

THE TRUTH AND RECONCILIATION COMMISSION OF LIBERIA

A Backgrounder

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Submitted to:

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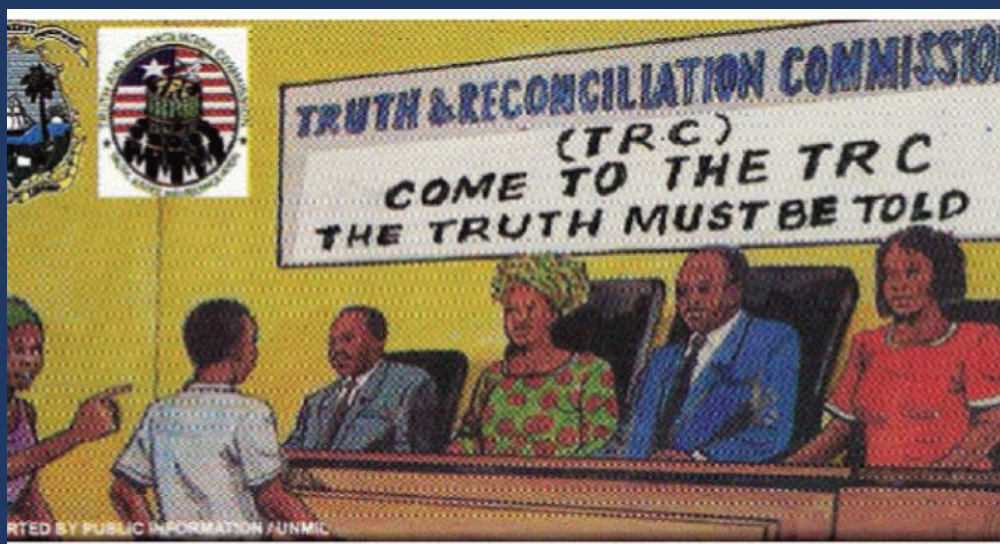


Source: *Volume II: Final Consolidated Report*.
Monrovia: Truth and Reconciliation Commission of
Liberia, 2009.

INTRODUCTION

Following a gruelling civil conflict lasting decades, the Truth and Reconciliation Commission of Liberia (LTRC) was established in June 2005.¹ The purpose of the Commission was to act in accordance with the Truth and Reconciliation Act (2005): “to promote national peace, security, unity, and reconciliation” following the devastation in Liberia suffered through a protracted civil war.² The commission’s work began in 2006, and there was a progression of three years’ worth of inquiry into the atrocities faced by Liberians during the period of conflict, which dated from 1979 through 2003. According to the report published by the Commission in 2009, the LTRC inquiries involved thousands of witness testimonies in all counties of Liberia, and, throughout the Liberian diaspora with the goal to foster truth, justice, and reconciliation; identify the causes of the conflict, and determine those responsible for committing crimes against the Liberian people.³

In this backgrounder, I will present the determinations of the Truth and Reconciliation Commission of Liberia, as well as identify their mandate, their processes, and their recommendations to both the domestic and international authorities on how the Commission believes reconciliation can be achieved for all Liberians. In concluding the backgrounder, space will be reserved for a final assessment of the LTRC, including both the scholarly interpretation of the LTRC’s success and failings, as well as the continued legacy of the commission in Liberia. For context, a brief overview of the period of conflict will be presented on the following page.



Source: Dakota Horn. Accessed from <https://theurgetohelp.com/articles/reconciliation-and-justice-as-humanitarianism>

¹ David Harris and Richard Lappin, “The Liberian Truth and Reconciliation Commission: Reconciling or Re-Dividing Liberia?” *Alternatives: Turkish Journal of International Relations* 9 (2010): 184.

² Gabriel Twose and Caitlin O. Mahoney, “The Trouble with Truth-Telling: Preliminary Reflections on Truth and Justice in Post-War Liberia,” *Peace and Conflict Studies* 22 (2015): 90.

³ Truth and Reconciliation Commission of Liberia, *Volume II: Final Consolidated Report* (Monrovia: Truth and Reconciliation Commission of Liberia, 2009), 2.

CONTEXT: 24 YEARS OF CHAOS IN LIBERIA

RICE RIOTS AND THE SAM DOE ERA (1979-1990)

In 1979, Liberians gathered in large numbers to protest the price increase of rice, culminating in the massacre of hundreds of unarmed protestors credited to the decision of President William Tolbert, thus deemed the “Rice Riot of 1979”.⁴ The problems of the Liberian people were about to be overshadowed by the rule of Samuel K. Doe the year afterward. In 1980, Master Sergeant Samuel Doe led a military coup d’état against the Tolbert government, instituting himself as the first Indigenous Liberian head of state in the country’s history.⁵ He would continue his reign throughout the 1980s in what the LTRC describes as a decade of political corruption in which the reigning elites under Doe utilized their position for personal gain, killing all opponents against them - a tradition that would be carried on into the 1990s following Doe’s assassination by the members of Charles Taylor’s insurgency in 1990.⁶



Samuel K. Doe. Source: Accessed from <http://liberiainfo.co/prd/presidents/samuel-k-doe/>.

