CIVITAS
MAXIMA

# 2024 Annual Report

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# Civitas Maxima
# Our mission and values

## About Civitas Maxima

Civitas Maxima is an independent non-governmental organization founded in 2012 that supports and assists forgotten victims of international crimes – war crimes, crimes against humanity, genocide and torture – by helping them to obtain justice before foreign or international courts when legal action at the domestic level has failed or is impossible.

The organization coordinates a network of international lawyers and investigators who work closely with civil society actors and local partners in the countries where the crimes were committed. It documents crimes or supports local partners in documenting them, initiates legal proceedings wherever possible, and provides assistance to police and judicial authorities. It shares its knowledge and expertise to strengthen the capacity of civil society groups and legal practitioners. It also informs affected communities and the public about trials and developments in international justice.

## How we work

- **We pursue a victim-centered approach** in everything we do, from investigation to litigation, as well as in our awareness-raising and outreach initiatives. We are committed to building mechanisms and partnerships that can ensure victims' long-term safety and security.
- We are committed to developing and strengthening investigations and prosecutions of **sexual and gender-based** violence as integral components of international crimes.
- Since we were founded, we have established close **cooperation with local grassroots organizations** as the foundation of our work model. The Global Justice and Research Project (GJRP) has been our partner organization in Liberia since 2012.
- **We develop and enhance partnerships.** We provide tailored training and mentorship to local groups, helping them to strengthen their skills in documentation and their understanding of extra-territorial or universal jurisdiction cases.

## A change-maker beyond the beaten path of international justice

Civitas Maxima's long-term objective is to deliver tangible justice to all victims of international crimes and their communities, and to advance the global fight against impunity. By fighting for accountability for some of the world's worst atrocities, it seeks to heal the wounds of the past and to help prevent the recurrence of violence by fostering lasting peace grounded in justice.

However, the organization's unique model goes beyond seeking justice for individuals. It draws on trials conducted abroad to enable local actors to restore justice in the countries where the crimes were committed, and to create a momentum for change at national level wherever possible.

Through relentless investigation, capacity building with local actors, and strategic communication and outreach, Civitas Maxima harnesses criminal trials taking place outside countries where crimes were committed to break deeply entrenched norms of local impunity.

**INDEPENDENCE**
We do not accept funding from governmental sources. To ensure our sustainability, we diversify our sources of funding as much as possible so that we are never dependent on anyone, and are able to immediately revoke any funding that threatens our independence.

**INTEGRITY**
We are fully committed to upholding strong moral principles that unify us as a team. We act with reliability, honesty, and trustworthiness.

**VICTIM-CENTERED**
We are fully committed to placing the rights, safety, security and dignity of victims and survivors at the center of our work and ensuring their security and safety on a long-term basis.

**Our values are core to who we are, how we work, and guide everything we do. We are committed to "walk our talk" and hold ourselves accountable through those values.**

**HUMILITY**
We recognize that our line of work is very challenging. Individually and as an organization, we are ready to question ourselves, learn from setbacks and grow.

**NON-DISCRIMINATION**
Our work is based on the conviction that anyone who has committed international crimes should be investigated and tried before a court of law, irrespective of gender, sexual orientation, nationality, race, religion, social or political status or affiliation.

**PERSEVERANCE AND DILIGENCE**
We are relentless. Even when faced with challenges and setbacks, through discipline, hard work and determination, we never give up and keep going, striving for high quality standards in pursuing and achieving our mission.

# Foreword
# Alain Werner, Director of Civitas Maxima

## Justice and humility

One day in 1993, in a remote village located more than 12 hours by car from Monrovia, the capital of Liberia, a woman, whom we will call Musu, had just lost her infant – only a few days old – to illness, in a country then torn apart by a brutal civil war, where access to medical care was virtually nonexistent in the provinces. The baby was buried, and a commander from the rebel group controlling the region came to offer his condolences to the family, giving them a financial compensation – 100 Liberian dollars – before leaving the village.

However, shortly after departing, this commander abruptly turned back and ordered his bodyguards to drag the grieving, sick mother out of her home. At point-blank range, he shot her in the head with a burst of automatic gunfire, accusing her of being a witch. He then tore banana leaves from the roof of her house and set her body on fire.

The hundreds of thousands of victims of the two Liberian civil wars (1989–1996 and 1999–2003) were completely abandoned by both their own government and by the international community, which to this day has failed to secure justice in Liberia for the immense terror inflicted on the civilian population during more than a decade. The senseless and appalling crime committed against Musu was thus destined to go unpunished, as is the case with the vast majority of international crimes committed against civilians around the world.

The reality of international justice today offers new possibilities.

The legal avenues available to victims in 2025 are vastly broader than those that existed in the last century – a development that offers a real cause for hope. Today, under certain circumstances, victims can pursue their own quest for justice – outside their home countries and beyond international courts and the United Nations – when their own governments and the international community have failed them. By doing so, they pave the way for countless other victims in similar situations.

And that is precisely what Musu's husband and brother did in Paris, demonstrating tremendous courage and determination over many years in their quest for justice detailed in this annual report.

With the assistance of Civitas Maxima and our Liberian colleagues from the Global Justice and Research Project (GJRP), they filed a criminal complaint in Paris against the Liberian rebel commander accused of killing Musu, thereby paving the way for his arrest and prosecution. On March 27, 2024, after 3 weeks of hearings, the "Cour d'Assises" of Paris upheld on appeal the conviction of Kunti Kamara for acts committed against the civilian population in Lofa County, including the murder of Musu.

Kunti Kamara was not a French national. He had neither committed crimes in France nor harmed French citizens. Yet he stood accused of international crimes while he had been living in France for 2 years at the time of his arrest. As a French prosecutor eloquently stated during her closing arguments, the French justice system did not try him in Paris "in place of" Liberian justice, but rather "in the absence of" justice in that country. This dynamic offers considerable hope, as it increases victims' chances of obtaining justice and helps to strengthen and develop, in a decentralized way at the national level, the norms that protect all of us from the gravest crimes.

European nationals are also among those currently accused of international crimes before European courts. In 2024, Manuel Terrén, a Spanish businessman who had been living in Brazil, was arrested in Spain for his alleged involvement in trafficking blood diamonds in Africa. This marks the first time in Spanish legal history that a Spanish citizen is subjected to an investigation for international crimes.

For the past 13 years, without receiving any state funding, we have supported these courageous and groundbreaking quests for justice using a variety of legal tools. Our efforts have contributed in one way or another to 12 arrests or indictments and 6 trials across four countries on two continents, resulting in 5 convictions. All of this has been achieved with a budget of less than US $15 million over 13 years – whereas the annual operating budget of an international criminal tribunal often exceeds US $100 million.

The year 2024 also reminded us of the complexity of our work, which involves contributing to charges of international crimes against individuals – charges that carry a heavy stigma – for acts that sometimes date back decades and took place in traumatic circumstances for those who lived through them.

One of the cases in which we were involved led, in January 2024, to the confirmation by a Finnish Court of Appeal of the acquittal of Gibril Massaquoi, who has since been awarded nearly 400,000 euros in compensation by the Finnish justice system. We provided the initial allegations to the Finnish authorities regarding Mr. Massaquoi. This case also sparked a vicious defamation campaign against Civitas Maxima and our partners, which we discuss in this report.

Because we fully understand the inherent complexity of our work, the values that have always guided our organization include integrity, humility, and diligence.

These independent quests for justice – pursued by victims in national courts around the world – represent an unstoppable growing global movement. Without a doubt, this movement is our best hope to ensure that such mass crimes do not continue or become the daily reality of future generations.

We will continue to serve this movement with determination and with profound gratitude to those who support us and make all this work possible.

Alain Werner, Director
Civitas Maxima

*Photo of Alain Werner by Rebecca Bowring/Civitas Maxima*

# Acronyms

| | |
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| **AEI** | American Enterprise Institute |
| **AFRC** | Armed Forces Revolutionary Council |
| **CO** | Commanding Officers |
| **ECOMOG** | Economic Community of West African States Monitoring Group |
| **ECOWAS** | Economic Community of West African States |
| **ESMA** | Former Clandestine Detention, Torture and Extermination Center (Argentina) |
| **EU** | European Union |
| **FBI** | Federal Bureau of Investigation |
| **GJRP** | Global Justice and Research Project |
| **ICC** | International Criminal Court |
| **ICTR** | International Criminal Tribunal for Rwanda |
| **IICI** | International Institute for Criminal Investigation |
| **INPFL** | Independent National Patriotic Front of Liberia |
| **ISIS** | Islamic State of Iraq and Syria |
| **NGO** | Non-Governmental Organisations |
| **NPFL** | National Patriotic Front of Liberia |
| **OCLCH** | Central Office for Combating Crimes against Humanity and Hate Crimes |
| **OSINT** | Open Source Intelligence |
| **OWECC** | Office of the War and Economic Crimes Court (Liberia) |
| **RUF** | Revolutionary United Front |
| **SCSL** | Special Court for Sierra Leone |
| **SLAPP** | Strategic Litigation Against Public Participation |
| **TJC** | Transitional Justice Commission (Liberia) |
| **TRC** | Truth and Reconciliation Commission (Liberia) |
| **ULIMO** | United Liberation Movement of Liberia for Democracy |
| **ULIMO-K** | United Liberation Movement of Liberia for Democracy(faction led by Alhaji Kromah) |
| **ULIMO-J** | United Liberation Movement of Liberia for Democracy(faction led by Roosevelt Johnson) |
| **UN** | United Nations |
| **VStGB** | The German Code of International Criminal Law |
| **WECC** | War and Economic Crime Court (Liberia) |





## Kunti Kamara: conviction for complicity in crimes against humanity confirmed on appeal

### Press release, 27th March 2024

CIVITAS MAXIMA
Independent Legal Representation of Victims of **War Crimes** and **Crimes against Humanity**

GJRP
Global Justice and Research Project

**Paris, France:** Today, the Paris "*Cour d'assises*", composed of three judges and nine jury members, confirmed the 2022 guilty verdict and found Kunti Kamara, former Liberian ULIMO rebel commander, guilty of complicity in crimes against humanity, and commission of simple and aggravated acts of torture and barbarism. Mr. Kamara was sentenced to 30 years imprisonment.

The appeal court found Mr. Kamara guilty of rape and sexual slavery committed by his subordinates; subjecting a man to severe suffering and participating in the public eating of his heart; executing a sick woman who had just lost her baby, because she was accused of witchcraft; subjecting two men to forced labor in inhumane conditions; and torturing a civilian. The crimes were found to have happened between 1993 and 1994 during the First Liberian Civil War (1989-1996), in Lofa county, in north-western Liberia.

Following the verdict, the civil parties asked for one euro each in moral damages, as a symbolic gesture. The Court granted the request.

During the proceedings, from March 5 to 27, the Court heard 22 witnesses, nine civil parties, and five experts testifying including psychologists and a psychiatrist. The majority of those who testified came from Liberia, and explained to the Court what life was like in Lofa under ULIMO control. Contextual witnesses included former Liberia Truth and Reconciliation Commission chairs John Stewart and Massa Washington, war photographer Patrick Robert and documentarist Christophe Naigeon. Mr. Kamara's former brother in arms, Alieu Kosiah, also came to testify. He was convicted on appeal in Switzerland to 20 years imprisonment for war crimes and crimes against humanity, notably for his involvement in some of the same acts for which Mr. Kamara has been found guilty, including forced labor.

Civitas Maxima, which is also a civil party in this case, filed the criminal complaint in July 2018 that started the proceedings in France, as Mr. Kamara was resident in the country. The trial decision where Mr. Kamara was found guilty was appealed by the defense counsel shortly after the verdict in November 2022.

This is a historic case for both France and Liberia. For France, the Kamara case was the first universal jurisdiction trial not linked to the Rwandan genocide, and with the defendant present. It was only the fifth trial of this type to take place in France. For Liberia, this verdict confirms the first ever conviction for crimes against humanity linked to the Liberian civil conflicts.

The conviction for complicity in crimes against humanity is particularly meaningful – Mr. Kamara was found guilty to have, knowingly, facilitated the preparation or commission by his soldiers of such torture or inhumane acts, including rape and sexual abuses.

Because of the historical relevance of the case, both the first instance proceedings and the appeal were recorded, and added to the French audiovisual archives of justice.

Civitas Maxima and the GJRP are grateful to Sabrina Delattre and Simon Foreman, who have represented the civil parties throughout the proceedings. We are also grateful to the French judiciary for allowing all the civil parties to travel from Liberia and testify again.

Civitas Maxima has been publishing brief, daily summaries of the hearings that can be found here. A lengthier, and more detailed trial monitoring will be available on our website in the next coming months. Trial monitoring for the first instance proceedings can be found here.

# 1. Achievements
# The Kunti Kamara case

## The Kunti Kamara trial in Paris: the anatomy of a quest for justice

In today's hyper-connected world, one thing is unlikely: the large-scale massacre of civilian populations occurring in secret, without being exposed and made public almost in real time.

This was however the case in the world of the past. One of the most chilling historical examples is the genocide perpetrated by the Khmer Rouge in the 1970s, which went virtually unnoticed outside Cambodia. Some European elites even sang Pol Pot's praises at the very time he was killing one in three people in his country – over 1.5 million Cambodians in just a few years.

**A ULIMO's self-proclaimed commander, "Ugly Boy," went on a rampage against prisoners – killing and dismembering them, and wheeling their remains around in a wheelbarrow, forcing civilians to buy them.**

Even before the rise of social media, the emergence of major human rights organizations like Amnesty International and Human Rights Watch significantly decreased the chances of such mass killings occurring without public knowledge in the 1980s and 1990s – though not altogether.

One such tragedy, which flew largely under the radar of global news, took place in Liberia during its first civil war from 1989 to 1996.

This conflict began just as the world was entering a new era, with the end of the Cold War and its logic of spheres of influence. As a result, the United States did not intervene on the ground to stop the bloodshed, even though Liberia – whose capital Monrovia was named in honor of U.S. President James Monroe – had always been within its natural sphere of influence.

Within Liberia itself, some atrocities were more widely known than others. One such act – the filmed torture of President Samuel Doe – became one of the most widely seen and recognized scenes of horror in West Africa (see Patrick Robert, pp.75-78). The crimes committed in and around Monrovia left a mark on public memory, as most of the population lived in the capital and witnessed these crimes firsthand (see Massa Washington, pp. 20-23).

In contrast, what happened in the provinces – far from the gaze of Monrovia – went largely unseen and unknown to most Liberians. These are the forgotten crimes of an already largely forgotten conflict.

Among these crimes, those committed in 1993 and 1994 against the civilian population of Foya – a town in Lofa County, 15 hours by car from the capital – were especially severe, even by the standards of Liberia's bloody civil war.

Lofa County was occupied shortly after the war began in 1990 by the rebel group known as the National Patriotic Front of Liberia (NPFL), led by Charles Taylor, who had invaded the country on Christmas Day, 1989. At first, the rebellion was relatively popular among part of the population due to the abuses and incompetence of President Samuel Doe's regime, which had come into power through a coup in 1980. The traditional chief of Foya coexisted with the NPFL, even though the latter's fighters were unpaid and looted civilians' food under the slogan "Pay Yourself" just like the other factions' soldiers.

