



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

**CIVITAS  
MAXIMA**

**2018  
ANNUAL  
REPORT**

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## Foreword

Alain Werner, Director of Civitas Maxima

**“As international criminal lawyers, we use international law, whenever possible, to help victims of mass crimes to access justice abroad, precisely because justice is denied to them in their home country.”**

**A**t Civitas Maxima, our core work is not focused on advocacy, but rather on contributing to judicial cases on behalf of forgotten victims of international crimes. As a result, our Annual Reports are some of the only documents we publish publicly. Our ambition for our Annual Reports is therefore twofold: firstly, to report on our activities and achievements throughout the year, and secondly, to provide a space for those we partner with and who contribute to our work to enrich this Report with their voices.

Anyone who publishes an Annual Report has a unique and deep understanding of how quickly time passes before it is time to publish a new report. However, we have been fortunate at Civitas Maxima to always have a lot to report on; people to give voice to; and as a result, our team has always been genuinely excited to release our new Annual Report, in spite of the significant work involved. This year is no exception. On the contrary, 2018 has been such a rich and eventful year for us that we have decided to opt for a chronological format – so the Report follows the months and events as they unfolded in 2018.

As international criminal lawyers, we use international law, whenever possible, to help victims of mass crimes to access justice abroad, precisely because justice is denied to them in their home countries. We do this inventively, using whatever legal tools are available – and have thus created a unique blueprint to fight impunity for mass crimes.

Civitas Maxima and our sister organization in Liberia, the Global Justice and Research Project (GJRP), have made concrete progress once again in 2018 – including by contributing in different ways to 4 court cases in Europe and the U.S., which occurred in February, April, June and September 2018, and were widely publicized across the world.

It is a key part of our core mandate to inform the victims and communities where the conflict occurred about these cases that are happening abroad. Indeed, we believe that this informs and facilitates long-overdue debate and discussion about impunity and ways to address it. 2018 was a significant year in that respect, as several meaningful events addressing impunity occurred, including conferences, petitions, and cartooning workshops, which took place in Liberia in May, August, November, and December 2018. And in June 2018, we continued our unique and innovative ‘Liberian Quest for Justice’ campaign during the trial of Thomas Woewiyu in Philadelphia.

We are excited to offer a number of contributions in this Annual Report that enrich our month-by-month account of our Year 2018. These include pieces by key members of our partner organizations, such as Hassan Bility, Director of the GJRP, and Nushin Sarkarati, Senior Attorney at the Centre of Justice and Accountability (CJA) in San Francisco – who has led efforts on the case against Moses Thomas in the U.S., supported by Civitas Maxima and the GJRP. The President of our Board, Kim Thuy Seelinger, and Danieletta Sleyon, Executive Director of the Foundation for Human Rights and Democracy, also contributed with their unique insights to this Report, as well as two former Chief Prosecutors of international tribunals – Stephen Rapp and Nicholas Koumjian. We are deeply grateful to all of them.

This Annual Report reflects who we are: an immense spirit dedicated to the victims we represent, working in a creative and flexible manner, driven to achieve results, obsessed as ever with making an impact in the fight against impunity for mass crimes.

For us, respect for human rights starts at home, and we are very proud of the special working atmosphere and unique level of trust we have developed within our organization. Our staff’s dedication and professionalism are exceptional year in, year out; working often on a shoe-string budget, but nevertheless making constant headway. They make Civitas Maxima unique. Trust and respect also very much exist with our partners and donors, without whom nothing would be possible, and our gratitude to them is immense.

Last year, I reflected on the worldwide political climate, which has, in many ways, been adverse to accountability and human rights. Regrettably, things have not improved since. Focusing on real change at whatever level, Civitas Maxima proudly stands with our partners by the work we have undertaken to achieve concrete criminal accountability for forgotten victims of the vicious and cruel Liberian Civil Wars. The publicity around the cases we have contributed to is having a real impact on the climate and culture of impunity in Liberia.

Working alongside our partners, we have created a unique blueprint and methodology that can be replicated elsewhere, for many other quests for justice undertaken by other forgotten victims in the years to come. At Civitas Maxima, we firmly believe that all those quests, mainly at the national level, will one day create the systemic change needed to break the culture of impunity worldwide.

Alain Werner, Director of Civitas Maxima



# Q1 JANUARY

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## The Director of our sister organization in Liberia, Hassan Bility, wins a Human Rights Award in San Francisco.

“Nothing can finally heal the wounds we suffered or replace the friends and family we lost. But obtaining justice, feeling heard and knowing that we’ve been able to fight back and seek justice, on some level, is a truly magical feeling.”

Hassan Bility, during his acceptance speech in Philadelphia



### Liberian War Crimes Crusader Wins Judith Lee Stronach Human Rights Award

SAN FRANCISCO, MARCH 8, 2018

Hassan Bility, Director of Liberia’s Global Justice and Research Project, is the 2018 recipient of the Center for Justice and Accountability (CJA)’s Judith Lee Stronach Human Rights Award in honor of his courage and his heroic pursuit of justice for Liberia. Mr. Bility received the award at CJA’s 20th Anniversary Gala on March 8, 2018 at San Francisco’s Julia Morgan Ballroom.

A leading Liberian human rights activist, Mr. Bility began his career as editor-in-chief of Liberia’s Analyst Newspaper during the Charles Taylor regime. As a result of his fearless reporting on the atrocities occurring at the time, Mr. Bility was arrested and held for six months in 2002, during which time he was savagely tortured on Taylor’s direct orders.

Mr. Bility founded the Global Justice and Research Project (GJRP) in 2012 to document war-related crimes committed during Liberia’s 14 year armed conflict. Working in close collaboration with Geneva-based Civitas Maxima, GJRP assists Liberian victims in their pursuit of justice by documenting war-related atrocity crimes and connecting victims to accountability efforts against the perpetrators responsible for their harms. GJRP’s work has led to the arrests of alleged Liberian war criminals throughout Europe and the U.S., including former Liberian rebel commanders Alieu Kosiah in Switzerland and Martina Johnson in Belgium; the arrest of Charles Taylor’s ex-wife Agnes Reeves Taylor in the UK; and of the arrest and eventual conviction of former ULIMO rebel commander Mohammed Jabbateh, and the recently filed case against Moses Thomas, the alleged commander of the Lutheran Church Massacre, in the U.S.

“Hassan is a key figure in the movement to obtain justice and accountability for war crimes in Liberia,” said Nushin Sarkarati, a Senior Attorney at CJA. “First as a journalist, and now as the director of GJRP, Hassan has dedicated his life to supporting survivors in their quest to hold perpetrators accountable for wartime violence in Liberia. Much of the work happening today on accountability for Liberian civil war violence is only possible because of GJRP and Hassan. He truly represents what this award stands for, and it is our honor to celebrate his passion and commitment to global justice during our 20<sup>th</sup> anniversary.”

“I am extremely honored to receive the Judith Lee Stronach Human Rights Award on behalf of those Liberians who lost their lives, or lost families and loved ones, during the armed conflict,” Mr. Bility said about receiving the award. “The struggle to end impunity for war crimes in Liberia is gaining momentum. Liberians know that our country will only be able to thrive once there is an end to impunity, and a renewed trust in government. While nothing can make up for what we experienced in the past, obtaining justice can help brighten our future. I dedicate this award to the courage of the survivors, without whom none of this would be possible.”



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# Q1 FEBRUARY

**The Center for Justice and Accountability filed a lawsuit in Philadelphia after an investigation was carried out with the assistance of Civitas Maxima and the GJRP.**

## Shedding Light on Historic Crimes: The Lutheran Church Massacre Case

By Nushin Sarkarati, Senior Staff Attorney at the Center for Justice and Accountability

In the midst of Liberia's First Civil War, as Charles Taylor's National Patriotic Front of Liberia (NPFL) sought to unseat then-President Samuel Doe, Liberians began flooding into humanitarian aid centers and churches throughout the capital city in search of refuge from the growing violence.

The Red Cross and the Liberian Council of Churches set up shelters, including at St. Peter's Lutheran Church, to house the nearly 9,000 internally displaced people. Many of the displaced were seeking protection from government forces loyal to President Doe and his majority Krahn tribe, who were retaliating against Manos and Gios – two ethnolinguistic groups perceived as loyal to Charles Taylor's insurrection.

On the night of 29 July 1990, as NPFL forces came within five miles of Monrovia, a group of government soldiers belonging to the elite Special Anti-Terrorist Unit surrounded the crowded St. Peter's Lutheran Church compound and brutally attacked the approximately 2,000 civilians sheltered inside: men, women, and children were gunned down as they attempted to flee, and those who survived the initial rounds of shooting were hacked to death with machetes by soldiers ensuring the slaughter was complete. Some survived by hiding under piles of dead bodies until the soldiers left. The most reliable sources estimate that over 600 civilians, mostly Manos and Gios, died over the course of the attack.

To date, no one has been held responsible for the Lutheran Church Massacre. Although the Liberian Truth and Reconciliation Commission's (TRC) final report identified the Lutheran Church Massacre as one of the key atrocities of the Civil Wars, the Liberian Government has not further investigated or prosecuted individual perpetrators. Nonetheless, survivors continue to demand justice. With little hope for accountability in Liberia, victims had to look elsewhere.

With assistance from Civitas Maxima and the GJRP, CJA investigated the attack, obtaining key documentation and evidence regarding the perpetrators. According to the evidence gathered, a death squad and the elite Special Anti-Terrorist Unit are believed to have perpetrated the attack under the direction and command of the high-ranking Lieutenant Colonel, Moses Thomas, who had since fled to the U.S.

In February 2018, four survivors and their families – represented by CJA and their co-counsel Debevoise & Plimpton LLP – filed a civil suit in the U.S. Federal Court in Pennsylvania against Moses Thomas, now a longtime U.S. resident. The complaint alleges that Thomas is liable for torture, extrajudicial killing, crimes against humanity, and war crimes pursuant to the Alien Tort Statute (ATS) and the Torture Victims Protection Act (TVPA). These permit civil suits in U.S. courts to remedy a limited set of human rights violations, including those that occur abroad. In a recent ruling, the Federal Court denied Thomas' motion to dismiss the complaint, and directed that the case proceed to discovery and trial.

CJA's lawsuit is the first seeking to hold a commander of Samuel Doe's government forces responsible for serious violations of international law. Liberians are still waiting to see whether an in-country court will be established to implement the TRC's recommendation for further investigation and prosecution of alleged perpetrators of Civil-War-era crimes. In the meantime, this case, along with the other cases developed and filed by Civitas Maxima and the GJRP, seeks to make the voices of the victims of the Liberian Civil Wars heard on a global scale. These cases, and their reverberations in Liberia, demonstrate the importance of collaboration between organizations like CJA, Civitas Maxima, and the GJRP to effectively fight large-scale impunity, such as that which has existed in Liberia.

## CAREFREE LIFE IN PHILADELPHIA MASKS BLOODTHIRSTY LIBERIAN WARLORD'S PAST

Interviews with survivors and former soldiers identified Moses Thomas as commander of the Liberian government's feared anti-terrorist unit

BY RICHARD LUSCOMBE - FEBRUARY 13, 2018

To patrons of Klade's Liberian restaurant in the suburbs of Philadelphia, Moses Thomas is the popular server who rings them up at the till and chats jovially after bringing their palm butter soup and spicy potato greens. At weekends, the health-conscious 64-year-old plays soccer with friends in a nearby park.

But according to legal papers filed in a federal court on Monday, Thomas's carefree lifestyle masks his true identity as a bloodthirsty warlord behind some of the worst atrocities of Liberia's civil war, including the Lutheran Church massacre of July 1990 in which 600 men, women and children were shot and hacked to death with machetes.

The civil lawsuit served on Thomas at the restaurant on Monday afternoon follows a four-year investigation by a coalition of human rights organisations.

