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Independent Legal
Representation of
Victims of War Crimes
and Crimes against
Humanity

**CIVITAS
MAXIMA**

2016 ANNUAL REPORT

Downtown Monrovia, Liberia,
during fighting in 2003.
© Kuni Takahashi.



**For me, justice is the prime
condition of humanity.**

- WOLE SOYINKA

**I will be as harsh as truth, and un-
compromising as justice (...) I am in
earnest, I will not equivocate, I will
not excuse, I will not retreat a single
inch, and I will be heard.**

- WILLIAM LLOYD GARRISON

TABLE OF CONTENTS

FOREWORD	PAGE 5
WHY CIVITAS MAXIMA	PAGE 7
METHODOLOGY	PAGE 11
DOCUMENTATION	PAGE 13
PURSUIT OF JUSTICE	PAGE 17
CAPACITY BUILDING	PAGE 29
FINANCIAL STATEMENTS	PAGE 33
ACKNOWLEDGEMENTS	PAGE 34

Resolute Beliefs and Concrete Actions in Perilous Times

I founded Civitas Maxima in 2012 because I believed the international community had too often failed to provide justice for the hundreds of thousands of victims of mass crimes around the world. Many of the mechanisms for international justice were, and still are, plagued by political considerations and interference. I felt it was time to create a new, independent initiative for justice, with experienced international lawyers and investigators free from the crippling influence of politics and willing to dedicate their lives to attaining justice for the victims of international crimes. This, of course, meant that independence would be one of our core values, and that the organization ought to operate without any government funding. I am proud to say that in our nearly five years of operations, we have strictly adhered to this key commitment.

In 2016, we advanced our mission to document serious international crimes on behalf of the more than 600 Liberian, Ivorian, and Sierra Leonean victims we represent. In our pursuit of justice, we made concrete advances in several ongoing cases involving international crimes by collaborating with European and North American war crimes units, prosecutors, and investigators. One of our cases became public in September 2015 when Michel Desaedeleer, a Belgian-American businessman, was arrested in Spain and charged with crimes connected to the trade in blood diamonds from Sierra Leone. Proceedings against Desaedeleer moved forward significantly in 2016 thanks to the diligence of Belgian judicial authorities and the collaboration of the government of Sierra Leone, but were cut short when Desaedeleer committed suicide in his prison cell before a trial could take place. This year's Annual Report discusses this groundbreaking case at length below.

In 2016, we also invested heavily in further building the capacity of our local partners, specifically the Global Justice and Research Project (GJRP), our partner in Liberia, which has become one of the most trusted and reputable organizations in Liberian civil society. All of our work and the work of our partners abides by a strict Code of Ethics guaranteeing Civitas Maxima's second core value - **integrity**.

Along with independence and integrity, **discretion** is another of Civitas Maxima's key values. We honor the responsibilities and duty of care we have to the victims we represent by foregoing social media campaigns on active investigations. We only communicate publicly about those of our cases that have become public knowledge. While a more active social media presence might help Civitas Maxima's fundraising efforts, all of our public communications must be tempered by the need to protect the victims we represent.

In the face of overwhelming odds and despite limited resources, we **stand resolutely with the victims** we represent and with our local partners. Our position is that **a long-term view** is absolutely critical in forging long-lasting and sustainable change.

The tumultuous political events of 2016 demonstrate that the path toward lasting change and progress remains a perilous, rocky road, and that Civitas Maxima's commitment to justice for victims is needed now more than ever. Too many world leaders use belligerent and reckless rhetoric to promote torture and murder in violation of international law. In places where civilians continue to suffer the calamities of war, it remains unclear when their ordeal will come to an end. And most disconcertingly, the prospect of sustained violence breaking out in the near future in regions where stability seemed guaranteed not long ago seems ever more possible.

Even so, 2016 also witnessed significant progress in the pursuit of justice for international crimes, strengthening our belief that we must continue to stand resolutely alongside victims over the long term in order to bring about real change. In May 2016, the Extraordinary African Chambers (EAC) in Dakar, Senegal, convicted Hissène Habré, the former President of Chad, of war crimes and crimes against humanity. Habré's conviction was the culmination of 17 years of intense campaigning by human rights lawyers and victims to overcome realpolitik considerations that prevented his trial from taking place for so many years. The justice attained for Habré's victims represents a momentous achievement.

Civitas Maxima staff in their personal time provided tireless representation to Habré's victims during the trial, and this experience further consolidated our unparalleled expertise in fighting for justice on behalf of forgotten victims in major cases for international crimes.

While the Habré case confirms that the pursuit of justice on behalf of forgotten victims requires significant time and determination, it also represents a clear beacon of hope in these times of political uncertainty. Both victims and lawyers have an important role to play in the fight against impunity, and both can ultimately change the course of events for the better.

Civitas Maxima is engaged in a global movement to open up a path to justice for victims of atrocities. This work must be approached from many perspectives for its full significance to be grasped. In this Annual Report we are proud to share the perspectives of Antonya Tioulong, a member of our Advisory Board, and of Ibrahim Tommy and Hassan Bility, directors of two of our partner organizations in Africa.

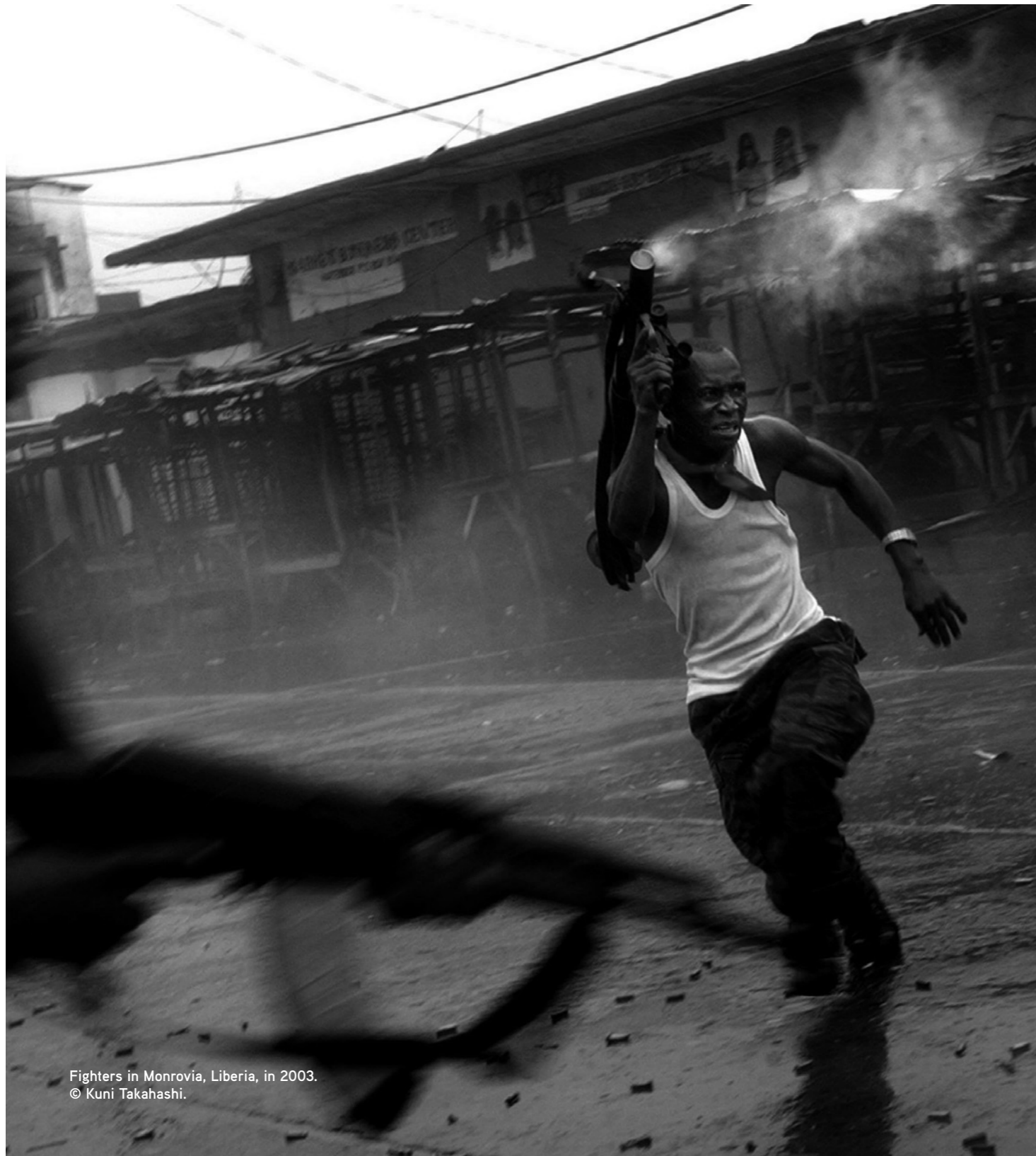
We are extremely grateful to our committed donors who share our core values - independence, integrity, discretion and long-term commitment to victims - as well as our belief in the possibility of real change. The work of Civitas Maxima and its partner organizations would not be possible without our donors.

