

COUNTRY PRESENTATION

**“LIBERIA-BREAKING WITH THE
PAST
THE RACE AGAINST IMPUNITY”**



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EXECUTIVE SUMMARY

Since independence in 1847, one repressive government of the minority settlers, have replaced another and suppressed the indigenous, thereby igniting the divide and casting a wedge between the peoples. In 1979, a rice riot signaled the advent of massive violent confrontation to the old order and subsequently in 1980; the bolstering conflicts saw the orchestration of a bloody coup, which resulted in the death of Liberia's 18th president, Williams R. Tolbert jr. and the end of the First Republic after 133 years rule of a hand full of people through regimes, reputed for political misrule underscored by rigged elections, wanton corruption, exclusionary politicking and oppression of the natives beneath a culture of fear and heavy handedness propelled by the oligarchs known as the grand True Whig Party(TWP); which arbitrarily crushed political agitators with brute force, thus amplifying the anger of the natives, whom they branded as Country people.

The persistence of this seed of discord and political predation sown, germinated and blossomed further into a vicious circle of violence and wars that sunk the Country into a downwards spiral of another 25 years of blood letting, which left approximately 250, 000 Liberians dead, tens of thousands more maimed or displaced with millions worth of properties damaged. There is no denying though that the native rule heralded by Samuel Doe further exacerbated the rift between the congos and the aborigines, but the onslaught of violence hatched in 1989, by the Charles Taylor regime that replaced it, saw an even more alarming and unprecedented proportion of gross human right abuses and crimes against humanity afflicting even people of the region, for which he is currently standing trial in the Hague.

Efforts to secure political stability saw a total of thirteen (13) peace agreements, which regrettably, granted amnesties to perpetrators-with no strings attached, thus sacrificing justice on the alter of peace. However, the 2003, Accra Comprehensive Peace Accord," the road map" to the current status quo in Liberia, departed from earlier trend of unaccountability and provided for amongst other things the constitutions of a Truth and Reconciliation Commission-TRC to deal with the Country's despicable past, as well as, the reconstitution of the Human Rights Commission to foster respect for, fulfillment and protection of the rights of citizens and guarantee non repetition. Policies of amnesia and avoidance which characterized the past came under attack by civil society and hence preference for doing nothing was no longer an option. In an apparent attempt to evade answerability, many known and perceived perpetrators ascended to senior and sensitive positions via the 2005 election, while others still will immense influence and commend significant economic power.

Though the TRC has experienced formidable challenges, including internal rancor, lack of funding, public rejection etc., since its formation, its public hearings which started January 4, 2008, has sent shocking waves through the country's full blown culture of impunity signaling hope for a shared future, where the weak are safe and the strong just. The once mighty and unquestioned, are now compelled to stoop low from their high horses as they are confronted with the crimes on which they 've thrived on a daily basis by ordinary people they once dismissed as inconsequential. The air of authority they carry, are not only threatened, but dwindling as well.

GIVING VICTIMS A VOICE-TRC HEARING, THE GREAT EQUALIZER

Having combed the Country, collecting statements and investigating abuses, since October 3, 2006, the TRC finally commenced public hearing with approximately twenty

thousand statements accumulated, though fewer will be heard through publicly testimonies. This process has however, been viewed with great suspicion, scorn and now even fear by many, who continues to see the public hearing as opening old wounds. In fact, major campaigns have been launched calling for the setting up of a world crimes court. These campaigns have even coincided with the visits of Kofi Anam, then United Nations Secretary General and now president George Bush of the United States of America. However, Mr. Anam responding to the call for a war crimes court, clearly pointed out that the United Nations will only be able to consider this request/demand when it comes from the government, which regrettably is comprised of perpetrators.

Nevertheless, thousands of victims craves not only for the opportunity to tell their stories, but to come shoulder to shoulder with perpetrators whose acts, until now have for the most part remained shrouded in secrecy. While many victims yearn for the opportunity to question their abusers, expose them and thereby make it possible for them to be held accountable, many are still nursing healthy fears, especially in light of the lack of victims protection program.

In the meantime, known, perceived and accused perpetrators have sent mixed signals of, fears remorse and consternation. Some former Generals have tried to come clean genuinely by confessing their wrong doings and asking for forgiveness, though others have out rightly refuse corporation feigning immunities behind their government positions and at the same time, exuding bravado that only amount to fear. Worth noting is the fact that perpetrators, making public confessions have not asked for amnesty. This can be interpreted as either they do not belief or anticipate to be answerable any further, probably through a war crimes tribunal/court in the aftermath of the TRC process, or they are so convicted of their crimes that they are willing to bear any consequences.