THE LIBERIAN CIVIL WARS (1990-2003)

The Liberian Civil Wars broke out in 1990 after Charles Taylor and his organization, the National Patriotic Front of Liberia (NPFL) invaded the country from neighbouring Côte d’Ivoire, aided in large by the outside forces who provided weapons, munitions, and their transfer into Liberia.⁷ The early years of the war saw the forces of the NPFL monopolize a wartime economy built upon "blood" resources, and the recruitment of roughly ten thousand child-soldiers to bolster the control of the territory against rival warring factions.⁸ The war would carry on for roughly fourteen years, resulting in more than two hundred thousand deaths and about a million Liberians displaced – only ending in 2003 when the leaders of the warring factions came together to sign the Comprehensive Peace Agreement in Accra, Ghana.⁹



Child Soldiers, 1999-2003. Source: Accessed from <https://sites.google.com/site/whyweequal/civil-war-top-war-countries/liberia/second-liberian-civil-war>.

⁴ Aaron Weah, “Hopes and Uncertainties: Liberia’s Journey to End Impunity,” *International Journal of Transitional Justice* 6 (2012): 333.

⁵ Babatunde Afolabi, *The Politics of Peacemaking in Africa: Non-State Actors’ Role in the Liberian Civil War* (Boydell & Brewer, 2017), 63.

⁶ LTRC, *Volume II: Final Consolidated Report*, 118.

⁷ Afolabi, 73.

⁸ Roland Oliver and Anthony Atmore, *Africa Since 1800*, 5th ed. (Cambridge: Cambridge University Press, 2004), 349.

⁹ William Long, “Liberia’s Truth and Reconciliation Commission: An Interim Assessment,” *International Journal of Peace Studies* 13 (2008): 1.

THE COMMISSIONERS

Following the passage of the TRC Act in 2005 – owed to the Liberia National Transitional Government led by Chairman Gyude Bryant – the newly elected president of Liberia, Ellen Johnson Sirleaf, inaugurated the nine-member TRC in February the following year.¹⁰ Among the members, the Commission was diverse in how several were women from all different segments of Liberian society.¹¹ The specific inclusion of both men women may seem arbitrary, but as it will be made clear in the pages to follow, the LTRC took a gendered approach to the Commission’s proceedings. Also, the diversity as per the geographically diverse populace is indicative of the choice to select a gender-diverse commission from the far reaches of society in which the Commission aimed to heal.

CHAIRMAN JEROME VERDIER



Verdier at TRC inaugural ceremony, June 22, 2006. Source: <https://www.justiceinfo.net/en/44506-why-liberia-trc-archives-stay-in-us-university.html>.

THE OTHER COMMISSIONERS:

- Dede Dolopei, Vice-Chair
- Oumu K. Syllah, Treasurer
- Cllr. Pearl Brown Bull
- Rev. Gerald Coleman
- John H.T. Stewart
- Sheikh Kafumba Konneh
- Bishop Arthur F. Kulah
- Massa Washington

“The nature, scale and impact of the conflict and the crises it engendered, were so deliberate and repugnant to human sensibilities that ignoring them is intolerable as fearing their repetition...” - Chairman Jerome Verdier¹²

¹⁰ LTRC, *Volume II: Final Consolidated Report*, 2.

¹¹ Paul James-Allen, Aaron Weah, and Lizzie Goodfriend, “Beyond the Truth and Reconciliation Commission: Transitional Justice Options in Liberia,” *International Center for Transitional Justice* (2010): 7.

¹² LTRC, 1.

THE MANDATE

The LTRC's mandate is largely related to its mission statement as listed earlier. As it has been noted, the goal of the LTRC is to foster truth, justice and reconciliation in Liberia, and the specific mandates of the nine-member commission are representative of their three-pronged approach, as informed by Section 4 of the TRC Act (2005).¹³ As to be expected, the specific mandates presented in the final report, of which there is nine total, are related to those three goals, however, its mandate can be considered unique in how it included an inquiry into economic crimes, was concerned with the gendered experiences of victims throughout the period of conflict, and most importantly, included an amnesty provision.¹⁴ These unique additions will be explored further on in this background, but all serve to either elevate or denigrate the Commission in the eyes of those beyond it.