2016 has strengthened the resolve of Civitas Maxima and its staff to pursue justice on behalf of invisible victims of international crimes more relentlessly than ever.

Alain Werner
Director of Civitas Maxima



Why Civitas Maxima ?



Fighters in Monrovia, Liberia, in 2003.
© Kuni Takahashi.

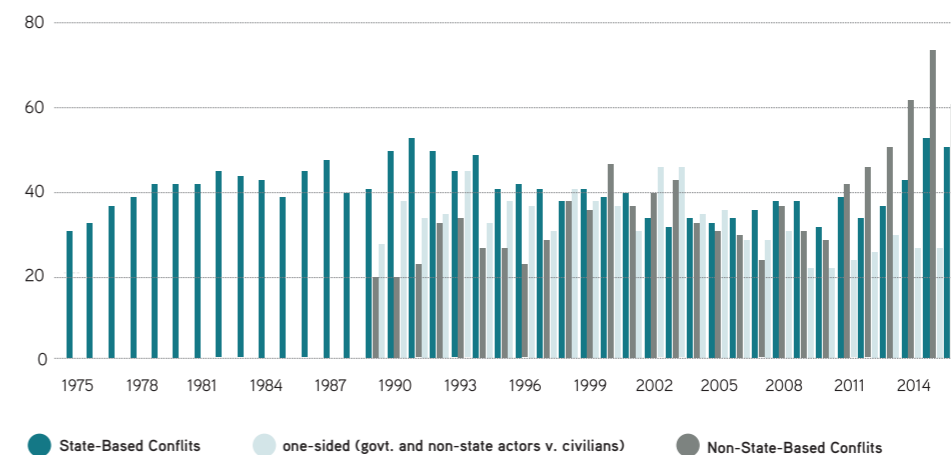
Humankind has made immense progress in recent decades in areas such as poverty reduction and public health. No comparable advancements, however, have taken place in the rule of law on a global scale and in access to justice for victims of atrocities - while international crimes are on the increase. Civitas Maxima was specifically founded to contribute to the fight for accountability.

In some areas of human welfare, staggering progress has been made in recent years. For example, from 1970 to 2015, the number of people living in extreme poverty fell by two-thirds.¹ Similar advancements were made in eliminating diseases,² ensuring access to clean drinking water,³ and providing education.⁴

This progress was made possible in part by the unprecedented stability and peace that prevailed following the end of World War II.⁵ However, recent years have brought about a reversal in the trend towards peaceful prosperity, as armed conflicts around the world are claiming tens of thousands more lives per year in an "inexorable intensification of violence."⁶ According to The World Bank, an estimated 2 billion people - almost a third of the world's population - live in countries that are directly affected by fragility, conflict and violence as of April 2017.⁷

The number of state-based and non-state conflicts, as reported by the Uppsala Conflict Data Program, remain at the highest levels since recording began in 1975 and 1989, respectively, with over 100 conflicts ongoing worldwide.⁸

Global Armed Conflict Frequency



- 1 - Max Roser and Esteban Ortiz-Ospina, "Global Extreme Poverty," *Our World in Data* (2017), retrieved from <https://ourworldindata.org/extreme-poverty/>.
- 2 - Max Roser, "Eradication of Diseases," *Our World in Data* (2016), retrieved from <https://ourworldindata.org/eradication-of-diseases/>.
- 3 - World Health Organization, "Drinking-water Fact Sheet" (November 2016), retrieved from <http://www.who.int/mediacentre/factsheets/fs391/en/>.
- 4 - Max Roser and Mohamed Nagdy, "Primary Education," *Our World in Data* (2016), retrieved from <https://ourworldindata.org/primary-education-and-schools/>.
- 5 - Christopher Woolf, "The world is actually becoming more peaceful - believe it or not," *PRI's The World* (Sept. 29, 2014), retrieved from <https://www.pri.org/stories/2014-09-29/world-actually-becoming-more-peaceful-believe-it-or-not>.
- 6 - Nigel Inkster, "Armed Conflict 2015 Press Statement," *International Institute for Strategic Studies* (May 19, 2015), retrieved from <http://www.iiss.org/en/about-s-us/press-s-room/>.
- 7 - World Bank, "Fragility, Conflict and Violence Overview," (Apr. 20, 2017), retrieved from <http://www.worldbank.org/en/topic/fragilityconflictviolence/overview>.
- 8 - Marie Allansson, Erik Melander, and Lotta Themmen, "Organized Violence, 1946-2016," *Journal of Peace Research* (2017) (forthcoming).

WHY CIVITAS MAXIMA ?

Yet the perpetrators of atrocities committed during recent and on-going armed conflicts mostly go unpunished. The only permanent international body set up to try criminal cases for international crimes, the International Criminal Court (ICC), is a key and central player in the fight against impunity, but has so far only handed down five judgments concerning war crimes and crimes against humanity in its fifteen years of operation.⁹ This would be a minimal number for a local criminal court in any small city of the world.¹⁰

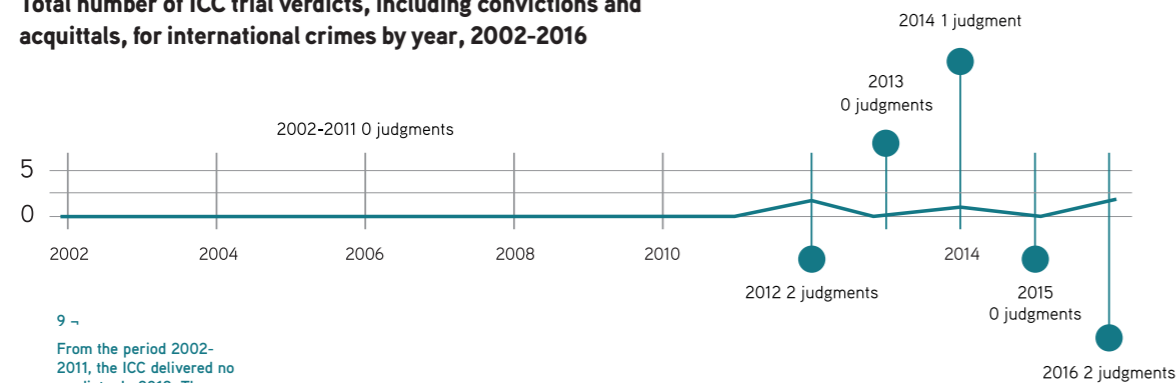
How is it possible that humanity has advanced so far in fields such as health and education in the recent decades, but has made so little progress when it comes to prosecuting those who enslave and torture entire populations, or systematically dehumanize, mutilate, and rape civilians?

It all comes down to politics.

Mass crimes are committed by states or rebel groups during periods of war or serious instability. Many leaders put themselves above the law by using it as a political tool, and only respect the human rights of their citizens when it suits their political agenda.