From interviews with survivors and former soldiers, they identified Thomas as commander of the Liberian government's feared special anti-terrorist unit, loyal to dictator Samuel Doe during the final days of his presidency.

The brutal attack at St Peter's Lutheran Church came as 2,000 terrified Monrovia residents crammed into the designated Red Cross shelter while troops of rebel leader Charles Taylor closed in on the capital.

According to the lawsuit, filed in the US district court for the eastern district of Pennsylvania, Thomas and his men fired indiscriminately on sleeping refugees and then moved methodically between the pews hacking at the injured with machetes.

A Guardian correspondent who visited the church almost two months later described a scene of carnage, with maggot-infested corpses left to rot in piles, and others still hanging from the windows from which they had tried to escape.

Although the lawsuit does not specifically accuse Thomas of killing anybody, it argues he bears responsibility for the murders by directing the attack, after addressing those at the church and "promising that he would guard them and ensure their safety."

"Thomas was the head of the military unit that committed the massacre, he was present on the front courtyard throughout the attack. He was also the one who issued the ceasefire order that ended the attack, so he was in complete command throughout the massacre," said Nushin Sarkarati, senior staff attorney with the California-based Centre for Justice and Accountability (CJA) that investigates and prosecutes global human rights abuses.

Thomas was named as a suspected war crimes perpetrator in 2008 by the largely impotent Truth and Reconciliation Commission of Liberia, but was never called to answer the allegations.

The lawsuit was filed by the CJA and its Liberian partner the Global Justice and Research Project on behalf of four survivors, one of whom lost two brothers, his wife and their five-year-old daughter in the attack.

It states Thomas was admitted to the US in 2000 under an immigration status intended to assist war crime victims.

"For the diaspora in the US, refugees who came here to flee civil war violence, to have to live in the same community as the perpetrators is very traumatising for them," Sarkarati said.

According to the CJA, Thomas lives with his Liberian long-term girlfriend in the southern outskirts of Philadelphia. Their modest three-bedroom house and restaurant are both registered solely in her name.

The lawsuit was filed under the alien tort statute and torture victim protection act, federal laws which allow civil relief in US courts for victims of human rights abuses committed overseas.

The case might also attract the attention of the US government. In 2012, the department of Immigrations and Customs Enforcement deported former rebel leader George Boley for human rights abuses during the Liberian civil war, including the use of child soldiers. Boley faced no punishment on his return to Monrovia and is now an elected congressman.

Thomas did not respond to a request for comment by the Guardian, but speaking to the BBC, he called the allegations against him "nonsense".

"I don't want to give any credence to the allegation," he said. "No-one in my unit had anything to do with the attack on the church."



Many buildings were damaged in Liberia from fighting during the two Civil Wars, and very few have been rebuilt.

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© Civitas Maxima / Artist: Chase Walker

Q2  
APRIL

**After "Jungle Jabbah" was found guilty by a jury in October 2017 in Philadelphia, U.S. Federal Judge Paul S. Diamond sentenced him to 30 years in April 2018 – one of the longest sentences ever received for immigration fraud charges by a human rights violator in the U.S.**



© Kim Thuy Seelinger

## The Sentencing of "Jungle Jabbah": U.S. Approaches to the Prosecution of Alleged Liberian War Criminals

By Kim Thuy Seelinger

Kim Thuy Seelinger, JD, is Visiting Professor of Law and Research Associate Professor of Social Work, Public Health, and Social Policy at the Washington University in St. Louis. She serves as the President of the Civitas Maxima Executive Committee.

In April 2018, Mohammed "Jungle Jabbah" Jabbateh received an historic sentence from a U.S. federal court in Philadelphia. Jabbateh, a former commander of the rebel group ULIMO (United Liberation Movement of Liberia for Democracy) during the First Liberian Civil War (1989 – 1996), had faced trial in October 2017. He was convicted on two counts of immigration fraud and two counts of perjury.

This conviction came as a victory for the victims, the prosecutors, and also for Civitas Maxima and the GJRP – both organizations had facilitated U.S. prosecutors' access to Jabbateh's victims in Liberia. Thanks to this, 17 victims and eyewitnesses had travelled to Philadelphia to testify about Jabbateh's wartime acts. They implicated him in murder, rape, torture, enslavement, and cannibalism.

While the case centered on Jabbateh's past crimes in Liberia, he had not been charged with these atrocities per se. He was actually prosecuted for immigration-related offenses in the U.S.: perjury and fraud when submitting applications for refugee protection and permanent residency. However, demonstrating Jabbateh's wartime activities was essential in proving the nature and depth of his fraud. Victim testimony confirmed Jabbateh's role in atrocities during the First Liberian Civil War. Had he disclosed any of this on his immigration forms, he would have been barred from status and deported.

Following the sentencing hearing in January 2018, U.S. Federal Judge Paul S. Diamond pronounced Jabbateh's fate: 30 years in prison. In his ruling, Judge Diamond cited the egregiousness of Jabbateh's lies – a deception that *"undermines the foundations of our immigration and asylum system."* He considered Jabbateh's fraud and perjury to be far beyond the kind contemplated by the relevant U.S. federal sentencing guidelines, finding a 30-year sentence to be *"sufficient, but no greater than necessary to comply with the purposes of the guidelines."*

This sentence is longer than many handed down by the international criminal tribunals for the Rwandan genocide and the conflict in the former Yugoslavia. Jabbateh has appealed it.

### A broader trend: Punishing war crimes with immigration fraud sentences

Although the relevant sentencing guidelines were not intended to punish war crimes, crimes against humanity, or genocide, Jabbateh's sentence is not a total outlier. Several recent cases in the U.S. involve past atrocities, immigration fraud, and heavy prison terms. These include two consecutive 10-year prison sentences handed down by a federal court in New Hampshire in 2013 to Beatrice Munyenyezi for concealing her role in the Rwandan genocide; the 22-year prison sentence handed down by a federal court in Colorado in 2014 to Kefelegne Alemu Worku for concealing his torture and murder of civilians in Ethiopia in the 1970s; and the 15-year prison sentence handed down by a federal court in Iowa in 2017 to Gervais Ngombwa, a former leader of the extremist wing of Rwanda's Republican Democratic Movement, for concealing his participation in the 1994 genocide.

### 'JUNGLE JABBAH' WAS ACCUSED OF CANNIBALISM AND OTHER HORRORS IN LIBERIA. HOW A U.S. COURT BROUGHT HIM TO JUSTICE.



In October, Mohammed Jabbateh was convicted of immigration fraud and perjury. (Chase Walker / Civitas Maxima)

BY PRUE CLARKE APRIL 14, 2018

PHILADELPHIA — The jury knew her only as Witness 18. The woman, dressed in the colorful traditional garb of rural Liberia from where she had come, said the man on trial was not an entrepreneur living quietly in Southwest Philadelphia, as he claimed. Rather, she told the court, Mohammed Jabbateh was “Jungle Jabbah,” a ruthless militant commander responsible for barbarous war crimes committed decades ago.

In chilling testimony here last fall, the woman, now in her 60s, recounted how Jabbateh had invaded her village in 1991. After killing her brother-in-law by removing his heart, she said, Jabbateh’s fighters did the same to her husband — and then ordered her to cook the organ so they could eat it. “Make yourself strong, ma,” she remembered one of them saying as he urged her to build a fire. “If you don’t do it, he’ll kill us both.”

Jabbateh, 51, was convicted in October, not for committing war crimes in Liberia but for lying to investigators in the United States about his violent past and defrauding the U.S. immigration system in the process. He faces up to 30 years in prison, and it is expected that he’ll be deported from the United States eventually. A judge is scheduled to announce Jabbateh’s fate at a hearing Thursday.

Should he receive the maximum sentence, it would represent one of the toughest penalties ever handed down by a U.S. court for a case involving war crimes. The Department of Homeland Security, which enforces the country’s immigration laws, has 1,900 open cases on people thought to be living in the United States with a record of alleged human rights abuses, but fewer than 20 suspects are arrested each year — and only one has been litigated by a U.S. court since laws were put in place to prosecute what the U.S. government deems substantive abuses, including torture, genocide and other atrocities.

The Justice Department says it is committed to prosecuting those suspected of such abuses who seek a haven in the United States “when the evidence and the law support criminal charges.” But there is a growing sense among human rights advocates that more must be done — and that the worst may be yet to come.

**“It is troubling that suspected war criminals are being prosecuted in the U.S. for immigration-related offences.”**

These significant convictions and sentences may represent a shift in the U.S. Government’s approach to suspected war criminals who have sought refuge and legal residence in the U.S.

First, U.S. prosecutors have brought immigration-related criminal charges against suspected war criminals, rather than simply seeking their administrative removal from the U.S. From an international justice perspective, this makes sense, as deportation to countries such as Liberia would be unlikely to be followed with prosecution for past atrocities. Take, for example, the case of George Boley, who is believed to have committed atrocities during the Liberian Civil Wars and later settled in the U.S. Boley’s removal order was the first secured under the *Child Soldiers Accountability Act* of 2008. He was deported in 2012. However, Boley was not prosecuted for his past crimes once he returned to Liberia. On the contrary, he was elected to the legislature and allegedly threatened victims who testified against him.

Second, U.S. courts seem to be imposing increasingly heavy prison sentences in immigration fraud cases involving egregious human rights violations. As U.S. Federal Judge Myron H. Thompson noted in affirming Munyenyezi’s 10-year sentence on appeal, this sentence was “*far too lenient and entirely inadequate*” to remedy the underlying acts of genocide. Indeed, when sending Jabbateh to prison for 30 years, Judge Diamond explained that this length of sentence was “*necessary to reflect the seriousness of the Defendant’s crimes.*”

#### The dilemma of prosecuting war crimes via immigration charges

Despite the appeal of addressing past atrocities even by indirect means, it is nonetheless troubling that suspected war criminals, *génocidaires*, and human rights violators are being prosecuted in the U.S. for immigration-related offences, rather than for substantive international crimes. This stands in stark contrast to the approaches taken elsewhere in the world. For example, across Europe, specialized war crimes units investigate and prosecute foreigners suspected of genocide, war crimes, crimes against humanity, and torture — even when the crimes were committed abroad against foreign victims.

The U.S. has lagged behind its European counterparts in prosecuting international crimes. As Prue Clarke wrote in the *Washington Post* in the wake of Jabbateh’s sentencing (see p. 15), U.S. laws cover “*only a fraction of the crimes that can be prosecuted in other countries*”. In fact, the U.S. has only prosecuted one individual on substantive human rights charges related to the Liberian Civil Wars: the son of former Liberian President Charles Taylor, who was commonly referred to as “Chuckie” Taylor, and who in 2009, was convicted of torture under a federal statute that prohibits public officials from torturing persons in their custody outside the U.S. Taylor was sentenced to 97 years in prison. He was only liable for prosecution under the statute because of his U.S. citizenship — so far, it has not been used to reach non-citizens in the U.S.

Ideally, a war crimes or torture case should be tried as such — the U.S. has both the capacity and the obligation under international law to do so. Moreover, raising atrocity crimes only in the context of immigration fraud cases risks playing into toxic, anti-immigrant rhetoric that exaggerates the threat of immigration fraud and depicts entire groups of foreigners as criminals. For these and many other reasons, the U.S. should ensure that it has the legal and institutional frameworks necessary to prosecute human rights abusers who reside in or enter the country. Unfortunately, as Annie Hylton noted in an article in the *New Republic* after Thomas Woewiyu was convicted for immigration fraud and perjury in 2019, “*efforts in recent years to introduce or amend legislation that would make it easier to prosecute war criminals for their original crimes have become politically divisive.*”

So for now, prosecutors in the U.S. use the tools available to them. And, with the support of groups like Civitas Maxima and the GJRP, victims are providing essential history and context for the immigration fraud being charged. In this way, the Jabbateh sentencing sends a powerful message to victims: we hear you and no one will benefit from your suffering.



