

115/2017

17 November 2017

*Pilar Requena del Río**

Liberia, transitional justice and
reconciliation still pending

[Visit Web](#)

[Receive Newsletter](#)

Liberia, transitional justice and reconciliation still pending

Abstract:

Liberia faces a new era after twelve years of Ellen Johnson-Sirleaf's presidency. The first female Head of State of an African country took over a destroyed and bankrupt country after two civil wars between 1989 and 2003. The women brought Ellen Johnson-Sirleaf to power and were also key in ending the conflict by forcing warlords to peace with the Accra Accord, signed in the Ghanaian capital. During these years there have been peace and stability in Liberia but there is still a long way to go when it comes to transitional justice and reconciliation.

Keywords:

Liberia, Accra Accord, reconciliation, transitional justice, peace, Truth and Reconciliation Commission.

How to quote:

REQUENA DEL RÍO, Pilar. *Liberia, transitional justice and reconciliation still pending*. Documento de Opinión IEEE 115/2019. [enlace web IEEE](#) y/o [enlace bie³](#) (consultado día/mes/año)

***NOTE:** The ideas contained in the Opinion Papers shall be responsibility of their authors, without necessarily reflecting the thinking of the IEEE or the Ministry of Defense.

Introduction

The Liberian Supreme Court suspended at the last minute the second round of presidential elections scheduled for the 7th November. They won't be held until the election fraud complaint filed by Charles Brumskine, the Freedom Party's candidate, who came third in the October 10th elections, has been resolved.

In any case, unless the first round must be repeated, which seems unlikely, the candidates who will face each other in the second round are clear, given the great difference that separates them from their followers. They will be the popular former soccer player, George Weah, for the Coalition for Democratic Change, and Vice President Joseph Boakai, whom he scored nearly 10 points and who leads the government's Unity Party.

One of them will succeed Ellen Johnson-Sirleaf in the first peaceful transfer of power in more than 70 years in that West African country. One of the most important outstanding issues is that of transitional justice and the reconciliation process after the civil wars that bled the country to death.

However, great changes are not to be expected. It is more than likely that impunity will continue. Boakai represents continuity for all and the vice president candidate with Weah is Jewel Howard-Taylor, ex-wife of Charles Taylor, the former warlord and president of the country serving time in a British prison for war crimes and crimes against humanity committed in neighboring Sierra Leone. It doesn't look like Weah is going to face the old warlords when, in addition, another of them, Prince Johnson, now a preacher and senator, has promised him his support for the second round.

Historical Background

Liberia is known as the 'Land of the Free', the land of blacks freed from slavery in the United States who decided to settle there in the early 19th century. It was no one's colony and declared its independence in 1847 to be the first and oldest republic on the continent.

The Americo-Liberians took over from the beginning the economic, political and social control and became the elite of the country. The inequality and social exclusion of most of the indigenous population, together with the struggle for control of the country's resources (rubber, wood and, above all, diamonds) would end up taking their toll on the country.

The bloody 1980's April 12th coup d'état by Samuel Doe against President William Tolbert was the beginning of the most terrible era for Liberians. Doe was the first head of state not to belong to the American-Liberian elite. The country plunged into instability and authoritarianism and, in 1989, began the first of the two civil wars that until 2003 were going to bleed and destroy the country.

More than 200,000 people died and more than one million were internally displaced or ended up as refugees in their unstable neighboring countries. The various armed groups committed the worst acts of barbarism imaginable, war crimes not yet judged. There were even cases of cannibalism. The warlords had no qualms about recruiting child soldiers and rape was a weapon of war. It is estimated that more than two thirds of Liberian women suffered some form of sexual violence.

The men did not stop the conflict until a group of women, fed up of the violence and seeing no future for their children, with Leyma Gbowee at the front, told the warlords that the conflict had to end. The *Women's Mass Action for Peace* in Liberia movement brought together thousands of Christian and Muslim women. They made sit-ins, peaceful demonstrations and ended up calling a sex strike until the men stopped killing each other. "There was a time when we were so desperate that we decided to go on a sex strike and the sex strike was basically telling the men that they had to do something to end the war. The success of the sex strike was that it drew a lot of attention to what we were doing", recalls Leymah Gbowee¹, Nobel Peace Prize winner in 2011.

The signing of the *Accra Comprehensive Peace Agreement* in August 2003 ended the most destabilizing conflict in West Africa. Liberia had become a failed, devastated and traumatized state, which had to start from scratch. A two-year period began with a transitional government and legislature until elections were held in the fall of 2005.