THE SPECIFICS OF THE MANDATE:

- 1) The LTRC calls for documentation and investigation into human rights violations that occurred in Liberia from January 1979 to October 2003.
- 2) Establish the root causes of the period of conflict and create a forum to address issues of impunity.
- 3) Identify victims and perpetrators involved with the period of conflict.
- 4) Establish a forum to facilitate constructive interchange between victims and perpetrators to recount their experiences for healing and reconciliation.
- 5) Investigate economic crimes and other forms of human rights violations and determine whether these violations are part of a systemic and deliberate pattern or isolated incidents.
- 6) Conduct a critical review of Liberia's historical past to acknowledge historical antecedents to the conflict and correct historical inaccuracies.
- 7) Adopt mechanisms to address the experience of women and children.
- 8) Make recommendations to the Government of Liberia for prosecution, reparation, amnesty, reconciliation and institutional reforms where appropriate to promote the rule of law and combat impunity.
- 9) Compile a report on the findings of the inquiry relating to the mandate as listed above and submit it to both the Liberian Government and the people of Liberia.¹⁵

Because several of the mandate's provisions were influenced by either historical, social, or political processes, the next page will provide a brief overview of the specific mandates that were most affected by outside processes.

¹³ LTRC, *Volume II: Final Consolidated Report*, 2.

¹⁴ James-Allen et al., "Beyond the Truth and Reconciliation Commission," 3.

¹⁵ The nine aspects of the LTRC's mandate are presented in linear order in the final report. See LTRC, 2-3.

THE MANDATE (CONTINUED)

ACCOUNTABILITY

Behind the origin of the mandate was an obvious societal need to address the countless wrongs that occurred over the decades-long period of conflict. Perhaps more than anything, the nature of Liberia transitioning from tyranny toward democracy, informed the Commission's desire to address both the atrocities committed, as well as to address the issues surrounding impunity that so often accompany these transitional periods in which the victims demand accountability.¹⁶ Articles 1 and 2 of the mandate are most representative of this imperative.

HISTORICAL FALSEHOODS

Article 6 of the mandate is interesting in how the Commission sought to look to the past to determine whether Liberia's history – specifically its colonial history – informed the instability that led to the period of conflict. Housed within the Commission's final report, exists a roughly sixty-page chapter on the history of Liberia, covering its colonial history, struggles of slavery, the end of colonialism, oligarchical rule, and ending with an analysis of the corruption inherent in Tolbert's government in the 1970s.¹⁷ Invariably, Samuel Doe's regime marked the end of the *old ways*, and as such, the transition between the old oligarchs of colonialism toward the new regimes beginning in 1979 justifies both the mandate for the inquiry into the country's history, as well as Article 1 in which 1979 is deemed the origin of the period of conflict.

AMNESTY

As for the amnesty provision outlined in Article 8, it is important to note that amnesty is only one part of it. To afford amnesty to select perpetrators in exchange for the cooperation in the truth-seeking process, the Commission can fulfill their principal aim for the truth as there would be otherwise no incentive for perpetrators to oust themselves for their past crimes - out of fear of retribution.¹⁸ Furthermore, the LTRC was limited in its implementation of amnesty, afforded only to perpetrators who show remorse, and unavailable to those guilty of war crimes – as credited to the Commission's authority outlined in the TRC Act.¹⁹ In their final report, the Commission declared that the measures-taken as per the amnesty/immunity provision given to all witnesses – either perpetrator or victim – were "pivotal in soliciting the cooperation of victims, witnesses and alleged perpetrators to participate in the process."²⁰ The question of amnesty is doubly conflicted when considering the role of children perpetrators – child-soldiers - which relates more to Article 7 of the LTRC mandate.

¹⁶ Thomas Jaye, "Liberia's TRC: Contexts, Mandates and Challenges," Pambazuka News, 2007.

<https://www.pambazuka.org/governance/liberia%E2%80%99s-trc-contexts-mandates-and-challenges>.

¹⁷ The pages of reference are from 66-100 of the commission's condensed report, for Tolbert's corruption. See LTRC, *Volume II: Final Consolidated Report*, 99.

¹⁸ Jeremy Sarkin, "Has the Ability of Truth Commissions to Recommend Amnesty Been Effective in Enhancing Perpetrator Cooperation?" *Revista de Direito Internacional* 15 (2018): 457.

¹⁹ Johnny Steinberg, "Briefing: Liberia's Experiment with Transitional Justice," *African Affairs* 109 (2010): 141.

²⁰ LTRC, 35.

THE MANDATE (CONTINUED)

AMNESTY (CONTINUED)

The basis for the inclusion of the amnesty provision was the South African Truth and Reconciliation Commission (SATRC). Like the SATRC, LTRC included amnesty as part of their mandate, however, the LTRC differed in how amnesty was selective – only being available to those who did not commit crimes deemed “serious” by international standards, unlike the blanket amnesty provided by the SATRC.²¹ On the issue of child soldiers, the Commission pushed for amnesty on their behalf. It was generally understood that child-soldiers were coerced and manipulated into committing atrocities – due in large their impressionability and vulnerability as children.²²

WOMEN

As per Article 7 of the mandate, the Commission considered the role of women in the truth-seeking process. Just as the emphasis on having a gender-diverse commission was given, the mandate of the Commission is reflective of the drive to include women in the Commission’s proceedings. The LTRC’s report notes the apparent patriarchal stature of pre-conflict Liberia, and the gender-specific discrimination they faced consequently.²³ Because of this reality, it is both important to keep special consideration for their sufferings and hold their vulnerable status as women as central in their quest for reconciliation. After all, women make up a large portion of the Liberian population, and societal reconciliation demands the efforts of *all* Liberians.