The NPFL eventually lost military control of Lofa in 1993 to another rebel group, the United Liberation Movement of Liberia for Democracy (ULIMO). This faction was composed of members of the Krahn and Mandingo ethnic groups, both of which had earlier been the targets of brutal massacres by the

*Illustration by JP Kalonji/Civitas Maxima*

# 1. Achievements
# The Kunti Kamara case

NPFL. They were perceived as allies of President Doe, himself Krahn. In turn, they targeted civilians seen as allies of Charles Taylor and enemies of their movement.

**The crimes committed in 1993 and 1994 against the civilian population of Foya were especially severe, even by the standards of Liberia's bloody civil war.**

ULIMO commanders, like their counterparts in other rebel groups, were extremely young. Although informally called "commanders" or "COs" (Commanding Officers), they had no corresponding training, expertise, or experience. Even amid the endless cruelty of the civil wars, Liberians' humour still held strong: "There are no stars left in the sky because Charles Taylor gave them all to his commanders," Monrovians would say.

ULIMO's headquarters eventually lost all control over these young fighters – armed, inexperienced, and left to their own devices in a violent civil war, with some of them having witnessed the murder of their own parents or friends.

While NPFL rebels looted chickens and other produce from Foya and Lofa residents when they controlled the region, ULIMO's young commanders took looting to an entirely new, cross-border, and near-industrial scale – adding mass forced labor to the equation.

They forced the civilian population of Foya to harvest coffee, cocoa, and palm oil, then made the men carry these goods on their heads for dozens of kilometers to the border, where they were sold to Guinean traders and intermediaries – who, like some ULIMO members, were Mandingo.

ULIMO commanders didn't stop at looting crops. They stripped the town of everything vital to its economic welfare: the power plant, the oil mill, the hospital, and the mission school. Everything that could be dismantled – from generators to sheets of zinc – was carried by civilians, on their heards, and sold in Guinea.

How could such systematic siphoning of a town's wealth, widespread enslavement of its local population for harvesting and transporting goods, and rampant sexual violence against women occur without revolt – or even mass flight to escape ULIMO's grip?

Through a tactic as old as war itself: terror.

ULIMO commanders used extreme acts of violence to terrorize Foya's population into complete submission – even though fighting had ceased in the area, and harming civilians served no military purpose.

Terror came in many forms. ULIMO rebels executed residents accused – usually without evidence – of collaborating with enemy rebels. They also killed men forced to carry goods to the border if they tried to flee or were simply too weak to continue.

**In today's hyper-connected world, one thing is unlikely: the large-scale massacre of civilian populations occurring in secret, without being exposed and made public almost in real time.**

In Foya, horrors reached yet another level, as can happen in civil wars where commanders operate unchecked. In an episode still remembered today, ULIMO's self-proclaimed commander, "Ugly Boy," along with another commander whose brother had just been killed at the front, went on a rampage against prisoners – killing and dismembering them, and wheeling their remains around in a wheelbarrow, forcing civilians to buy them.

Reports of ULIMO's brutality against civilians in Foya eventually reached journalists in Monrovia, who covered these atrocities in newspaper articles. Some of these articles were later archived on microfilm at the U.S. Library of Congress in Washington. Other sources, including reports by religious organizations and NGOs like Doctors Without Borders, also documented the cruelty inflicted on Foya's population.

In the face of such barbarity, Liberian civil society showed great resilience and courage – notably by participating in the hearings of the Truth and Reconciliation Commission (TRC), whose mandate stemmed from the peace agreements ending the war in 2003. Thousands testified before the Commission, which included Commissioner Massa Washington (see pp. 20-23). Some of these testimonies were recorded and published online.

**In the face of such barbarity, Liberian civil society showed great resilience and courage – notably by participating in the hearings of the Truth and Reconciliation Commission.**

One such video – recorded in 2009 in Monrovia before a fully Liberian audience – features a young man speaking in the Kissi language, translated into English by an interpreter seated beside him. The man, visibly still traumatized, spoke of the looting, forced marches, abuse, and murders inflicted on civilians in Foya by ULIMO.

At the end of its mandate in 2009, the TRC published a list of rebel commanders it believed should face criminal prosecution. Everything was in place for justice to prevail: years of testimonies collected by the TRC, brave victims ready to testify despite their trauma, and support from civil society organizations that had gathered contextual evidence (reports, newspaper articles, etc.). All that was missing was the political will to convince international donors and the global community to help fund a court to prosecute crimes committed during both civil wars.

However, after the warlords came the politicians – some of whom, like the influential Prince Johnson (see pp. 70-74), were themselves former warlords – who ultimately betrayed once again the Liberian people.

Several successive administrations in Monrovia willfully ignored the TRC's recommendations. For over 15 years, they did nothing to establish a court to prosecute these crimes. TRC commissioners were threatened and forced into exile. Victim testimonies had to be urgently sent to a U.S. university for safekeeping due to the risk of destruction if left in the country.

Nonetheless, a growing phenomenon of the 21st century, rooted in an older legacy, offered victims a new path forward: the pursuit of justice outside the traditional boundaries of the national legal system.

Following in the footsteps of Jewish Holocaust survivors, Chilean victims of Augusto Pinochet, Chadian victims of Hissène Habré, Rwandan victims, and others, Liberian victims took justice into their own hands and sought it far from home – far from where the crimes had occurred.

Their quest – supported by Civitas Maxima and its Liberian partner, the Global Justice and Research Project (GJRP) – led, in 2022 and again in 2024, to an extraordinary outcome that no one could have predicted: some of the horrific crimes committed in Foya between 1993 and 1995 were tried in Paris, thousands of kilometers from where they were perpetrated, by French judges and jurors who had never even heard of Foya.

This was possible because the gravest crimes – such as war crimes and crimes against humanity – are not subject to a statute of limitations, and can be prosecuted as long as the perpetrators are alive. It was also possible because several countries, including France, have laws allowing for the prosecution of individuals accused of such crimes if they are living within national territory – even if they are foreigners, and even if the crimes were committed elsewhere.

**After the warlords came the politicians– some of whom were themselves former warlords – who ultimately betrayed once again the Liberian people and ensured there would be no justice.**

For France and other countries with similar laws, this ensures their territory does not become a safe haven for perpetrators of the world's worst crimes. As a prosecutor in Paris eloquently put it: France "does not judge instead of others, but in their absence." In other words, the goal is not to replace the justice systems of other countries, but to fill the gap when victims are denied justice in the country where the crimes took place.

For victims of the heinous crimes committed in Foya, justice became a real possibility after one of ULIMO's commanders – present during the 1993–1995 occupation – left Liberia and settled in the


*A human skull on the grill of an NPFL vehicle during the civil war that began with the 1989 rebellion against President Samuel Doe. Liberia, July 1990.*
*Photo by Patrick Robert/Sygma/Corbis*

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Netherlands in the late 1990s, later obtaining Dutch nationality. His name: Kunti Kamara. He eventually moved to Belgium, and then to France, where he had been living for two years at the time of his arrest – just as he was preparing to board a bus to Portugal to return to Africa.

**Nonetheless, a growing legal phenomenon of the 21st century, rooted in an older legacy, offered victims a new path forward.**

France is one of the few countries that, under certain conditions, allows foreign organizations to participate as plaintiffs in proceedings against persons accused of international crimes. Civitas Maxima sought to make the most of this opportunity by filing a complaint against Kunti Kamara in July 2018, which led to his arrest in September 2018. Civitas Maxima then officially became a plaintiff in the case, alongside Liberian victims – all represented by Paris Bar attorneys Simon Foreman and Sabrina Delattre.

Given that this case concerned Liberia's civil war, the question loomed: how would the French justice system handle a context so foreign and remote – one in which France had never played a historical role, and for which, unlike Rwanda, there was very little scholarly literature or documentation?

At every stage of the proceedings, France rose to the challenge. Relying on the expertise of one of the largest specialized investigative units in Europe (see pp. 26-29), the investigative judge and the parties to the case traveled to Foya in 2019 to conduct on-site reenactments of the alleged crimes and to verify victim statements made earlier in the investigation.

It was the first time Liberia had officially responded to a request for international mutual legal assistance from a European country to conduct war crimes investigations on its territory. This French mission went on to later pave the way for similar inquiries by three other European countries.

In France, when a criminal trial opens before the Assise Court in Paris, only the presiding judge has access to the extensive case file from the investigative phase. The other judges and jurors have no prior knowledge of the case or its context. Therefore, all relevant information must be presented orally during the trial to enable the court to grasp the full context and facts and reach a fair verdict.

Evidently, in a case involving alleged crimes committed between 1993 and 1995 in Foya, during a civil war 7,000 kilometers away from Paris, this was a major challenge.

The first days of the trial were thus devoted to educating the court on Liberia, the civil war, and its complexities. French historians and journalists specializing in Liberia, the head of France's war crimes unit, and the lead investigator who had traveled to Liberia all testified. Liberian police officers, prosecutors, and members of the TRC (see pp. 20-23) were also heard.

In any trial involving crimes committed abroad, understanding the historical and cultural context is indeed essential for properly assessing evidence. However, this alone is not enough to prove an individual's guilt of specific crimes.

**In any trial involving crimes committed abroad, understanding the historical and cultural context is indeed essential for properly assessing evidence, but not enough to prove an individual's guilt.**

In this case, nearly all direct and incriminating evidence against Kunti Kamara came from the testimonies of victims and survivors. It fell almost entirely on these citizens to come forward and provide direct proof of his guilt – without which no conviction could be secured.

Recalling, as accurately as possible, what one experienced 30 years ago during traumatic events – amid the horrors of an extraordinarily violent civil war – requires immense courage. Doing so in the tense atmosphere of a criminal trial, where the accused faces many years in prison and the defense is entitled to challenge the credibility and sincerity of witnesses, made the task all the more daunting for the victims.

Yet that is exactly what Liberian victims and survivors did in Paris – with great courage.

A brother crossed a continent to testify about how he saw Kunti Kamara shoot his sister in the head at point-blank range, accusing her of being a witch. A widow and her daughter recounted how their husband and father, who was accused of treason by ULIMO, had his rib cage opened by "Ugly Boy," and his heart eaten by ULIMO commanders – including Kunti Kamara. One survivor testified about his escape from a massacre in which six others accused of being ULIMO enemies were executed and thrown into a well. Two women described their ordeal at the hands of Kamara's men, who used them as sexual objects, while Kamara did nothing to stop the abuse.

None of this was easy for the victims. One of the two survivors of sexual slavery – who had endured particularly brutal abuse – collapsed during her testimony in 2022 and, due to the trauma, was unable to return to complete it. Yet in 2024, she chose to travel to Paris again for the appeal and found the strength to tell her story in full.

During the trial, psychologists and psychiatrists who had seen some of the victims in Paris during the investigative phase testified regarding their reports and observations. One of these professionals explained to the judges and jurors that human memory can function in a way that allows certain events from the distant past – especially traumatic ones – to be recalled with remarkable precision, while simultaneously omitting or muddling dates or other details from the same period.

**None of this was easy for the victims. One of the two survivors of sexual slavery – who had endured especially brutal abuse – collapsed during her testimony in 2022.**

The psychiatrist and psychologist who had examined Kunti Kamara during the investigative phase also testified at trial. The psychiatrist explained that, after assessing around thirty individuals accused of genocidal acts in the context of Rwanda, he had concluded that it is possible to commit or participate in mass atrocities and then mentally compartmentalize those acts as a historical anomaly – essentially erasing them from one's conscious awareness due to the surrounding circumstances. None of the individuals examined, he noted, acknowledged any responsibility, and none were deemed dangerous or at risk of reoffending if, for example, they were to live later in Europe as refugees. He drew the conclusion that mass crimes can be committed by ordinary men when they are caught in a specific historical context.

**The psychiatrist and psychologist who had examined Kunti Kamara concluded that it is possible to commit or participate in mass atrocities and then mentally compartmentalize those acts as a historical anomaly.**

During the trial, Kunti Kamara's lawyers advanced several legal arguments in an effort to challenge the proceedings against their client. During the appeal, they claimed that he had not been born in 1974, as he had previously declared to Dutch authorities, but was in fact younger. His brother testified that the accused had been born in 1978, and was therefore a minor at the time of the alleged acts – meaning the court would have no jurisdiction to try him.

This argument failed to convince the judges, particularly because throughout the investigation, Kunti Kamara had provided biographical details that corroborated the birth year indicated on his passport – the same date he had given Dutch authorities upon arriving in Europe. His lawyers also put forward other legal claims – again unsuccessfully – including that the charges should be time-barred due to the passage of time since the alleged events.

They also challenged the case on evidentiary grounds. As previously mentioned, the accusations were based almost entirely on the plaintiffs' testimonies about events that had occurred decades earlier. No bodies had been exhumed in Liberia, no DNA testing had been conducted, and there were identifiable inconsistencies among different witness statements and, at times, within the various statements of a given victim over the course of the investigation.

# 1. Achievements
# The Kunti Kamara case

All of this clearly set the case apart from "typical" criminal proceedings seen in French courts. Kamara's lawyers argued that, since the trial was taking place in France, the standard rules of evidence under French law had to be applied – regardless of the fact that the crimes had occurred on another continent during a civil war. Therefore, they asserted, their client, because of the lack of certain type of evidence, should be acquitted as reasonable doubt must always favor the accused.

As is often the case, the proceedings ultimately came down to the word of the accused versus that of the victims. The main challenge for Kamara's defense was his consistent and repeated assertion during the trial that his armed group, ULIMO, had committed virtually no crimes against civilians in Lofa between 1993 and 1995 – not looting, forced transport, rape, killings, nor even the widespread conscription and use of child soldiers during the war.

However, this claim was directly contradicted by the testimony of historians and former members of the TRC called to the stand, as well as by the many reports and press articles already cited regarding the situation in Lofa between 1993 and 1995.

The first, previously mentioned, was the testimony of a Liberian citizen who had appeared before the TRC in 2009 – years before the case began. He described how ULIMO had committed large-scale atrocities against civilians in a manner consistent with the group's modus operandi, as recounted by other victims. He also named commanders who had been present on the ground, including "Ugly Boy" and another identified as "Kunti."

**As is often the case, the proceedings ultimately came down to the word of the accused versus that of the victims.**

The second key testimony came from a woman who had been held captive by a ULIMO soldier in Foya. From a window in the house where she was detained, she witnessed a scene in which six individuals were executed, and one of the plaintiffs in the case was stabbed in the back. This woman was neither a relative nor a friend of the victims who had filed the complaint.

As six jurors and three judges had done in the first trial in November 2022, nine jurors and three appeal judges returned a guilty verdict against Kunti Kamara on March 27, 2024, finding him responsible for all charges of torture and crimes against humanity. The appeals court sentenced him to 30 years in prison, whereas the original court had imposed a life sentence.

Thus, with the support of their lawyers and two non-governmental organizations, the victims achieved in France what neither their own government nor the international community – whether the United Nations or international tribunals – had been able to deliver since the end of the civil war in 2003: justice for some of the horrific crimes committed during the war in Foya.

**Kamara's credibility and sincerity were further undermined by two key testimonies that directly supported the victims' accounts, thus strengthening their reliability.**

Given the many obstacles, any successful pursuit of justice is an extraordinary victory for victims and survivors. Many expressed their gratitude to the French justice system and emphasized how important it was for them to be able to testify in France.

The significance of this successful pursuit of justice extends beyond this individual case.