Political and economic interests thus play a key role in the commission of crimes, and the same interests also determine who will, or will not, be prosecuted. Mechanisms like the ICC which world leaders have set up to supposedly hold themselves and each other accountable are plagued by political games and are not as effective as they should be.¹¹ As Anne Barnard wrote in the *New York Times*, *"The post-World War II order is fraying as fighting spills across borders and international institutions — built, at least in theory, to act as brakes on wanton slaughter — fail to provide solutions."*¹²

Total number of ICC trial verdicts, including convictions and acquittals, for international crimes by year, 2002-2016



9 – From the period 2002-2011, the ICC delivered no verdicts. In 2012, Thomas Lubanga Dyilo was convicted of war crimes and Matthieu Ngudjolo Chui was acquitted of war crimes and crimes against humanity. In 2014, Germain Katanga was convicted of a war crime and crimes against humanity. In 2016, Jean-Pierre Bemba Gombo was convicted of crimes against humanity and war crimes, and Ahmad Al Faqi Al Mahdi was convicted of a war crime. For a list of current and past cases before the ICC, see <https://www.icc-cpi.int/cases>.

10 – And yet the the ICC's budget has increased from 53 million Euros in 2004 to 153 million Euros in 2016. See Niklas Jacobsson, "The 2016 ICC Budget - More Money, More Problems?" *Justice Hub* (Sept. 17, 2015), retrieved from <https://justicehub.org/article/2016-icc-budget-more-money-more-problems>.

11 – For an account of the structural and political issues complicating the ICC's operations, see Stéphanie Maupas, *Le Joker des Puissants, Don Quichotte* (2016).

12 – Anne Barnard, "Syria Changed the World," *New York Times* (Apr. 21, 2017).

Today Syria provides the most tragic and blatant, but by no means the only, example of a country where the lack of international political will is allowing those responsible for the most serious crimes to go free. What is more, countries where active fighting has subsided - such as Liberia and the Ivory Coast - still struggle to find a peaceful path forward because the lack of accountability allows former warlords to stay in power, thereby hampering meaningful progress and damaging trust in public institutions. Without accountability, the fear that such countries will return to conflict is all too real.

Civitas Maxima's message is simple: those who commit international crimes must be prosecuted.

Given these political obstacles, there is an ever-growing need for independent, non-political organizations functioning without government funding, and working solely on providing access to justice and developing jurisprudence that can benefit victims of atrocities from all over the world. Civitas Maxima, operating with a comparatively small budget and wasting no time or resources on political issues, has been able to achieve tangible results for victims from Liberia, the Ivory Coast, and Sierra Leone.

There is a commonly-held illusion that conflicts in far-away areas, while tragic, do not directly concern those living in stable and economically prosperous parts of the world. But war crimes and crimes against humanity are an affront to the basic principles shared by all humanity. And, as Antonya Tioulong explained at a conference organized by Civitas Maxima in Geneva, Switzerland (see p. 25), all of us can become victims of mass atrocities, regardless of where we live or our socio-economic status.

Girl running for cover during combat in Monrovia, Liberia, in 2003. © Kuni Takahashi.



Methodology - the way Civitas Maxima does its work matters

Civitas Maxima follows a unique bottom-up approach. Everything starts on the ground with the victim. Civitas Maxima and its partners conduct thorough investigations before any litigation is initiated.

Documentation

STEP 1

Interviewing a victim or group of victims in cooperation with local organizations to create a record of events.

STEP 2

Storing all relevant information on a secure electronic database for factual and legal analysis to identify alleged perpetrators and appropriate accountability avenues on behalf of the victim(s).

STEP 4

Interfacing with authorities that have commenced investigations of the alleged perpetrator(s), and following up with victims continuously to ensure they are informed, regardless of how accountability efforts advance.

STEP 5

Representing victims and coordinating with prosecuting authorities at trial of the alleged perpetrator(s); and, where investigations have not matured into trials, preserving victims' accounts for the long term, keeping in mind that political circumstances may change and prosecutions that seem impossible today may become a reality in the future.

Pursuit of justice

STEP 3

Transmitting information, with the full consent of the victims, to relevant authorities with jurisdiction over the alleged perpetrator(s) and/or filing a complaint directly on behalf of the victims(s) where a viable accountability avenue has been identified.

Civitas Maxima's capacity-building efforts ensure its partners are able to participate at each stage of documentation and pursuit of justice.



Documentation

STEPS 1 & 2



Illustration JP Kalonji.

Infinite Care in Handling Documentation

Documentation is the process of gathering evidence and information on crimes committed and on the perpetrator(s) of those crimes. The collection of evidence is the first step of any investigation, and requires significant planning and preparation. Civitas Maxima has developed rigorous protocols and Standard Operating Procedures (SOPs) to ensure the integrity of the data it collects, and also conducts preliminary credibility and reliability assessments of victims and other witnesses who have been interviewed. Every investigation follows the “Do no harm” principle, and assesses the needs of the victims and witnesses.

Do no harm:

“Do no harm” is the key ethical principle for conducting interviews. Investigators should minimize any negative impact the documentation process may have on victims and witnesses.¹³ When conducted properly, an interview empowers victims and witnesses and gives them a sense of control, whereas an interview improperly done can re-traumatize interviewees, and can also damage the quality or reliability of the information collected.¹⁴ Therefore, appropriate training is key for efficiently carrying out interviews of vulnerable victims and witnesses, such as children or Sexual and Gender-Based Violence (SGBV) survivors. Civitas Maxima’s staff and the investigators of the Global Justice and Research Project (GJRP) in Liberia have been trained in conducting interviews by the Institute for International Criminal Investigation (IICI), and their interview skills are regularly re-assessed.

13 –

Sara Ferro Ribeira and Danae van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*, UK Foreign and Commonwealth Office (2017), at p. 85, retrieved from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/598335/International_Protocol_2017_2nd_Edition.pdf.

14 –

Id. at p. 63.

Specific needs of victims and witnesses

Accurately assessing the needs of a victim or witness is a vital part of an interview, and requires a multidimensional approach including, but not limited to:

Security:

Interviews must be conducted with the safety of both the interviewees and the investigation team in mind. Civitas Maxima often operates in places where alleged perpetrators are still living freely, and therefore appropriate measures are needed to ensure that the perpetrators do not endanger Civitas Maxima staff or beneficiaries. Civitas Maxima and GJRP conduct security risk assessments and follow protocols to guarantee the safety and security of all persons involved, as well as to preserve and protect the evidence gathered.

Physical and Mental Health:

Many victims of and witnesses to international crimes suffer from psychological trauma, and need referrals to appropriate services. However, in the countries where Civitas Maxima is active, physical and mental health services are very weak or non-existent. In some parts of Liberia, for example, Civitas Maxima has had to develop an innovative approach to ensure that such needs were met. By partnering with NGOs, private donors and individuals, Civitas Maxima was able to refer dozens of victims to doctors. For example, at least twenty survivors of rape who were interviewed by Civitas Maxima were tested for HIV and treated for STDs.

A Bottom-Up Approach

Civitas Maxima’s starting point in any investigation is the factual evidence that Civitas Maxima or its local partners have collected by working directly with victims and witnesses in the field. By first meeting directly with victims and witnesses to document crimes and collect evidence, and then following the evidence wherever it leads, Civitas Maxima employs a unique and reliable “bottom-up” approach to documentation. This approach is essential to the integrity of Civitas Maxima’s documentation.

Civitas Maxima’s hands-on approach stands out from the typical practice of other organizations in the field of international criminal justice, in which investigations are often spurred by information and evidence collected by other parties. Civitas Maxima controls its investigation process completely.

Civitas Maxima’s Documentation Activities in 2016

Ivory Coast:

Since 2013, Civitas Maxima has documented more than 250 accounts from victims and witnesses of crimes committed in the western part of the Ivory Coast during the 2011 post-electoral crisis. In 2016, Civitas Maxima conducted outreach activities to update victims and witnesses of progress on its work, and continued to explore ways to achieve justice. Over the course of three separate field missions in 2016, Civitas Maxima investigators met with more

than 160 victims and witnesses. Each deployment required extensive planning and preparation for travel in remote areas accessible only for a limited period during the dry season.

Liberia:

Civitas Maxima and GJRP currently represent over 350 victims of crimes committed by the various armed factions during the two civil wars in Liberia. In 2016, Civitas Maxima conducted four missions to Liberia focusing both on documentation and GJRP capacity building (p.29). GJRP and Civitas Maxima interviewed almost one hundred victims and witnesses. Civitas Maxima’s documentation activities also enabled fifteen victims and witnesses to participate actively in the investigation phase of ongoing cases, and over seventy victims and witnesses were kept informed of current legal proceedings.

