

Liberia: Next Steps toward Accountability for War & Economic Crimes

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At the outset, I would like to commend Congressman Chris Smith, Co-Chairman and Congressman James McGovern, Co-Chairman of the U.S. House of Representatives Tom Lantos Human Rights Commission and other members of this Commission for holding this very important hearing regarding an update on the establishment of a War Crimes and Economic Crimes Court for Liberia. Congressman Smith has been a strong advocate and voice for the Liberian people in exposing corruption and seeking justice and accountability for the victims of human rights violations. Led by Congressman Smith, the United States Congress demonstrated its support by passing House Resolution 1055, endorsing the Liberian Truth and Reconciliation Commission's recommendation to establish the War Crimes and Economic Crimes Court for Liberia. Also, this is the second hearing by this Commission on the establishing the War and Economic Crimes Court for Liberia. Nearly 3 years ago, the first hearing was held on June 21, 2021.

A lot has happened since that first hearing. And, since that time, the Advocacy Foundation for Human Rights has been working tirelessly to ensure the establishment of the War and Economic Crimes Court for Liberia. On November 18, 2023 Joseph N. Boakai was elected as the President-elect of the Republic of Liberia and sworn in on January 22, 2024. Because of

our 20-year plus international justice experience and support for the establishment of the War Crimes Court for Liberia, he sought the Foundation's assistance. Establishing the Court is a priority of the United States and this was reiterated to the foundation in discussions with US Embassy officials in Monrovia, Liberia. Since those meetings, the Embassy has issued several public statements in support of the Court. So, we have worked closely with the US Embassy to advance this important policy. The foundation is also assisting the Liberian government establish known modalities for the Court by using processes similar to those that were used in the establishment the United Nations backed Special Court for Sierra Leone. By using these international standards, the Liberian Court can effectively prosecute war and economic crimes under international law.

The Liberian legislature approved a Joint Senate Resolution with 28 out of 29 Senators (1 abstaining) supporting the establishment of the War and Economic Crimes Court for Liberia on April 9, 2024. The House of Representatives concurred on April 11, 2024, with 53 out of 73 Representatives supporting the resolution. President Boakai approved the measure on April 25, 2024.

On May 2, 2024, President Boakai held a press conference at the Executive Mansion in Monrovia, Liberia before he signed the Executive Order establishing the Office of War and Economic Crimes Court for Liberia. It is important for you to know what he said and I will read a brief portion of his statement – “I invited you all here to join me in consummating a process that will set in motion deliberate action steps toward bringing justice and closure to the scars and

memories of our tragic and violent misadventure into more than fourteen years of senseless civil conflict. Through the several years following the silencing of the guns, we as a people have endured downpours of agony, an avalanche of recriminations, and clarion calls from either victims or alleged perpetrators. The conviction that brings us here today is that, for peace and harmony to have a chance to prevail, justice and healing must perfect the groundwork. I acknowledge the historic move by our National Legislature—both the House of Representatives and House of Senate—to reach separate, and then, a joint resolution urging the nation to take tangible steps towards paving the way to bringing a just, healed, and reconciled finality to the issues of that ugly period of our past. The direct representatives of the people spoke through their collective and overwhelming vote as they passed the resolution. And so, we must act, and act now!”

That same day, President Boakai signed Executive Order 131, which establishes the Office of War and Economic Crimes Court for Liberia.

<https://www.emansion.gov.lr/sites/default/files/documents/Signed%20Copy%20of%20EO%20131%20War%20%26%20Economic%20Crime%20Court.pdf>

This Office will be led by an Executive Director, soon to be appointed, who will be responsible for facilitating and coordinating the establishment of the War and Economic Crimes Court. The temporal jurisdiction of the Court has yet to be formally established. However, under the terms of the Executive Order, the Court would likely hear war crime cases that occurred between 1979 and October 2003 – a date that coincides with the end of hostilities of the 2nd Liberian civil war.

The foundation has been working closely with President Boakai and the leaders in the House and the Senate. They are genuinely committed to establishing the War and Economic Crimes Court for Liberia. They have listened intently to the people of Liberia and under the leadership of President Boakai, and there has been tremendous progress made under his leadership.

The current government inherited emptied federal coffers by the previous government. It will need help from the international community to establish this Court. The US State Department has repeatedly made it clear that it will provide funding and technical support. During the June 2021 hearing, this Commission offered its bi-partisan support and called for U.S. funding. U.S. financial support is absolutely critical. The Liberian people want to end to impunity and reestablish the rule of law. This Court can afford the Liberian people retributive and restorative justice - both are essential in order for the nation to heal and move on – like its neighbor, Sierra Leone. Congressman Smith and other Members of Congress have publicly supportive of the establishment of the Court. Now is the time for the entire U.S. Congress to be there for the Liberian people and provide the necessary financial support and political support just as they did in Sierra Leone.

Unlike any other country, the historical ties between Liberia and the U.S. date back to 1822 and make this endeavor for justice even more significant and consequential. Until the impunity ends and those who committed the heinous crimes spanning 2 decades are brought the justice there can be no reconciliation. Many of the war criminals are senior government or elected officials, who are still walking freely. This serves as a constant reminder to the victims of the wars and

keeps the wounds of war festering. Bringing justice to the people of Sierra Leone allowed the nation to heal and move forward, which has led to unprecedented progress and development. Now is the time for Liberia to experience the same level of justice and move forward with reconciliation.