¹ Statements taken from the report "Africa in the name of women" of TVE "En Portada" program, available at <http://www.rtve.es/alacarta/videos/en-portada/portada-africa-nombre-mujeres/3559679/> Consulted: 13/11/2017.

The women mobilized again and voted massively for Ellen Johnson-Sirleaf to become the first woman president of the African continent. She had been Minister of Finance in the government overthrown in the 1980 coup d'état. Many of her cabinet colleagues and President Tolbert were assassinated. She got away miraculously. She was imprisoned and went to exile. Now she had to ensure peace and coexistence among a population composed of more than 16 ethnic groups.

"Accra Accord was not a perfect agreement and was not made by perfect persons", explains reverend Kortu Brown, "we were at a terrible time and it was the best we could get. There were two options: telling the truth or criminal court. And the decision was the truth thinking that perhaps the truth would bring healing"². "During the negotiations there was a moment when it was clear that the warlords would not sign an agreement if pressure for a criminal court continued", adds Frances Graves of the National Civil Society Council of Liberia. And that is probably the key to the fact that there has not yet been justice in Liberia and that reconciliation is also a pending issue.

The road to peace

The United Nations has been present with thousands of peacekeepers, militaries and policemen. The mission to Liberia, UNMIL, scheduled for completion in the spring of 2018, was approved by Security Council Resolution (1509) in 2003. It has been a multidimensional mission that ranged from peacekeeping, developing security functions to long-term activities associated with peacebuilding. In the beginning, it was essential as it even took charge of basic services in addition to security and preparing and organizing the elections.

The various UN agencies have contributed decisively to fundamental tasks such as:

- Protection and promotion of human rights
- Re-establishment of institutions of governance and legality
- Security sector reform, including police training and the formation of a new and restructured army

² Author's fieldwork. Monrovia, Liberia, August 2016.

- The implementation of the peace process, with the re-establishment and consolidation of state authority throughout the country, establishing a legal framework and restoring the proper administration of natural resources.
- The mandate also referred to the gender dimension. The fight against violence against women and girls and the defense of their rights and equality between men and women and the adoption of laws such as the law against rape or against domestic violence have been emphasized.
- The education that is still in a pitiful state.
- The health system that collapsed during the Ebola epidemic.

In peacebuilding, conflict resolution and reconciliation, a problematic and thorny issue from the outset, not everything that could and should have been done has been done. Stability and security and some development have been achieved but there has been a lack of greater strategy, coordination and complementarity between the actors.

Nor have the ex-combatants been adequately reintegrated into the disarmament and reconstruction process. And the legacy of war remains. In the eyes of many ordinary citizens, the structures and causes that fueled the conflict not only persist but have worsened.

"The main priority of the mission was to establish peace and stability in Liberia. Another focus of our attention was reconciliation and transitional justice because peace is needed in society to continue sustainability"³, explains Farid Zarif, Special Representative of the UN Secretary-General in Liberia.

Former President Charles Taylor was convicted in The Hague in 2012, but not for war crimes committed in his country but for crimes committed in neighboring Sierra Leone. In Liberia, on the other hand, impunity has continued.

"Unfortunately, we haven't seen much done in transitional justice. But we insist: if you don't want to bring anyone to trial, at least provide compensation for the people who have suffered those atrocities. Some of the authors sit in the legislature, others are hiding, others have companies here. Liberia will sooner or later bring the culprits to justice", Farid Zarif says.

³ Author's fieldwork. Monrovia, Liberia, August 2016.

The Peace and Reconciliation Commission

Article XIII of the Peace⁴ Agreement already provided for a mechanism to protect human rights, end impunity and promote national healing, rehabilitation and reconciliation. In June 2005, the Transitional National Legislative Assembly passed the Truth and Reconciliation Commission (TRC) Act within this framework. In February 2006, President Ellen Johnson inaugurated the commission and its nine members began work in June.

For three years the Commission worked tirelessly despite a lack of resources. It conducted public awareness campaigns, collected thousands of witness testimonies and held public hearings in all counties of Liberia and among the diaspora.

"While the international community has played, and will continue to play, the role of helping Liberia create a sustainable democracy, only Liberians can establish a durable culture of human rights in which peace, development and the rule of law are permanent elements of their political heritage. The Commission is convinced that the CRT provides the best opportunity to review the past, learn from it and lay the foundation for sustainable peace, justice and national reconciliation"⁵, wrote commission chairman Jerome Verdier.