Sierra Leone:

As detailed in this Annual Report (p.17), Civitas Maxima represented over ten individuals from Kono District in eastern Sierra Leone who were enslaved in the blood diamond trade during the Sierra Leonean civil war. Civitas Maxima conducted missions in late 2015 and in 2016, visiting victims in Kono district both times. The Centre for Accountability and Rule of Law (CARL) in Freetown, and the Knowledge for Community Empowerment Organisation (KoCEPO) in Kono, both of which are partner organisations of Civitas Maxima in Sierra Leone, participated fully in the missions. CARL and KoCEPO also conducted separate missions to Kono in coordination with Civitas Maxima to explain the meaning of the work done by Civitas Maxima and its partners to stakeholders and civil society members.

Documentation: Impact

Recognized interviewing techniques, together with proper safety procedures and adequate follow-up mechanisms, can empower victims and make them feel valued in a way that many have never experienced. Speaking with professionals who are diligent with the information they receive and who are striving for justice assures victims that they have contributed to a better future for themselves and their children.

The following real accounts are examples of situations that Civitas Maxima and local partners have investigated:

Ivory Coast - Moving beyond guilt¹⁵

Mr. Guei had to escape his village in the west of the Ivory Coast during the violence that followed the 2010 Ivorian presidential election. He sought refuge in a small forest camp with his wife and his son. Armed men attacked the camp and raped and killed Mr Guei’s wife in front of him. When investigators from Civitas Maxima interviewed Mr. Guei, he told them his inability to save his wife plagued him with feelings of guilt and uselessness. He explained that he was ashamed to tell his son what had happened; fear of being killed had kept Mr. Guei from acting during the attack. Giving his testimony to investigators in order to

15 –

The names of the victims in this and the following two accounts have been changed to protect their identities.

DOCUMENTATION

seek justice for his wife gave Mr. Guei a sense of empowerment: *"I can now say to my son that I did something for his mother, I can tell him that I am pursuing justice for her."*

Liberia - Healing from hate

Ms. Boakai was a victim of rape during Liberia's civil war. A child was born from the crime. Ms. Boakai explained to Civitas Maxima investigators that she has difficulties raising her son, because he reminds her of the crime committed against her. She felt guilty of being angry at him and could see that her son does not understand her behavior. She never told him the circumstances of his birth because she was scared that he would judge her. After investigators gave Ms. Boakai the chance to talk through her experience, she better understood that what had happened was not her fault, and she found the courage to talk with her son about how he was conceived.

Sierra Leone - Alleviating loss

Mr. Kamara was enslaved by the Revolutionary United Front in the diamond mines of Sierra Leone. He suffered physically as

a slave, and lost one of his children. He told Civitas Maxima the circumstances of his daughter's death: *"We were running away from the war, and hiding in the bush. She fell sick and died. She was 5 years and 4 months old. We had nothing to give her. She died in the bush and we buried her there."* For Mr. Kamara, sharing his story with Civitas Maxima itself provided a form of reparation: *"Nobody can bring me back what I have lost, nobody can bring me back my child, my property...but maybe someone can bring me justice."*

CM staff member speaking with a witness in Kono, Sierra Leone. © Augustine Gulamah.



CM staff working in Africa in 2016.
© Emmanuelle Marchand.

Pursuit of justice

STEPS 3, 4 & 5

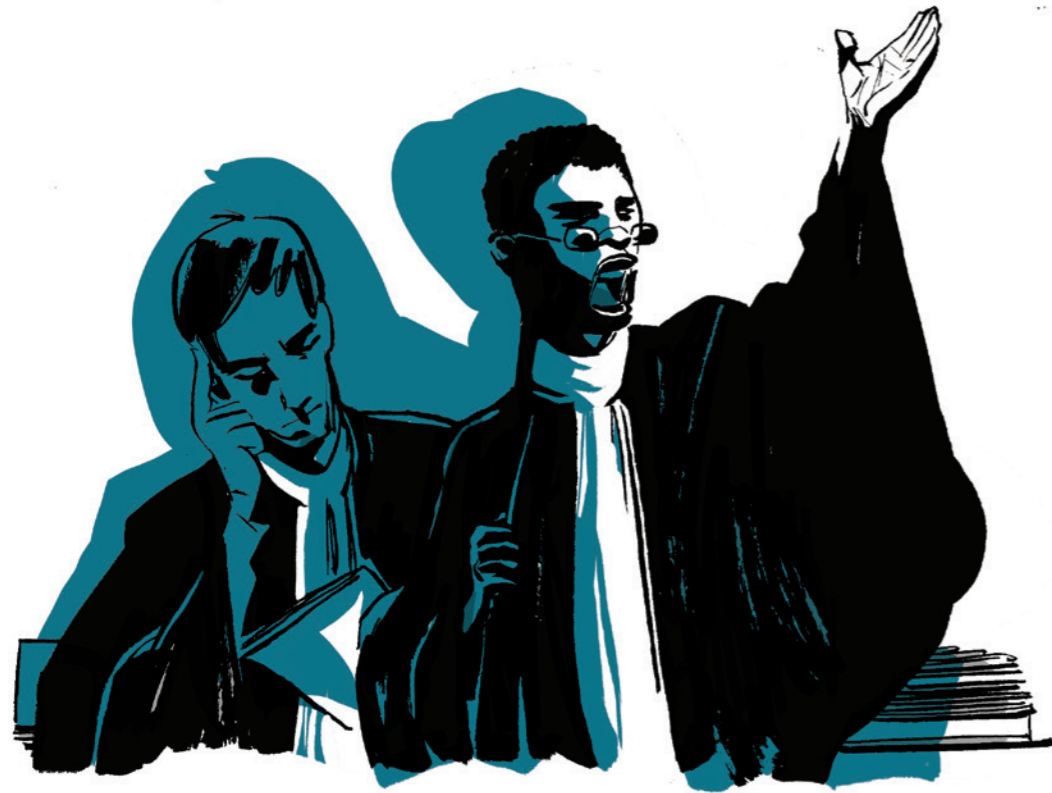


Illustration JP Kalonji.

Civitas Maxima and its local partners currently collaborate with six national war crimes units and investigators throughout the world. Between 2014 and 2016 this collaboration has directly led to the arrest of three alleged perpetrators of international crimes.¹⁶

Infinite Time Commitment

International crimes, such as war crimes and crimes against humanity, are not barred by statutes of limitation, and therefore the perpetrators of such crimes can be prosecuted as long as they are alive.

The cases against alleged former Nazis who committed atrocities during WWII provide the best example of how long the cause of action for an international crime can last. Recently, a court in Poland issued an international arrest warrant against a former SS commander of a unit that allegedly burned Polish villages and killed 44 civilians. The alleged perpetrator lives in the United States and is 98 years old. One of the victims whose house was burned during the attack is still alive at the age of 92.¹⁷

Time is on the Side of the Victims

Civitas Maxima is dedicated to working with the victims it represents for the long term, and will never give up on their quest for justice as long as they are alive and legal possibilities still exist to prosecute alleged perpetrators of international crimes.

A Ground-breaking, Unfinished Case

The case of Michel Desaeleer epitomizes the force of the method Civitas Maxima has developed to pursue justice on behalf of those it represents.

Desaeleer's victims began their quest for justice in 2010; Desaeleer ended it six years later. Facing the prospect of trial in Belgium for war crimes and crimes against humanity stemming from his role in the trade of so-called "blood diamonds" in Sierra Leone during the late 1990s, Desaeleer committed suicide in a Belgian jail in September 2016.¹⁹

By taking his own life, Desaeleer halted a ground-breaking quest for justice that had produced the first-ever arrest, detainment and indictment of a Western businessman for alleged complicity in international crimes committed in the "conflict minerals" trade.

Civitas Maxima firmly believes that the sudden end to Desaeleer's case does not rob the victims' courageous efforts of meaning. Ibrahim Tommy, the Executive Director of the Centre of Accountability and Rule of Law in Freetown, Sierra Leone, explains why this case was important for Sierra Leone below (p. 21).