First, it marked a legal milestone. For the very first time, a former commander in the Liberian civil war was convicted of crimes against humanity. This set a powerful precedent, later echoed by the appellate judgment in the Alieu Kosiah case in Switzerland, which also recognized crimes against humanity committed in the Liberian context. In France, this case also made legal history, marking the first conviction of a foreign national for international crimes committed abroad outside the context of the Rwandan genocide.

Second, the case advanced legal precedent in concrete ways. For the first time, French judges recognized the existence of a coordinated plan to commit acts of sexual slavery, classified as crimes against humanity. This could prove decisive in future proceedings in France, including those involving members of the Islamic State of Iraq and Syria (ISIS).

**This pursuit of justice in Paris offers real hope to forgotten victims around the world and shows they still have agency.**

Moreover, as Massa Washington stated during the trial (see pp. 20-23), the case was closely followed and discussed in Liberia, with the majority of the population expressing support. Before such proceedings began abroad in 2017, justice was rarely spoken of in Liberia; today, it has become one of the main topics of public discourse. There is no doubt that justice initiatives led by victims, such as those in the Kamara case, were a driving force behind the tangible progress made in 2024 – including the first steps toward establishing a dedicated office to set up a war crimes court (see pp. 55-68).

Finally, this pursuit of justice offers real hope to forgotten victims around the world. It shows that even when politicians and the broader international community fail to act, victims and survivors still have agency – and can take justice into their own hands.

These citizens, from a forgotten place in a forgotten country, not only achieved justice when it seemed impossible – they lit a path for others to follow. In the lingering darkness of impunity for mass atrocities, that light is particularly precious.

**Alain Werner, Director and Founder, Civitas Maxima**
Alain Werner, registered at the Geneva Bar with a LL.M from Columbia University, is one of the very few lawyers in the world who has appeared in war crimes trials both in front of several international courts as well as in front of a national court, including trials of former heads of state. He was awarded in 2019 the Bâtonnier Michel Halpérin Prize for Excellence by the Geneva Bar, and he received in 2020 a life fellowship from Ashoka, the world's oldest and largest network of social entrepreneurs.

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## Massa Washington, the fearless voice for truth and justice

Journalist and former member of Liberia's Truth and Reconciliation Commission (TRC), Massa Washington, testified in Paris during Kunti Kamara's trial. Her powerful narrative underscored the crucial role that courageous pioneers play in post-conflict contexts as they remain independent and committed to nothing but truth and justice. In March 2009, Massa Washington, while serving as a Commissioner on the Liberian TRC, received the 2009 Liberian Woman of Courage Award from the U. S. State Department for her work as a journalist and with women during the 14-year civil war, and her efforts to promote peace and reconciliation.

The testimony Massa Washington delivered at Kunti Kamara's first trial in October 2022 left a strong impression. Her appearance at the appeal trial on March 21, 2024, at the Paris Court of Appeal was therefore highly anticipated. Once again, she stepped up to the witness stand as someone driven by a profound mission.

She told judges and jurors how, at the start of the civil war that tore apart Liberia, her father had gathered the entire family and solemnly declared: "We will not participate in this war. We will join no faction. These people are not fighting for the country, but for its resources and for power."

In a civil war where politicians and warlords deliberately pitted Liberia's different ethnic groups against each other for their own gain, Massa Washington stayed true to her father's principles. Even after the war had ended, she remained committed to only one side: the side of truth and justice.

Born into a middle-class family, Massa Washington joined the media at the age of 21 and was notably the only female journalist reporting from territories of warring factions during the war. She also visited several countries in the West African sub-region, where she covered the effects of the Liberian war. She witnessed some of the war's most horrific massacres firsthand, and later played a central role in the country's post-conflict reconciliation efforts.

For instance, during the massacre of 700 civilians – including women and children – at St. Peter's Lutheran Church on 14th Street Sinkor, Monrovia in July 1990 by President Samuel Doe's forces, Massa Washington was volunteering just two streets away at the Joseph Jenkins Roberts School to help internally displaced people. The International Committee of the Red Cross had set up centers for those fleeing the fighting in and around the city, with volunteers alternating between centers. The week before the massacre, Massa Washington had been volunteering at the Red Cross center in the Lutheran Church. Had the attack occurred a week earlier, she would have found herself trapped inside that very church.

**Massa Washington witnessed some of the war's most horrific massacres firsthand, and later played a central role in the country's post-conflict reconciliation efforts.**

Along with her colleagues, she helped evacuate victims suffering from serious injuries while government soldiers across the street threatened them, warning that the Red Cross personnel would be next. The following day, soldiers arrived at the JJ Roberts School Center, where she had stayed the night before, and murdered one of her colleagues.

Despite death constantly looming around her, Massa Washington never backed down. In 1994, she was part of a small group of journalists who traveled with the United Nations to the headquarters of the ULIMO-K rebel group in Tubmanburg, Bomi County, on a fact-finding mission to investigate reports of widespread human rights violations amidst intense fighting between ULIMO-K and ULIMO-J rebels, and to meet one of its highest-ranked commanders. Upon entering rebel-held territory, she realized that the rope marking its boundaries was made of human intestines, and that a mass grave was located not far from the headquarters where she had her meeting. While touring areas affected by the fighting, the delegation visited the C.H Dewey Hospital, where she also discovered that ULIMO-K rebels were removing wounded patients to execute them outside.

*Portrait illustration of Massa Washington by JP Kalonji/CivitasMaxima*

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The article she published upon her return drew widespread attention. The rebel leader whose territory she had visited showed up at her newspaper, fully armed with his bodyguards, and asked that Massa Washington return with him to Tubmanburg for a second tour. She refused, fully aware that going back would mean detention and likely execution. That commander was later captured by a rival faction, brutally killed, dismembered, and partially cannibalized.

**Despite death constantly looming around her, she never backed down and remained committed to only one side: the side of truth and justice.**

Massa Washington was also the first journalist, along with her cameraman colleague, to visit the "Carter Camp" – located in the Firestone rubber plantation where 600 civilians had just been executed by Charles Taylor's rebels. When she arrived, the area was still unsecured, and gunshots echoed in the distance. She and her colleague entered at their own risk. She suffered long-lasting nightmares from what she saw there, particularly the image of a woman killed with her baby still strapped to her back – her head blown apart by a bullet, the baby's organs cut out with a bayonet. Despite the traumatic events, she conducted her investigation and published an article the next day, which gained international coverage.

As is often the case in war, journalists were not spared. Massa Washington told the Paris court how she was forced to salute a human skull mounted on a stick, which rebels explained belonged to one of her former bosses – a famous journalist.

During the endless peace negotiations in Ghana, where Liberian rebel leaders claimed to seek peace, but were really battling for a share of power, Massa Washington and other women forced their way in as observers – determined to influence the talks and ensure that an agreement would be reached.

Like nearly all Liberian families, Massa Washington's family paid a steep price during the war. Several family members were killed, including one who was disabled. One of her cousins was abducted by an armed group to fight for them, and the family never saw him again. At one point, she herself feared dying of starvation. The dreams and plans she had made with her circle of friends in Monrovia – at a time when anything seemed possible for these young women – were all shattered by the war.

Massa Washington did not receive her university degree until 1997 – ten years after starting her studies and following the end of the first civil war. At her graduation ceremony, the keynote speaker was Charles Taylor, newly elected president and – in her view – the man responsible for the war, having invaded the country with his rebel group notorious for countless atrocities against civilians. She stood up and walked out during his speech, returning only later to collect her diploma.

After the war, while living in the United States, Massa Washington was asked to return to Liberia to serve as a member of the newly established TRC following the peace agreements that finally ended the conflict. The Commission had a threefold mission: to hear from victims of the civil war, to produce a report, and to make recommendations. She did not hesitate to accept, choosing to confront "the ghosts of the past," and saw this mission as an honor and natural extension of her lifelong commitment to peace and justice.

**She was forced to salute a human skull mounted on a stick, which rebels explained belonged to one of her former bosses, a famous journalist.**

Alongside other members of the TRC, she traveled to all 15 counties of Liberia, collecting statements from 20,000 victims in over 700 hearings – with additional hearings held abroad for the Liberian diaspora. During her testimony in Paris, she recalled how she wept while listening to a woman too traumatized to testify publicly before the TRC, but who nonetheless attended the hearings in her town. The woman's two-month-old baby had been killed, thrown against an electric pole by a soldier. That night, Massa Washington had dreamt that she was trying to save a baby from a rebel soldier determined to kill him.

In court, she described how the unspeakable atrocities committed against civilians, as recounted by survivors before the TRC, defied imagination: fathers forced to rape their daughters in front of their families; women forced to cook the hearts of their husbands. Commanders were well aware that their soldiers were raping women, having done it themselves. Women were treated as material goods to be "looted" by soldiers. As Massa Washington explained with force and emotion in court, many who survived the war carry deep wounds and live with the feeling of being living-dead, thus underscoring the vital necessity of bearing witness to these crimes. For the first time, the TRC gave many victims the opportunity to have their voices heard and acknowledged.

**The TRC traveled to all the counties of Liberia, collecting statements from 20,000 victims in over 700 hearings. It gave victims the opportunity to have their voices heard.**

Throughout her testimony, Massa Washington expressed her unwavering belief that no nation can prosper without the rule of law. She also conveyed her frustration over the fact that the recommendations contained in the TRC's final report, published in 2009 – which explicitly called for criminal prosecutions of specific individuals – were ignored by Liberian politicians. To this day, no trials have taken place in Liberia, thus damning victims to watch as individuals known to be responsible for crimes hold positions of power without ever facing justice.

Massa Washington also emphasized how important trials like the one in Paris are for her country. She noted that many Liberians publicly celebrated the announcement of such proceedings, as they felt that the international community had not forgotten them.

Highlighting the notion that every individual always has the ability to make choices – even in the midst of extreme circumstances – she remarked that if every Liberian had decided to kill when they had the chance, there would have been over 1.5 million deaths in the two civil wars, not 250,000.

**In court, she described how the unspeakable atrocities committed against civilians, as recounted by survivors before the TRC, defied imagination.**

She also expressed cautious optimism as, after many years, there are finally signs of progress in Liberia regarding justice. The country's president recently signed an executive order to establish an office tasked with creating a court to try crimes committed during the civil war. Nonetheless, she warned that resistance remains fierce among those involved in the war and politics, and that some politicians who were active during the conflict will continue doing everything in their power to prevent these crimes from being prosecuted in Liberia.

Currently facing legal proceedings in Liberia brought by Agnes Reeves Taylor, the ex-wife of Charles Taylor, Massa Washington is under attack from those opposing the recent developments aimed at establishing this tribunal – just as they fought against the TRC in the past.

But none of this will silence this fearless voice for truth and justice.

*Written by Alain Werner, Director, Civitas Maxima.*

War Photographer Patrick Robert covered both Liberian civil wars. On the second day of Kunti Kamara's appeal trial, held on March 6, 2024, he testified before the Paris Cour d'Assises and commented on several of his photographs that were shown during the hearing.

One of the images portrayed a NPFL rebel wearing a wig standing next to the body of a woman he had just shot, along with her newborn child. Robert described the context in which the photo was taken. He had been near a checkpoint controlled by NPFL fighters, who were checking for refugees of ethnic backgrounds considered as enemies – Krahn or Mandingo - and executing them on the spot.

Suddenly, he heard an altercation followed by a gunshot. As he approached, he came face to face with the rebel who had just killed the woman as she held her child. He feared he might be shot next, but the soldier smiled broadly and asked if he should fire another shot at the body – for the photo.

Shortly after, one of his commanders arrived to take him to the front, but this rebel did not want to go and fight, so he ran away.

For Patrick Robert, that moment came to symbolize the surreal and lawless nature of the war, the lack of discipline, and the reality that most of the victims were civilians. During the hearing, he also explained that the rebel fighters showed no hostility toward Western journalists. On the contrary, they could be welcoming and friendly – but could also kill civilians at any moment, with chilling indifference and sudden brutality.

*Congo Town, Liberia, August 1990. Photo by Patrick Robert*

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## An interview with Eric Emeraux: “Fieldwork remains an essential condition to ensure the rigor and credibility of proceedings”

**Colonel Eric Emeraux is the former French head of the Central Office for Combating Crimes against Humanity and Hate Crimes (OCLCH). This cross-ministerial unit is mandated to investigate the most serious international crimes as well as hate crimes.**

**▶ Do you think France is currently doing enough to investigate international crimes, and has it set an example in Europe through the OCLCH?**

**Eric Emeraux (EE):** I believe that France is at the forefront in this field, thanks in particular to the establishment of a specialized judicial unit composed of experienced magistrates working closely with the OCLCH – the specialized cross-ministerial criminal investigation unit. This organization gives us a true power house to investigate the gravest core crimes.

However, we can only regret the lack of sufficient human resources: the volume of cases far exceeds the capacity of the relatively small number of investigators, which limits the effectiveness of France’s efforts. Nonetheless, compared to what other European countries are doing, we can say we are leading the way in the fight against impunity.

**▶ In 2024, the OCLCH was involved in 175 cases across 34 countries. How are priorities determined, knowing that most investigations require foreign travel and substantial work to understand the context in which the crimes were committed?**

**EE:** Priorities are set based on a cross-evaluation of several criteria, including, of course, the level of cooperation from the country in question, as well as concrete opportunities for field investigation. Each case requires meticulous preparation, with substantial preliminary contextualization work: this means understanding the conflict dynamics, identifying those responsible, and considering any potential diplomatic, legal, or security barriers. Given limited resources and the growing number of proceedings, making strategic choices is essential. The goal is to focus efforts on cases most likely to result in tangible judicial outcomes, while maintaining consistency in France’s international actions against impunity.

Moreover, the work of specialized NGOs plays a crucial role: some of them possess valuable expertise and are behind the reporting of particularly well-documented cases. When an NGO submits a case that is solid, supported by reliable and legally actionable evidence, it can be prioritized more quickly.

In a context of limited resources, such synergies – with international jurisdictions and civil society actors alike – help optimize the impact of investigations and focus efforts on the most promising cases in terms of truth, justice, and combating impunity.

**▶ In France, jurisdiction over international crimes is limited by the requirement that the alleged perpetrator must habitually reside in the country. Have you ever encountered cases where suspects could not be prosecuted because they were only passing through France and not residing there?**

**EE:** Yes, this is a recurring challenge. In France, prosecuting suspected perpetrators of international crimes depends on several cumulative conditions, one of which – the requirement of habitual residence – is particularly restrictive. This considerably limits our room for maneuver. We have indeed faced situations where individuals strongly suspected of war crimes or crimes against humanity were present in France, sometimes only briefly, but did not reside there permanently. In such cases, the law does not allow us to initiate prosecution.

The well-known example of Syrian General Al Halabi, who was exfiltrated to Austria by an intelligence service while facing serious accusations related to the repression in Syria, clearly illustrates that limitation.

It creates a sense of frustration, and underscores the need to adapt our legislation to better meet the demands of international justice. Other European countries have adopted more flexible frameworks, allowing for intervention as soon as the suspect is present on their territory – even briefly.

**▶ In the case brought against Kunti Kamara, the investigating judge, parties, and OCLCH members carried out on-site reconstructions in Liberia. Are such reconstructions standard in the OCLCH’s work?**

**EE:** Yes, reenactments on the sites where crimes were committed are almost systematic and absolutely essential. In OCLCH investigations, particularly regarding war crimes or crimes against humanity, returning to the field is vital: it helps us contextualize the facts, compare testimony with the physical reality of the locations, and better understand local dynamics.