Pool of the abandoned Ducor Palace, Monrovia. It was the first 5-star hotel in Africa. The Ducor Palace was used as a strategic military position by Charles Taylor's men in the Second Liberian Civil War.

© Civitas Maxima / Nicolás Braguinsky Cascini



© United States Institute of Peace

Q2  
MAY

**A petition signed by thousands of Liberian citizens calling on the legislature to establish a war crimes court in Liberia was delivered to the Parliament.**

## 2018 – The Year that Liberia Reignited the Dialogue around Justice

By Hassan Bility, Director of the Global Justice and Research Project

Hassan Bility was one of the most prominent Liberian journalists and human rights activists during Liberia's Civil Wars. While serving as Editor-in-Chief of the Analyst Newspaper, he was arrested and brutally tortured on Taylor's orders. He later testified in several trials outside of Liberia, including in front of the Special Court for Sierra Leone (SCSL). Hassan Bility was awarded several human rights awards, including recently, the Judith Lee Stronach Award (see pp. 6-7). Since 2012, he has been the Executive Director of Civitas Maxima's sister organization, the GJRP in Monrovia.

In 2012, when we first began documenting the grave crimes committed against the Liberian people during the 14 years of bloody civil war, we kept our work strictly undercover. While the majority of Liberians were clearly yearning for justice, and agreed to tell their stories to our investigators in private, they generally did not dare to speak about their desire for justice publicly. Many did not want to be openly associated with a push for accountability – worried about the possible backlash from powerful people with a history of fighting in the war, some of whom are currently holding positions in the Liberian Government.

However, in 2018 – emboldened by several extraterritorial cases against alleged Liberian war criminals, which we have worked on over the past 6 years with Civitas Maxima, as well as by the peaceful transition to a new President who had no role in the war – people from different spheres of Liberian society began to join forces to push openly for accountability for atrocity crimes. In February 2018, in an unprecedented move, the influential Liberian Council of Churches joined the call for the implementation of the recommendations of the Liberian TRC, which had called for the investigation and prosecution of those responsible for atrocities. In March 2018, United Nations (UN) Deputy Secretary-General, Ms. Amina J. Mohammed, reminded the newly-elected President of Liberia that it was time to implement the TRC recommendations.

When we began our work, it would have been difficult for me and my team to imagine that only a few years later, people would be marching in the streets of Monrovia, calling for the establishment of a war crimes court. Yet, this is exactly what happened in May 2018 when people rallied to deliver a petition to the House of Representatives for the establishment of such a court in Liberia. The petition received several thousand signatures.

Those advocating for national accountability measures not only include survivors of the Civil Wars, but also former low-level combatants, as well as the next generation of Liberians. Young people, who did not live through the wars but who have known this country only reigned by impunity, are strong advocates in this fight. Through our collaboration on youth-centered projects with Liberian artists, we connected with this generation on a new level in 2018 (see pp. 30-31), and their desire for justice is undisputable.

The pressure put on Liberian Government leaders by those advocating for justice only grew stronger throughout the pivotal year that was 2018. Leading up to Liberia's first ever review before the UN Human Rights Committee (the Committee) in Geneva, Civitas Maxima and the GJRP joined a coalition of 76 Liberian, African, and international nongovernmental organizations which filed a submission urging the UN and the Liberian Government to address ongoing impunity for past atrocity crimes in Liberia.

**“The consequences of the failure to end impunity have gone far beyond the absence of justice for the victims of wartime atrocities.”**

Consequently, in July 2018, the Committee issued its formal concluding observations on the initial report of Liberia expressing "concern that none of the alleged perpetrators of gross human rights violations and war crimes mentioned in the TRC report, has been brought to justice, and that some of those individuals are or have been holding official executive positions, including in the government." The Committee identified ending impunity as a priority, and as one of three key issues on which Liberia will need to report again in 2020 – two years prior to the regularly scheduled periodic report.

For the first time, advocates for a war crimes court in Liberia had an international body calling on their government to implement accountability measures.

Shortly after the concluding observations were issued, in August 2018, the Joint Committee on Claims and Petitions of the Liberian Parliament held a hearing on the establishment of a war crimes court, to which I was invited, alongside other civil society actors. We had an open discussion with many lawmakers, who asked us a multitude of questions regarding international criminal law and the practicalities of setting up a (semi-) international tribunal. Engaging in an open dialogue with members of the legislature in this way was absolutely groundbreaking. We continue to collaborate with some of the lawmakers who have a keen interest in justice issues and seriously want to implement the TRC recommendations.

Overall, 2018 marked an unprecedented opening of the dialogue around justice issues in Liberia, which culminated in the first-ever National Justice Conference (see pp. 48-50), that we co-organized with many trusted national and international partners.

The overwhelming positive reactions to the National Justice Conference clearly demonstrate that Liberia is ready for accountability on a national level. Bringing perpetrators to justice is not a choice, but an obligation, if we want to rebuild trust in our society and promote national healing and a sustainable reconstruction of our country. The consequences of the failure to end impunity have gone far beyond the absence of justice for the victims of wartime atrocities. The Liberian economy is doing badly, and many people do not have an income to cover their basic needs. It is apparent that wounds of the Civil War are still fresh. There is a major trust deficit between the Liberian Government and citizenry, and corruption is rampant. There are still some powerful voices opposed to our fight for justice, and I receive direct threats from some of them on a regular basis. We are not naive about the magnitude of the task that lies before us.

Nevertheless, 2018 was an unprecedented year in our fight for justice. The cases against alleged Liberian war criminals happening abroad had a real and tangible impact on the ground in Liberia, and the dialogue in our society opened in a way that was unexpected.

We are hopeful that one day we will have accountability for past crimes on our own soil.



## LIBERIANS PRESSURE GOVERNMENT, LEGISLATURE FOR ESTABLISHMENT OF WAR CRIME COURT

**Monrovia – A segment of the Liberian society is getting impatient with the utmost disregard for justice for victims of the country’s brutal civil war. That group of people has therefore submitted a petition to their Legislature for the establishment of a war and economic crimes court.**

BY LENNART DODOO - MAY 9, 2018

The petitioners under the banner “Citizens of the Republic of Liberia” believe until the instigators of the war and perpetrators of atrocities face justice, the country would not be truly reconciled.

Liberia’s civil war lasted almost a decade and half (1989-2003) and recorded a death toll of over 250,000.

The war was one of Africa’s bloodiest. Child soldiers were used throughout the war.

The civil war claimed the lives of one out of every 17 people in the country, uprooted most of the rest, and destroyed a once-viable economic infrastructure. The strife also spread to Liberia’s neighbors. It helped slow democratization in West Africa at the beginning of the 1990s and destabilized a region that already was one of the world’s unsteady.

Unfortunately, the culture of impunity is the order of the day with many accused of committing heinous atrocities parading the corridors of political power, even in the legislature.

In the introduction of their petition, the proponents of the establishment of a war crimes court in the country noted, “Recounting on major challenges of the 12 years leadership of Madam Ellen Johnson-Sirleaf; Reconciliation and Corruption remain key amongst many. In this light, we will like for the Honorable House of Representatives to act on the Truth and Reconciliation Commission’s (TRC) Report, submitted to the Government and people of Liberia on June 30, 2009, currently before the House but has suffered set-back due to reasons we don’t know.”

According to the petitioners, fully implementing the TRC recommendations would reconcile the thousands of Liberians, who still feel aggrieved by the manner in which they were victimized during the war.

Reading the petition on the grounds of the Capitol, Mr. Fubi Henries, who is leading the campaign, said, implementing the TRC recommendations would also not only rewrite Liberia’s history that culture of impunity is over, but it would also bring peace of mind to those who lost their loved ones and been going through trauma from the impact of the war. It would also serve as a deterrent for future conflicts.

“This is our cry, we want justice. This country cannot have genuine peace without justice. Therefore, the establishment of the War Crimes Court is inevitable. Even the heavens require judgment for our actions here on earth,” the petition noted.

The group argued that prosecuting perpetrators of the war is tantamount to enforcing laws on rape, murder, damage of property, adoption, and exposing kids to danger, amongst others.

In addition to war crime court, Henries and his cohorts say it is empirical to also prosecute individuals who have been placed on records for misappropriating state’s resources up to January 21, 2018. This, they said, should be done through the establishment of an Economic Crimes Court. “This is important to keep the current government officials in check. And to let them know that the era of Liberia being an ‘elephant meat’ is over,” they noted.

The petition: “A total review of all the pending audit reports with no action needs to be totally fast tracked and those who will be guilty of any fraudulent activities be dealt with according to the law.”



© Civitas Maxima / Artist: Chase Walker

# Q2 JUNE

**Thomas Woewiyu, former Defense Minister of Charles Taylor's rebel faction, was tried in Philadelphia and found guilty on 11 counts for committing fraud, based on the denial of his role and commission of crimes during the Civil War in Liberia.**



© Armenian Museum of America

## The importance of the Thomas Woewiyu case

By Nicholas Koumjian

Nicholas Koumjian is one of the most experienced trial attorneys in international criminal law today. Over the past 20 years he worked in six different international criminal tribunals, including as Senior Trial Attorney on the trial of the former President of Liberia, Charles Taylor, before the SCSL, and as Co-International Prosecutor at the Extraordinary Chambers in the Courts of Cambodia (ECCC) in Phnom Penh.

The 2018 trial of Thomas Woewiyu in a U.S. federal court in Pennsylvania constitutes a historic step towards accountability for the horrendous crimes inflicted on the Liberian people during the conflicts that racked the country for over a decade. Woewiyu was convicted on 11 counts of immigration fraud and perjury related to his failures to disclose his role with the NPFL and in the Liberian conflict, in his applications to U.S. authorities for immigration and citizenship.

Woewiyu has described himself as one of the founders of the NPFL faction in Liberia led by Charles Taylor. By 1990, he was named the Defense Minister and spokesperson for the rebel group, and remained in these positions until 1994. While all factions in Liberia's Civil Wars between 1989-2003 committed atrocities, the Liberian TRC listed the NPFL first among its "significant violator group". The number of violations committed by the NPFL were threefold those committed by the next most frequent perpetrator group.

The NPFL first appeared in Libyan training camps, sponsored by Muammar Gaddafi. In late 1989, NPFL forces invaded Liberia and quickly captured large territories from the incompetent and brutal government of President Samuel Doe. The NPFL stoked the resentment of tribes long persecuted by Doe's largely Krahn forces. The NPFL became particularly well-known for the brutal and arbitrary violence inflicted by its "Small Boy Units" – children that had been conscripted into its forces. One reporter sympathetic to Taylor spent a month with NPFL forces in 1992. In the article he wrote praising the NPFL, revolution he observed "Small boy soldiers (some as young as 9 and 10 years old), would put a knife to the throat of some elderly Krahn man and tell him, 'Popee, don't worry it won't hurt you.' In another minute his head would be gone."

The trial of NPFL leader Charles Taylor at the SCSL, which I was part of, was focused on Taylor's sponsorship of the RUF (Revolutionary United Front) rebel group in Sierra Leone, and the crimes committed in that country. But the trial record we made in that case showed that the RUF was created in the image of the NPFL and mimicked NPFL terror tactics. Taylor himself acknowledged the NPFL tactic of putting severed heads or skulls on sticks. While Taylor was not charged by the SCSL with any crimes in Liberia, as that court's jurisdiction was limited to crimes in Sierra Leone,

witness testimony included numerous accounts of NPFL atrocities in Liberia – including large-scale massacres, the killing of children, slitting open the wombs of pregnant women, and cannibalism. Terror was a tactic to ensure control over civilians, and licensing fighters to commit crimes served as an incentive to motivate unpaid soldiers.