Impunity for Western Businessmen

The trade in so-called "blood diamonds" was organized by the notorious armed group Revolutionary United Front (RUF) and the former President of Liberia, Charles Taylor. The trade fueled and prolonged the civil war in Sierra Leone.²⁰ Legitimate businesses and middle-men have played, and continue to play, a central role in financing armed groups and prolonging conflicts around the world by converting illegally pillaged natural resources into hard cash through international markets. Yet, until Desaeleer's indictment, no businessman since the end of World War II had been charged with the crime of pillage.²¹ Together with important conceptual work sponsored by the Open Society Justice Initiative, such as Prof. James Stewart's manual *Corporate War Crimes*, Desaeleer's case will serve as the foundation for future jurisprudence that brings businessmen involved in international crimes to justice.

Without Civitas Maxima, Desaeleer could well have continued to live in total impunity. Despite his alleged involvement in the blood diamonds trade, as publicly exposed by journalists and UN reports,²² Desaeleer, who was born in Belgium but became a United States citizen and lived in Maryland for years, was never interrogated, nor thoroughly investigated by US authorities for his purported complicity in the pernicious and illegal blood diamonds trade.

Furthermore, the Special Court for Sierra Leone (SCSL) – an international tribunal specifically established to investigate and prosecute perpetrators of international crimes committed in Sierra Leone during the civil war – failed to indict Desaeleer, or any other Western businessman, for involvement in serious international crimes, despite the fact that SCSL judgments consistently mentioned the RUF's illegal diamonds trade.²³

The Quest for Justice

While working for the Aegis Trust in London in 2010, Alain Werner (now director of Civitas Maxima) travelled to Sierra Leone, where he met local dignitaries as well as

victims of slavery. After interviews, it became clear that a number of them were direct victims of Desaeleer and wanted him to be held accountable for the suffering they had endured. The case against Desaeleer quickly gained the support of the Centre for Accountability and Rule of Law (CARL) – the most reputable and credible human rights organization in Sierra Leone.

The next step in seeking justice on behalf of Desaeleer's victims involved determining the appropriate jurisdiction to bring a criminal case against Desaeleer. Legally, three countries might have held Desaeleer criminally accountable: (1) Sierra Leone, on the basis that Desaeleer's crimes occurred there; (2) Belgium, on the basis of his Belgian citizenship; and (3) the United States, on the basis of his citizenship and presence there. A thorough legal analysis of all three jurisdictions revealed that Belgium provided Desaeleer's victims with the best chance of obtaining redress. The Belgian legal system allows victims, through a lawyer, to initiate proceedings directly by lodging a complaint and to be essential actors during all phases of a case.

Filing the Criminal Complaint

Luc Walley, a Belgian lawyer who previously served as victims' counsel before the ICC, agreed to represent five Sierra Leonean victims of Desaeleer. Walley filed a confidential fifty-page criminal complaint in Belgium in January, 2011, alleging that Desaeleer had committed war crimes and crimes against humanity. The complaint provided a key platform for the victims finally to have their voices heard, and included details of Desaeleer's alleged role in buying the diamonds, his alleged presence at the diamond mines, and his alleged knowledge of crimes committed against the victims. The quality and gravity of both the evidence that had been collected and the complaint that was filed were validated by the endorsement of the complaint by Belgian federal prosecutors.

"The Desaeleer case moved the law forward, towards a place where those who profit illegally from conflict and systematic abuse of civilian populations will not be allowed to go scott free."

–KEN HURWITZ,
OPEN SOCIETY JUSTICE INITIATIVE.¹⁸

16 – Martina Johnson was arrested in September 2014 in Belgium, Alieu Kosiah was arrested in November 2014 in Switzerland and Michel Desaeleer was arrested in 2015 in Spain and transferred to Belgium. For detailed press releases, see <https://www.civitas-maxima.org/en/news>.

17 – Joana Berendt and Matt Furber, "Poland Says Minnesota Man, 98, Ordered Nazi-led Atrocities", *New York Times* (Mar. 14, 2017).

18 – Taegin Reisman, "Death of a Middleman Thwarts Blood Diamonds Case", *International Justice Monitor* (Oct. 5, 2016), retrieved from <https://www.ijmonitor.org/2016/10/death-of-a-middleman-thwarts-blood-diamonds-case/>.

19 – Gilbert Dupont, "Diamants du sang: Michel Desaeleer s'est suicidé", *La Dernière Heure* (Mar. 3, 2017).

20 – Sebastian Junger, "The Terror of Sierra Leone", *Vanity Fair* (August 2000); see also "Findings," *Truth & Reconciliation Commission, Sierra Leone* (2004), Vol. 2, at pp. 107-09.

21 – Open Society Foundation, "Why Corporate Pillage is a War Crime" (Nov. 2013), retrieved at <https://www.opensocietyfoundations.org/explainers/why-corporate-pillage-war-crime>. In April 2017, a Dutch court convicted businessman Guus Koewenhoven as an accessory to war crimes committed in Liberia, but not of committing pillage; see Owen Bowcott, "Dutch arms trafficker to Liberia given war crimes conviction," *The Guardian* (Apr. 22, 2017).

22 – See "Report of the Panel of Experts Appointed Pursuant to Security Council Resolution 1306 (2000), Paragraph 19, in Relation to Sierra Leone," (December 2000), at p. 20, retrieved from <https://mondediplo.com/IMG/pdf/un-report.pdf>.

23 – See, for example, Special Court for Sierra Leone, "Sentencing Judgment Against Issa Hassan Sesay et al.," (Apr. 8, 2009), at p. 27, retrieved from <http://www.rscsl.org/Documents/Decisions/RUF/1251/SCSL-04-15-T-1251.pdf>.

Perseverance

In 2012, Alain Werner founded Civitas Maxima, which continued to pursue the case alongside Luc Walley and CARL. The case, however, stalled shortly afterwards, as Desaeleer was living outside Belgian jurisdiction at the time. Furthermore, the Sierra Leonean government failed to respond to official requests by Belgian authorities for permission to conduct an on-the-ground investigation of the diamond mines.

Despite these obstacles, Civitas Maxima, Luc Walley, and CARL worked tirelessly from 2012 to 2014 to move the Desaeleer case forward by making relevant evidence available to the Belgian investigators. During this difficult period, the Belgian authorities demonstrated remarkable diligence and persistence by pursuing all possible leads and refusing to abandon the case.

Arrest

In 2015, the Belgian authorities finally determined that the evidence was sufficiently conclusive to issue a European arrest warrant authorizing Desaeleer's arrest if he traveled to or transited through Europe. Spanish authorities arrested him in September 2015 when he attempted to fly from Spain to the United States and quickly transferred him to Brussels, where he was detained and charged for his alleged crimes.

Investigating the Crime Scene

In late 2015, thanks to CARL's tireless advocacy, the Sierra Leonean government granted Belgian officials authorization to travel to Sierra Leone to conduct an investigative mission, including a visit of the Kono diamond mines. In 2016, Belgian officials visited the various crime scenes and spoke to victims and witnesses about Desaeleer's role in the blood diamonds trade. Civitas Maxima commends the Sierra Leonean government for cooperating with the Belgian investigative authorities, as its decision to do so marked a key turning point in the Desaeleer case.

Desaeleer Referred to Trial

On September 28, 2016, the major Belgian newspaper *Le Soir* reported that the Belgian authorities had completed their investigation in Sierra Leone and that the Belgian investigating judges had decided to refer Desaeleer's case to a public trial.²⁴ The case, had it in fact proceeded to trial, would have marked the first time a Western businessman was tried for war crimes and crimes against humanity committed in the course of the conflict minerals trade.

Abrupt End on the Long Road to Justice

Desaeleer's suicide in his cell on the same day as the *Le Soir* article was published brought an abrupt end to the case. Unfortunately, his death denied his victims the opportunity to give voice to their suffering in court, as well as the chance to finally receive official recognition of what had happened to them. The end of the case also prevented CARL and Civitas Maxima from using the trial as an opportunity to raise awareness about the central role Western businessmen play in fueling and prolonging conflicts throughout the world.

