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Liberia: Next Steps Towards Accountability for War & Economic Crimes

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Good morning and welcome to everyone joining us this morning. We are here to talk about human rights in Liberia today. We will talk about recent dramatic progress toward establishing an Extraordinary Criminal Tribunal for Liberia—and of course about the *next steps* in this process.

But to recap how we got here: between 1989 through 2003, Liberians suffered through two civil wars, in which, out of a population of roughly 3 million, hundreds of thousands of people were killed – tens of thousands of them civilians butchered in atrocities and war crimes – including mass rapes and amputations. More than a million people were displaced. Liberians have not yet seen justice for these atrocities – they have not yet had accountability and closure.

In 2003 a Comprehensive Peace Agreement, signed in Accra, Ghana, ended the civil war. It called for the establishment of a Truth and Reconciliation Commission, or TRC. In 2005, the TRC began its work, and it in turn recommended that an Extraordinary Criminal Tribunal be set up to achieve accountability for the war crimes and atrocities that were committed during Charles Taylor's reign of terror.

The Liberian Congress passed legislation requiring the implementation of the TRC's recommendation. But the implementation never happened, years went by, presidents made

promises, which went unfulfilled, notorious war criminals played leading roles in Liberian public life, and a moral fog continued to enshroud Liberia.

This year there has been dramatic progress, and it seems that fog will start to lift. A new president was inaugurated in January, Joseph Boakai, and he announced that his government would create an “office to explore the feasibility for the establishment of War and Economic Crimes Court” to judicially sanction “those who bear the greatest responsibility for war crimes and crimes against humanity.” Then in April Liberia’s House and Senate jointly approved a resolution calling for the creation of two courts: “an extraordinary criminal court and domestic corruption court for war and economic crimes.” On May 2, 2024, President Boakai issued an executive order providing for the establishment of an Office of the War and Economic Crimes Court for Liberia. Its task is to “investigate, design, and prescribe the methodology, mechanisms, and the processes for the establishment of a Special War Crimes Court for Liberia” and “a National Anti-Corruption Court for Liberia.”

The question now facing the Office of the War and Economic Crimes Court is – how best to proceed to establish the court?

Many countries have faced this question, from the Nuremberg court and the International Criminal Tribunal for the Former Yugoslavia forward, and consulting widely on the experiences of other courts is simply part of the process of establishing a court to try such crimes.

We will go into detail about this with our six distinguished witnesses. The executive order contains many excellent provisions – they will comment on the order, and offer input.

I believe Sierra Leone’s experience is particularly important for Liberia. Sierra Leone had a war crimes tribunal, the Special Court for Sierra Leone, which convicted Charles Taylor for aiding and abetting war crimes and crimes against humanity in in that country. This helped that country heal the wounds of its past divisions. Alan White’s testimony will be extremely important here. President Boakai recognizes Dr. White as a trusted advisor and has personally requested him to

assist in the establishment of the Court. So I believe his assistance and advice will be an integral part of the next phase of this process.

Congress has repeatedly recognized the importance of justice and accountability in Liberia – most recently in 2018 through H. Res. 1055, offered by Congressman Dan Donovan, calling for the establishment of an Extraordinary Criminal Tribunal. In 2017 I chaired a hearing of the Africa Subcommittee on the Future of Democracy and Governance in Liberia, and in 2021 this commission held a hearing on establishing a war and economic crimes court for Liberia – with some of the witnesses we have with us today.

In the past, attention shown by Congress to Liberia has been helpful and appreciated by many Liberians. The United States and Liberia have a special relationship – Liberia was founded by free American slaves, and long led by them and their descendants, who both vigorously rejected slavery and all of the evils associated with it, and cherished and developed their relationship with the better aspects of the “old country.” As Juneteenth approaches, we have occasion to reflect on this relationship, and the love of liberty that established Liberia.

The responsibility and opportunity for healing Liberia lies in the hands of the Liberian people – we hope the insights and exchanges offered today will be useful to them in that work.