In the Kunti Kamara case, for example, the investigating judge, civil parties, and OCLCH investigators traveled to Liberia. Reconstructions were conducted directly in the villages where atrocities were alleged to have taken place. This field mission was crucial for the investigation.

That said, such missions are never easy. One must deal with heavy logistical constraints – traveling to remote areas, coordinating with local authorities – and significant security risks. We were continuously protected by a specialized team. Despite these challenges, fieldwork remains an essential condition to ensure the rigor and credibility of proceedings.

**▶ How do you pursue investigations when the state where the crimes occurred does not respond to international cooperation requests, as was the case with Liberia?**

**EE:** That is indeed a fundamental challenge. When the state where the crimes occurred fails to respond to international cooperation requests – as was the case with Syria – it greatly complicates the investigation.

However, thanks to new technologies – especially Open Source Intelligence (OSINT) – our investigators can now collect evidence through other means: satellite images, videos posted on social media, digital archives, etc. This allows us to document facts in real-time or with minimal delay, even without direct access to the field.

Additionally, we can interview exiled witnesses, notably refugees present in Europe or elsewhere in the world. Their testimonies can be critical in understanding the events that unfolded. In some cases – often with the support of specialized NGOs – we also manage to bring witnesses to France to be heard in a secure and legally sound setting.

These alternatives do not fully replace direct access to the country in question, but they do make it possible to move proceedings forward and to continue fighting impunity – even in the face of obstruction or inaction by a state.

**▶ The lead investigator in the Kunti Kamara case had worked for years with the OCLCH and completed about thirty investigative missions in Rwanda. Is such a level of experience now standard among OCLCH investigators?**

**EE:** This investigator’s background reflects the level of expertise that the OCLCH has been able to develop, and that must absolutely be preserved. Completing thirty missions in Rwanda and taking part in reconstructions in Liberia requires extensive experience, a deep understanding of post-conflict settings, and the ability to engage with a wide range of interlocutors – often in sensitive conditions.

Fortunately, we still have such figures within our ranks, but they are not yet the norm. We are fortunate to rely on a few highly experienced investigators who have built rare expertise in the field of international crimes. That said, knowledge

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transfer is a real challenge, as these skills are acquired over time, in the field, and through direct exposure to the most complex human situations.

**▶ The OCLCH employs about forty investigators. How many women are on the team, and do you think there is enough diversity in the service?**

**EE:** When I was leading the OCLCH, I always did my best to maintain a balance between male and female investigators. It was something I considered important, as gender diversity brings an essential richness, especially in the sensitive and human-centered investigations we conduct.

As for broader diversity, it's a more complex issue. The OCLCH operates on a volunteer basis: police or gendarmes apply to be assigned to the service. Therefore, our diversity depends entirely on that pool of volunteers. A diverse team is often better equipped to grasp the complexities of the international contexts we investigate.

**▶ During the trial, Kunti Kamara's defense criticized the OCLCH's investigation in Liberia, particularly the fact that no effort had been made to verify the presence of bodies in certain locations or to collect DNA evidence. How do you balance the rights of the accused, the material constraints of field investigations, and the cultural context in each country?**

**EE:** The defense's criticism highlights a key issue: balancing the rights of the accused with the constraints of international investigations and the local context. The lack of material verification – such as searches for human remains or DNA collection – can raise questions about the accuracy of the prosecution's case.

However, these limitations are partly offset by on-site reenactments and a significant volume of witness, victim, and even suspect testimonies. In a context like Liberia, given the logistical and institutional obstacles, it is vital that the court takes these investigative efforts into account, while ensuring the accused can fully exercise their rights in line with the standards of a fair trial. It's also worth noting that victims and witnesses testified in France, face-to-face with the alleged perpetrator, and that defense lawyers were able to question them directly and highlight any contradictions or weaknesses in their statements.

**▶ Kamara's defense also criticized the victims' identification of the accused through photo lineups or the lack of. Is suspect identification after nearly 30 years still a challenge in OCLCH cases?**

**EE:** Yes, identifying suspects in cases going back nearly 30 years remains a major challenge in OCLCH investigations.

The OCLCH frequently handles old cases – particularly related to international crimes or hate crimes – where the events occurred decades ago. These cases come with specific difficulties, such as the disappearance of witnesses, deterioration of physical evidence, and lack of contemporary identifying material. For example, in the investigation into the 1943 Vieux Port roundup in Marseille, investigators often had to rely on testimony from descendants, which requires painstaking cross-checking with other historical sources.

Furthermore, photo lineup identification can be problematic when images are old or of poor quality. Victims may struggle to recognize perpetrators after such a long period, which complicates attempts to build solid evidence. This underscores the need for a rigorous, methodical approach that combines testimony, historical archives, and technical expertise in order to overcome identification challenges in old cases. Still, as the OCLCH states, "*Hora fugit, Stat jus*" – time passes, but justice remains.

**▶ Kunti Kamara was also convicted by the French courts for his complicity in acts of sexual violence. Do you believe OCLCH investigators today are sufficiently trained to investigate such crimes, which are often hard to document and still carry stigma for victims?**

**EE:** Yes, OCLCH investigators now receive specialized training in dealing with sexual violence, especially in the context of international crimes. In fact, I participated in a training mission on this topic in Ukraine in 2024.

Since its creation in 2013, the OCLCH has built recognized expertise in investigating complex and historical crimes, including sexual violence linked to genocide or armed conflict. This specialization requires a rigorous approach, given the challenges of corroborating evidence and the persistent stigma faced by victims.

OCLCH investigators follow specific training programs, such as PROGREAI, – a program focused on victim care, trauma management, and adapted interview techniques. They are also trained in evidence collection in intercultural contexts, often working with interpreters, which can slow the process but is essential for ensuring the quality of investigations.

Thus, the OCLCH has the human and technical resources necessary to conduct in-depth investigations into sexual violence, with a focus on protecting and supporting victims while respecting legal and ethical standards.

**▶ For several years now, there has existed a structure known as the "Genocide Network," bringing together the prosecuting bodies of all 27 EU Member States for international crimes. Yet, it seems that national cases involving these crimes are still mostly led by the same countries (France, Belgium, the Netherlands, Germany, and Nordic states). Why is that?**

**EE:** This stems from a combination of legal, political, and structural dynamics. First, the Genocide Network (officially the European Network for the investigation and prosecution of genocide, crimes against humanity, and war crimes), established by Eurojust in 2002, plays an important role in the coordination and sharing of information and best practices among competent national authorities.

However, it does not have investigative powers or a mandate to harmonize national priorities – prosecutions remain the sole responsibility of each State.

The reason certain countries – such as France, Germany, the Netherlands, Belgium, and Nordic nations – are the most active in prosecuting international crimes is based on several factors. First, they have well-established universal jurisdiction. These countries have incorporated universal or quasi-universal jurisdiction into their national laws, allowing them to prosecute certain crimes even without a direct link to their territory. Other states lack such clear or compelling legal frameworks.

Second, they've established specialized units and allocated dedicated resources, as we've discussed. Additionally, the presence of specialized NGOs that can become civil parties in major international crime cases is a significant contributing factor.

Finally, a stronger political will to combat impunity can be observed in these countries, due in part to historical factors (the Holocaust, decolonization, involvement in international justice) and the presence of diasporas that remain highly attentive. Some cases are opened following complaints filed in countries where former refugees or victims now reside – often in host countries like France, Belgium, and Sweden.

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**Colonel Eric Emeraux** is the former French head of the Central Office for Combating Crimes against Humanity and Hate Crimes (OCLCH). This cross-ministerial unit is mandated to investigate the most serious international crimes as well as hate crimes. He has not been in active service since August 1, 2020, but continues to work as a consultant on counterterrorism, organized crime, and core international crimes in France and abroad, with European organizations and the UN.

He is the author of the book *La traque est mon métier* (Plon, 2020), which was awarded the 2021 Gendarmerie Book Prize and the 2022 Ministry of Defense Readers' Prize. The book was translated in 2023 under the title *Hunting Monsters* and has been an international success (United States, Canada, United Kingdom, Australia). He also published a best-selling novel, *Quand l'abîme te regarde*, and is concurrently working on television series projects focused on the fight against impunity for international crimes.

*Page 26: Photo of Eric Emeraux by Melania Avanzato*

*La traque est mon métier*

*Hunting Monsters*

*Quand l'abîme te regarde*

## The Kunti Kamara case as a textbook example of the various forms of jurisdiction in international law

When it comes to international crimes, which often concern multiple states, a crucial question arises time and again: which state can – or should – prosecute alleged perpetrators? While the International Criminal Court (ICC) has handed down only a limited number of convictions since its creation, national courts adjudicating crimes outside their own territory are playing an increasingly important role. In 2024 alone, at least 130 cases related to international crimes committed outside the prosecuting state's territory were underway in national courts – twenty times more than the ICC's convictions in its 23-year history.

Among these trials was that of Kunti Kamara – a Liberian-Dutch national convicted in France in 2022, upheld on appeal in 2024, for crimes committed against Liberian victims in Liberia, and possibly in neighboring Guinea, during the First Civil War (1989–1996). The trial illustrates the complex issues surrounding national jurisdiction. States may assert jurisdiction based on several legal principles, which can be summarized as shown in the table below.

### Kunti Kamara's journey

Mr. Kamara committed his crimes, including looting, in Lofa county, Liberia, between 1993 and 1995 when fighting for ULIMO (see pp. 10-19). Some of the looted goods were then sold in neighbouring Guina. After the First Liberian Civil War, Kunti Kamara left Liberia via Guinea, obtained asylum, and later acquired Dutch nationality. He then settled in Belgium, and later in France, where he lived for two years. In 2018, he was arrested in Paris as he was about to board a bus to Portugal, with the intention of traveling to Guinea.

This transnational journey raises a legally rich question: which states can – in practice – claim jurisdiction to prosecute him for alleged international crimes, and on what legal basis? Beyond this immediate question, the Kamara case serves as a concrete example for examining how universal jurisdiction – and more broadly, the various legal bases for jurisdiction – is exercised in situations where multiple states could theoretically intervene.

| Mode of jurisdiction | Definition | Concrete example |
|---|---|---|
| Territorial | The state prosecutes a crime committed on its territory, regardless of the nationality of the perpetrator or victim. | Atrocities committed in Liberia can be tried by Liberian courts. |
| Active personality | The state prosecutes a crime committed abroad by one of its own nationals. | The Netherlands can prosecute a Dutch citizen for crimes committed in Liberia. |
| Passive personality | The state prosecutes a crime committed abroad against one of its own nationals. | If the victim is Belgian, Belgium can open an investigation. |
| Universal (absolute) | The state can prosecute certain grave crimes (genocide, crimes against humanity, etc.), even without any link to the country. | Argentina can investigate crimes against humanity committed abroad by foreigners, even with no link to Argentina. |
| Universal (conditional) | The state can prosecute certain grave crimes (genocide, crimes against humanity, etc.), provided specific conditions are met—most often, that the suspect is present or habitually resides in the national territory. | France can prosecute foreigners who have committed international crimes outside French territory, provided their habitual residence is in France—as was the case with Kunti Kamara. |

### Liberia

Kamara could have been prosecuted in Liberia for crimes committed on Liberian soil, in Foya, under the principle of territorial jurisdiction. This fundamental principle of criminal law gives every state jurisdiction over offenses committed within its own territory, regardless of the nationality of the perpetrator or victim. It is the most commonly applied form of jurisdiction globally, including under Liberian law.

Regarding crimes possibly committed outside Liberia during the war – such as in Guinea, through the transport of looted goods by ULIMO – the legal basis for extraterritorial jurisdiction in Liberia is far more limited. Liberian jurisdiction over acts committed abroad may only be exercised in exceptional cases: treason, espionage, forgery of Liberian documents, participation from abroad in a crime committed (in whole or in part) in Liberia, or on the basis of a treaty.

Although Liberia ratified the Rome Statute of the International Criminal Court on September 22, 2004, no criminal law reform has yet been undertaken to incorporate international crimes into Liberia's Penal Code. Therefore, at this stage, Kamara could only have been prosecuted for ordinary crimes – such as murder – provided those crimes were not time-barred under Liberian law.

### Guinea

In Guinea, a major challenge was the timing of the alleged crimes: the acts occurred between 1993 and 1995, before the 1998 Penal Code came into effect. As a result, and despite the general principle under international law that allows for the retroactive application of international crimes, Guinean authorities could only have brought proceedings if the offenses were already criminalized under the legal texts in force at the time – particularly the Penal Code, which was based on the 1810 French Penal Code. Under that code, offenses already recognized under Guinean law before 1998 – such as murder, rape, theft, or receiving stolen property – could have formed the legal basis for prosecution. In such cases, the applicable statute of limitations for criminal prosecution would need to be considered – either under the earlier code or under the current code, if its provisions are more favorable to the accused.

In Kunti Kamara's case, the applicable code allowed for the prosecution of individuals as accomplices to theft if they had knowingly received, in whole or in part, goods that were taken, diverted, or obtained through a crime or an offense. On that basis, Kamara could have been prosecuted for receiving stolen property, provided that the acts were not time-barred when legal proceedings were initiated.

**When it comes to international crimes, a crucial question arises time and time again: which state can - or should - prosecute alleged perpetrator?**

Since 1998, Guinea has reformed its criminal law to clarify the scope of territorial jurisdiction, including a provision that any offense for which an element occurred on Guinean territory is deemed to have been committed there. In 2016, a new Penal Code introduced explicit recognition of war crimes, crimes against humanity, and genocide, in line with the Rome Statute. This legislation also established several grounds for extraterritorial jurisdiction, as well as universal jurisdiction for grave crimes, under certain conditions.

However, it remains uncertain whether these reforms – important as they may be in the future – apply to the acts allegedly committed by Kamara between 1993 and 1995. Guinean case law has yet to resolve this particularly significant question. In many other countries, similar reforms codifying international crimes have been applied retroactively on the basis of customary international law.

If such retroactive application of international crimes were not permitted in Guinea, Kamara could only have been prosecuted for ordinary offenses committed in Guinean territory, such as receiving stolen goods – provided those acts were not subject to the statute of limitations under Guinean law.


*Syrian Fadwa Mahmoud holds a photo of her son and partner as she leaves the Koblenz courthouse after Anwar Raslan, a former Syrian intelligence officer, was sentenced to life for crimes against humanity in Koblenz, Germany, on January 13, 2022. This trial was possible in Germany under the principle of universal jurisdiction. Photo by Thomas Frey/POOL/AFP*

# 1. Achievements
# The Kunti Kamara case


Which state could, or should, have prosecuted Kunti Kamara?


Argentina?


Belgium?


France?


Germany?


Guinea?


Liberia?


Portugal?


The Netherlands?

## The Netherlands

In the Netherlands, the law provides for universal jurisdiction based on the presence of the suspect on Dutch territory, regardless of the nationality of the perpetrator or victim, or the location where the crimes were committed. The law also provides for jurisdiction over Dutch nationals (active personality principle). Thus, Dutch citizens can be prosecuted for international crimes committed outside the Netherlands, regardless of the nationality of the victim. This provision applies even if Dutch nationality was acquired after the acts were committed.

Most international crimes covered by this law are not subject to a statute of limitations, meaning they can be prosecuted without a time limit. However, there is an exception for some offenses – such as certain war crimes – which may become time-barred after twelve years.