Lasting Legacy of the Desaeleer Case

Despite its unforeseen outcome, the Desaeleer case shows that, even if national and international tribunals fail to act, victims can still ensure that justice ultimately prevails over impunity by collaborating with independent lawyers and organizations. Desaeleer's arrest, imprisonment, and indictment represent a victory for his victims, who courageously filed a complaint against him and who have persevered against all odds in their pursuit of justice.

Moreover, cases like Desaeleer's contribute greatly to dismantling the neo-colonial narrative which some African elites have used to attack the International Criminal Court (ICC) and accuse it of bias against Africans. Although the ICC shies away from pursuing international criminal cases against Western businessmen for their role in African wars, prosecuting these cases strengthens the international criminal justice system as a whole.



Alain Werner during field mission in Kono, Sierra Leone.
© Luc Walley.

Mass grave in Kono, Sierra Leone.
© Emmanuelle Marchand.



24 →
Ludivine Ponciau and Renaud de Harlez, "Un Belge jugé pour crimes de guerre et contre l'humanité," *Le Soir* (Sept. 28, 2016).



The Significance of the Michel Desaedeleer Case for Sierra Leone

By Ibrahim Tommy, Executive Director at the Centre for Accountability and the Rule of Law, Freetown, Sierra Leone

I am the Director of the Center for Accountability and the Rule of Law (CARL), based in Freetown, Sierra Leone. CARL evolved from the Special Court Monitoring Group, which was established in 2004 to monitor and produce objective reporting on proceedings before the Special Court for Sierra Leone (SCSL) for both local and international audiences.

The SCSL's trials of the rebel leaders who bore the greatest responsibility for the violence and destruction during Sierra Leone's civil war were crucial to the peacebuilding and reconciliation process in our country. While working in the Public Affairs Section of the SCSL, I observed firsthand how important it was for survivors of the atrocities to come before the court and tell their stories. It was empowering both the victims who testified and the others who did not to be reassured that the most culpable perpetrators of atrocities had to listen to their stories - through which process the perpetrators were ultimately held accountable for their role in the conflict.

I also witnessed, unfortunately, how disappointed many victims were because of the SCSL's failure to prosecute Western actors who were involved in the diamond industry and arms trade during the conflict, and whose role many believe fueled and prolonged the war that destroyed my country. The level of participation of Western actors came out clearly during the proceedings before the Court, and it was quite surprising that neither the Court nor the Government of Sierra Leone made strong efforts to hold such actors accountable.

Our resource-rich country has been, and continues to be, systematically exploited by the diamond industry. During the war, rebel leaders exchanged diamonds for weapons and money, pillaging our nation's wealth while at the same time enslaving and systematically mistreating civilians. Without Western financiers who violated international embargoes, the eleven-year-long carnage that took place in my country could have been averted or, at least, substantially minimized.

People like Michel Desaedeleer, the Belgian-American who allegedly provided money and other material to the Revolutionary United Front (RUF) in exchange for diamonds extracted by enslaved civilian miners are, in my opinion, directly responsible for those crimes, and should be held accountable for the suffering they brought upon us. The fact that nearly all Western actors who were complicit in the crimes committed by the RUF remain unpunished is a deeply personal issue for many victims who, despite numerous obstacles, once again showed in the Michel Desaedeleer case that they are willing to continue to fight for justice.

“The fact that nearly all Western actors who were complicit in the crimes committed by the RUF remain unpunished is a deeply personal issue for many victims.”

I salute the governments of Belgium and Sierra Leone for their cooperation in the investigation of this case. Our government's willingness to allow the Belgian authorities to investigate in Sierra Leone sets a clear example that should be followed by other African nations, such as Liberia, that have not been as forthcoming when it comes to foreign investigation requests. While I have never shied away from criticizing those in power and, while I recognize that we still have substantial work to do to improve our country in many domestic areas, I am proud to say that the Desaedeleer case shows that we have learned from the past as a nation and that Sierra Leone will no longer stand in the way of justice when victims demand it.

Even though the case never went to trial, the fact that Desaedeleer was the first person to ever be indicted for pillage and slavery in connection with the blood-diamond trade is of paramount significance for the people of Sierra Leone. This was perhaps why Desaedeleer's arrest and subsequent death received extensive media coverage in the country. His indictment sent a strong signal to Western financiers of such conflicts that impunity will not last forever and that the survivors of their crimes, in cooperation with national and international NGOs, can rise beyond victimhood to become a force to be reckoned with in the pursuit of justice. The cooperation between Civitas Maxima, CARL, and our partner in Kono district, Knowledge for Community Empowerment Organisation (KoCEPO), was one of equal partners, and the process was entirely driven by victims, contrary to the neo-colonial picture of international criminal justice that some African leaders like to paint.

The Pursuit of Justice: Impact

Some victims believe in forgiveness. Others think that prosecuting those that harmed them is a pointless exercise that will not bring back their loved ones or redress the harm they suffered. And some worry that pursuing justice can disturb peace and reconciliation in post-conflict societies.

But many victims believe that the pursuit of justice will help them carry on with their lives in spite of what has happened. Still others believe that without justice, there cannot be long-lasting peace in the country where they live.

Antonya Tioulong is a member of the Advisory Board of Civitas Maxima. Her sister and brother-in-law were savagely tortured and murdered at the S-21 detention centre in Phnom Penh, Cambodia, under the Khmer Rouge. In moving testimony given during a conference held in Geneva by Civitas Maxima, and transcribed in part below, Ms. Tioulong explained her quest for justice and the

impact that the first trial held at the Extraordinary Chambers in the Courts of Cambodia (ECCC) had for her, her family, and the people of Cambodia.

The legitimacy of Civitas Maxima's work derives from the will of people like Antonya Tioulong, who believe that justice is important for them and/or for the country in which they live.

The desire to pursue justice for mass atrocities committed does not need the approval or consent of any political entity or anyone else. Today, international law gives victims the tools to fight for accountability. Civitas Maxima will accompany them in this quest, which in turn sets precedents and enriches jurisprudence, strengthens the expertise and experience of national war crimes units around the world, and paves the way for justice for more victims.



Picture of a cell in the torture center S-21 in Phnom Penh, Cambodia. © Anne-Laure Porée.





Picture of Antonya Tioulong testifying in front of the ECCC.
© Anne-Laure Porée.

A Tireless Pursuit of Justice

Excerpts from a Speech Delivered in Geneva, Switzerland, in March 2017

By Antonya Tioulong, former Editor-in-chief of the documentation department at *L'Express* and Civitas Maxima Advisory Board member

Thank you for allowing me to speak out about my family's quest for justice in the case of the Khmer genocide.

Remember back in April 1975, the Khmer Rouge, led by Pol Pot, took power and began a reign of terror with the aim of eradicating all reference to modern society and any Western influence. The cities were emptied, one by one, their inhabitants deported to the countryside, subject to the harshest labour, deliberately underfed. Some were jailed and tortured in camps. Any individual, man, woman or child, wearing the slightest mark of belonging to the culture of the past was eliminated. This was how the regime left nearly 2 million dead, out of a total population of 7 million.

Among the victims were my sister Raingsi and her husband Kimari.

How could such a tragedy, that we never could have imagined affecting our family, how did it come to pass? What could we do to seek justice?

My father was an aristocrat and one of King Sihanouk's closest associates and had dedicated his life to his country. Among other things, he was an ambassador for Cambodia and Prime Minister. In 1970, the monarchy was overthrown and a republic declared. My father, who had retired in Paris a few months before that, and his family were banned from entering Cambodia by the new government.

However, one member of the family remained in Phnom Penh. My older sister Raingsi, whom I was very close to, had taken her husband's name and was not subject to the decree of exile. She was 31 and worked for the national radio and for the German laboratory Merck Sharp & Dohme. Her husband was in upper management in a bank. They had three children, aged 9 to 12. They were a perfectly normal, peaceful family.

As the civil war intensified, my sister sent her children to live with us in Paris. But in April 1975 the Khmer Rouge took power, put the country on lockdown, and we heard nothing more from her. Our worry grew throughout the next four years. We only learned her fate in 1979 from cousins who survived.

When the Khmer Rouge came to power my sister and my cousins were all deported to 50 kilometres outside of the capital and made to work in the fields. My sister, singled out by the guards because she spoke French so that they couldn't understand her and because she was clumsy doing manual labour, was made to do the hardest tasks. They survived about six months in a village in miserable conditions.