It is also worth noting is that the Commission and its nine members were inaugurated by President Ellen Johnson Sirleaf, the first female president in Liberia’s history.²⁴ That is not to say that the president influenced the mandate, but the election of the first female head of state in Liberia coincides with the inauguration of a gender-diverse truth commission, with a specific mandate relating to the female experience throughout the period of conflict.



President Ellen Johnson Sirleaf. Source: https://en.wikipedia.org/wiki/Ellen_Johnson_Sirleaf.

²¹ Sarkin, “Has the Ability of Truth Commissions to Recommend Amnesty Been Effective in Enhancing Perpetrator Cooperation?,” 466.

²² Carla De Ycaza, “A Search for Truth: A Critical Analysis of the Liberian Truth and Reconciliation Commission,” *Human Rights Review* 14 (2013): 204.

²³ LTRC, *Volume II: Final Consolidated Report*, 212.

²⁴ Tamasin Ford, “Ellen Johnson Sirleaf: The legacy of Africa's first elected female president,” BBC News, January 22nd, 2018, <https://www.bbc.com/news/world-africa-42748769>.

PROCESSES

In *Volume II: Final Consolidated Report*, the Commission notes that in 2006, the LTRC and its affiliates approved a thirty-month work plan, endowed with a USD 14 million budget from the Liberian federal government.²⁵ Over roughly two years, the LTRC would compile over twenty-two thousand statements, dozens of personal interviews, and host five hundred live public hearings in which testimonies were given by victims, perpetrators, and other important actors.²⁶

STATEMENTS:

Upon beginning their inquiry into the atrocities of the past, the Commission found the need to determine what was in-fact deemed a violation of human rights as determined by international human rights laws. To this end, the Commission procured a “preponderance of evidence” throughout the statement-taking process in which the Commission – as an extra-legal entity – made its determinations as per the standards of proof required to attribute blame for the violation of human rights.²⁷ The thousands of witness statements provided for the so-called “preponderance” of data.

The Commission was careful to cater to the specific needs of the vulnerable groups – women and children – as per the Commission’s mandate. Specifically, the Commission had gender-sensitive statement forms and even special forms for children statement-givers, in addition, civil society contributed to the process through the participation of various organizations, including organizations for women and youth alike.²⁸



Public Hearing in Monrovia, 2008. Source: <http://trcofliberia.org/photos/216.html>.

PUBLIC HEARINGS:

In Liberia, public hearings served as a state-sponsored platform that allowed individuals to tell their stories and reveal the trends and causes associated with the period of conflict from 1979-2003.²⁹ To the Commission’s credit, they were able to facilitate eight hundred public testimonies including the participation of all leaders of the warring factions in the Liberian Civil Wars, except for Charles Taylor who was in custody for his alleged involvement in Sierra Leone’s conflict.³⁰

²⁵ LTRC, *Volume II: Final Consolidated Report*, 142-144.

²⁶ *Ibid.*, vi.

²⁷ *Ibid.*, 29-32.

²⁸ *Ibid.*, 41-42.

²⁹ *Ibid.*, 152.

³⁰ Weah, “Hopes and Uncertainties,” 338.

PROCESSES (CONTINUED)

In the Commission's final report published in 2009, the data collection is deemed to be qualitative and quantitative, with the qualitative sphere relating to careful statement taking, interviews, and the public hearings, and the quantitative data collection based on computerized data analysis.³¹

THE QUALITATIVE RESEARCH METHOD:

Through the process of statement taking – tempered by the Commission's use of catered statement forms and deployment of sensitive initiatives – led to a positive public reception early on. Through the measures taken by the LTRC, the Liberian people had a positive disposition to the processes of the Commission, aided by the benefits of implementing sensitive statement taking which minimized the trauma faced by those who uncovered the horrors of the past.³² Unfortunately, the risks of uncovering the past are apparent to those who are retraumatized in confronting it. Public hearings, by definition, are meant to publicize the narrative to a large audience, and with that comes the risk of retraumatizing those with PTSD who are exposed to the qualitative narrative, a concern that was not addressed by the LTRC.³³

BENETEC AND THE QUANTITATIVE RESEARCH METHOD:

Benetec is the US-based corporation that was contracted to manage the database which processed and analyzed the thousands of statements given by Liberians throughout the truth-seeking process, in a highly statistical format.³⁴ Of great value to the LTRC was Benetec's implementation of an information management system, allowing for better quantitative analysis of the multitude of human rights violations that occurred.³⁵ The statistical analysis revealed shocking results. Benetec found that more than eighty-six thousand victims faced one hundred sixty-three thousand total violations.³⁶ But just as the qualitative method has risks, so too does the quantitative method. For instance, Benetec was able to process an impressive amount of data, but not all Liberians came forward to testify, meaning the limits of Benetec's *objective* truth lay in how it cannot provide the entire story.³⁷ Because of the sheer number of statements taken, and the reliance of the Commission upon those outside their borders, it is clear that the LTRC favoured the quantitative research method to facilitate inquiry into the mandated provisions of the Commission.