The TRC determined in its final report⁶ that the conflict in Liberia was rooted in the history and foundation of the Liberian state. And that the main causes were attributable to poverty, greed, corruption, limited access to education, economic, social, civil and political inequalities, identity conflict, the possession and distribution of land, etc. Unfortunately, all these elements remain in place in Liberia.

According to the Commission, all warring factions committed and are responsible for egregious violations of human rights and international humanitarian law, including war

⁴ Accra Peace Accord. Consultation date: 10/11/2017.

https://peacemaker.un.org/sites/peacemaker.un.org/files/LR_030818_Peace%20Agreement%20btwn%20GovLiberia%20CLURD%20MODEL%20and%20the%20Political%20Parties.pdf.

⁵ Truth and Reconciliation Commission. Preliminary Findings and Determinations. Volume One, p.3. <http://anyflip.com/ntsx/uxoe>. Consulted: 7/11/2017.

⁶ TRC Final Report. Consulted: 10/11/2017.

<http://www.pul.org.lr/doc/trc-of-liberia-final-report-volume-ii.pdf>.

crimes and crimes against humanity. All factions committed sexual and gender-based violence against women including rape, sexual slavery, forced marriages and other dehumanizing forms of rape. All armed groups recruited and used children.

It stresses that it is desirable:

- Both individual and community reparation to promote justice and genuine reconciliation.
- A prosecution mechanism to combat impunity and promote justice and true reconciliation.
- A competent court of jurisdiction and other appropriate public sanctions and mechanisms to promote the objectives of justice, peace and security, genuine national reconciliation and combat impunity.
- A general amnesty for children.

The TRC does not recommend a general amnesty but hopes that all those who admit their crimes and tell the truth will not be prosecuted as an expression of repentance in search of reconciliation with the victims and people of Liberia.

It also lists the names of 98 people held responsible for serious human rights violations and war crimes. It recommends that these persons be investigated and prosecuted by Liberian courts. The commission concludes that "all warring factions are responsible for serious human rights violations" and recommends that the leaders of all 8 warring factions during the two civil wars be brought to justice. The ban on holding public office for 30 years, if a mandate is being exercised at that time, would enter into force at the end of that mandate.

To implement the recommendations of the Truth and Reconciliation Commission, the creation of a "Special Criminal Court for Liberia" is envisaged to combat the culture of impunity, ensure justice for victims and make it clear that Liberia adheres to, respects and protects human rights and humanitarian law standards. This tribunal should have all the powers and jurisdiction necessary to prosecute perpetrators of serious violations of human rights, war crimes and crimes against humanity. The TRC includes a list of people who must be prosecuted.

Among those people is former warlord Prince Johnson, who has been a presidential candidate in these elections. "I spoke to the Commission and I was the one who gave the most details about the war. There was a dictator in the country, and we had to overthrow him to achieve democracy and that's what I did. You are trying to open a wound", he defends himself angrily when he heard the word war criminal. "Forgive me, why? Liberians see me as a liberator who freed them from dictatorship. Why do I have to repent? The war was a justified war. If there is a criminal court and you take me before it because I'm fighting for the freedom of my people, then you'll have a problem again because my people will never allow it"⁷, he says with a threatening tone.

"You can't build a democracy and a strong society if justice isn't at its foundation, just like transparency and human rights", warns Hasan Bility, Liberia's director of the Global Justice Research Project, "You can't pretend that nothing has happened. The dead don't fight for themselves, seeking justice is fighting for the dead. It's very important for Liberia to have respect internationally"⁸.

The Palava Hut process

The Truth and Reconciliation Commission established a National Forum "Palava Hut" under the aegis of the Independent Human Rights Commission, which is responsible for supervising and monitoring this instrument for peacebuilding and reconciliation and for coordinating its activities. National "Palava Hut" committees had to be organized in 64 districts to provide victims with a public place to confront perpetrators living in their communities and thus accelerate reintegration and community reconciliation and forgiveness.

"Palava Hut", common in rural communities, is a conflict resolution mechanism that attempts to resolve disputes between individuals and/or communities through word and regret. It has full legitimacy in these communities and its decisions are binding.

⁷ Author's fieldwork. Monrovia, Liberia, October 2017. Johnson is best known for the assassination of President Samuel Doe. His followers kidnapped him and he was tortured and executed in Johnson's custody on 9 September 1990. It was videotaped and Johnson is seen enjoying a pitcher of beer, while his men torture Doe.