One day in November 1975, they were all called in and interrogated one by one and forced to give their identity. My sister, who normally always introduced herself modestly using her married name, said she was called Tioulong, a name that represented power of the past. That was her downfall.

A few days later she was brought back to Phnom Penh and locked up in S-21 Prison. That was a torture and extermination centre from which no one ever was to get out alive, run by a man named Duch. This news was devastating for us. But what could we do other than lament our own powerlessness? Cambodia as a country was torn apart and still closed off to the outside world.

Fifteen years after learning of my sister's murder, in 1994, I went back to Cambodia for the first time to see for myself the evidence of her case. I found the photo of her as a prisoner posted on a wall, among hundreds of other photos of victims, and the file on her imprisonment. This file mentioned that she had been eliminated five months after she was locked up, that she survived her injuries for too long. Her husband died several weeks after her.

Here too, after the pain, the anger, the indignation and revolt, what could we do? What could we do except demand justice for my sister and her husband? From whom? The Khmer government, which included former Khmer Rouge, wasn't doing anything.

After five years of waiting, in 1999, taking an example from the case against Chilean dictator Pinochet, who had been arrested in London for legal proceedings undertaken in Spain, I tried to bring a case in the French legal system against three Khmer Rouge leaders, particularly against Duch, who ran S-21 Prison. My claim was rejected two years later because the victims were not French.

There was no sign either of an international tribunal. I wondered: were the two million victims of the Khmer genocide so unimportant in the eyes of the world that the criminals did not need to be judged?

We waited another nine years. Finally, in 2008, after tough negotiations between the UN and the Khmer government, an international tribunal was formed in Phnom Penh. The first person to be judged was Duch, the director of S-21, thought to be responsible for the elimination of at least 12,272 people – men, women and children.

“I wanted to be my sister’s voice, represent her, establish the real course of her life and that of her husband (...) and also to describe her shining personality, how important she was for me as my older sister, highlight the plight of her orphaned children”

My family and myself, represented by an association of pro bono French lawyers, were recognized as civil parties and were allowed to speak before both the Khmer and international magistrates. This was a first in an international criminal court. What were we asking for? The truth, but even more importantly, that the victims be recognized as such and that the criminals be punished at last.

The hearings began in 2009 and after waiting for 34 years, I was finally allowed to address the tribunal: I wanted to be my sister’s voice, represent her, establish the real course of her life and that of her husband – whom their jailers had accused of being spies for the CIA and the KGB – and also to describe her shining personality, how important she was for me as my older sister, highlight the plight of her orphaned children. And through that, to highlight the incredible injustice and the horror of the fate she never should have suffered.

I wanted to repeat for the magistrates – here is the family tragedy, I lay it before you and it is up to you to render justice, to hand down a sentence that matches the gravity of the crimes committed. If that were not the case, it would mean that eliminating the 12,272 victims of S-21 didn’t mean much after all.

The court of appeals in 2012 found Duch guilty of crimes against humanity, of inhumane acts, of torture and enslavement. He was sentenced to life imprisonment. We feel that the punishment is exemplary. The court’s arguments draw on international jurisprudence from after the Second World War and from Nuremberg, which recalls the notion of international and universal law.

My family and I therefore have received justice after a long, long wait and a long, long quest for justice. What was and still is, for us and for all Khmer people, the impact of this trial?

I see it on two levels. Firstly, on a family level. There was obviously relief for my sister Raingsi’s children, who relied on me to represent them, when they received justice for their parents.

Also, because of the nature of the tragedy, the family had up until then kept it quiet in a way; we only talked about it in veiled terms and we only brought up my sister in happy memories as a way to include her in our daily lives.

The trial was a way to publicly and formally bring up the tragedy, reveal it to all, even to the young people in our family. My sister’s children have children of their own now. One of them who was present at my deposition told me that she now knew a huge part of her grandmother’s story, which

she had not until then. My daughter who stood by me for the three years of hearings, realized the scope of the tragedy and helped to make it more widely known around her.

More generally, for Khmer society, the trial also made it possible for the truth, voluntarily hidden by the government up until then, to be known and for people to speak freely.

With the tribunal, this episode of history was finally included in school textbooks. How, incidentally, could one ever imagine that a country could move forward while erasing part of its history?

Additionally, thousands of people came from all over the world to attend the hearings in person, showing their desire to understand what happened. And many young people discovered, to their horror, S-21 Prison.

Finally, the coverage of the hearings in newspapers and on television allowed people to speak freely in their private lives. Those who had lived through the Khmer Rouge regime had been silent out of humility, or out of fear of the authorities or the former torturers who lived near them; these people were finally able to talk about what they had been through to their children. The Khmer Rouge was no longer a “taboo topic.”

Before I conclude, I would like to stress the fact that in this trial, the involvement of Western attorneys and jurists working pro bono to defend the interests of the victims and their families was pivotal. The Khmer lawyers relied on them to be able to fulfil their role, and without them, they would never have been able to do their job fully. I understand how fortunate I have been to enjoy this absolutely necessary support, not only in legal issues but also on a human level.

And I think it is right and absolutely necessary that the largest number of victims possible enjoy that as well. I cannot applaud enough the initiatives taken to defend victims of crimes against humanity and war crimes, no matter where they occur, and hope that this defence will grow and spread.

Translated from French to English by Kate Davis



Picture of Antonya Tioulong’s sister, Raingsi Tioulong. Photograph courtesy of Antonya Tioulong.

Capacity building



Illustration JP Kalonji.

Civitas Maxima maintains that the quest for justice and accountability in societies that have suffered from war crimes and crimes against humanity needs to be driven locally, and not by foreigners, to be sustainable.

One of Civitas Maxima's key focuses in 2016 was to continue supporting the Global Justice and Research Project (GJRP) in Monrovia, Liberia, in its growth and integration with other civil society organizations. Few organizations invest as much time and resources as Civitas Maxima into actually building a partner organization from its inception, and, by cooperating closely over time, acquiring in-depth knowledge of the players, challenges, and needs of the organization on all levels.

Civitas Maxima and the Global Justice and Research Project

Alain Werner established Civitas Maxima in 2012 in partnership with Hassan Bility from Liberia, who simultaneously set up the Global Justice and Research Project (GJRP) in Monrovia. Alain and Hassan had a common goal: to document atrocities perpetrated against the Liberian people, and to fight for justice in Liberia. They were also guided by common core values of integrity, independence from politics, discretion, and long term commitment to victims, as well as by belief in the possibility of real change.

Alain was driven by his experiences at the Special Court for Sierra Leone (SCSL) and the Extraordinary Chambers in the Courts of Cambodia, from which he realized that victims need to take the center stage of international criminal justice. Years of working on



CM and GJRP workshop in Monrovia, Liberia. © Emmanuelle Marchand.

RUF trials and the Charles Taylor trial had given him thorough understanding of the Liberian civil war and left him outraged at the impunity afforded to criminals by the status quo in Liberia. Hassan's motivations are even more personal; in 2002 he was arrested by Charles Taylor's men for his conspicuous work as a journalist and human rights advocate, and tortured for several months. Hassan later testified against Taylor before the SCSL, and having already risked his life to speak out for justice, he refused to stop fighting for Liberian victims after Taylor's conviction.

Today GJRP has 15 staff members, including 11 investigators who have been thoroughly trained by the Institute for International Criminal Investigations (IICI). Civitas Maxima provides the entirety of GJRP's budget, and has helped GJRP grow into one of the strongest civil society organizations in West Africa. GJRP faces myriad challenges in its daily work, including the opposition of former warlords in positions of power, disorganized government bureaucracy, and difficult travel conditions. But the team remains heroically committed to ensuring the documentation of international crimes in that region.

In 2016, Civitas Maxima conducted four missions to Liberia, each lasting three weeks. These missions included one training session in Liberia with experts from the IICI, several workshops with the team, individual assessments, and individual trainings on investigative and analytical capacity as well as administrative issues such as accounting and human resources. Civitas Maxima also sponsored GJRP's purchase of a car and office renovations which include confidential interview spaces and secure record storage.