Therefore, Kunti Kamara could have been prosecuted in the Netherlands for international crimes committed during the Liberian civil war – even if he no longer resided there – since he held Dutch nationality.

## Belgium

Since the 2003 legal reform in Belgium, national courts may only exercise jurisdiction over international crimes if a jurisdictional link with Belgian territory can be established. Specifically, Belgium is competent when the suspected perpetrator is a Belgian national (active personality) or a resident of the country (under universal jurisdiction, conditional form).

With regard to war crimes, the law further provides that jurisdiction may be established based solely on the presence of the suspect on Belgian territory, but only for serious violations of the 1949 Geneva Conventions – that is, in cases involving international armed conflicts.

Belgian law also recognizes passive personality jurisdiction, meaning that international crimes may be prosecuted when the victim is a Belgian national, a Belgian resident, or has been granted legal refugee status in Belgium.

In Kamara's case, such jurisdiction could have been considered if he had been arrested while residing in Belgium, or if one of his victims had a legally recognized connection to the country. However, merely passing through Belgian territory, without any additional link, would not have been sufficient to trigger the jurisdiction of Belgian judicial authorities.

As a result, Kunti Kamara could not have been prosecuted in Belgium at the time of his arrest in 2018, when he was residing in France.

## France

In France, the exercise of universal jurisdiction is strictly governed by the provisions of the Code of Criminal Procedure. The law provides that individuals suspected of having committed certain international crimes outside French territory may be prosecuted by French courts, in accordance with international treaties and agreements. However, this jurisdiction may only be exercised if several cumulative conditions are met.

Among these conditions, the most decisive is the habitual residence of the alleged perpetrator in France. This notion is assessed based on several criteria: the duration, reasons, and nature of the person's presence in France; their intention to settle there permanently; and any family, social, material, or professional ties with the country. Mere presence on French territory is therefore insufficient to initiate proceedings.

Other criteria must also be met: double criminality, meaning the acts must be punishable under both French law and the law of the country where they were committed (although this requirement has been waived for specific crimes); the monopoly of the public prosecutor, or that only the prosecutor may initiate proceedings, thus excluding civil parties; the principle of complementarity with the International Criminal Court, which must not be seized of the case; and finally, the absence of an extradition request issued by another national or international jurisdiction.

At the time of his arrest, Kunti Kamara had been living in France for two years, which allowed for the initiation of proceedings. However, had he left for Portugal, prosecution might have become more difficult, due to the lack of habitual residence in France. This could have led to the suspension, or even the abandonment, of proceedings, unless alternative mechanisms – such as an international arrest warrant or an extradition request – had been implemented to secure the accused's presence before the French judiciary.

Kunti Kamara was ultimately tried in France because he was residing there at the time of his arrest.

## Portugal

In Portugal, jurisdiction over international crimes is subject to a strict set of conditions. Three main requirements must be met cumulatively.

First, the alleged perpetrator must be present in Portuguese territory; residency is not required. Second, the acts in question must constitute crimes that Portugal is obligated to prosecute under an international treaty or convention. The law expressly states that its provisions also apply to acts committed abroad, provided the aforementioned conditions are met. Third, the individual must not be extraditable to another state or surrenderable to the International Criminal Court. The law thus allows for the prosecution of foreigners present in Portugal whose extradition has been refused or is not possible, even when

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a request is made under a treaty or cooperation mechanism. Even in cases where the person is present and extradition is not feasible, Portugal will only exercise jurisdiction if the person has not already been tried in the country of origin or has evaded enforcement of a sentence.

In the case of Kunti Kamara, a mere plan to travel to Portugal would not have been sufficient to establish jurisdiction. He would have had to actually enter the country and be arrested upon arrival by bus from Paris in order to be tried there.

## Other States

The following countries do not require a specific territorial or personal connection:

**Germany**: The German Code of International Criminal Law (*Völkerstrafgesetzbuch*, or VStGB) provides for universal jurisdiction over the gravest international crimes – genocide, crimes against humanity, and war crimes – without requiring any connection to Germany (neither via the nationality of the suspect or victim, nor the place where the crimes occurred). This means that German courts can, in theory, exercise "absolute" universal jurisdiction and prosecute any suspected perpetrator of such crimes, even if the offenses were committed abroad and have no link to Germany.

**In the absence of Kamara's presence in Germany, and given that the acts were committed before 2002, prosecution in Germany would not have been possible.**

However, this only applies to crimes committed after the law entered into force on June 30, 2002, in accordance with the principle of legality and the non-retroactivity of criminal law. Before 2002, universal jurisdiction did not exist in German law for crimes against humanity or war crimes. The only international crime explicitly criminalized was genocide; even then, the prosecution of foreigners for acts committed abroad was subject to stringent conditions. Both legal doctrine and case law generally required a link to Germany (such as the nationality of the perpetrator or victim, or another substantial connection), and in any case, this provision was never applied in practice before 2002.

**If the territorial state is unable or unwilling to act, the state where the suspect is currently located assumes a special responsibility.**

Furthermore, although Germany's universal jurisdiction is broad in theory, its practical enforcement remains difficult without the accused being physically present on German soil. Under German procedural law, the defendant must be present at the main hearing. Without their presence, it becomes incredibly complicated to conduct the investigation, guarantee the rights of the defense, validly notify procedural acts – and above all – conduct the trial itself. While recent trials in Koblenz and Frankfurt regarding crimes committed in Syria demonstrate a clear willingness to apply universal jurisdiction, its actual use still largely depends on whether the accused is located in Germany.

Therefore, Kunti Kamara could almost certainly not have been tried in Germany. Before 2002, there was no legal basis for prosecuting foreigners for crimes against humanity or war crimes committed abroad. Even for genocide, jurisdiction was theoretical and had never been applied without a connection to Germany. While universal jurisdiction was introduced into German law in 2002, it does not apply retroactively.

In the absence of Kamara's presence in Germany, and given that the acts were committed before 2002, prosecution in Germany would not have been possible.

**Argentina:** Argentina's universal jurisdiction over international crimes is established by the law transposing the Rome Statute into domestic law. According to this law, genocide, crimes against humanity, and war crimes are punishable in Argentina, even if committed abroad, regardless of the nationality or residence of the perpetrator or victim, and without any statute of limitations.

Argentina's universal jurisdiction is thus considered "absolute": Argentine courts can open investigations and prosecute the alleged perpetrators of such crimes even in the absence of any connection to Argentina. Civil society organizations may also be granted standing as civil parties in proceedings brought under universal jurisdiction. However, in practice, the absence of the accused on Argentine soil, or the refusal or impossibility of extradition, often limits the actual occurence of trials.

Therefore, in theory, Kunti Kamara could have been prosecuted in Argentina under universal jurisdiction – just like any person accused of international crimes – even without a connection to the country. In practice, however, holding an effective trial would have been complicated by several structural obstacles, particularly the absence of the accused in Argentina, the lack of extradition, and limited institutional resources.

Several other countries also have, in theory, laws allowing them to exercise universal jurisdiction over the gravest international crimes – genocide, crimes against humanity, war crimes, etc. However, in many cases, this possibility exists only in law and has yet to be applied in practice, or the scope of its implementation remains unclear due to the lack of judicial precedents.

According to the Clooney Foundation for Justice, 148 of the 193 United Nations member states have laws allowing them to investigate and prosecute at least one core international crime committed beyond their own borders. For a full and up-to-date mapping of countries and legal systems equipped with universal jurisdiction laws, the interactive tool "Justice Beyond Borders," developed by the Clooney Foundation for Justice, offers a detailed database of national laws, the conditions under which universal jurisdiction can be exercised, and any judicial precedents in each country.

## Jurisdictional conflicts

Kunti Kamara could, in theory, have been tried in several countries for the crimes he was accused of: Liberia, the Netherlands, France, and potentially Guinea or Argentina.

When multiple states could theoretically prosecute the same person for international crimes, a key question arises: which of them should be given priority? International law does not always provide a single or automatic rule, but certain elements, widely accepted in practice, help guide the decision.

**148 of the 193 United Nations members have laws allowing them to investigate and prosecute at least one core international crime committed beyond their own borders.**

1. First priority is generally given to the state in whose territory the crimes were committed. This principle follows from the logic of complementarity, as enshrined in the Rome Statute establishing the International Criminal Court. The idea is simple: national courts, and in particular, those of the country where the acts occurred, should lead efforts to deliver justice. These courts have the most direct access to victims, evidence, and the context. It is also likely that a national court – for example, a court of the country where the accused resides – will decline jurisdiction if the state where the crimes occurred requests extradition, provided that the accused can be guaranteed a fair trial in that country.

In Kamara's case, Liberia – the country where the crimes were committed – did not request his extradition to be tried in Monrovia, and to this day, has never prosecuted anyone for war crimes committed during its two civil wars.

**Priority is generally given to the state in whose territory the crimes were committed.**

2. If the territorial state is unable or unwilling to act, the state where the suspect is currently located assumes a special responsibility. Under a well-established principle in international law – "*aut dedere aut judicare*" (extradite or prosecute) – a state that finds a person suspected of international crimes on its territory has two options: either prosecute them itself, or extradite them to another competent state (for example, the state where the crimes were committed). This principle is enshrined in the 1984 Convention Against Torture and the Geneva Conventions of August 12, 1949.

In Kamara's case, it was France – the country where he was residing at the time of his arrest – that exercised jurisdiction, since no proceedings were underway in Liberia.

If the Netherlands had wished to try Kamara, who holds Dutch nationality, it could have done so under the active personality principle. However, France would not have been obliged to relinquish jurisdiction automatically. This would have been a matter of bilateral cooperation, allowing the Netherlands to request his extradition, and France to exercise sovereign discretion in deciding whether to grant it – provided that the Dutch justice system was deemed able to guarantee a fair trial, which is very likely the case.

3. To avoid multiple prosecutions for the same acts, the principle of "*ne bis in idem*" applies. This principle prohibits a person from being tried more than once for the same acts. Thus, when a state has already launched a serious and credible investigation, other states should, in principle, refrain from intervening – unless there are legitimate reasons to doubt that state's willingness or ability to deliver justice.

In summary, in transnational contexts, priority over the prosecution of the most serious crimes is, in practice, organized according to a certain hierarchy: first, the state where the crimes were committed; then, the state that has custody of the suspect; and finally, the state that is best positioned to ensure justice, while respecting the fundamental rights of the accused and the interests of the victims.

## Conclusion

The Kunti Kamara case highlights the complexity of exercising universal jurisdiction, both from a legal and practical standpoint. It underscores the importance of national legal reforms to bring domestic law in line with the demands of international criminal law, particularly when it comes to prosecuting crimes committed abroad. The case also provides a valuable opportunity to reflect on how, in practice, the hierarchy between national jurisdictions is organized when multiple states may claim competence. It is with this in mind that states must continue to strengthen their legal frameworks, clarify priority criteria, and cooperate effectively to ensure that justice is served – regardless of where the crimes were committed.

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Adriana Schnyder is a jurist and academic researcher specializing in international criminal law, transitional justice, and human rights. She is finalizing her PhD at the University of Geneva, where she also lectures in these fields. Her doctoral research examines state obligations to investigate and prosecute serious human rights violations in contexts of transitional justice and persistent impunity, with a focus on the inter-American human rights system. She previously served as Legal Advisor at the Swiss Federal Department of Foreign Affairs and was awarded the Tremplin Grant of the University of Geneva in 2021. Adriana holds a Master's degree in Law from the Universities of Geneva and Basel.





# Truth on trial: evidentiary lessons from the Kosiah judgment

The May 30, 2023 judgment delivered in full in March 2024 by the Court of Appeal of the Swiss Federal Criminal Court in the case of Alieu Kosiah stands out in several respects. Not only does it mark the first conviction in Switzerland for war crimes and crimes against humanity, but it is also remarkable for its length – over 300 pages – and the methodological transparency with which the judges explained their reasoning.

One particularly notable aspect of this judgment is its detailed analysis of the approach taken to assess the credibility of the evidence. This methodological approach by the Court of Appeals – rare in Swiss case law – gives the decision unique didactic and precedential value, particularly for practitioners of international criminal law and courts tasked with prosecuting mass atrocities in the future. It also reflects an effort to legitimize international criminal justice in contexts where evidence of mass crimes often relies on fragmented narratives, gathered under complex conditions and years after the events occurred.

In this regard, it is worth noting that such formalization of credibility assessment criteria remains rare among national courts handling international crimes under universal jurisdiction. For instance, in the Massaquoi case tried in Finland, the Finnish court did not develop such a structured list of criteria: the evaluation of witness reliability was more general and less explicitly systematized. This contrast highlights the original contribution and added value of the Kosiah judgment, offering practitioners a practical framework for analyzing evidence in cases involving international crimes.

The Court addressed the crucial question of evaluating evidence of mass atrocities in response to challenges raised by the defense regarding the legitimacy of the entire proceedings against Alieu Kosiah. After dismissing the argument that the case was the result of a conspiracy supposedly orchestrated by Civitas Maxima and the Global Justice and Research Project (GJRP), the Court focused on two key issues in the search for truth: how to assess the credibility of the evidence and how to evaluate the reliability of witness identifications of the accused.

On the one hand, and in a groundbreaking manner, the judges undertook a theoretical reflection on how to assess the credibility of evidence in international crimes cases. They defined a structured methodology, which they then applied concretely to the Kosiah case. In line with Federal Tribunal practice, and drawing from extensive academic research, the judges presented a set of applicable criteria for evaluating the credibility of complainants' statements. The judgment distinguishes two main categories of criteria: cognitive and strategic.

Cognitive criteria relate to the intrinsic quality of the narrative. These include analysis of the overall structure of the testimony – logical consistency, absence of contradictions, richness in detail – as well as the way the narrative is presented, especially when it follows a disordered, non-linear sequence that is typical of authentic memory. The analysis also considers specific content such as spatio-temporal references, descriptions of concrete interactions, reproduction of dialogues tied to the events, or mention of obstacles and complications encountered during the incidents. Additionally, the Court places emphasis on unexpected elements – original or surprising yet plausible details – such as accounts of secondary or similar events, expressions of personal emotions, introspective reflections, or attempts to understand the perpetrator's psychological state. The Court also considers forensic elements – parts of the narrative that align with operational patterns typically seen in this category of crimes.

Strategic criteria, by contrast, aim to detect the absence of deliberate strategies to manipulate or exaggerate by the witness relating the events. The Court views several factors as indicators of sincerity: spontaneous corrections made by the witness without prompting; acknowledgments of memory gaps or uncertainties; expressions of doubt about one's own statement; self-incriminating remarks or admission of some responsibility; and a lack of intent to excessively incriminate the accused. Expressions of empathy or understanding toward the accused are also seen as positive indicators.