⁸ Author's interview with Hasan Bility. Monrovia, Liberia, August 2016.

It is a different form of justice, a traditional accountability mechanism to promote reconciliation and peacebuilding through dialogue. It requires all authors to appear before the Palava Hut. The aim is for the perpetrator to acknowledge the crime and ask for forgiveness. Only contemplates minor crimes. It does not apply to persons accused of serious crimes and human rights violations. It is not formal justice and some of its decisions contradict what is considered the international human rights standard. In the African country there are two legal systems: the customary one, such as the Palava Hut, and the statutory one. In case of conflict, the latter prevails.

"People have been practicing the Palava Hut. They sit down, listen to both sides and the community leader will reach a sentence that both sides will accept. We want the guilty to acknowledge what they have done; say they are sorry and ask for forgiveness. And they will also have to compensate the victim in one way or another"⁹, explains Farid Zarif. For Hassan Bility, however, "Palava Hut has never worked, it's not a good idea for me, because people don't tell the truth, aggressors never tell the truth"¹⁰.

Reconciliation

Peace is maintained because there is a commitment to reconciliation and because Liberians are fed up with war. But many warn that reconciliation is not possible without justice. There is even talk of the need to bring the culprits before the International Criminal Court.

"It is still necessary to press for greater justice, if it can be guaranteed that the people who committed the crimes pay for it and be brought to justice. Those who have suffered such atrocities and injustice must be rewarded and their agony acknowledged", says the UN Secretary-General's Special Representative in Liberia, Farid Zarif. "There can be no reconciliation without justice, and justice does not necessarily mean putting someone in jail or on trial, but that those people acknowledge what they did", adds Leymah Gbowee. "If someone feels aggrieved by a crime against him, he has the right to go to justice and bring the perpetrator to justice. We believe in that. But large-scale

⁹ Ibid. Farid Zarif

¹⁰ Ibid. Hasan Bility

punishment of groups of people could lead us back to war", warns President Ellen Johnson¹¹.

The conclusion is the same for all three: justice is necessary so that peace and reconciliation can be achieved.

"Our government will ensure that those guilty of crimes against humanity face their crimes no matter when, where, or how", said Ellen Johnson-Sirleaf at the launch of the CRT on 2006 February 20th. Unfortunately, on the verge of abandoning the presidency, he has not kept his promise and the Commission's report sleeps the dream of the just as far as justice is concerned, since among other things it calls for her disqualification because of her involvement in the war by having supported Taylor with money.

"Instead of punishing them, the perpetrators have been rewarded, they are now in power and powerful. Those who killed our loved ones have political power", says student leader and activist Abubakar Bah, "and have shown no sign of repentance. Some justify war and the reasons for killing others"¹². "Reconciliation is not going well. If you ask me to forgive you, I have to. It's the African way: You say sorry and I forgive you. But there is no reconciliation in Liberia because they haven't said sorry", adds women's rights activist Bernice Freeman. "Reconciliation and justice go hand in hand", warns John Kamma, director of the Citizen Bureau for Development and Productivity", if there is no justice, we will set a kind of precedent and the next generations could repeat the past because they would think that nobody pays for their crimes later".

To Lawrence Yealue, president of Accountability Lab., an organization that fights corruption and for integrity, a true reconciliation is needed. "There is fear in the people but if the situation is explained, they will not be afraid of the warlords because they no longer have power", he says, "But we must ensure that they will pay for their sins and for what they did. There can be no impunity". Also German Manfred Zbrzezny, married to a Liberian and resident in the country for more than a decade, highlights the fear factor and explains that everything that happened is hidden under the carpet and that the reconciliation process does not take place and the victims remain silent but "there is

¹¹ Statements taken from the report "Africa in the name of women" of TVE "En Portada", available at <http://www.rtve.es/alacarta/videos/en-portada/portada-afrika-nombre-mujeres/3559679/>

Consulted: 13/11/2017.

¹² Author's fieldwork. Monrovia, Liberia, August 2016.

a need in them to recognize at least what they suffered. That hasn't happened and that's not good for a society. There's a trauma"¹³.

Ex-combatants

The ex-combatants received approximately \$300 in exchange for their rifle, in addition to job training and social integration courses, in a demobilization and disarmament process supervised by UNMIL, including child soldiers. Several tens of thousands of children fought in the warring factions. But Liberia still has a lot of weapons.