Civitas Maxima has also supported GJRP's integration into regional networks of human rights defenders. In 2016, Civitas Maxima facilitated GJRP's contact with the Center for Justice and Accountability (CARL) in Sierra Leone, an organization that has more experience in the human rights field and can provide GJRP with valuable advice; a similar connection was also established with the International Commission of Jurists (ICJ) in Kenya in 2015. These

connections are crucial for ensuring that initiatives by Africans to achieve justice for African victims can rely on support networks reaching across the continent.

Civitas Maxima's relationship with GJRP and similar organizations is one of mutual respect, appreciation and partnership. Our organizations need each other's trust and cooperation to have maximum impact.

Capacity Building: Impact

What started out as shared personal beliefs in the fight for justice with victims between a Swiss and a Liberian has grown into a strong partnership between two organizations that together represent over 350 victims. GJRP has become a flagship human rights defender in Liberia, and is increasingly sought after to cooperate with war crimes units all over the world in building cases in the name of Liberian victims of atrocities.

Empowering and strengthening civil society in the countries in which Civitas Maxima works is a real and tangible contribution to achieving accountability, building peace and supporting sustainable change. In the following section, Hassan Bility describes how GJRP's work contributes to moving Liberian society beyond tribalism and towards a future characterized by sustainable peace.



Moving Beyond Tribalism – Towards a More Just Liberia

by Hassan Bility, Director of the Global Justice and Research Project, Monrovia, Liberia.

Liberian society has long been divided along ethnic lines. The oldest independent African republic was founded by freed slaves from the US who came to be called Americo-Liberians, arriving in the early 1820s, while the indigenous population, which they met here, was referred to as “Country People” or “native people,” a term in Liberia denoting inferiority. Native Liberians were denied good jobs, education, the right to vote, and many other privileges that were reserved for the minority Americo-Liberians. A 1930 League of Nations-commissioned report, named the “Christy Commission,” concluded that forced labor practices were carried out by elite Americo-Liberian government officials, practices that resembled conditions of slavery.

The colonists and their descendants, a dominant minority for over a hundred and thirty years, led the political, social, cultural and economic sectors of the country until the 1980 coup d’etat led by Samuel Kanyon Doe, who later also favored his own kinsmen. Continued corruption and tribalism gave rise to a fresh revolution led by Charles Taylor, which plunged our country into almost 15 years of civil wars, with myriad rebel groups forming along ethnic lines and engaging in a never-ending, vicious cycle of revenge.

According to the final report of the Truth and Reconciliation Commission, one of the root causes of the conflict was ethnicity and the divisive clustering of the people of Liberia, as well as an entrenched political and social system founded on privilege and patronage. Liberia has

“It is of the utmost importance that leaders of all camps be held accountable and that victims of all tribes have access to functioning justice mechanisms.”

known peace for the past 12 years, but tribalism is still a determining factor in our society and decisive in the current political campaign for the presidency, as leaders have historically been known to allocate to their own ethnic groups considerable state resources to extend influence and control.

This tribalism is also apparent in reactions to our work. When Alieu Kosiah was arrested in November 2014 in Switzerland and, on the basis of GJRP’s and Civitas Maxima’s common work, accused of war crimes, I received an unprecedented amount of threats - more than I had in the past in connection to Martina Johnson’s arrest in Belgium, for example.²⁵ Why? Alieu Kosiah is of the Mandingo ethnic group, as am I. The perception among many members of our tribe was that I was a traitor. In their opinion, Kosiah had picked up arms to defend our people against the aggression of Charles Taylor’s men, and I should not “go after him.” Contributing to the arrest of Martina Johnson, however, was perfectly acceptable and welcome, as she had fought alongside Taylor’s NPFL, a rival rebel group comprised, mostly, of fighters from another tribe.

It has always been my conviction that Liberians need justice in order to move forward and build sustainable peace and a prosperous society. As long as former war criminals go free, or even hold powerful positions in government, Liberians cannot trust in public institutions, cannot trust each other and cannot build a peaceful society together.

Throughout the years of civil war, atrocities were committed by members of all rebel groups and of all tribes. There is no denying it. It is of the utmost importance that leaders of all camps be held accountable and that victims of all tribes have access to functioning justice mechanisms. If we focused on specific tribes or political groups in our pursuit of justice, we could not call ourselves serious human rights defenders. That is why our investigations cover all armed factions and all groups of victims and also why we do not take money from governments.

We see our work in documenting the Liberian civil wars not only as an important part of a global movement towards strengthening international criminal justice, but also as a contribution to a more just Liberian society. We challenge our people to confront the atrocities committed by their own tribes and to fight for justice beyond ethnicity lines.

We owe it to our children to move beyond tribalism so that even generations unborn will one day say of us in the future: “Our forefathers stood where duty required them to stand.”

This is a pledge to which we at GJRP have committed ourselves. Therefore we call on all Liberians, be they in or outside of government, to join and share with us this vision as we take a leap of faith into a better future, into a Liberia where justice is cherished and tribalism is condemned and discouraged, a Liberia in which we see ourselves not in terms of tribes, but as Liberians with a common destiny and shared heritage.

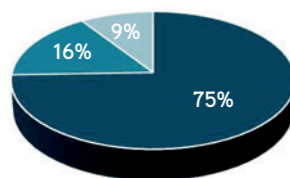
²⁵ –
Martina Johnson, a former Liberian army commander, was arrested in Belgium in September 2014 for war crimes and crimes against humanity. Civitas Maxima documented her arrest in a press release available at https://www.civitas-maxima.org/sites/default/files/docs/2017-01/Civitas_Maxima_Press_Release_2014_09_18.pdf.

2016 FINANCIAL SITUATION

Operating statement for the year ended December 31, 2016*

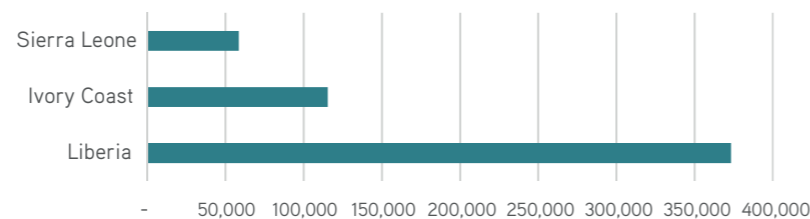
	2016 CHF	2015 CHF
INCOME		
Grants & donations**	620,330	527,987
Other income	118,077	82,248
TOTAL INCOME	738,407	610,235
EXPENSE		
Programme	-547,048	-479,706
Management & Communication	-119,338	-106,952
Fundraising	-68,557	-35,690
TOTAL EXPENSE	-734,942	-622,348
EARNINGS BEFORE FINANCIAL RESULT	3,465	-12,113
Financial expense	-9,162	-9,428
Financial income	4,769	543
RESULT FOR THE FINANCIAL YEAR	-927	-20,997

EXPENSE



- Programme
- Management & Communication
- Fundraising

PROGRAMME



*Based on audited accounts by PriceWaterhouseCoopers (PWC).

**This figure includes allocation to and use of restricted funds.

Acknowledgments

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- Bryan Cave LLP, USA
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- Institute for International Criminal investigations, The Netherlands
- Karl Popper Foundation, Switzerland
- Katana SA, Switzerland
- King Baudoin Foundation United States
- Oak Foundation, Switzerland
- Private Donors
- Pro Victimis Foundation, Switzerland
- PricewaterhouseCoopers (PwC), Switzerland
- Swiss Incorp, Switzerland
- The Resources Alliance, United Kingdom
- The Sigrid Rausing Trust, United Kingdom
- The United Nations Voluntary Fund for Victims of Torture, Switzerland
- Veritus Group, United Kingdom
- White & Case LLP, Switzerland

Independent Legal
Representation of
Victims of War Crimes
and Crimes against
Humanity

**CIVITAS
MAXIMA**

Civitas Maxima in 2016

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Geneva Academy of International Humanitarian Law and Human Rights volunteers: Sabrina Henry, Raquel Saavedra, Rhéa Ziade.

Special thanks to staff, interns and volunteers who contributed to this Annual Report, including Marion Colombani, John Hannon, Louise Ingham, and Patrick Nagler.