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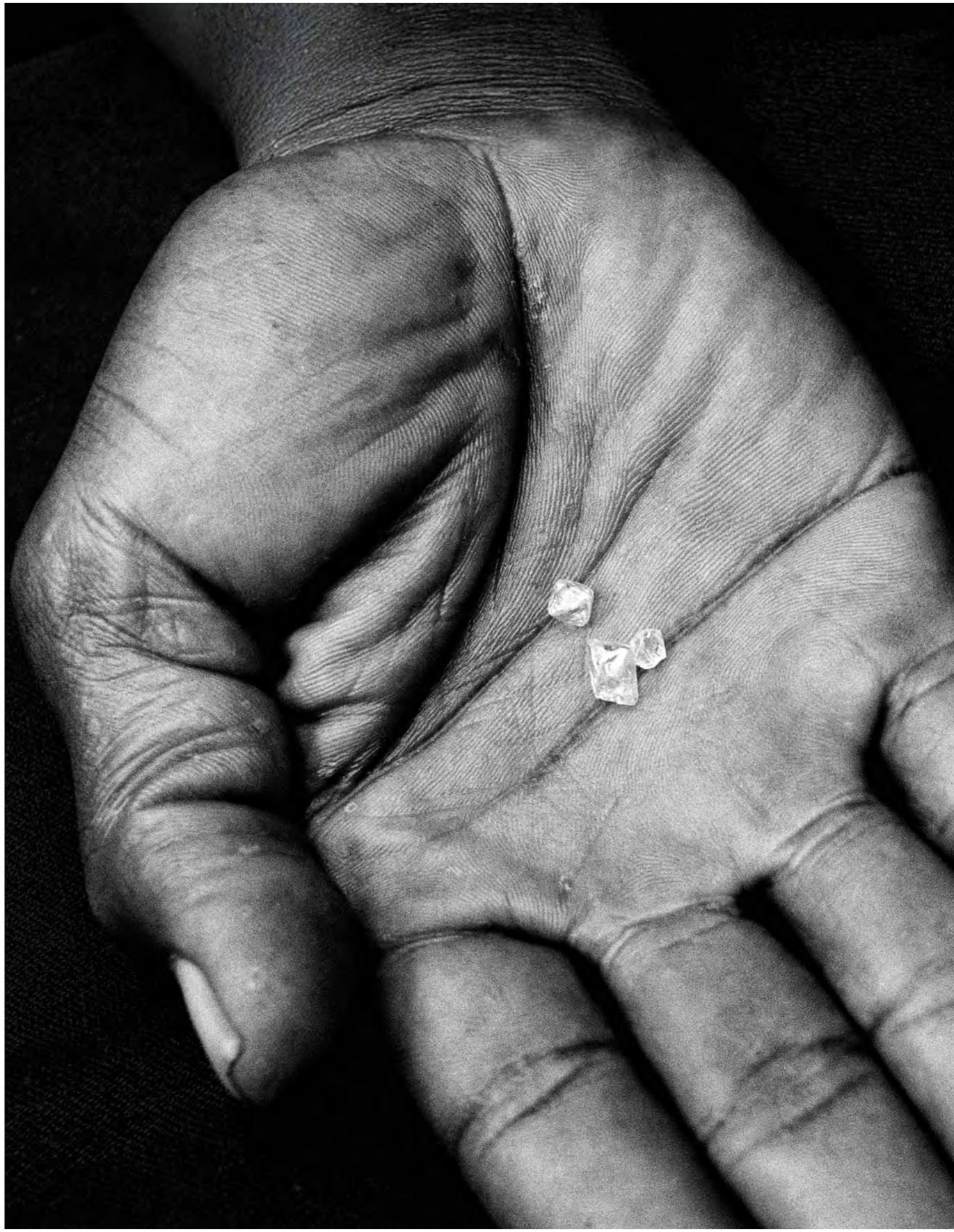
On the other hand, the Court emphasized that while Swiss criminal procedure contains no specific rules regarding suspect identification, several legal scholars recommend presenting the witness with multiple individuals – or photographs – who match the suspect's described appearance. The Court clarified that even if an identification process does not comply with these best practices, it should not be automatically excluded; rather, judges retain discretion in how they weigh the evidence. Accordingly, after noting procedural irregularities, the Court excluded photo and in-person identifications of Alieu Kosiah as inadmissible. Nevertheless, it found that Kosiah's identification could still be retained based on the convergence of multiple testimonial elements: mention of his name, often tied to a command position; descriptions of his physical appearance and personality traits; and specific recollections of his behavior, manner of speaking, and particular circumstances in which he was recognized.

This judgment marks a significant milestone in building Swiss case law on international crimes, both for the rigor of its legal reasoning and the unprecedented transparency of its evidentiary methodology. It demonstrates an institutional commitment to a thorough and methodologically sound judicial approach to crimes that are often decades old, poorly documented, and reliant on victim testimony as the primary source of evidence. However, the full impact of this decision remains to be seen, as an appeal has been filed before the Federal Tribunal. Regardless of its final outcome, the Kosiah judgment already stands as an important precedent for legal practitioners, judges, and organizations working to combat impunity for mass atrocities. It proves that national courts – like those in Switzerland – can prosecute such crimes with seriousness, transparency, and high methodological standards.

*Written by Adriana Schnyder, Case Manager, Civitas Maxima, with the contribution of Giulia Gelot, Geneva Academy Intern.*

*Women flee as heavy gunfire echoes through the capital during intense fighting and shelling. Monrovia, Liberia, July 2003. Photo by Carolyn Cole/Los Angeles Times via Getty Images*



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## Spanish businessman arrested on first case opened in Spain on crimes committed during the Sierra Leonean civil war

### Press release, 6th July 2024

Madrid, Spain: On 2 July, a Spanish businessman living in Brazil, was **arrested in Málaga** for his alleged participation in the illegal trade of so-called blood diamonds and for his alleged complicity in crimes committed during the civil war that ravaged Sierra Leone between 1991 and 2002.

The *Audiencia Nacional*, the Spanish High Court that has jurisdiction over international crimes, sought the arrest of the Spanish citizen for his alleged role in supporting Sierra Leonean rebel group Revolutionary United Front (RUF).

During the civil war, the RUF enslaved civilians in the district of Kono, in the east of Sierra Leone, forcing them to work in the diamond pits. The proceeds obtained through the forced labor of hundreds of people were brought to Monrovia, Liberia, and then sold on the international market.

In September 2021, with the support of Civitas Maxima and Center for Accountability and Rule of Law (CARL – Sierra Leone), one individual who suffered and witnessed several crimes in Kono filed a criminal complaint against the businessman before the *Audiencia Nacional* in Madrid. This individual is represented by lawyers Juan Garcés and Hernán Garcés.

At the arraignment hearing on 5 July, the arrestee was remanded in custody without the possibility of release on bail.

This case marks the second time a European citizen has been arrested for acts related to the traffic of blood diamonds from Sierra Leone. In 2015 **Michel Desaedeleer was arrested** in Spain following a complaint filed in Belgium in 2011. Michel Desaedeleer **died in detention** in 2016 before he could be tried in Brussels.

*Sierra Leone, Kenema, May 2000. Photo by Teun Voeten*

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## Seeking justice for the looting of blood diamonds: an unfinished story

Between 1991 and 2002, Sierra Leone endured an armed conflict marked by extreme brutality against the civilian population – massacres, amputations, mass rapes, forced recruitment of child soldiers, and forced labor. There were between 100,000 and 200,000 civilian casualties and nearly 2 million people – about one-third of the population – were displaced.

Shocked by the scale of the violence, the international community intervened to help broker a peace agreement. The United Nations deployed a mission to monitor the agreement's implementation and established a panel of experts under a Security Council resolution. This panel was tasked with verifying and strengthening sanctions imposed by the UN in response to Liberia's role in the spreading of conflicts to the region.

The panel determined that the Revolutionary United Front (RUF), the main rebel group responsible for the civil war, was illegally exporting diamonds from the eastern regions under its military control, generating between $25 million and $125 million per year – with direct assistance from the Liberian President, Charles Taylor.

**The United Nations Panel of Experts established that the illegal exporting of diamonds by rebel forces generated between $25 to $125 million per year.**

After the war, a Truth and Reconciliation Commission (TRC) in Sierra Leone concluded in its final report that the sale of these diamonds had fueled the proliferation of small arms in Sierra Leone and across the region, and that the trade in "conflict diamonds" or "blood diamonds" had prolonged the war, which was partly financed through these illicit transactions – without the global diamond industry questioning their origins.

Between 2004 and 2008, subsequent trials of RUF and AFRC (Armed Forces Revolutionary Council) commanders before the Special Court for Sierra Leone (SCSL) provided detailed documentation of the rebels' exploitation of diamond mines in the Kono district during the civil war.

Thanks to these proceedings, we now have detailed accounts of the horrors endured by civilians forced by rebels to work under inhumane conditions for extended periods in those mines – particularly between 1998 and 2000, when the RUF controlled much of the diamond-rich territory.

**It was established that the sale of these blood diamonds had prolonged the war in Sierra Leone, which was partly financed through these illicit transactions.**

Although six commanders from the RUF and AFRC were convicted of enslavement as a crime against humanity, none, however, were specifically convicted for the illegal exploitation and appropriation of diamonds in the context of armed conflict – that is, for the war crime of looting.

The crime of looting was alleged by prosecutors during the SCSL trials, but only in relation to civilian property pillaged from villages – such as bikes, money, cigarettes, vehicles, food, and other goods.

In their final submissions in the RUF trial, prosecutors did mention that rebels looted diamonds in the Kono district. However, the judges refused to consider this argument because diamond pillage had not been formally charged in the indictments – and thus was never examined.

Diamond pillage in Kono, however, played a central role in the indictment of the highest-ranking official prosecuted by the SCSL: former Liberian President Charles Taylor.

According to the indictment, Taylor had – from Liberia – armed, trained, and deployed troops to the RUF and AFRC in Sierra Leone as part of a joint criminal enterprise with these groups. The objective of this plan, which included controlling civilians and parts of Sierra Leonean territory, was to gain access to Sierra Leone's diamond resources – which were of far greater value than Liberia's.

Prosecutors argued that this joint criminal enterprise was executed through a campaign of terror by the rebels, resulting in the crimes listed in the indictment.

However, because this joint criminal plan was central to the indictment, the SCSL Prosecutor did not include the Kono diamonds pillage among the 17 charges brought against Charles Taylor. As in the trials of other rebel leaders indicted by the SCSL, the only pillage alleged involved civilian personal property.

It was indeed challenging for the Prosecutor to argue that the looting of diamonds also constituted one of the crimes committed in the execution of that criminal plan – whose ultimate goal was precisely to loot those very diamonds...

This created a paradox: while the pillage of diamonds was the cornerstone of the prosecution's legal argument against Taylor, it was not charged as a specific crime in the indictment.

In their nearly 2,500-page judgment issued on May 18, 2012, the SCSL judges, like the judges before them, concluded that civilians had indeed been subjected to enslavement by the RUF and/or AFRC in Kono's diamond areas between 1998 and 2000. They convicted Charles Taylor of these crimes against humanity based on the assistance he had provided to the rebels.

**This created a paradox: while the pillage of diamonds was the cornerstone of the prosecution's legal argument against Taylor, it was not charged as a specific crime in the indictment.**

The judges also analyzed the specific role played by diamonds. They concluded that Taylor had illegally received Sierra Leonean blood diamonds in exchange for weapons and ammunition between 1998 and 2002, that he had supplied mining equipment and fuel to the rebels on at least one occasion, and that he had sent two men to visit and evaluate the mines in Kono.

However, the judges rejected the prosecution's theory that Taylor had entered into a joint criminal enterprise with the rebels to loot diamonds and commit crimes in pursuit of that plan. Instead, they grounded Taylor's criminal liability in aiding and abetting and in planning.

Since Taylor had not been specifically charged with pillaging diamonds from Kono, he could not be convicted of that crime – even though the judgment clearly established that he had participated in looting those diamonds alongside the rebels.

As a result, none of the seven individuals convicted by the SCSL for crimes committed in Kono between 1998 and 2000 were found guilty specifically for their role in the war crime of diamond pillage – even though the facts had been well established.

**The role of Western businessmen in the diamond-for-arms trade was central and well documented.**

In his landmark 2011 publication for the Open Society Justice Initiative, "Corporate War Crimes: Prosecuting the Pillage of Natural Resources", Professor James G. Stewart observed that international law contains all the necessary elements to prosecute the pillage of natural resources – including by those who financed rebel groups. As the book states: "(...) Business representatives, like other civilians, can be convicted of war crimes. Commercial actors engaged in the pillage of natural resources are prone to criminal sanctions on this same legal basis."

It is well known that the weapons used by the rebels in Sierra Leone were not manufactured locally, and that the diamonds' final destination was not Monrovia, but buyers outside of Africa. Therefore, the role of Western businessmen in the diamond-for-arms trade was central and well documented.

In an August 2000 Vanity Fair article titled "The Terror in Sierra Leone," journalist Sebastian Junger had already reported on individuals trading with the RUF rebels in the blood diamond trade – also explicitly referenced by the aforementioned UN expert panel.

Yet, despite all this documentation, the SCSL Prosecutor in 2003 chose to indict only Sierra Leonean rebel leaders and Charles Taylor for crimes committed in Sierra Leone. No businessperson was ever charged in connection with the blood diamond trade.

*NPFL leader Charles Taylor celebrates with fighters after capturing the U.S. OMEGA radio-navigation station near Monrovia. Paynesville, Liberia, July 1990*
*Photo by Patrick Robert/Sygma/Corbis*

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At that point, European justice stepped in to do what international justice had chosen not to pursue.

The Antwerp Public Prosecutor's Office in Belgium launched an investigation into two Lebanese businessmen, Aziz Nassour and Samih Ossaily, over their links to Charles Taylor and the Sierra Leone diamond trade. On May 17, 2006, they were convicted by the Antwerp Court of Appeal – not for war crimes, but for criminal conspiracy, document forgery, and the illegal importation of Sierra Leonean diamonds. Nassour, believed to be residing in Lebanon, was never arrested,but was convicted in absentia and sentenced to six years in prison.

Belgian authorities also opened another investigation – this time for the war crime of pillage – against Belgian-American businessman Michel Desaedeleer, who was also accused of trading blood diamonds with Taylor.

That investigation led to his arrest in Málaga, Spain, in 2015 under a European arrest warrant.

Michel Desaedeleer, whose name had appeared in Vanity Fair and the UN expert panel report, was set to become the first person in history to stand trial for the war crime of pillaging natural resource. However, he committed suicide in 2016, a few months before his trial in Brussels – thus bringing the proceedings to an end.

In July 2024, in another legal proceeding Spanish authorities arrested Manuel Terrén in Málaga – a Spanish businessman residing in Brazil – for his alleged involvement in the blood diamond trade from Sierra Leone during the civil war. He was later released by the Spanish judiciary, but the investigation into the case remains ongoing.

Should this lead to an international crimes trial, it would be historic – the first ever trial for international crimes related to the looting of blood diamonds from Sierra Leone. It would also mark the first time in Spanish judicial history that one of its nationals is tried for international crimes.

**It is now vital that European courts play their part and prosecute their own citizens who were involved in trading with blood diamond looting.**

Every conflict has its own complex, country-specific causes. But external actors often play a key role – profiting from a country's natural resources in exchange for supplying arms to armed groups. This invariably prolongs the conflict and fuels crimes against civilians – exactly as it did in Sierra Leone.

Since the international court tasked with prosecuting crimes committed amid the Sierra Leonean conflict focused only on local actors, it is now vital that European courts play their part – and, if the evidence exists, prosecute their own citizens who were commercially involved in the looting of blood diamonds.

Doing so would send a powerful message to those who engage in foreign conflicts for profit without regard for the consequences of their actions.