³¹ LTRC, *Volume II: Final Consolidated Report*, 39.

³² *Ibid.*, 42.

³³ Long, "Liberia's Truth and Reconciliation Commission," 9.

³⁴ LTRC, 39.

³⁵ *Ibid.*, 60-61.

³⁶ *Ibid.*, 148.

³⁷ Long, 8.

PROCESSES (CONTINUED)

A challenge for the LTRC was including the participation of those beyond the borders of Liberia – those in the Liberian Diaspora – in the processes of the Commission. By nature of the period of conflict, many were harmed, and many fled. Those who fled became part of the Liberian Diaspora, and their contributions to the truth-seeking process provided a more holistic approach to truth-seeking for Liberia.

THE ADVOCATES AND THE DIASPORA PROJECT:

To reach the far-ranging Liberian populace affected by the period of conflict, the Commission initiated The Diaspora Project. The Diaspora Project was the first initiative of its kind, a mechanism for the LTRC to engage in statement-taking and public hearings beyond the borders of Liberia, reaching the Diaspora in the US, the UK, and Ghana.³⁸ Because the Liberian commission was based in Liberia – and because its budget was modest – there was the need for a secondary body to conduct the LTRC’s process abroad. This group was the multi-national organization The Advocates for Human Rights. The Advocates spent the years of 2006 through 2009 mirroring the domestic process of the LTRC, within the Liberian Diaspora, gathering more than fifteen hundred witness statements from across the Diaspora equating to roughly 9% of all total statements garnered by the LTRC.³⁹

The LTRC acknowledged that The Advocates were responsible for public outreach, sensitization, statement taking, public hearings, research, and report writing on behalf of the truth commission, all of which was conducted on a *pro bono* basis, valued at roughly USD 10 million in services and contributions in kind.⁴⁰ With a total budget of USD 14 million, it is understandable that the Commission would be reliant upon the benevolence of others. The fact that The Advocates were able to contribute more than half of the monetary-valued services that the Liberian home government afforded to the LTRC is a testament to their importance in the truth-seeking process for Liberia.



The Advocates’ Logo. Source: <https://www.theadvocatesforhumanrights.org/logo>.

³⁸ Laura A. Young and Rosalyn Park, “Engaging Diasporas in Truth Commissions: Lessons from the Liberian Truth and Reconciliation Commission Diaspora Project,” *International Journal of Transitional Justice* 3 (2009): 341, 343.

³⁹ *Ibid.*, 343.

⁴⁰ LTRC, *Volume II: Final Consolidated Report*, 55.

FINDINGS

PROGRESSION OF HUMAN RIGHTS VIOLATIONS, 1979-2003:

The attached chart provides a useful timeline of how atrocities impacted Liberia over time (see chart below). In observing the data, the most troublesome years preceded the Sam Doe Era. The gargantuan spike in recorded instances of gross human rights violations in 1990 directly correlates to the beginning of the Liberian Civil Wars. However, this is not to undermine the atrocities committed during the Sam Doe Era. As it has been explained earlier in this background, the wholesale slaughter of Sam Doe's political rivals marks that stage as ridden with human rights violations. What is important to note is the numbers. The Commission has demonstrated through their findings on gross human rights violations that violations across Liberia peaked in 1990 with about fifty thousand violations, about thirty thousand violations in 1994, and roughly twenty-five thousand violations in 2003.⁴¹ The leading force of human rights violations during the timeline was initiated by Charles Taylor's regime and the NPFL's involvement in Liberia as early as 1989. Additionally, the Commission labelled the types of gross human rights violations as "beyond reprove," attributed to the nature of acts such as disembowelment and cannibalism.⁴² Liberia's truth commission could not hold such violations as within the realm of war-time violence due to the severity of these injustices.



Source: LTRC, *Volume II: Final Consolidated Report*, 208.

CAUSES OF THE CONFLICT:

The LTRC's final report lists the numerous causes for the outbreak and continuance of the period of conflict. For instance, the reasons listed include the roles of oligarchy-inspired poverty, weak judicial systems, ethnic divides in Liberia, endemic corruption, and the discrimination against women contributed to the overall devastation suffered by the people of Liberia.⁴³ The importance of the findings relates to how they address the long history of inequities that plagued Liberia – namely, oligarchy and the judiciary. As for the oligarchical history of Liberia, the LTRC has found that the legacies of colonialism's oligarchs in Liberia have thus contributed to the origins of the period of conflict in how wealth became concentrated in the hands of the few and the privileged, thus creating economic instability in the country that lasted generations and fueling hostilities between the privileged and the impoverished. Concerning the judiciary's weakness, what is most important is the corruption that accompanied it. Specifically, the LTRC concluded that dominance of the Executive branch over that of the Legislature and Judiciary bred a political platform in which Liberian presidents acted "with no checks and balances," freely using their power for personal gains – whether those be economic or violent.⁴⁴

⁴¹ LTRC, *Volume II: Final Consolidated Report*, 208.