I led in court the testimony of a man who admitted being the commander of Taylor's "Death Squad", Joseph "Zigzag" Marzah. When I asked him during trial how the NPFL treated civilians, he answered candidly: *"I will say the truth and nothing but the truth. When our leader himself was present in Liberia, there were more opportunities for us. We had a chance to do anything, like to loot, to rape.... the tactics that we used sometimes we set ambushes, but before setting any ambush anywhere, anywhere we are going to capture, the battle that we do there, there is no rescue for any civilian. From there you take the human head and you would place it over your car bumper and when people see it they become afraid."*

The scale and horror of the atrocities inflicted upon Liberia's civilian population is hard to fathom. Some have estimated that as many as a quarter of a million lost their lives in the First Civil War (1989-1996). A World Health Organization study conducted early in the conflict (1994) found that a third of the 450 women interviewed reported they had been raped. A UN team interviewed over 3,000 demobilized fighters that same year, and eleven percent of them admitted having raped *ten or more* women. According to the report from the Liberian TRC, *"Massacres, rape, torture, children recruitment into their ranks were pervasive as ethnic cleansing and ethnic profiling was standardized at every one of the hundreds of checkpoints the NPFL operated throughout its vast controlled territories."*

During Woewiyu's trial, the prosecution called 33 witnesses. While some were U.S. immigration personnel, the witnesses also included victims of the First Liberian Civil War, journalists, and diplomats, and the evidence included murders, the forced recruitment of child soldiers, and the NPFL's policy of ethnic persecution.

Woewiyu's sentencing was set for April 19, 2019 and has been postponed. Civitas Maxima and its Liberian sister organization, the GJRP, assisted the U.S. authorities throughout the investigation of his case. The hard work of their dedicated staff, and the courage of the witnesses who cooperated, have now resulted in some judicial recognition of NPFL crimes in Liberia, and, for the very first time, brought some measure of justice for the victims. Similarly, in 2017, Civitas Maxima helped U.S. authorities bring to trial "Jungle Jabbah" a member of a different armed faction that opposed Taylor but committed equally horrendous crimes. These cases demonstrate that it is still possible to prove these crimes, and that the victims still expect justice. Hopefully, the historic Woewiyu and Jungle Jabbah cases will spur further efforts to end impunity for the vast atrocities committed by any and all factions in the Liberian Civil Wars.

**“The scale and horror of the atrocities inflicted upon Liberia’s civilian population is hard to fathom [...] These cases demonstrate that it is still possible to prove these crimes and that the victims still expect justice”.**



ECOMOG's Rufus Kupolati met NPFL Chief Spokesman Thomas Woewiyu at the Unity Conference Center in Virginia, during the First Civil War in Liberia.

© Gregory H. Stemn, from the book 'LIBERIA: When Darkness Falls'

Legal Monitoring of the Woewiyu case  
JURY VERDICT SHEET

CHARGES AND VERDICT IN THE TRIAL OF JUCONTEE THOMAS WOEWIYU  
Indictment Filed: January 30, 2014  
Verdict Issued: July 3, 2018

18 U.S.C. § 1425 (fraudulently attempting to obtain citizenship - 2 counts)  
18 U.S.C. § 1546(a) (fraud in immigration documents - 4 counts)  
18 U.S.C. § 1015(a) (false statements in relation to naturalization - 3 counts)  
18 U.S.C. § 1621 (perjury - 7 counts)

Count 8:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

knowingly made a false statement under oath in a proceeding, and matter relating to naturalization, citizenship, and registry of aliens, that is in his Form N-400, Application for Naturalization, and in the related interview, in that, as the defendant then and there well knew, his statements in response to question IO on his Form N-400, Application for Naturalization, was false, **in that, the defendant did not disclose that he both directly and indirectly advocated the overthrow of the Doe Liberian government by force or violence.**

In violation of Title 18, United States Code, Section 1015(a).

VERDICT: GUILTY

Count 14:

On or about January 30, 2009, in the Eastern District of Pennsylvania, and elsewhere, defendant

JUCONTEE THOMAS WOEWIYU, a/k/a "Jucontee Thomas Smith"

having taken an oath before a competent tribunal, officer and person, in a case in which a law of the United States authorizes an oath to be administered, that he would testify declare, depose and certify truly, did willfully and contrary to such oath falsely state before an immigration officer with regard to his Form N-400, Application for Naturalization, a material matter, that is, that his response to question II on his Form N-400, Application for Naturalization, was true, when, as the defendant then and there well knew and believed, his response was false, in that the defendant knew at the time he made the statement that **he did not disclose that while he was a member of, among other organizations, the NPFL, he persecuted others because of their political opinions, and membership in a particular social group, including members of the Krahn and Mandingo tribes.**

In violation of Title 18, United States Code, Section 1621 (1).

VERDICT: GUILTY



## CELEBRATIONS IN LIBERIA AND THE US OVER WOEWIYU'S GUILTY VERDICT

**Monrovia – Richard Duo has been waiting eagerly over the last three weeks for the outcome of the Thomas Woewiyu trial. Woewiyu and his National Patriotic Front of Liberia have cast a heavy cloud over his family's life. He was just three when, strapped to his mother's back, he lost a leg when a shell exploded near the pair during Octopus crisis in 1992. His father had been killed in the Lutheran Massacre two years earlier.**

BY JAMES HARDING GIAHYUE - JULY 5, 2018

So, when jurors in a Philadelphia courtroom in the United States on Tuesday found him guilty on 11 of 16 counts of criminal immigration fraud for lying to US authorities about his role in Liberia's civil war the family celebrated.

"We are very happy," Duo said the day after the verdict. "For we victims to live and see such thing happening. It is very much encouraging and we hope that it will continue, not only against Mr. Woewiyu but all those who committed war crimes against their own people."

The three-week trial focused on the horrible suffering of all Liberian people during the first civil war but particularly those of the groups the NPFL targeted: Krahns, Mandingos, children recruited to be soldiers and people from other West African nationalities who were living in Liberia at the time.

The jury found Woewiyu had persecuted all these groups in his role as Taylor's number two during the conflict. And they ruled that he had lied to US immigration authorities when they asked him whether he'd taken part in any persecution of specific groups. They also found he'd lied when he claimed he'd never tried to overthrow a legitimate regime. The jury heard repeatedly that the NPFL had wanted to overthrow President Samuel Doe from Woewiyu himself in BBC radio interviews.

Tens of thousands of Liberians died in the effort.

"We are living with pain, it's not easy," Duo laments. "People came and committed against you, take your life backwards and affect your physical appearance. Every day, for some of us we live with that pain."

The trial also revealed that Woewiyu had at least four children who were similar ages to those children he recruited in Liberia as soldiers. Four of his children, all living in the US with graduate degrees and respectable jobs, testified to his honesty and law-abidingness. The youngest Naanco is the same age as Duo.

As Duo struggles to make ends meet on crutches, his mother still the breadwinner of the family, the difference between his life and that of Woewiyu's children weighed heavily on him.

"They are in government, living good lives and their children abroad going to good school, while we are still suffering."

Woewiyu was the Minister of Defense and Defense spokesman for the National Patriotic Front of Liberia (NPFL), recognized by the Truth and Reconciliation Commission as the largest human rights violator in the Liberian civil war (1989 – 2003) that killed an estimated 250,000. Woewiyu lied about his role in the NPFL when he applied for U.S. citizenship back in 2006.

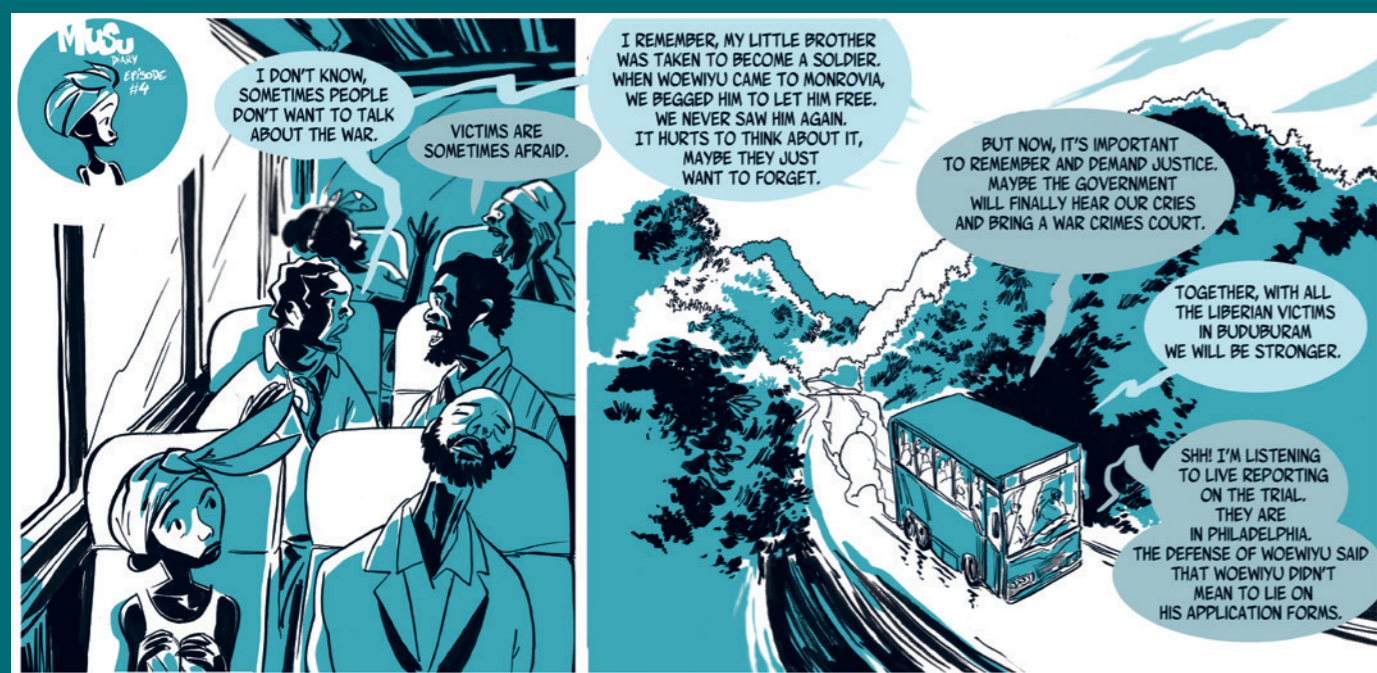
An estimated 50,000 people died between 1990 and 1992, according to British writer Stephen Ellis in his "Mask of Anarchy". Woewiyu was the mastermind of the Octopus, an attack on Monrovia to unseat the Interim Government of National Unity, led by Dr. Amos Sawyer.

One of the things that characterized the crisis was shelling. Several communities, particularly those around the James Spriggs Payne airfield were constantly shelled, resulting in loss of lives and properties.

# Liberian Quest for Justice

For the second time in a row, Civitas Maxima and the GJRP successfully ran the Liberian Quest for Justice campaign during the trial of Thomas Woewiyu in Philadelphia, to provide people in Liberia and around the world with reliable and unbiased information about justice occurring abroad.

 @Quest4Liberia



A Liberian woman reading a leaflet of the Liberian Quest for Justice, Monrovia, February 2018

© Civitas Maxima / Nicolás Braguinsky Cascini

© Civitas Maxima / Artist: JP Kalonji, Script: Nathaly Leduc



© Civitas Maxima / Nathaly Leduc

# Q3 AUGUST

**A cutting-edge Cartooning for Justice workshop with Liberian students was organized in Monrovia.**



© Omanza Shaw

## **Liberian Students Express the Horrors of the War and Rejection of Impunity through Cartooning**

**By Leslie Lumeh**

Leslie Lumeh is Executive Director & Instructor of the Liberia Visual Arts Academy (LivArts). A self-taught professional who has made remarkable strides both locally and internationally over the 23-year span of his career as an artist, illustrator, cartoonist, and teacher, with many brilliant art projects to his credit.