*Written by Alain Werner. Director, Civitas Maxima.*

## An overview of investigations and prosecutions of international crimes in Spain: envisaging the way forward

*Spanish criminal legislation codifies as crimes against the international community, among others, genocide, crimes against humanity, and war crimes. While genocide has been recognized under the Spanish Criminal Code as an offense since 1971, war crimes were first codified in the Military Criminal Code in 1985 – although it was not until the enactment of the 1995 Criminal Code that these crimes were proscribed with no defined scope ratione personae. As for crimes against humanity, Spain had to wait until 2004 to see them codified in the Criminal Code through the entry into force of Organic Law 15/2003. This law, designed to align Spanish legislation with the Rome Statute of the International Criminal Court, also introduced for the first time the non-applicability of statutory limitations to war crimes and crimes against humanity. This principle had already been recognized under the Criminal Code for the offense of genocide back in 1996. Despite the existing legal framework in Spain, the prosecution of international crimes by Spanish authorities has to date fallen short when compared to efforts spearheaded by other countries.*

### Prosecution of international crimes committed during the Spanish Civil War and Francoist dictatorship

Since democracy was reinstated in Spain after Francisco Franco's death in 1975 through the so-called Spanish transitional period (*Transición Española*), Spanish judicial authorities have stalled in aligning its jurisprudence with Spain's international commitments on international crimes. The efforts to investigate and prosecute international crimes committed during the Spanish Civil War and the repressive Francoist dictatorship have been so far systematically thwarted due to the much-criticized 1977 Amnesty Law and statutory limitations.

Investigative Judge Baltasar Garzón even faced criminal proceedings for malfeasance in public office as a result of his attempts to investigate the former crimes, for which he was ultimately acquitted by the Spanish Supreme Court. In this context, some relatives of individuals subjected to enforced disappearances have tried to bring their claims before the European Court of Human Rights, albeit unsuccessfully.

This deplorable situation prompted victims to seek alternative avenues for justice, ultimately culminating in the filing of a criminal complaint in 2010 before Argentine domestic courts under the principle of universal jurisdiction (see p. 30 for an analysis of Argentina's regulation of the latter). As a result, an investigation was opened into international crimes committed in Spain between 1936 and 1977, leading to the issuance of arrest and extradition orders for 20 Francoist public officials – to which Spanish authorities have remained largely uncooperative.

**The efforts to investigate crimes committed during the Spanish civil war and the repressive Francoist dictatorship have been so far systematically thwarted.**

The adoption of the Democratic Memory Law in 2022, however, offered a glimmer of hope for obtaining justice before Spanish courts for survivors of international crimes perpetrated during the Spanish Civil War and the Francoist dictatorship, as it foresees that all national laws shall be interpreted and applied in accordance with international treaty and customary law.

Following its enactment, a criminal complaint regarding alleged acts of torture committed against one victim during the dictatorship by members of the

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regime's secret police, the Political-Social Brigade, was declared admissible by one Investigative Court of Madrid. Unfortunately, in a 2024 decision, the Spanish Constitutional Court ruled that the 2022 Democratic Memory Law could not be considered to authorize norms of international criminal law to become sources of domestic law, nor to grant crimes the characteristics of being imprescriptible and non-subject to amnesty. This setback eventually led the above-mentioned Investigative Court of Madrid to declare the closure of the first criminal proceedings in Spanish history for Francoist crimes.

**Against all odds, the Barcelona Prosecutor's Office, announced the opening of investigations into international crimes committed during the Francoist regime.**

Against all odds, in April 2025, the Barcelona Prosecutor's Office, in coordination with the Human Rights and Democratic Memory Unit of the General State Prosecutor's Office, announced the opening of investigations into international crimes committed during the Francoist regime. The focus of these inquiries concerns acts of torture allegedly perpetrated by members of the Political-Social Brigade at a Barcelona police station historically notorious for such abuses.

In parallel, the strategic litigation efforts of victims seem to have led to the recent opening of different investigations nationwide into alleged acts of torture and killing during the dictatorship and transitional period. Several victims whose complaints had been recently dismissed by domestic courts have additionally expressed their intention to bring their claims before the European Court of Human Rights and various United Nations bodies. In this current context, there is cautious optimism that the coming years may finally bring further progress in Spain toward truth, justice, and perhaps accountability for these historic crimes.

## Universal jurisdiction for international crimes in Spain

The conditions governing the exercise of universal jurisdiction over crimes of genocide, war crimes, and crimes against humanity in Spain have undergone significant changes since the 1995 Criminal Code entered into force.

From 1996 onward, Spain became one of the most favorable states for universal jurisdiction claims to prosper, as Spanish courts held jurisdiction over determined international crimes committed abroad regardless of the (in)existence of any connection of the offenses to the Spanish state or its national interests (on the different kind of jurisdictional grounds, see p. 30).

As such, investigations were initiated into alleged international crimes committed in locations such as Chile, Argentina, Iraq, Tibet, Rwanda, China, El Salvador, Western Sahara, Guantanamo, Gaza, and Guatemala, and dozens of arrest warrants were issued. This flourishing period for universal jurisdiction led to the historical approval of the extradition of former Chilean dictator Augusto Pinochet from the United Kingdom to Spain for acts of torture and conspiracy to commit torture, although it was ultimately halted for health reasons. This milestone crystalised international efforts to seek justice for international crimes committed in Chile, extending beyond Spain to several other European jurisdictions where similar criminal complaints had been filed against the Chilean dictator.

**However, there is cautious optimism that the coming years may finally bring further progress in Spain perhaps towards accountability for these historic crimes.**

Investigations into the atrocities committed by Argentine authorities during the Military Junta period led to the first trial and conviction in Spain under the principle of universal jurisdiction, namely that against Adolfo Scilingo – a former lieutenant who served at the infamous torture center located inside the Navy Mechanics School (known by its Spanish acronym, ESMA) in Buenos Aires. Although Scilingo was initially convicted by the National Court for crimes against humanity, the Supreme Court overturned that finding and instead sentenced him for ordinary crimes, while nonetheless recognizing that they amounted to crimes against humanity under international law.

These proceedings also prompted the extradition of former Argentine Navy counterintelligence officer Ricardo Cavallo from Mexico to Spain, although he was eventually re-extradited to Argentina, where he was sentenced to life imprisonment for the commission of crimes against humanity.

This thriving period of universal jurisdiction attracted political pressure on Spanish institutions from foreign governments, including those of Israel, China, and the U.S. These interferences, combined with demands from within the Spanish judiciary for clearer criteria, led to the tightening of conditions for universal jurisdiction in 2009.

These requirements were further restricted in 2014, and have remained unchanged ever since. Currently, Spanish courts may exercise jurisdiction over crimes of genocide, war crimes, and crimes against humanity committed abroad only if the suspected offender is a Spanish national, a foreign national who habitually resides in Spain, or a foreign national whose extradition has been denied by Spanish authorities.

The aforementioned legislative changes led to the termination of many investigations, and since 2014, universal jurisdiction developments have been scarce. Notably, former Salvadoran Vice-Minister for Public Security Inocente Montano was convicted of five murders of a terrorist nature against Spanish priests of the Jesuit order during the armed conflict in El Salvador, following his extradition from the United States.

**Investigations into the atrocities committed by Argentine authorities during the Military Junta period led to the first trial and conviction in Spain under the principle of universal jurisdiction.**

Spanish authorities have, however, taken a very active role in the investigation and prosecution of other complex transnational crimes such as terrorism, drug trafficking, cyber criminality, swindling, and fraud, as well as financial crimes affecting the interests of the EU. In this context, it is clear that the Spanish judicial system possesses the necessary know-how and structure to handle thorough international investigations and prosecutions.

Spain has specialized investigation units for certain crimes, such as the Financial Intelligence Central Brigade. However, unlike other European countries – France, Belgium, the Netherlands, Germany, and the United Kingdom, to name a few – it does not have any unit specializing in the investigation of war crimes and crimes against humanity. The latter cases are generally dealt with by the General Commissariat of Information (*Comisaría General de Información*), a specialised investigative unit within the Spanish National Police responsible for counterterrorism and complex international crime investigations. While this task force constitutes a very powerful investigative unit, certain specialized resources are required in order to adapt its practices to the complexity of investigations into international crimes.

**In Spain, victims and survivors have been the driving force behind universal jurisdiction, usually in the face of opposition from the prosecutorial authorities themselves.**

In addition to creating and strengthening investigative units, it is also clear that for a judicial system to prosecute international crimes fairly and effectively, judges, prosecutors, lawyers, investigators, and other justice and law enforcement officials must be familiar with the legal framework governing these crimes. The latter is remarkably different from that of ordinary offenses, and cannot be understood without taking into consideration the evolution of case law emanating from both specialized international tribunals and domestic courts with greater experience in prosecuting these crimes. This knowledge gap constitutes an added obstacle for the investigation and prosecution of international crimes in Spain. National judicial authorities have not yet fully integrated the international framework into their practice, and often lack the appropriate resources to deal with cases involving core international crimes.

In Spain, victims and survivors – both of Spanish and foreign origins – have been the driving force behind universal jurisdiction-based cases, usually in the face of opposition from the prosecutorial authorities themselves. This makes the Spanish


*Former Argentinian Officer Adolfo Scilingo faints as he enters court to face trial for human rights abuses during Argentina's 1976–1983 dictatorship. Madrid, Spain, January 14, 2005. Photo by Christophe Simon/AFP via Getty Images.*

system a rare exception, since in most countries where cases involving war crimes or crimes against humanity are prosecuted, the initiative and impetus for these proceedings come from State institutions themselves. In Spain, victims and their lawyers often bear the burden of initiating and substantiating such cases.

The recent work of Civitas Maxima in Spain confirms the above. In the first proceedings initiated against a Spanish citizen, Manuel Terrén, for war crimes and crimes against humanity, we have seen how important the role of civil parties can be, and how NGOs play a key role in ensuring cases based on universal jurisdiction move forward.

As is the case for the vast majority of universal jurisdiction cases in Spain, proceedings against Manuel Terrén were initiated in 2021 thanks to the courage of a survivor of the Sierra Leonean civil war. Almost 25 years after the commission of the crimes – and despite the difficulties of being far away from the courts, of still struggling to survive, and of having to face the aftermath of the war on a daily basis – he is determined to seek justice, wherever a judicial system may be willing to listen to his story.

In this case, we have been able to witness firsthand in Spain the competence and efficiency of a national judicial police force willing to confront the challenges of investigating complex cases, as well as the commitment and enlightenment of an investigative judge who is knowledgeable about the issues and stakes involved in investigations of core international crimes. The judge has shown strong diligence and professionalism, despite clear opposition from the public prosecution – confirming the extent to which Spain's recent history continues to have a direct impact on its official position regarding accountability processes for international crimes.

Civitas Maxima, nonetheless, remains determined in its efforts to support, strengthen, and improve national judicial systems in this regard – striving to open new avenues for those unable to seek justice for the most heinous crimes in their own countries. These crimes are committed against all of us, and that is precisely the origin of our common responsibility.

**Belén Guerrero Romero, Legal Fellow at Civitas Maxima**
Belén Guerrero Romero is a Spanish jurist working as a Legal Fellow at Civitas Maxima since July 2024. She holds an LL.M. in International Humanitarian Law and Human Rights from the Geneva Academy of International Humanitarian Law and Human Rights, a Bachelor in Law from Universidad Carlos III de Madrid, and a Bachelor in International Studies from Universidad Carlos III de Madrid. Prior to joining Civitas Maximas, she worked as a Legal Intern at the International Criminal Court, as well as a Legal Trainee in International Criminal Law at the Asser Institute.

**Maria Teresa Tienda Rivera, Legal Counsel at Civitas Maxima**
Maria Teresa Tienda Rivera is a Spanish lawyer specialized in international human rights and criminal law. She holds a Master's in International Law from the University of Geneva and an LL.M from Duke Law School. Her experience includes work with the UN Human Rights Council, the International Criminal Court, and the UN peacekeeping mission in the Democratic Republic of the Congo. After collaborating with Civitas Maxima in 2018, she joined as Legal Counsel in August 2021. She is qualified to practice law in Spain and has working knowledge of the U.S. legal system.





## Special War Crimes Court to be established in Liberia

### Press release, 3rd May 2024

**Monrovia, Liberia:** On Thursday, May 2, 2024, the President of Liberia, Joseph Nyuma Boakai, signed Executive Order No. 131 establishing an Office with the specific mandate of setting up a Special War Crimes Court and a National Anti-Corruption Court.

According to the Order, this Office is to define the model for this Special Court, drawing inspiration from what has previously been done at the international level, determine its duration and jurisdictional scope, and collaborate with international partners to secure financing for this Special Court. The Office will be headed by an Executive Director who will report to the Minister of Justice. According to the Order, this Executive Director will be guided strictly by legal considerations, free from any political influence.

So, more than 35 years after the start of the first civil war in Liberia, more than 20 years after the end of the conflict, and almost 15 years after the recommendations of the Truth and Reconciliation Commission, a Liberian President has taken the full measure of the importance of justice for "the quest for national unity".

Hassan Bility, Director of the Global Justice and Research Project (GJRP), said from Monrovia: "We warmly thank President Boakai and his cabinet for taking this historic and essential step for justice that paves the way for an end to impunity in Liberia for the bloody crimes committed during the two civil wars. My organization and our partners will collaborate with the Office in every possible way to help it live up to its mission. The time for justice is now".

GJRP and Civitas Maxima would like to pay a heartfelt tribute to the Liberian women and men they have had the privilege of accompanying for over 12 years, whose courage and determination have contributed greatly to the voices of victims of mass crimes finally being heard in Monrovia today.

Unable to obtain justice at home, for years these Liberians led a heroic quest for justice outside their borders. This quest for justice has left its mark on Liberia's legal history:

2017: First criminal conviction of a Liberian national for acts related to the civil war (Mohammed Jabbateh case, United States);

2018: Second criminal conviction of a Liberian national for acts related to the civil war (Thomas Woewiyu case, United States);

2019: First official visit by foreign investigators working with the Liberian police on reenactments of crimes committed during the civil war (Kunti Kamara case, France);

2021: First criminal conviction of a Liberian national for war crimes (Alieu Kosiah case, Switzerland);

2021: First criminal hearings for international crimes conducted by foreign judges on Liberian soil (Gibril Massaquoi case, Finland);

2022: First criminal conviction of a Liberian national for crimes against humanity (Kunti Kamara case, France).

None of this would have been possible without the application of principles of international law by national courts. And it is this same international law that President Boakai rightly invoked in his Order no. 131 to allow the Liberian victims' quest for justice to manifest in their own country, where they experienced so much suffering at the hands of the armed forces and rebel groups.

For more details on the history of non-governmental organizations' demands for the establishment of a war crimes mechanism in Liberia, read our previous press release.

# 1. Achievements
# Liberia's War and Economic Crimes Court

## Liberia's War and Economic Crimes Court: a twenty-year battle

### 2003-09
Post-war reconciliation efforts

**August 2003**
Liberia's second civil war concludes with the signing of the Comprehensive Peace Agreement, which mandates the creation of the Truth and Reconciliation Commission (TRC).

**2006-2009**
The TRC operates, collecting over 20,000 statements from Liberians about human rights abuses between 1979 and 2003.

**June 2005**
The Transitional Government establishes the TRC in accordance with the Peace Agreement.

**June 2009**
The TRC presents its final report, recommending the establishment of a war crimes court to prosecute those responsible for grave crimes committed during both civil wars, and listing 116 individuals for prosecution.

### 2009-19
Ten years of inaction

**2009-2011**
President Sirleaf rejects calls for the prosecution of alleged perpetrators, while the Legislature takes no steps to implement TRC recommendations.