⁴² *Ibid.*, 205.

⁴³ *Ibid.*, 6.

⁴⁴ *Ibid.*, 243.

FINDINGS (CONTINUED)

TRENDS OF VIOLATIONS: MEN, WOMEN, AND CHILDREN:

In accordance with the LTRC's mandate, women and children were given special consideration as per the research into human rights violations. In their final report, the Commission found that these vulnerable groups were susceptible to specific types of violations. Firstly, the Commission determined that women disproportionately faced sexual violations, credited to the role of women in the statement process – equating to about half of all statements taken by the Commission being from women.⁴⁵ Secondly, children were found to be most vulnerable to abduction. Specifically, it was found that children were the most at-risk demographic to be recruited into the ranks of the warring factions to serve as soldiers, making up roughly seventy percent of all combatants in the Liberian Civil Wars.⁴⁶ These vulnerable groups had avoided the more *bloody* violations such as murder and assault, but it is important to declare that the findings of the LTRC denote that vulnerable groups were susceptible to violations in which they were overpowered by others (i.e: rape and abduction). The male victims of Liberia faced brutality in all its horror. The Commission found out that Liberian men made up the majority of victims in the categories of murder, assault, and forced labour, equaling a total of forty-seven percent of the recorded violations.⁴⁷ Thus, the Commission concluded that the vulnerability to specific human rights violations was ostensibly related to biological sex and age.

THOSE RESPONSIBLE: WARRING GROUPS, GOVERNMENT, CORPORATIONS, AND MORE:

Among the varied groups involved in the 1979-2003 era, the Commission's final report does not sulk away from indiscriminately attributing blame. In casting a wide net, the Commission determined: all individual perpetrators associated with warring groups to be responsible for human rights violations; all groups or factions involved are responsible for violations of international human rights laws, humanitarian laws, and domestic Liberian laws; all corporations – including corporate officers and shareholders – who aided and abetted warring factions are responsible for those same violations; all Liberian governments from 1847 to 2003 are guilty of human rights violations; and finally, all perpetrators from those listed above are responsible for economic crimes against the state and its people.⁴⁸ The naming of major players in the conflict has been met with some criticism by the Liberian public. In casting such a *wide net* many Liberians felt like the Commission was telling them what they already knew, rather than a comprehensive list of all perpetrators involved.⁴⁹

In addition, the Commission deemed the United States as responsible for a lack of initiative. Citing the troubled yet connected past of Liberia and the US, the Commission concluded that the US could have intervened to resolve the conflict at any time, and their lack of initiative was tantamount to approval for the tyrannical regimes – of which, the US openly recognized Sam Doe as Head of State in Liberia.⁵⁰ However, the final report fails to mention the US's role in the conflict itself, as well as some other international bodies such as Guinea.⁵¹

⁴⁵ LTRC, *Volume II: Final Consolidated Report*, 222-223.

⁴⁶ *Ibid.*, 225.

⁴⁷ *Ibid.*, 226.

⁴⁸ *Ibid.*, 265-267.

⁴⁹ Weah, "Hopes and Uncertainties," 340.

⁵⁰ LTRC, 246-247.

⁵¹ James-Allen et al., "Beyond the Truth and Reconciliation Commission," 15.

RECOMMENDATIONS

PROSECUTION:

In the LTRC's final report, the Commission made the recommendation to prosecute ninety-eight individuals for their war crimes and other violations, as well as recommended that fifty politicians be barred from office for a period of thirty years for their support for the warring factions throughout the Liberian Civil Wars.⁵² To this end, the LTRC called for the creation of an "Extraordinary Criminal Tribunal for Liberia" to try those found guilty by the Commission of committing violations with the omission of the names of those perpetrators who collaborated with the LTRC in the truth-seeking process.⁵³

ACCOUNTABILITY: PUBLIC SANCTIONS AND PALAVA HUT:

To aid the process of reconciliation in Liberia, the Commission recommended these two initiatives to provide the Liberian people with information on perpetrators under the protection of amnesty. Public sanctions took the form of public apologies, symbolic monetary offerings, and lustrations of individual perpetrators to afford a measure of accountability they would otherwise avoid.⁵⁴ At the grass-roots level, accountability would be facilitated through the Commission's recommendation of "Palava Hut." Limited to perpetrators of "lesser crimes," the Palava Hut would allow for reconciliation in how individuals could concede to their crimes and seek pardon from the state through the Hut.⁵⁵



Palava Hut. Source: <https://www.dignityliberia.org/lets-palava/meanwhile-back-at-the-palava-hut>.