Previous Liberian administrations have failed to stop impunity, and corruption and bring justice to the people of Liberia. Now, President Boakai has kept his promise. The U.S. has a unique opportunity to join with an African leader who has the courage and tenacity to stand for justice and accountability. We are working hand-in-hand with the President and I am fully confident that President Boakai has set Liberian justice on the right course.

The establishment of a War Crimes and Economic Crimes Court must be established in the same manner as the Special Court for Sierra Leone by treaty with the Union Nations with authority to prosecute international war crimes and crimes against humanity. Appointments of the Prosecutor, Registrar and the majority of the Judges must be done by the U.N. Secretary General to mitigate corruption, and coercion, and ensure transparency. This will allow the Court to reestablish the rule of law and ensure accountability of those who perpetrated death, destruction and caused during the civil war. Also, the Executive Orders requires the establishment of an **ANTI-CORRUPTION COURT**, subject to domestic jurisdiction and operating and guided by domestic jurisprudence, with power to adjudicate matters involving acts of corruption committed between 1979 to the present.

We have seen how powerful and important justice and accountability is for the victims of any civil war. I saw that firsthand in Sierra Leone how much it meant to victims to witness powerful people who killed their loved ones be brought to justice. Although the Special Court for Sierra Leone was not a perfect institution, it did carry out justice impartially and transparently and proved the *rule of law is more powerful than the barrel of a gun!*

Despite the progress achieved in a relatively short period since President Boakai assumed office, now the hard work begins in establishing the Court. There will be many challenges and efforts to undermine the establishment of the Court. We are aware of several NGOs, who are trying to be involved with the establishment of the Court whose affiliation will be detrimental and doing so for purely personal and financial gain.

Some of them have been criminally accused and civilly sued for engaging in criminal conspiracies to maliciously prosecute individuals for war crimes and conspire to suborn perjury by coaching witnesses to lie. One case involves a \$15 million lawsuit for malicious prosecution for providing false affidavits that led to the arrest of an individual, who was placed in solitary confinement for 2 years and 3 months. One of the defendants, Agnes Reeves Taylor, former wife of Charles Taylor, falsely accused of torture and ordering the execution of Amos Bohn, a former Liberian Superintendent in Liberia. However, Bohn is alive and currently living in London, UK. Witnesses have come forward claiming they were coached to provide false statements and false testimony in return for money by these NGOs.

Additionally, these NGOs were involved in another malicious prosecution of Gbril Massaquoi, who was a protected witness for the Special Court for Sierra Leone. After testifying for the Court he was relocated to Finland in 2008. In 2018 two of these NGOs conspired to maliciously prosecute him and provided false statements to the National Bureau of Investigation and Ministry of Justice in Finland.

There information was used to open an investigation that led to the arrest of Massaquoi. He was accused of killing and eating people in Liberia in July 2003, however, in October 2002 Massaquoi became a protected witness of the Special Court for Sierra Leone. So, he never left Sierra Leone and was under 24-hour supervision by armed personnel of the Witness Protection Section at the Court. Also, during that time I was the Chief of Investigations and I occasionally visited our protected witnesses including Massaquoi. So, I knew the allegations against him were false.

Unfortunately, the Finnish government relied on false statements and information from coached witnesses and Massaquoi was arrested and detained for 2 years as he went through 2 trials. He was publicly humiliated in the press based on false information provided by the police and in press statements issued by the NGOs. During the appeals trial, Massaquoi was acquitted once again and many of the witnesses admitted they had been coached to lie under oath and received money from the NGOs. They will be identified later in this hearing.

On May 12, 2022 Agnes Reeves Taylor filed a \$15 million USD lawsuit against the two NGOs for malicious prosecution/wrong seeking both compensatory damages and punitive damages. On June 5, 2024 Massaquoi filed a \$50 million USD lawsuit against those same two NGOs for malicious prosecution seeking compensatory and punitive damages.

Additionally, there have been two criminal complaints have been filed against these two NGOs in Liberia, one with the Inspector General of the Liberia National Police and the other with the Liberia Attorney General for conspiracy to maliciously prosecute and conspiracy to suborn perjury by coaching witness to lie against them.

Unfortunately, the US government is supporting the direct engagement of those same two NGOs with the establishment of the War and Economic Crimes Court for Liberia. Notably, the US government has used the services of these two NGOs and relying on them for criminal prosecutions, in the US and elsewhere. In order to ensure a credible and transparent Court, the US government must sever all ties with these two NGOs and their affiliates. Further, the US government must ensure that these two NGOs and their affiliates are not involved with the establishment or operations of the Court.

Conclusion

Since the US government supports and works these two NGOs there must be some oversight of these two NGOs and the subject of Congressional Oversight Investigations/Hearings and perhaps Inspector General investigations.

Finally, one of the serious problems we experienced with the Special Court for Sierra Leone was funding. It is critical that the Court have a stable and predictable annual budget. I strongly believe that the US Congress needs to continue to be fully supportive of the establishment of the Court and provide the necessary funding, in seed funding and annual appropriations to make sure for this Court is viable. Other international donors can be may assist, however, the US Congress needs to ensure there is proper funding to avoid negative impact on the operations of the Court.

Funding the court is the most crucial phase in order to move forward in establishing the War and Economic Crimes Court for Liberia. Congress will play a critical role.

Thank you for your outstanding leadership and tireless support for human rights around the world!