While these processes that are being coordinated by the TRC give hope and generate prospects for the attainment of justice in the post war society of Liberia, hold promise of peaceful co-existence and national healing, it is important to look to the realities of the threats they pose to the fragile stability the country currently enjoys.

The Country's security sector reforms, which have been under way for some time now, remained challenged with the inadequacies of resources and the institution of proper vetting, as well as, the recruitment. Liberians with the appropriate back ground attitudes necessary to portray concrete behavioral change that wins the confidence of the Liberian public. It can be recalled that the police and special security services-SSS were indicted severally during the course of 2007, for gross misconduct amounting to brutality, injuries to peaceful citizens, abuse of the press and even death.

It is certainly no exaggeration that the destructive and vicious manner in which the war was prosecuted culminated in the perpetration of some of the worse experiences of the degradation of a people and factionalized the country along several lines with ethnicity been a principal divide. There are growing signs that perpetrators are already so desperate that they are not hesitating to exploit tribal sentiments as a way of evading answerability for their actions, which they claimed were perpetrated to liberate and defend their people.

In a similar vein, some are even now asserting that their participation in the Truth seeking/telling process will pitch their tribe against others and thereby, ignite conflicts. These, when considered along side the withdrawal United Nations forces, which in spite their high level of sophistications have had to endure difficult circumstances to maintain stability and combat crimes, leaves sufficient reasons for apprehension. Especially where their possible replacements are still in their formative stages and lack not only the technical capacities, but the logistics as well.

Although owing more to issues of political overture than correctness, the Liberian government has demonstrated apprehensible reluctance in the reconstitutions of the Independent National Commissions on Human Rights of Liberia-INCHR, which is seized with the responsibility of ensuring the implementation of all of the recommendations of the TRC as provided for by section 46b of the TRC's Act.

Another cause for alarm is the alleged interference with the process by the government. The Truth and Reconciliation Commission recently accused the executive mansion of undercutting the credibility of its work by trying to pay off witnesses to recount their stories. The Commission also complained of being stifled over its attempts to elicit statements from an accused perpetrator, who is said to have close tie with the power that be. It said that its commissioners and senior staffers are being threatened that if they do not drop the case against the implicated confidant, negative materials will be published against them. Though government has since denied the allegations, there are evidence that commissioners are subjected to working and living under fears. It can be call to mind that the home of TRC commissioner with oversight responsibility for Montserrado County was attacked by armed men, who made away with her lap top. This tendency has the potential to reduce the TRC to another miscarriage of justice reaffirming both perpetrators and skeptics' assertions that the TRC is an accident waiting to happen as it is a scheme by and of bigger perpetrators, for the smaller. And the only thing that could come out of it is nothing. The recent resignation of a commissioner of the TRC Commissioner and rumors that the president would not appear before the TRC, in spite of numerous calls has left many both anxious and disappointed.

In a somewhat similar posture, Amnesty International urged the Liberia's leader on February 21, 2007, to take more concrete steps to hold accountable those responsible for the mayhems committed during the Country's civil war-stressing, that the TRC is unable to handle and address the legacies of violations and abuse Liberians and foreigners endured under the claimed liberation struggles.

Liberia having nurtured a culture distinct by its cling to relations and interests, which regrettably has undermined the correct administration of the affairs of state and justice, thereby festering corruptions and injustices, is at a cross roads that demands a total disentanglement form such web, if genuine healing and reconciliation, and sustainable peace must be accomplished via the animal called TRC.

It is clear that when Liberians and the international Community decided how they should reckon with past atrocities—including war crimes, crimes against humanity, rape,

tortures and perhaps genocide—that may have been committed against citizens and foreigners, by combatants in the Country fourteen years long domestic armed conflict, trials and punishment, on the one hand, and reconciliation and amnesties, on the other, were fundamentally at odds with each other and remain so even now. There are those Liberians who strongly feel that the TRC is a waste of time and resources preferring instead a tribunal or another by-gone-be-by-gone/national amnesia. They have argued that "The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that we as a nation and people cannot tolerate their being ignored."