The Liberia Visual Arts Academy (LivArts) has been a point of reference for young artists in Liberia since 2010 – nurturing and involving students in numerous local and international collaborations on visual art. In 2018, LivArts started an ongoing collaboration with Civitas Maxima and the GJRP, which was initially funded by a ‘Projects for Peace’ grant from the Kathryn W. Davis Peace Foundation through an affiliation with the Graduate Institute of Geneva.

Civitas Maxima and GJRP staff have worked alongside LivArts teachers in order to give the young students legal, philosophical, and artistic tools to address the challenging thematic of impunity in post-conflict Liberia. Felix Lüth, Legal Associate at Civitas Maxima and PhD student at the Graduate Institute, spoke with the students about the theoretical foundations and justifications for punishment under criminal law, and the students then examined how these theories might be applied within the context of post-conflict Liberia. These discussions all contributed to the larger goal of having the students engage in debate about justice and accountability in Liberia following its 14 years of conflict, mainly through drawing exercises.

JP Kalonji, famous Swiss-Congolese artist and cartoonist – and the pen behind Musu’s Diary – came specially from Geneva to enrich the students’ experience and enhance their technical cartooning skills.

Cartoons are a medium for social awareness that can be used to encourage change, spark debate, express anxiety, and inspire hope. This is why Civitas Maxima, GJRP, and LivArts chose to engage the students in cartooning – encouraging them to explore their feelings through the medium of art.

Even though some of the students did not live during the war, the young Liberian generations’ war-trauma is evident: in their cartoons they recreated situations and fears that are now part of Liberian collective memory – dark glimpses of wounds that have yet to heal. The strength and brutality are raw and unedited, and the legacy of violence is indisputable. This illustrates how conflicts not only affect the people that lived through them: it is a burden carried from generation to generation, especially regarding conflicts where no one has been held accountable for the crimes committed.

The training provided to students as part of this program was unique – in that, for the first time, artwork created by our students went on to serve a humanitarian and healing purpose, as opposed to artwork created in previous workshops where the finished pieces served mostly as decoration for our classrooms.

Cartooning for Justice is an innovative and unique program that has challenged the students to explore different and difficult topics, and the collaboration among the organizations involved is a groundbreaking exercise in multidisciplinary, which continues today. The relationship created between LivArts and GJRP thanks to this project has been particularly important, as both organizations are Monrovia-based, and I believe that strong ties and collaboration between civil society organizations in Liberia enriches and strengthens democracy.

*“In their cartoons they recreated situations and fears that are now part of Liberian collective memory – dark glimpses of wounds that have yet to heal.”*



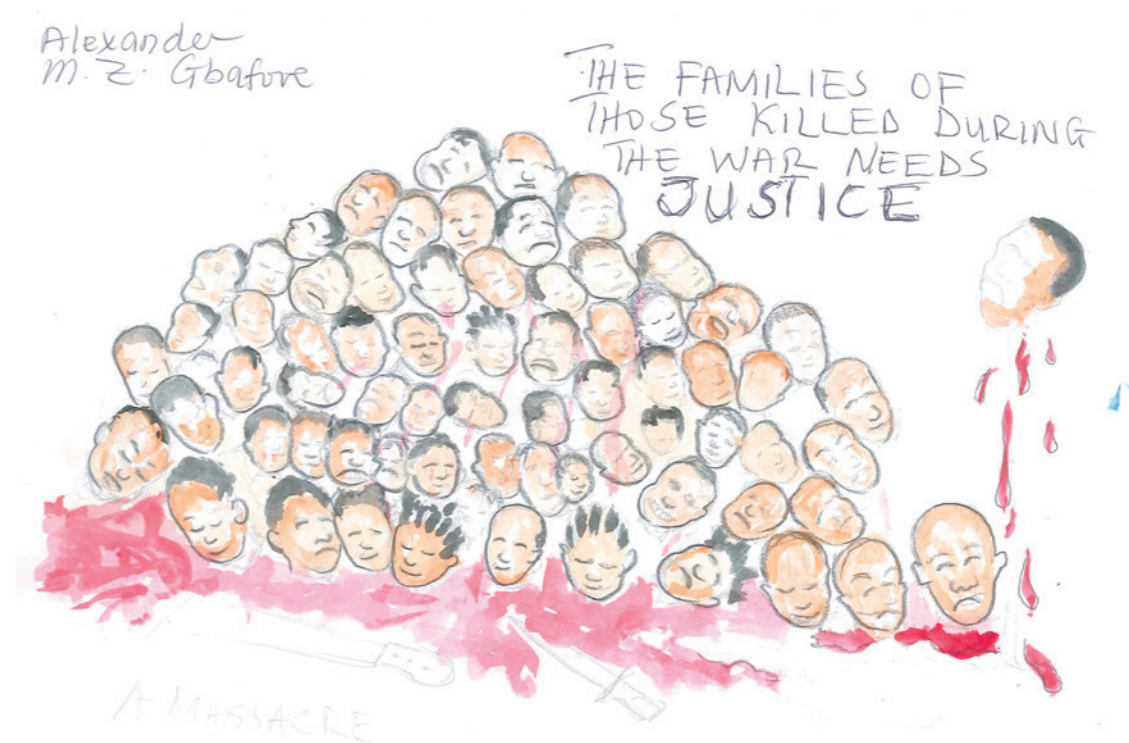
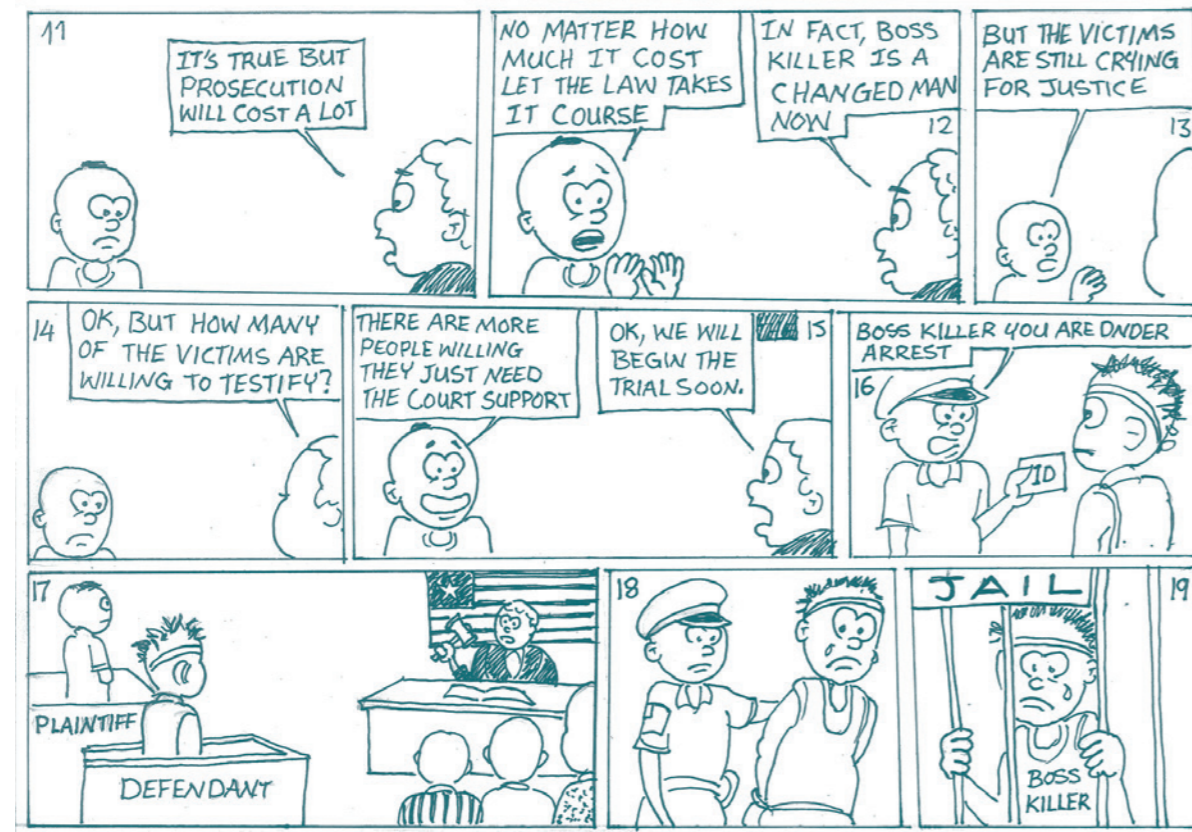
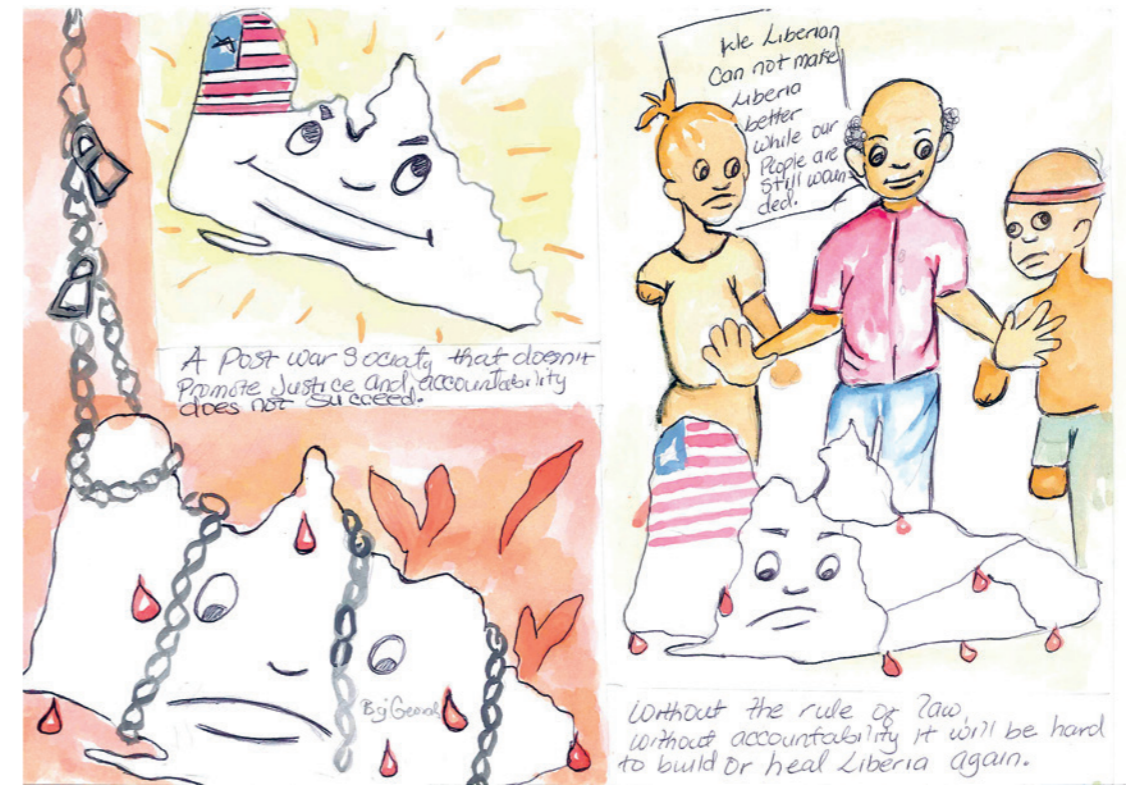
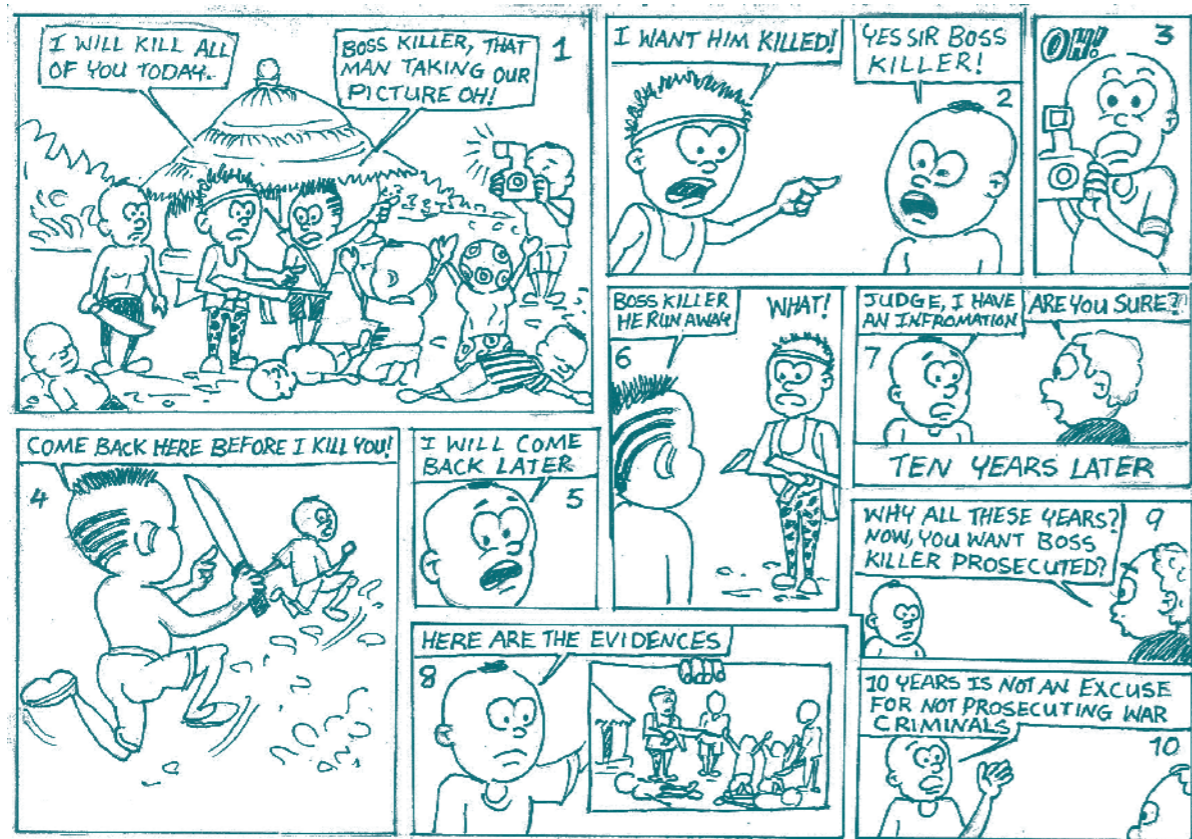
A young girl participating in the Cartooning for Justice Workshop, August 2018.