To facilitate the reintegration of ex-combatants into society, they were given a subsidy, the *Transitional Settlement Allowance* (TSA), and opportunities for education and vocational training. According to UNMIL, 103,019 ex-combatants were disarmed and 101,495 demobilized. Of the demobilized, about 98,000 received reintegration assistance in the form of vocational training or formal education.

Local leaders, victims and communities across the country believe that ex-combatants have been rewarded rather than punished for the atrocities they committed while their victims and communities were provided with no remedy or assistance. These perceptions were further enhanced by the arrogant and unrepentant attitudes exhibited by many ex-combatants and their leaders.

It is impossible to prosecute all those who committed crimes of one kind or another, because there is a lack of resources, lawyers, judges and courts. Clarence Weah was a child when he was recruited from his village by one of the rebel groups. "It was led by Sekou Conneh and now he comes and goes through Monrovia without a problem. Peace will not work until the warlords are brought to justice. I want them in court. I don't forgive them, they ruined my future"¹⁴, he says with sadness.

The DDRR¹⁵ program was incomplete, especially regarding rehabilitation and reintegration. Ex-combatants are often discriminated and stigmatized. When they were disarmed, they were given money to organize themselves. Some bought motorcycles to

¹³ Benice Freeman, John Kamma, Lawrence Yealue and Manfred Zbrzezny. Author's fieldwork. Monrovia, Liberia, August 2016.

¹⁴ Author's fieldwork. Monrovia, Liberia, August 2016.

¹⁵ DDRR: Disarmament, Demobilization, Rehabilitation and Reintegration.

be taxi drivers and others invested it in various businesses. Others work for security companies or the police. But there are many who are unemployed, involved in drugs or crime.

"There is still a lot to be done in the field of reintegration", warns Abubakar Bah, "there are many who did not benefit from rehabilitation programs and the mentality remains the same, they are still thinking of civil war. The government has to go ahead with the programs but I'm not sure it's willing to do that"¹⁶.

"There were some who returned to their communities and were killed. Therefore, some can't go back to where they came from. The process remains incomplete. I work in ghettos with boys and girls who were involved in the war"¹⁷, explains Charles Jonnych, director of Voice against violence.

Peace Island is one of those ghettos. It is in the capital, Monrovia, and there are some 35,000 people from all over Liberia crowded together in subhuman conditions. The most basic needs are lacking and most of the inhabitants are unemployed. Jerry Paye is one of them. He was a child soldier. Participated in a community reconciliation program. He asked for forgiveness and they forgave him. But he says that some outsiders don't forgive him. He also blames the warlords, the commanders for what happened and wants them to be judged. "Now, I'm an ambassador for peace. I'll never go to war again. I tell people how terrible it was and that it should never be repeated"¹⁸.

Conclusion

Peace will not be sustainable in Liberia if Liberians do not take the process to consolidate it into their own hands. Despite the government's commitment and all UN peacebuilding efforts, peace remains fragile.

Liberians do not want to go back to war, they are fed up of it but it cannot be ignored that there is a potential for violence as long as conditions of inequality, exclusion and domination continue to exist and undermine the prospects for truly equitable development that benefits all Liberians.

¹⁶ Author's fieldwork. Monrovia, Liberia, August 2016.

¹⁷ Author's fieldwork. Monrovia, Liberia, August 2016.

¹⁸ Author's fieldwork. Monrovia, Liberia, August 2016.

For peace to be irreversible in Liberia, work must continue to address the problems that predispose to violent conflict and instability, reinforcing the structures, attitudes and processes that deepen and consolidate peace.

The government needs to strengthen its capacity to promote security and act against those who violate the law. It also must fight corruption, nepotism and impunity in the power elites.

It is also necessary to strengthen the judicial system and to ensure easy and equal access to justice for all citizens, otherwise they will lose confidence in it and in the peace process.

And it is to be reckoned that the voices calling for justice once and for all will increase. "There is a need to implement the recommendations of the Truth and Reconciliation Commission. The new government must do it and the authors have to acknowledge what they did. There's concern among Liberians. Some advocate for a criminal court and others for the Commission. But there can be no impunity"¹⁹, concludes Charles Coffey, president of the Liberian Press Union.

*Pilar Requena del Río**

Journalist of TVE

Professor of International Relations

¹⁹ Author's fieldwork. Monrovia, Liberia, October 2017.