While visiting Liberia on December 21, 2007, Sierra Leone Special Court Prosecutor Stephen Rapp said the UN-backed court would be prepared to assist Liberia in the prosecution of individuals who may have committed war crimes but are not being prosecuted at the international level. Rapp was speaking in Monrovia ahead of the restart of ex-president Charles Taylor's war crimes trial in The Hague in January of 2008, indicated that "There are lot of other individuals who may have committed crimes who may or could be appropriately prosecuted at the lower levels," but the United Nations has encouraged us to share that information with national authorities for them to do what they wish. And I wanted to express our view that we are prepared to do that."

Rapp said he had conveyed this message during a meeting with Liberian Justice Minister Philip Banks. "We discussed various things that are happening in the legal system here, whether there is any possibility of any prosecution under the national system of individuals that may have been involved in similar crimes. Obviously, we are prepared to cooperate, sharing any evidence that we have if that occurs. We are just saying we are prepared to assist... and with all of the tribunals, with all of the international courts, we recognize that the cases that we prosecute are only at the very highest level."

As depicted above, Liberians are divided over whether the country needs a war crimes tribunal as well as a truth and reconciliation commission (TRC). Some say the country should just embrace the TRC process and move on, while others insist on a tribunal. But, as always, there are a lot of interests at stake since key political figures are often directly or indirectly connected to struggles and invariably those who perpetuate them. In the case of Liberia, there are visible vested personal and institutional interests, which can be traced to the negotiated settlement that secured the stability the country is experiencing.

Because victims too often are not accorded the same importance with war lords during peace negotiations, their issues are seldom considered in that light, while ways are derived to appease perpetrators, many of whom are now parading the corridors of power, which they purposefully sought in order to protect themselves. As the hearings progresses, these war lords and generals turned politicians and bureaucrats have every reason to panic as their security, jobs, comfort, society relevance and wealth are at stake. They will therefore, do any and every thing to advert their exposure and prosecution.

Another form of underpinning interest that remain hinged to the ongoing truth seeking/telling processes are business interest. A number of businesses have allegedly

accrued considerable benefits from the criminalized economy cultivated by the war. Again their roles in procuring arms and other war materials heaps some degree of culpability for the crimes and atrocities committed with their supports. As the hearings kick off in the South east and other parts of the Country, the different roles businesses played in fueling the wars in that part of the Country, are been exposed. One need not say how crucial it is to hold businesses accountable for illegally aiding and abetting the commission of various crimes and for benefiting from the spoils as well. Establishing the true account of what transpired in this country will required robust inquiries that pulls together accounts of the different players highlighting their specific roles, as well as the impacts on the conflicts. Not surprisingly, many businesses have gone to great length to severe relations with certain political actors, just like the politicians have distanced themselves from fighting forces.

In recent times, it has been noticed that a number of key player from the different warring parties have disappeared, or simply become untraceable. Judgment day is nearing and they have chosen flight over confession or repentance for their sins.

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- Communicating Justice, BBC World Service Trust project in partnership with the International Center for Transitional Justice.
 - Front Page, Breaking News “Mail& Guardian Online” February 18,2008

Composition and Dynamism of the LiberianTRC

Comprised of nine (9) commissioners, four of which are women, the TRC is headed by a commissioner, who was elected by the members constituting the commission. The commission has however, appointed and hired other key staffs to facilitate the accomplishment of its mandates. The Commission, which has a two-year lifespan, is expected to carry out its operational work with a further 3 months to wrap up and write its report on its activities. The Commission has lawyers, historians, religious leaders, social workers, journalists amongst other skewed professionals driving its programs.

The processes and programs of the commissions are developed through consultations with international and other local partners, including the civil society. However, the commissioners meet regularly and decide on issues that boarder on both the daily operations and the broader goals of the commission employing sufficient consensus as a basis for reaching a decision. Though voting is also used to reach conclusion. The country wide programs basically include outreach, statement taking, investigation, research and documentations. Where as, in realization of the exodus of Liberians to especially the United States, in a bid to survive the carnage, the commission has a Diaspora program that engages Liberians abroad. Through its web site, it also provides information to people in and out of the country.

Its program responsibilities are distributed amongst various commissioners through the designation of oversight based on origin professional acumen and expertise. These

however, are done with due considerations to sex, religion and ethnicity. Through regional offices conducted by well versed coordinators, the Commission engages with citizens and residents via various adopted mediums, including the 16 Liberian vernaculars. Religious institutions like the churches and mosques have and continue to play key roles in disseminating messages and fostering reconciliation. In fact the Commission in collaborations with gospel musical artists has planned a “We Are One” Concert for Sunday the 24th of February as yet another effort at promoting reconciliation through religion. In a similar endeavor, it has held widespread palava hut discussions and dialogues with traditional leaders in the 15 political subdivisions.