© Civitas Maxima / Nathaly Leduc

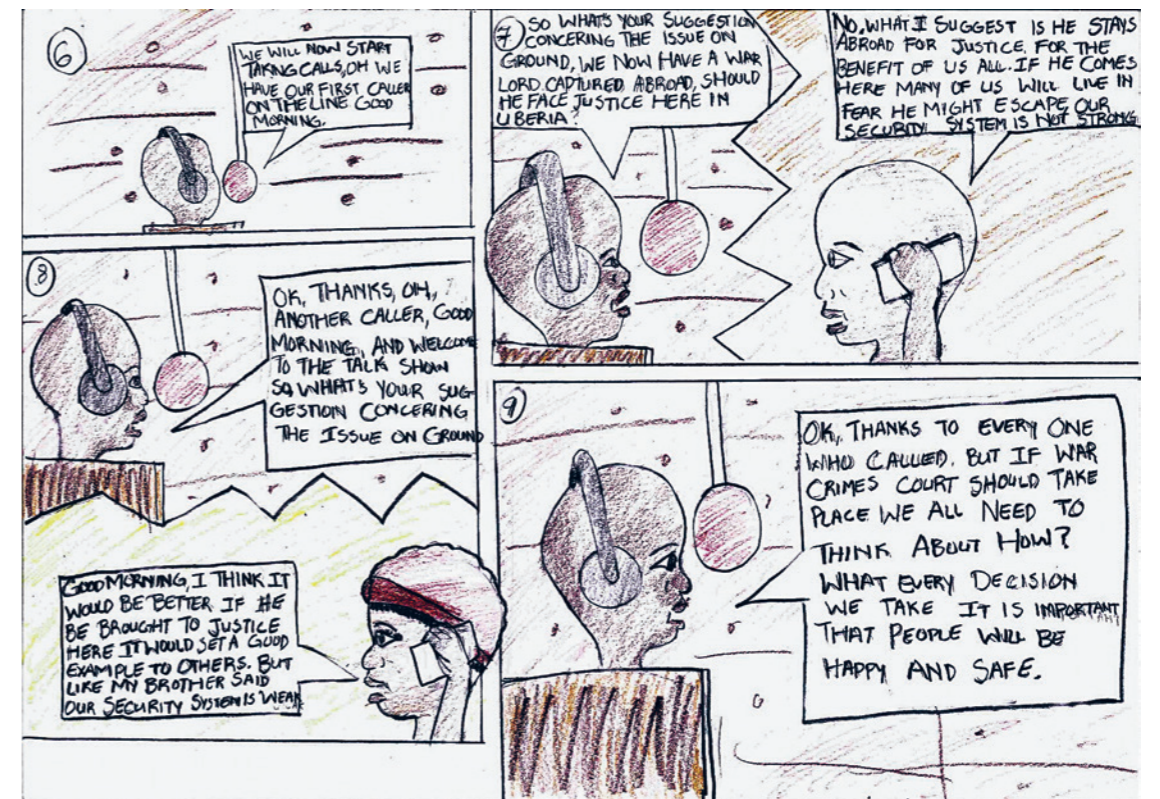
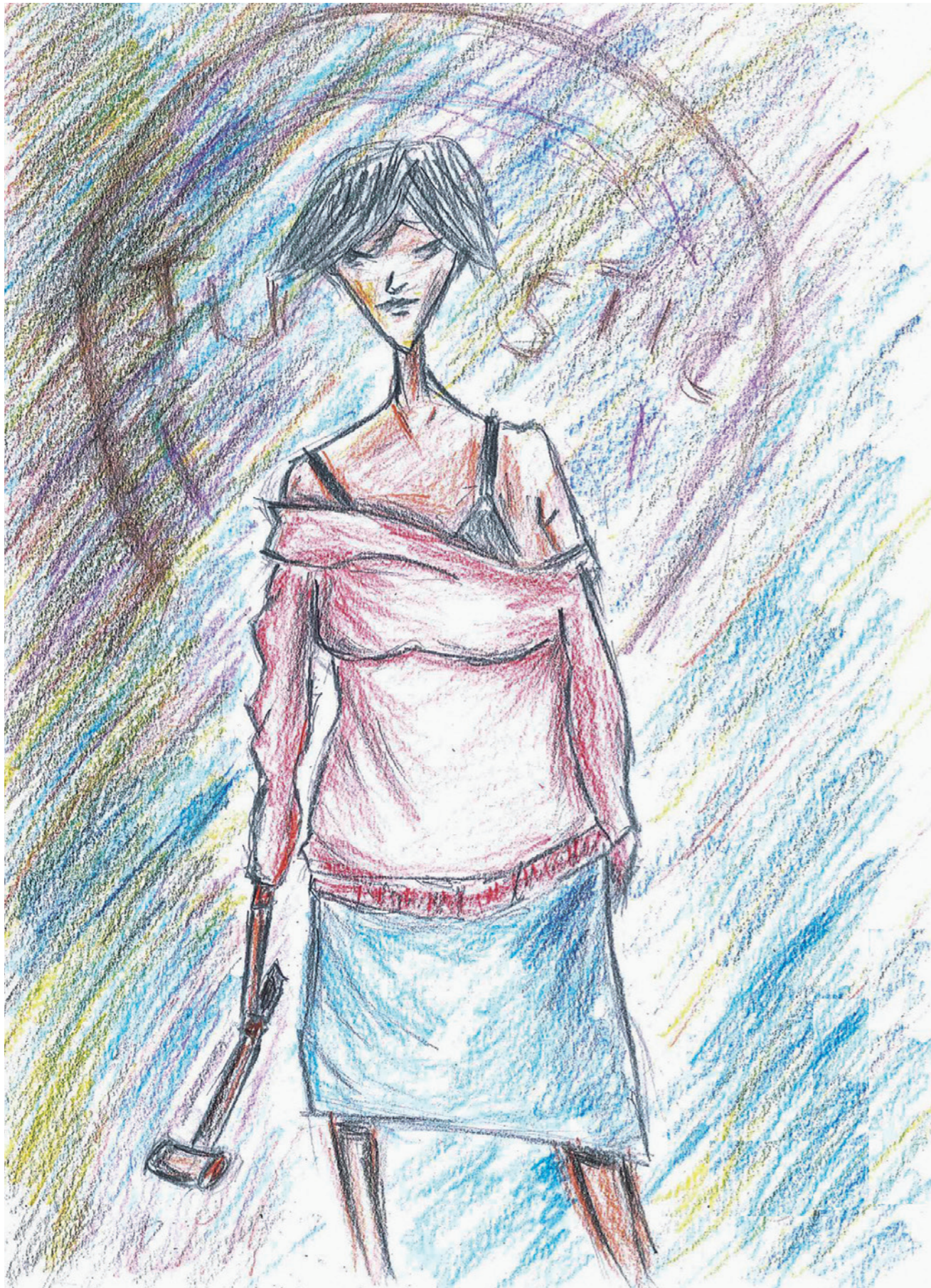
# Cartooning for Justice



Eric W. Dennis Jr







# Q3 SEPTEMBER

## Kunti K. was arrested in Paris after a criminal complaint was filed in France by victims and Civitas Maxima.

“Each additional arrest of alleged Liberian war criminals abroad adds to the strength of the movement by Liberian civil society calling for the establishment of domestic criminal justice procedures for the heinous crimes committed during the Civil Wars.”

Alain Werner, Director of Civitas Maxima



### Suspect of Crimes Against Humanity Arrested in France

PRESS RELEASE SEPTEMBER 7, 2018

**Former Rebel Combatant Arrested in France for Alleged Crimes Against Humanity Committed in Liberia.** Kunti K. was arrested in France this week for his alleged involvement in crimes against humanity committed during the First Liberian Civil War (1989-1996) while acting as a commander for the United Liberation Movement of Liberia for Democracy (ULIMO).

The ULIMO rebel faction fought against Charles Taylor’s National Patriotic Front of Liberia (NPFL) during the First Liberian Civil War and was responsible for over 11,500 documented violations, according to the Liberian Truth and Reconciliation Commission’s Final Report.

This breakthrough arrest marks the first time a ULIMO member has been charged in France with international crimes committed during Liberia’s Civil Wars.

Since 2012, Civitas Maxima has been working with the Monrovia-based Global Justice and Research Project (GJRP) to document crimes committed during the wars by all warring factions and find avenues for accountability for Liberian victims.

Civitas Maxima and the GJRP have assisted several prosecuting authorities, resulting in six arrests in the last four years for crimes linked to crimes against humanity committed during Liberia’s Civil Wars in five different countries. Civitas Maxima filed a complaint in July 2018 against Kunti K. for his alleged commission or command of multiple crimes against humanity.

“What Civitas Maxima and the GJRP have accomplished is unprecedented for non-governmental organizations,” said Hassan Bility, director of the GJRP in Monrovia, Liberia, “to see numerous arrests abroad demonstrates that domestic criminal justice procedures can work to promote accountability for crimes against humanity.”