ECONOMIC SEIZURE AND REPARATIONS:

These two recommendations referred to a reclaiming of the corporate money earned through violations, and the creation of a monetary fund to support the most affected groups and regions that suffered throughout the conflict.⁵⁶ Monetary reparations were to be provided as needed, but the fund was also designed to support victims through their mental and/or physical traumas sustained. Additionally, the Commission called for the institution of a national holiday in memorial of the conflict as an additional measure of reparation.

TO THE LIBERIAN GOVERNMENT AND INTERNATIONAL COMMUNITY:

Beyond recommending that the Liberian government act upon all proposed initiatives, the demands made of the government were substantial. Among others, the Commission fiercely recommended that the government be decentralized – broken up into elected stages of multiple subdivisions.⁵⁷ This is understandable considering many atrocities of the past were dependent upon the authoritative power of the Executive branch of Liberian politics. As for international bodies, the Commission recommended the US to rethink its relationship with Liberia and recommended the UN endorse all the LTRC's recommendations as well as retain a peacekeeping force in Liberia for several years.⁵⁸

⁵² Steinberg, "Briefing," 135.

⁵³ LTRC, *Volume II: Final Consolidated Report*, 268-269.

⁵⁴ *Ibid.*, 271.

⁵⁵ *Ibid.*, 273.

⁵⁶ *Ibid.*, 274, 277.

⁵⁷ *Ibid.*, 281.

⁵⁸ The recommendation to the US is based on the US's alleged inaction in the early years of the war. See LTRC, 290-291.

SCHOLARLY INTERPRETATION

The academic community's reception to the LTRC's processes is marked by both accreditation and harsh criticism. To be constructive, both the *good* and the *bad* aspects of the Commission will be outlined below.

THE GOOD:

The Commission's mandate was indeed unique, affording careful attention to vulnerable groups such as women and children in Article 7. Beyond the gratification for their gender-centric approach, some scholars have given credit to other aspects of the mandate. For instance, historians David Harris and Richard Lappin have described the mandate as "a strike against the culture of impunity," praising the Palava Hut system and the Commission's harsh stance against impunity.⁵⁹ As for amnesty, historian Jeremy Sarkin recognizes the benefits of selective amnesty in the truth-seeking process as outlined in the Commission's mandate, combating impunity by nature of perpetrators having to provide testimony in exchange for protection.⁶⁰ Regardless of the tangible outcomes of the LTRC's processes, the mandate is positively received by the scholarly community.

The Diaspora Project has received some praise from scholars. Laura Young and Rosalynn Park have detailed the benefits of this outreach program. These authors argue that reconciliation was facilitated in the Liberian Diaspora in how the Project was able to overcome the hostilities between victims and perpetrators. They ultimately revealed that reconciliation was needed in the Diaspora and showed that the Project garnered a considerable amount of publicity in the US, raising awareness and monetary contributions to the project.⁶¹

THE BAD:

Unfortunately, according to many in the academic community, the Liberian truth commission failed in several of its functions. According to historian Aaron Weah, the Commission's stance against impunity was undermined when it afforded amnesty to *questionable* individuals. Specifically, Weah notes that the granting of amnesty to the infamous General Butt Naked, an admitted mass murderer guilty of war crimes committed during the First Liberian Civil War, went against the LTRC's supposed denial of amnesty to those who committed gross human rights violations.⁶²



Joshua Blahyi A.K.A. General Butt Naked. Source: <https://www.thetrentonline.com/meet-world-notorious-warlords-general-butt-naked/>.

⁵⁹ Harris and Lappin, "The Liberian Truth and Reconciliation Commission," 189.

⁶⁰ Sarkin, "Has the Ability of Truth Commissions to Recommend Amnesty Been Effective in Enhancing Perpetrator Cooperation?," 456.

⁶¹ Young and Park, "Engaging Diasporas in Truth Commissions," 359-360.

⁶² Weah, "Hopes and Uncertainties," 340-341.

SCHOLARLY INTERPRETATION (CONTINUED)

THE BAD (CONTINUED):

These issues regarding the Commission's amnesty provision also relate to the process in which amnesty is granted. Historian Noga Glucksam takes a highly critical stance on the process by which alleged perpetrators could receive amnesty. Explaining how perpetrators utilized the language of victimhood, alleged perpetrators were abuse to abuse the hearings process by illegitimately gaining victim status, much to the dismay and ire of legitimate victims.⁶³ Likewise, Jonny Steinberg remarks upon the flawed public hearings. In similarity to Glucksam, Steinberg notes that the processions were seen by watchers as “a fiasco,” ridden with lies and insincerity proclaimed by warlords.⁶⁴ All of that is to say, the academics have much to critique in the realms of public hearings and amnesty.