The truth, justice and reconciliation process driven by the TRC has gained some momentum across the country, especially since the start of hearing. The commission which, was created on similar lines to South Africa's post-apartheid panel after a 2003 peace pact, began work in 2006 by touring the West African nation to gather evidence of rights violations committed between 1979 and 2003. Well in to its mandates by now, the commission's aims at shedding light on massacres, summary executions, sexual violence and economic crimes perpetrated during Liberia's conflicts, with a longer-term goal of national reconciliation. Amongst its mandates is the novelty of investigating economic crimes, which also present one of the greatest challenges to restoring public service credibility.

The public hearings, which will last until July 31, will bring victims of the Liberian conflicts face to face with those they hold responsible.

The Commission has been fully empowered to convene anybody, regardless of their social and political standing. In an opening ceremony during the start of the proceedings the President called upon all Liberians to respond to the TRC when they are invited. She said “This process is not only for healing and reconciliation, it is also for justice,” asserting further that all Liberians be honest and truthful during the process and urged all those who suffered during the crisis to share their pains.

Engendering Transition in an Culture of ‘Business as Usual’

The Commission's tasks have pitched it against the incredible “Liberian way” system wrap in the entrenched culture of impunity that have nurtured on silence. There is no denying that the TRC represents a outstanding promise of change in the fight against injustice although the battle has only begun. Liberia's adaptation of this process not only signaled, but is evidence of the country breaking with the past. Even traditionally, the perceptions and measures of conflict resolution have been etched on compliancy. The slaughtering of a cow or the sharing of a meal or kola nut with out delving into the critical issues that caused the conflict has fester tendencies of general leniency for wrong doers. For too long, it victims of the country's numerous conflicts have been allowed to suffer in silence, as people easily opt for letting bygone to be bygone. Leaders have been accustomed to exercising unquestioned authority and the elderly can not be said to have wrong a younger one.

Yet, the TRC sets a new standard that makes leaders, elders, (heads and subordinates) responsible and answerable for their action. Even commands are not just said to be commands any more. It has through its public hearings also dealt a sharp knife into the clout of silence by creating a platform where victims, witnesses and perpetrators can say their stories with out being hushed. The TRC promotes transparent justice and the unveiling of deeply shrouded secrets.

However, it has not lended itself to sufficient local ownership. Huge local and donor resources have been invested in the facilitation of the process. Knowledge and understanding of transitional justice issues are restricted to a few persons, many of whom are in the There is significant gap in information about the TRC work amongst the general population. And this is the leading cause of public rejection of the process. Nonetheless, the privileged local civil society organizations and human rights groups are largely in support of the process. The Transitional Justice Working Group, a coalition of pro-democracy and human rights institutions and groups like Partners for Democratic Development and the have made considerable contributions to promoting awareness of the TRC processes by educating Liberians across the country, while mobilizing victims, witnesses and perpetrators to ascribe to the process. These organizations have also promoted respect for diversities and tolerance to foster peaceful co-existence, but their initiatives have been restricted by constraints.

To prevent the likelihood of a fail TRC process, one would suggest that a more intensified pre and post TRC advocacy and engagements be pursued by NGOs and civil society in order to enlist greater support from and corporation amongst the different actors, including the national legislature, the judiciary, the media, political, traditional and victims groups to ensure the prompt and successful implementation of the TRC's recommendations. Civil society actors must be assisted to play a more forceful role. This is also particularly, important to ensure that the envisioned reparations program is both sensitive and reflective of the cultural context and expectations of victims and accessible and inclusive to the extent possible, to the widest range of people across the country.

Additionally, support to the TRC must be adequate, so as to guarantee uninterrupted flow of the process. The need for rule of law to be reinforced to guarantee personal and national security, thereby assuring testifying victims of their safety, can not be overemphasized. Government must demonstrate continuous commitment to non interference with the commission's work so as to promote greater participation and the credibility of the process.

The independent national commission on human rights of Liberia-INCHR must be set up in advance of the completion of the TRC's mandates to guarantee not only the implementation of the TRC's recommendations, but to also make certain that there is non repetition of the abuses and violations that occasioned the war years.