“Victims of these international crimes will not remain silent, they want justice for the wrongs they endured. We stand with the victims and help them access justice mechanisms no matter where, so that these former commanders, like Kunti K. are held accountable” said Alain Werner, Director of Civitas Maxima.

There has yet to be domestic accountability in Liberia for the crimes committed during the back-to-back Civil Wars, which in 14 years claimed over 150 000 lives, most of them civilians. Kunti K.’s arrest comes at a time when the momentum for justice in Liberia has never been stronger.

Hassan Bility continued: “This arrest comes at such a crucial time. In Liberia, people are hopeful that the highranking commanders, the people who committed the most horrific crimes, will be held accountable. Kunti K.’s arrest, and the previous arrests, show that justice for crimes committed during the Civil Wars can be achieved. We therefore call on the Liberian Legislature to take steps aimed at legislating the necessary laws that will pave the way for the creation of a war crimes court that will address war-time violations of international humanitarian law.”

“Each additional arrest of alleged Liberian war criminals abroad adds to the strength of the movement by Liberian civil societies calling for the establishment of domestic criminal justice procedures for the heinous crimes committed during the Civil Wars” added Alain Werner.



Young street fighters with warlord Roosevelt Johnson's ULIMO-J walk on patrol past graffiti, on May 9, 1996. Sporadic clashes continued after the collapse of an ECOWAS peace summit in Ghana.

© REUTERS / Corinne Dufka

## UN SUSPECT DE CRIMES CONTRE L'HUMANITÉ AU LIBERIA ARRÊTÉ EN FRANCE

**Ce commandant présumé d'un mouvement rebelle est visé par une plainte de l'ONG genevoise Civitas Maxima**

ATS - 8 SEPTEMBRE 2018

Un homme soupçonné de crimes contre l'humanité durant la guerre civile au Liberia, dans les années 1990, a été inculpé et écroué jeudi en France. Il est visé par une plainte déposée par l'ONG genevoise Civitas Maxima.

Kunti K., ressortissant libérien naturalisé néerlandais, a été interpellé mardi en région parisienne par la gendarmerie, a indiqué à l'AFP le colonel Eric Emeraux, commandant de l'Office central de lutte contre les crimes contre l'humanité, les génocides et les crimes de guerre.

### Caché chez un ami

Cet homme né en 1974 «aurait été un commandant» de l'ULIMO (Mouvement de libération unie du Libéria pour la démocratie), mouvement rebelle armé lors de la première guerre civile libérienne (1989-1997), a précisé une source judiciaire. Il est soupçonné d'actes de torture, d'utilisation d'enfants-soldats, de meurtres, d'actes de cannibalisme et de mise en esclavage, entre 1993 et 1997.

L'homme, qui se cachait chez un ami au moment de son interpellation, «avait rejoint la France en 2016, après avoir quitté les Pays-Bas et être passé par la Belgique», a expliqué le colonel Eric Emeraux.

Le pôle «crimes contre l'humanité, crimes et délits de guerre» du parquet de Paris avait ouvert une enquête préliminaire à la suite d'une plainte déposée le 23 juillet dernier par Civitas Maxima et lancé un mandat de recherche à son encontre, selon la source judiciaire.

À l'issue de la garde à vue, le parquet de Paris a ouvert une information judiciaire et le suspect a été inculpé d'actes de torture en réunion par l'usage d'une arme, et actes de torture constitutifs de crimes contre l'humanité.

### «A point nommé»

«Cette arrestation arrive à point nommé», s'est félicité Hassan Bility, le directeur du Global Justice and Research Project (GJRP), une ONG basée à Monrovia qui travaille depuis 2012 avec Civitas Maxima.

«L'arrestation de Kunti K. et les arrestations antérieures (survenues à l'étranger) démontrent qu'il est possible d'obtenir justice pour les crimes commis durant les guerres civiles», a-t-il ajouté dans un communiqué de l'organisation genevoise.

«Nous appelons dès lors le parlement libérien à prendre des mesures visant à voter une loi permettant l'établissement d'un tribunal pour les crimes de guerre qui traitera des violations du droit international humanitaire remontant à la période de la guerre civile», a-t-il dit.

«Chaque nouvelle arrestation à l'étranger renforce un peu plus l'intensité du mouvement mené par la société civile libérienne appelant à ce que les auteurs des crimes haineux commis durant les guerres civiles libériennes soient poursuivis sur le sol libérien», a pour sa part commenté le directeur de Civitas Maxima, Alain Werner, cité dans le même communiqué.



## FRANCE INVESTIGATES LIBERIAN SUSPECT FOR CRIMES AGAINST HUMANITY

**France has detained a suspected former militant commander from Liberia's brutal civil war and placed him under formal investigation for crimes against humanity for alleged atrocities including torture and cannibalism, police said Friday.**

AFP - 8 SEPTEMBRE 2018

A legal source said the man, identified as naturalised Dutch citizen Kunti K., is suspected of being a former commander in the United Liberation Movement of Liberia for Democracy (ULIMO), which fought during the 1990s.

Arrested on Tuesday in the northeast Paris suburb of Bobigny where he had been hiding out at the home of a friend, he is suspected of torture, murder, slavery, the use of child soldiers and cannibalism between 1993 and 1997.

Liberia, Africa's oldest republic, formed by freed American slaves, was devastated by two civil wars which killed around 250,000 people between 1989 and 2003.

ULIMO was set up to fight a rebel force headed by warlord-turned-president Charles Taylor, who is currently serving a 50-year prison sentence for aiding and abetting rebels who committed atrocities in neighbouring Sierra Leone.

Kunti K., born in 1974, was detained in a joint operation by elite GIGN police and officers from France's OCLCH agency, which investigates war crimes, genocide and crimes against humanity.

“He had arrived in France in 2016, after leaving the Netherlands and passing through Belgium,” said Colonel Eric Emeraux, head of the OCLCH.

Paris prosecutors had opened an initial investigation into Kunti K. after victims' rights group Civitas Maxima filed a criminal complaint on July 23.

Contacted by AFP, the Geneva-based group, which offers legal support to victims of war crimes and crimes against humanity, declined to comment on the case.

# Q4 NOVEMBER



© United States Mission's Public Affairs Office

## The first National Justice Conference was held in Monrovia with Liberian stakeholders and international experts.

**“We have to deal with the situation of impunity for war crimes in Liberia, while the victims and the perpetrators are still alive.”**

Tiawan Gongloe, Human Rights lawyer and President of the Liberian Bar Association

## National Justice Conference in Monrovia – A Personal Account

By Stephen Rapp

Stephen Rapp was Chief of Prosecutions of the International Criminal Tribunal for Rwanda (ICTR), Chief Prosecutor of the Special Court for Sierra Leone (SCSL) and the U.S. Ambassador-at-Large for War Crimes Issues under President Barack Obama.

In November 2018, I returned to Liberia to speak at the first ever National Justice Conference entitled – “Opportunities and Challenges for Truth and Justice for Past Crimes in Liberia”.

This historic conference was organized by the Civil Society Human Rights Advocacy Platform of Liberia and the GJRP, in collaboration with international groups such as Civitas Maxima, the Advocates for Human Rights, the Centre for Justice and Accountability, the Centre for Civil and Political Rights, the Liberian branch of the Office of the UN High Commissioner for Human Rights, and Human Rights Watch.

When I was the Prosecutor of the SCSL who brought Charles Taylor to trial for crimes committed in Sierra Leone, I also saw the overwhelming evidence of atrocities committed by all sides during the Liberian Civil Wars (1989-1996 and 1999-2003). Knowing of the great suffering of the victims, I find it unacceptable that complete impunity for past crimes reigns Liberia, 16 years after the end of the Civil Wars, and 10 years after the TRC recommended the establishment of a specialized tribunal or “war crimes court”.

At the conference I stressed the need to hold the major actors accountable in order to prevent similar atrocities in the future. If impunity continues to reign, perpetrators will believe that they can commit violent acts against innocent civilians without consequences. If there is no accountability, it will be very hard to build the country that Liberia deserves to be.

At the conference I had the privilege of engaging with colleagues who are working hard to build a peaceful Liberia through justice. Throughout the day it was truly amazing to observe the open discussions and productive dialogue between victims’ groups from all over the country, human rights advocates from the international community, former TRC Commissioners (some of whom had not been together since the publication of the report), members of the Liberian Legislature, and representatives of the Ministry of Justice.

Since I served at the SCSL a lot has changed in the field of international criminal justice. I speak today of “International Criminal Justice from the Bottom Up”, because in my view, the major push to sustain and build this project in the future will be coming from the grassroots. Liberia is the best example, as became so evident during the justice conference.

For the first time I saw justice and accountability being discussed in concrete terms and in the spirit of cooperation and partnership in Liberia.

A lot remains to be done. But I left Monrovia feeling hopeful. And I will be back to assist Liberians as they achieve justice in their own country.

**“The conference demonstrated that the tireless efforts of Liberian activists and investigators (such as the GJRP) in cooperation with international lawyers (like Civitas Maxima) to hold alleged Liberian perpetrators of international crimes to account, is starting to have a real impact on the ground.”**



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# The Historical Impact of the National Justice Conference in Liberia

By Danieletta F. Sleyon

Danieletta F. Sleyon is the Executive Director of the Foundation for Human Rights and Democracy (FOHRD), a non-governmental Liberian organization working on issues of community justice, non-violence and peacebuilding, and democratic development. She is one of the leading Liberian voices advocating for the establishment of a war and economic crimes court in Liberia, and the implementation of the TRC's recommendations.

In November 2018, Liberia saw its first National Justice Conference, which brought together over 100 stakeholders from civil society, victims' associations, the international community, the Liberian Government, the Legislature, and former TRC Commissioners, in Monrovia.

The conference was groundbreaking in that it marked the beginning of a real mobilization towards a holistic approach to a transitional justice framework. When I speak of a holistic approach, I mean that the conference brought together a variety of actors focused on a common goal, instead of focusing on their individual ideas and agendas. Good coordination among civil society organizations is key when pushing for big progress on such a sensitive topic as accountability for past war crimes. The conference led to the establishment and strengthening of new fruitful partnerships among advocates, including on the ground in Liberia.

The main impact of the conference that I have been able to observe is an increased awareness among various stakeholders about the need to end the culture of impunity in Liberia. Many Liberians still see the fight for a war crimes court as a witch hunt. The debates and presentations held during the conference made it clear that the broader purpose of holding individuals accountable for their war-time crimes is to build peace, and not to put everybody who ever held a gun behind bars, nor to single out a certain ethnic group or political party. For me personally, it was important to participate in this conference because it informed my understanding of the complexity and urgency of the accountability issue in my own country.

In the past two years, I have seen changes in Liberian society, and the push for a war crimes court is growing more and more powerful. I believe this is due to an increased awareness of the importance of justice in strengthening and deepening democracy.

I believe another reason why the subject is gaining momentum is because there is now more international collaboration with NGOs like Civitas Maxima, CJA, and Human Rights Watch – who focus on supporting Liberian civil society organizations in their fight to bring an end to impunity.

It is a very exciting time to be an advocate for a war crimes court in Liberia, and I look forward to our continued fruitful partnership and a coordinated effort to continue to build a peaceful Liberia – solidly anchored within the rule of law.

**“There is also an increased citizens’ participation in the process, as Liberians feel more and more empowered to stand up for their rights and demand accountability.”**



## LIBERIA: UN, AMERICAN ENVOYS CALL FOR WAR CRIMES COURT AT MILESTONE JUSTICE CONFERENCE

**Monrovia – Stephen Rapp, former United States Ambassador-at-Large for Global Criminal Justice and Dr. Uchenna Emelonye, Country Representative of the United Nations High Commission for Human Rights have both called for Liberia to set up a war crimes court to prosecute perpetrators of its civil war.**

BY JAMES HARDING GIAHYUE - NOVEMBER 11, 2018

The gathering was the first of its kind since the end of the TRC process, which organizers say is an evidence of the growing momentum for war accountability in Liberia. It was held under the theme “Opportunities and Challenges for Truth and Justice in Liberia for Past Crimes”.

