non-governmental organization that documents war related crimes in Liberia and, where possible, seeks justice for victims of said crimes, with the full consent of the victims. The GJRP works in partnership with [Civitas Maxima](#), a Geneva-based non-profit, non-governmental organization, which ensures the coordination of a network of international lawyers and investigators who work for the interests of those who have been victims of war crimes and crimes against humanity.

About Debevoise & Plimpton LLP

[Debevoise & Plimpton LLP](#) is a premier law firm with market-leading practices, a global perspective and strong New York roots. Debevoise delivers effective solutions to its clients' most important legal challenges, applying clear commercial judgment and a distinctively collaborative approach. Debevoise's globally recognized team of International Dispute Resolution lawyers has extensive experience advising and litigating in relation to all aspects of public international law.

About Blank Rome LLP

[Blank Rome LLP](#) is an Am Law 100 firm with 13 offices and more than 600 attorneys and principals who provide comprehensive legal and advocacy services to clients operating in the

United States and around the world. Blank Rome's professionals have built a reputation for their leading knowledge and experience across a spectrum of industries, and are recognized for their commitment to pro bono work in their communities.

For further information, or to request interviews please contact

Dietlind Lerner, CJA Communications and Outreach Director

Tel. +1 310 699 8775 / dlerner@cja.org

For more information about CJA's work in Liberia visit cja.org/where-we-work/liberia