Others have looked at the LTRC on a more foundational level, arguing the levying of recommendations is unconstitutional. As James-Allen et al. argue in their article “Beyond the Truth and Reconciliation Commission” (2010), the power bestowed upon the LTRC by the TRC Act, in which LTRC recommendations were demanded to be enacted, is unconstitutional. To this end, these authors maintain that the separation of powers doctrine – how political power is held by the state, not institutions – raises the issue of constitutionality, whether the LTRC has the legal right to enact recommendations.⁶⁵ Their hypothesis would prove to be true. In 2011, the Liberian Supreme Court ruled the TRC Act as unconstitutional, and the lack of retribution has been received negatively by the Liberian populace.⁶⁶

Finally, the intellectual community saw an issue in the LTRC's determinations. Citing due process, several scholars have criticized the LTRC. For example, Carla De Ycaza argues that inconsistent evidence cited in the LTRC's final report, including the lack of mention of the five hundred primary sources throughout the report, and the listed names of perpetrators recommended for prosecution.⁶⁷ To adequately attribute blame, there is a need for a due process dependent on consistent evidence. In addition to the inconsistency of evidence cited in the Commission's final report, Harris and Lappin have explained that the unconstitutionality of the Commission's determinations relates to self-defence. Specifically, the authors maintain that those deemed responsible and worthy of political censure (not prosecution) by the LTRC were not given a chance to defend themselves, thus, underscoring a failure of due process in attributing responsibility.⁶⁸

⁶³ Noga Glucksam, “I Fear, Therefore I Am: Victimhood and the Struggle for Ontological Security in the Liberia Truth Commission,” *Civil Wars* 20 (2018): 102.

⁶⁴ Steinberg, “Briefing,” 140.

⁶⁵ James-Allen et al., “Beyond the Truth and Reconciliation Commission,” 17.

⁶⁶ Twose and Mahoney, “The Trouble With Truth-Telling,” 92.

⁶⁷ The primary sources referred to relate to the declaration in *Volume II: Final Consolidated Report* that five hundred sources were used in making determinations. See LTRC, *Volume II: Final Consolidated Report*, vi. De Ycaza, “A Search for Truth,” 207.

⁶⁸ Harris and Lappin, “The Liberian Truth and Reconciliation Commission,” 187.

LEGACY

It is a sad reality that little has come of the Liberian Truth and Reconciliation Commission's recommendations. As Aaron Weah notes, as of 2019, many of the LTRC recommendations have not been implemented in Liberia.⁶⁹ There is a multitude of reasons to explain this lack of initiative on behalf of the Liberian government.

One possible explanation refers to the lack of internal support for the Commission's findings. Ironically, two commissioners refused to sign-off on the report of 2009, but to be fair, there was significant opposition to the report's findings and commissioners were even receiving death threats.⁷⁰ This would suggest that the opposition is largely led by the *named* perpetrators in the report, at the least, the violent ones. The opposition also came from politicians. Unsurprisingly, many of the politicians recommended by the Commission for political censure were averse to the publishing of the report and actively worked to have it diminished, further risking the Liberian public's disapproval of the LTRC based on impunity for perpetrators.⁷¹

Reparations and memorialization face challenges too. Firstly, upon passage of the final report in 2009, monetary reparations were swiftly sidelined by the Liberian government, as there was no specific indication in the report as to whom the victims were despite the Commission's creation of a trust fund and allocated from the budget for this purpose.⁷² Secondly, memorialization has continued to be neglected by the Liberian government. For instance, Aaron Weah explains that numerous monuments to former perpetrators remain in Liberia, and their continued existence denotes the lack of implementation of LTRC recommendations as well as a general apathy toward projects of memorialization (see image right).⁷³

Is there any hope that Liberia will embrace the recommendations of the LTRC? As of 2015, no one named by the Commission to be guilty of war crimes has been prosecuted and it appeared unlikely as many of those named for prosecution by the Commission remain in positions of political power.⁷⁴ However, there has been a recent political shift. As noted by public news outlet: Human Rights Watch, in late 2019, Liberian President George Weah endorsed the creation of a War Crimes Court.⁷⁵ This a great step in the right direction. With this shift, the atrocities of the past may yet be addressed, failure of the LTRC's fight against impunity can be resolved, and justice can be attained for the victims.



LTRC peace sign. Source: <https://www.justiceinfo.net/en/44506-why-liberia-trc-archives-stay-in-us-university.html>.

Statue of perpetrator Prince Yormie Johnson. Source: Weah, "Declining Ethnic Relations in Post-War Liberia." 164.

⁶⁹ Aaron Weah, "Declining Ethnic Relations in Post-War Liberia: The Transmission of Violent Memories," *International Review of the Red Cross* 101 (2019): 151.

⁷⁰ Harris and Lappin, "The Liberian Truth and Reconciliation Commission," 186.

⁷¹ Weah, "Hopes and Uncertainties," 342-343.

⁷² James-Allen et al., "Beyond the Truth and Reconciliation Commission," 23.

⁷³ Weah, "Declining Ethnic Relations in Post-War Liberia," 163-164.

⁷⁴ Twose and Mahoney, "The Trouble With Truth-Telling," 91-92.

⁷⁵ "Liberia: President backs War Crimes Court," Human Rights Watch, published September 17th, 2019, <https://www.hrw.org/news/2019/09/17/liberia-president-backs-war-crimes-court>.

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