Mr. Rapp said after 15 years since the end of the civil war, Liberia could not set up the court at a better time.

“We very much recognize to prevent atrocities in the future—murder, rape, the burning and destruction of homes and communities and livelihoods—one needs to hold responsible, at least the major actors of those crimes, to account,” he told the conference in a special message, warning that leaders in the future could take advantage of impunity to return the country into a bloodbath. “The only way we can prevent that is by the way we prevent other crimes: by holding those that are responsible in fair processes,” he said.

Ambassador was the Chief Prosecutor for the UN-backed Special Court for Sierra Leone that prosecuted former President Charles Taylor now serving a 50-year prison sentence for aiding and abetting crimes in neighboring Sierra Leone. Before that Rapp was a prosecutor with the International Criminal Court for Rwanda.

He said he was in support of the TRC-recommended court, with both local and international judges. “The government of the United States...is always to always work with the national system,” he said. “If you can get it done, if you can have justice through a normal national system with additional support, that’s

the preferred alternative because that builds and sustains the national system.” Rapp further noted the failure of the Liberian government or the international system to prosecute Benjamin Yeaten, former Director of the defunct Special Security Services (SSS) for his alleged crimes proved that national and international collaboration was a must for Liberia. He said such collaboration would assure funding for the court, as Liberia could not support the court on its own.

He called on the public for patience as justice creeps its way into Liberia, and stressing that the court did not hold all the solutions to Liberia. He said countries such as those coming from the former Yugoslavia and Sierra Leone do have problems but are experiencing the reduction of violent crimes such as rape and murder due to the bold step to prosecute major actors.

“I think it is very important to prevent crimes, to deter, to protect our children, our grandchildren that we do make the decision for justice,” he said. “Today I see the swelling of interest for justice to be delivered in country,” he added to huge cheers from conference delegates.

Dr. Emelonye of the Office for the UN High Commissioner for Human Rights said justice for Liberia was an imperative. Pledging the UN’s fullest support to civil society organizations and the government, Dr. Emelonye justice for all, including war crimes committed in the past would accelerate and consolidate Liberia’s peace.

“A postwar society that does not promote justice and accountability, does not properly heal without scars,” he said. “If the victim of today does not heal and forgive, there is a tendency that he or she will be the violator tomorrow...” he added.

“The tested and trusted healing therapy for victims of post conflict atrocities is accountability.”



Carmen Cheung, Karim Khan QC, and Alain Werner speaking at our side event at the 2018 ICC Assembly of States Parties, December 2018.

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# Q4 DECEMBER

**Civitas Maxima co-hosted a side event on Universal Jurisdiction during the Assembly of States Parties to the International Criminal Court in The Hague**

## **Closing the Impunity Gap: A Pragmatic Approach to Universal Jurisdiction**

On 11 December 2018, Civitas Maxima co-hosted an event, along with the Center for Justice & Accountability (CJA), during the Assembly of States Parties (ASP) to the International Criminal Court (ICC) in The Hague, Netherlands.

The event “Closing the Impunity Gap: A Pragmatic Approach to Universal Jurisdiction” featured Karim Khan QC (Assistant Secretary-General of the UN as Special Advisor and Head of the Investigative Team for ISIL/Da’esh in Iraq), Carmen Cheung (Legal Director at CJA), and Alain Werner (Director of Civitas Maxima). The speakers shared their experiences with an audience of more than 60 people; including esteemed guests such as ICC Judges Sir Howard Morrison QC and Marc Perrin de Brichambaut, the former President of the International Criminal Court Bar Association (ICCBA), Chief Charles Taku, as well as ICC officials, delegates of the State Parties, and members of civil society.

The ASP is the management, oversight, and legislative body of the ICC which meets annually. During the plenary sessions, States Parties meet to discuss and decide on relevant matters for the functioning of the Court. Diplomats, ICC officials, members of civil society and academia, among others, also attend.

During the 2018 ASP, core ICC resolutions were adopted, and thematic plenary sessions were held; including on State cooperation, victims’ participation and legal representation, and the 20th anniversary of the Rome Statute. In parallel, numerous side events were also held, organized by NGOs and other entities. The one co-hosted by Civitas Maxima was – for the first time – one of these.

Providing a space for side events to occur during the ASP, to discuss alternative mechanisms for pursuing justice for the victims, shows how complementarity – one of the cornerstone principles of the ICC – can be implemented in practice.

In this context, Civitas Maxima had the opportunity to lead the event on universal jurisdiction and share its experiences of documenting and litigating extraterritorial cases on behalf of victims from Liberia, Sierra Leone, and the Ivory Coast. In relation to the situation in Liberia – where impunity prevails following the two Civil Wars, and over which the ICC does not have jurisdiction – Civitas Maxima discussed how extraterritorial cases play an important role in filling the impunity gap.

The ICC is a permanent international criminal tribunal with substantive jurisdiction over individuals allegedly responsible for the commission of crimes against humanity, war crimes, genocide, and the crime of aggression. However, the existence of the ICC does not relieve States of their primary obligation to investigate and prosecute the perpetrators of these serious crimes. On the contrary, it complements domestic jurisdictions, because the ICC may only intervene when a State is unable or unwilling to carry out its own investigations and prosecute those responsible. In addition to the complementary jurisdiction of the ICC, the scope of the tribunal is also restricted by other jurisdictional limitations – including the timeframe during which the acts must have been committed – as the ICC can only investigate crimes committed after the entry into force of the Rome Statute on 1 July 2002.

During the side event, all the speakers emphasized the need to find innovative legal avenues to fight against impunity, and the relevant role that victims play in their own quests for justice.

**“All the speakers emphasized the need to find innovative legal avenues to fight against impunity, and the relevant role that victims play in their own quest for justice.”**

Karim Khan QC shared his experience on the interaction between international mechanisms and extraterritorial efforts within national jurisdictions to promote accountability, and the relevant role of NGOs in documenting human rights violations for the prosecution of alleged perpetrators. In this regard, he stated: *“To start an NGO is important. But to create one that actually has the teeth to make a difference to feed into this goal that we hear so much about of ‘accountability’, and making a difference to those that actually suffered from the hands of individuals that have been identified based upon proper investigations, in accordance to international standards, is actually something quite remarkable.”* Karim Khan QC highlighted that a State’s duty to investigate and prosecute international crimes is a matter that cannot be left only in the hands of large international criminal justice institutions. States have a primary role that can be taken up by the mechanisms available in most domestic jurisdictions through existing international crimes units.

Lawyers and NGOs representing victims, such as Civitas Maxima and CJA, can offer an important added value by assisting national authorities to overcome procedural obstacles that commonly arise in extraterritorial cases, in particular, concerning the collection of evidence outside the country in charge of the prosecution. Depending on the legal system involved, lawyers and NGOs can play an active role representing victims as civil parties, or cooperate in other ways to assist national authorities during the investigation stage.

During the event, Alain Werner highlighted Civitas Maxima’s results-oriented approach to case initiation: *“wherever, whenever and however possible”*. He also discussed how extraterritorial jurisdiction can be used as an alternative to complement the limited impact of international tribunals, and the importance of partnering with local actors to scale-up – such as the collaboration between Civitas Maxima and the GJRP in Liberia.

Moreover, Alain Werner emphasized that the convictions of Thomas Woewiyu in 2017 and Jungle Jabbah in 2018 in the U.S. for immigration fraud and perjury – with over 20 Liberian victims of the Civil War testifying before a court – are clear examples of exploring creative ways to hold perpetrators accountable in the fight against impunity. He also highlighted the importance of developing new outreach strategies for extraterritorial cases, to narrow the distance between the affected local communities and the prosecutions held far from the places where the crimes were committed (Liberian Quest for Justice, p. 28 ), stating that: *“Because this is how things can change in the long run – justice systems working and delivering justice where the crimes happened – we need a global strategy on extraterritorial cases to achieve that. This is what Civitas Maxima is trying to do”*.

Carmen Cheung spoke at the side event about other interesting and useful legal tools that have been used to find alternative mechanisms for victims’ redress; namely, triggering cases outside of criminal law settings. She discussed CJA’s experience in bringing extraterritorial cases, and the legal mechanisms used to obtain redress for the victims outside of individual criminal responsibility – with a special focus on civil cases. Carmen Cheung highlighted the need *“to leverage the tools at our disposal to address the gaps in accountability.”* To do this, she also explained the different strategies developed for civil litigation under the U.S. Alien Tort Statute, and the possibility of bringing cases concerning mass atrocity crimes committed outside of U.S. jurisdiction.

The great success of the side event co-hosted by Civitas Maxima, in the context of the ASP to the ICC, shows that there is a need to further spread the word about successful extraterritorial prosecutions as examples of concrete accountability mechanisms to raise the voices of the forgotten victims of international crimes that are still waiting for justice.



**A tree growing through an abandoned house, Liberia, February 2018.**

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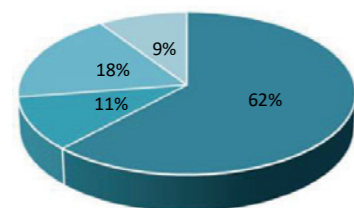
# Acknowledgments

## 2018 FINANCES

### Operating statement for the year ended December 31, 2018\*

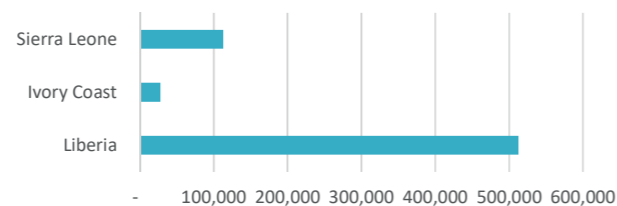
	2018	2017
	CHF	CHF
<b>INCOME</b>		
Grants & donations**	1,001,074	853,148
Other income	38,000	58,240
<b>TOTAL INCOME</b>	<b>1,039,074</b>	<b>911,388</b>
<b>EXPENSE</b>		
Programme	-653,139	-569,583
Outreach & Communication	-112,253	-50,337
Management & General	-189,128	-152,706
Fundraising	-99,406	-104,255
<b>TOTAL EXPENSE</b>	<b>-1,053,926</b>	<b>-876,881</b>
<b>EARNINGS BEFORE FINANCIAL RESULT</b>	<b>-14,852</b>	<b>34,507</b>
Financial expense	-15,274	-7,040
Financial income	2,903	2,822
<b>RESULT FOR THE FINANCIAL YEAR</b>	<b>-27,223</b>	<b>30,289</b>

### EXPENSE



- Programme
- Outreach & Communication
- Management & General
- Fundraising

### PROGRAMME



\*Based on audited accounts by PriceWaterhouseCoopers (PwC)

\*\*This figure includes allocation to and use of the restricted funds

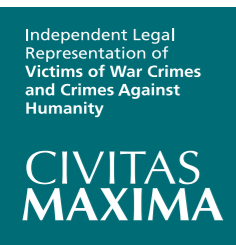
## Civitas Maxima is extremely grateful for the support received from the following donors and partners who have contributed towards the advancement of its vision and mission:

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 White and Case LLP, Switzerland



A girl clapping during a Justice Theater performance, Foya, Liberia, 2019

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A traditional Sierra Leonean Kamajor huntsman with a rifle in May 2001 in Kono District.

The Kamajor people fought the rebels of the Revolutionary United Front (RUF) - backed by Charles Taylor - during the Civil War in Sierra Leone.



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