**October 2013**
The Palava Hut program, a community-based restorative mechanism for low-level perpetrators, begins. It has no prosecutorial powers and is viewed as a substitute to delay justice.

**2011-2013**
Civil society, diaspora groups, and international human rights groups issue multiple open letters and public statements demanding war crimes trials.

**2014-2018**
NGOs, including Civitas Maxima and the GJRP lead the push for justice via universal jurisdiction (in the U.S. with the Jungle Jabbah and Thomas Woeyiu convictions) and lobby for a Court in Liberia. The UN Human Rights Committee calls on Liberia to implement TRC recommendations.

### 2019-22
Small signs of political support

**April 2019**
The Liberian House of Representatives holds a national conference on accountability. A consensus is reached to establish a Court.

**2020-2022**
The Senate proposes the creation of a Transitional Justice Commission (TJC), widely criticized as a delay tactic. The TJC never fully materializes or functions.

**2021-2022**
Convictions of Liberian war criminals outside Liberia (e.g. Kunti Kamara in France, Alieu Kosiah in Switzerland and Moses Thomas in the U.S. in civil proceedings) increase international pressure and spotlight Liberia's inaction.

**September 2019**
President George Weah calls on the Legislature for guidance on implementing the TRC's recommendations and to advise on setting up a special Court. He walks back support weeks later, under pressure from war-era allies like Senator and ex-warlord Prince Johnson.

**2021**
Senator Prince Johnson, who retains strong influence over the Senate, leads resistance against the war crimes court and warns against trials, citing risk of unrest.

### 2024
A pivotal year

**January 2024**
Newly elected President Joseph Boakai announces plan to establish an office to explore the feasibility of a War and Economic Crimes Court.

**April 2024**
The Liberian Senate approves the establishment of a war crimes Court, with 27 out of 29 senators voting in favor.

**March 2024**
Liberia's lower house of Parliament votes to establish a war crimes Court, with 42 out of 72 lawmakers in favor.

**May 2024**
President Boakai signs an executive order officially creating the Office for the Establishment of a War and Economic Crimes Court (OEWECC), stating that the country had "endured downpours of agony" and emphasizing the need for justice and healing.

## Implementation challenges 2024

**June 2024**
President Boakai appoints Cllr. Jonathan Massaquoi as Executive Director of the OEWECC, facing controversy and criticism due to a potential conflict of interest given his prior legal defense of individuals accused of war crimes, leading to Massaquoi's resignation in July.

**September 2024**
A vetting committee created to appoint a new director fails to make a selection within the given time frame leading to calls to restart the appointment procedure due to concerns about transparency.

**November 2024**
The vetting process restarts and Cllr. Jallah A. Barbu is officially appointed as Executive Director of the OWECC by President Boakai.

# 1. Achievements
# Liberia's War and Economic Crimes Court

## Justice delayed is justice denied: the need for accountability in Liberia

Liberia, Africa's oldest Independent Nation, continues to struggle with reconciling its people and furthering its development goals due to the lack of accountability and a culture of impunity.

Countries such as Rwanda and Sierra Leone have set a powerful precedent for justice and accountability by establishing tribunals that held perpetrators accountable for gross human rights violations committed during different phases of each country's turbulent civil crises.

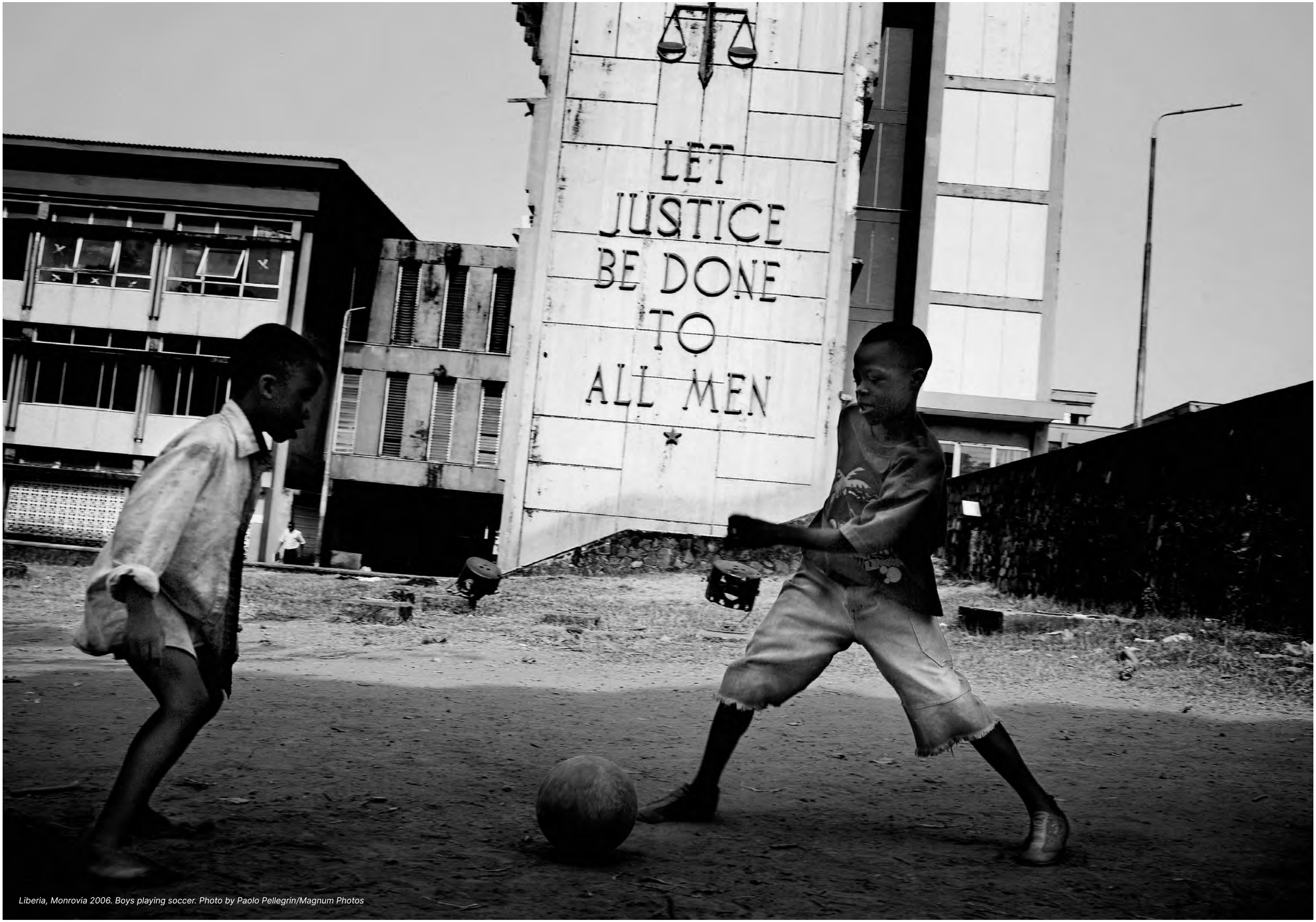
**Lack of accountability sends the wrong message and sets a very bad precedent for the younger generation.**

For example, there was a desire for justice and accountability in Rwanda which saw the rapid establishment of the International Criminal Tribunal for Rwanda (ICTR) in November 1994, immediately after the nation's devastating genocide and serious violations of international humanitarian law. The Special Court for Sierra Leone (SCSL) was established in 2002, following its civil war from 1991-2002, to prosecute those who bore the greatest responsibility for serious violations of international humanitarian law and Sierra Leone's laws.

Unlike Rwanda and Sierra Leone, it has taken Liberia more than sixteen years since the final report of the Truth and Reconciliation Commission (TRC) to establish an office which will be responsible for setting up the mechanism to hold people accountable for their actions committed in connection with the civil wars. The prolonged delay in establishing a tribunal in Liberia to prosecute individuals who bore the greatest responsibility for gross human rights violations, egregious domestic crimes as well as international humanitarian law has led us to foster a culture of impunity.

Despite clear TRC recommendations to prosecute and hold individuals and entities responsible for gross human rights violations and economic crimes,


*A chalkboard in Monrovia, Liberia, displays headlines from Charles Taylor's war crimes trial in The Hague, featuring testimony from former Vice President Moses Blah. May 24, 2008.*
*Photo by Lt. Col. Terry VandenDolder, U.S. Africa Command.*




*Liberia, Monrovia 2006. Boys playing soccer. Photo by Paolo Pellegrin/Magnum Photos*

# 1. Achievements
# Liberia's War and Economic Crimes Court

little action was taken and many individuals named in the TRC report for prosecution and public sanctions have paraded the political corridors of our country, accruing wealth and enjoying state power to the detriment of the Liberian people. Lack of accountability sends the wrong message and sets a very bad precedent for the younger generation.

Today, perpetrators of egregious and gross human rights violations, and economic crimes have now become Liberia's elite, serving in key positions in national government, while the victims of these crimes as well as ordinary Liberians linger in abject poverty.

**Today, perpetrators of egregious and gross human rights violations, and economic crimes have now become Liberia's elite, serving in key positions in national government.**

The framers of our Constitution were mindful of the purpose of establishing a government framework to promote justice and human rights under the rule of law for the posterity of our nation. However, justice continues to evade the victims of our nation's most horrific period. Article 20(a) of the Liberian Constitution provides in part that "justice shall be done without sale, denial or delay". Justice delayed, is justice denied.

Lasting peace cannot operate in a vacuum. National healing and reconciliation cannot sidestep accountability.

**We cannot continue with business as usual and expect that the change we so desire is going to somehow appear magically.**

Currently, there are several lawmakers and political actors who either participated in or have very strong connections with warring factions that continue to exercise influence and stifle progress around financial support to the Office of the War and Economic Crimes Court (OWECC).

By giving the OWECC only minimal support, the Liberian government has signaled a lack of commitment and political will to break the cycle of impunity and hold individuals and institutions to account.

**A lack of accountability plunges any society into chaos, deters foreign investment, and discourages economic growth and development.**

There have been appeals for international support to the OWECC. However, I believe that the Government of Liberia must lead this effort in a significant way and thus send a clear message to the international community that Liberia is prepared to break the cycle of impunity. While local and international human rights organizations continue to find avenues for accountability in other jurisdictions, our political leaders continue the usual political grandstanding and cosmetic approach to this critical process in our nation's history.

A lack of accountability plunges any society into chaos, deters foreign investment, and discourages economic growth and development.

**Unless we act immediately more key witnesses will be lost and credible evidence will dissipate.**

There are many Liberians at home and in the diaspora who are eagerly waiting to finally get justice served. Victims and their families have waited for decades for accountability and the longer we delay, the less likely it becomes that perpetrators will be held accountable.

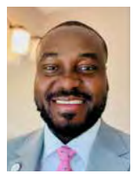
There have been cries for decades by victims and members of both national and international civil society organizations to bring much needed justice and heal our nation of its deep festering wound of injustice and gross human rights violations.

Notably, some key perpetrators as well as witnesses have either died or have disappeared. Unless we act immediately, more key witnesses will be lost and credible evidence will dissipate, and the pursuit of justice for victims of war crimes will collapse and all efforts to hold individuals and entities responsible for destroying the lives of our people and key infrastructure will fade into oblivion.

The issue of accountability also transcends holding perpetrators accountable for war crimes. Individuals charged with the responsibility of establishing a forum for accountability in Liberia must also account for funds provided for the operations of said office. It has been reported by major news outlets in Liberia that the former head of the OWECC, Cllr. Jonathan Massaquoi, has failed to account for hundreds of thousands of dollars allocated to the office during the short period he served. It has also been reported that there has been a lack of transparency in the recruitment of staff and operational expenditure at the OWECC by its new Director, Dr. Cllr. Jallah Allen Barbu. We cannot continue with business as usual and expect that the change we so desire is going to somehow appear magically.

**The government should send a clear message to the international community that Liberia is prepared to break the cycle of impunity.**

It is time that Liberia prioritizes the need for justice and accountability, break the cycle of impunity, and hold individuals accountable for atrocities committed during its devastating civil wars.



**Jamal Dehtho, Liberian attorney**
Cllr. Jamal C. Dehtho, Jr. is a distinguished Liberian attorney with over 12 years of experience practicing law in Liberia and Texas, USA. He specializes in Immigration, Family, Criminal and other areas of law. He holds advanced degrees in law from the University of Houston in Texas, USA and the University of Liberia. He serves on the boards of several organizations, including the Global Justice and Research Project (GJRP), Smart Liberia and ActionAid Liberia. He previously served as Associate Dean and remains a full-time faculty member at the Louis Arthur Grimes School of Law, University of Liberia. He is also an upcoming author of a coursebook on Liberian Civil Procedure Law, set to be published in 2026.

# 1. Achievements
# Liberia's War and Economic Crimes Court

## Finally delivering justice to the victims of the Liberian wars

### Lessons learned by Civitas Maxima after thirteen years fighting impunity in Liberia

Liberia is entering a defining moment in its post-war history. The current government of President Joseph Boakai has recently demonstrated unprecedented willingness to establish a judicial mechanism to try crimes committed during Liberia's two civil wars, which killed over 200,000 people. To this day, no one has been held legally accountable for these crimes within the country itself. More than 20 years after the end of the second civil war in 2003, and 16 years after the publication of the final report of the Truth and Reconciliation Commission (TRC) in 2009, efforts are multiplying to create a special court to prosecute at least some of these crimes.

By executive order in 2024, an office was established to lay the groundwork for a War and Economic Crimes Court (WECC). This development sends a long-awaited and important signal to the victims of both conflicts.

For the past thirteen years, Civitas Maxima and its local partners – especially the Global Justice and Research Project (GJRP) in Liberia – have fought impunity for international crimes. In this context, they have contributed to twelve arrests and/or indictments across seven different countries. Six criminal trials have taken place, resulting in five convictions and one acquittal.

The experience gained from these investigations and the lessons learned from trials held outside Liberia could now be useful to the office charged with establishing this court.

#### 1. Placing victims and survivors at the center of the pursuit of justice

Liberia's civil wars occurred from 1989 to 1996 and from 1997 to 2003. These wars devastated the country, caused thousands of deaths, and left many with disabilities and/or deep trauma. Given the nature of the conflict and the time that has passed, victim testimony remains the primary form of evidence available.

The accounts of victims, survivors and witnesses have underpinned the trials to which Civitas Maxima and its partners have contributed. For many, it was the first time they shared their stories in a judicial setting. But recounting in detail the crimes they suffered and the pain they endured – often repeatedly due to judicial procedures – means reliving traumatic moments and awakening painful memories. Direct confrontation with perpetrators can also re-traumatize and create security risks for victims, survivors, and witnesses.

**In every trial to which Civitas Maxima contributed, victims, survivors and witnesses played a decisive role.**

It is therefore essential to guarantee the well-being and safety of victims, survivors, and witnesses throughout the judicial process – from the investigation stage, through trial, and beyond.

**At the investigation stage**
During investigations, it is critical to ensure the free and informed consent of victims, survivors, and witnesses involved in the process. They should at all times have the option to withdraw entirely or refuse to participate in specific stages of the investigation, such as confrontations with the accused or re-enactments. Furthermore, Civitas Maxima's investigative experience shows that when investigative actions risk re-traumatizing, psychological support services should be made available.

Confidentiality of collected information must also be guaranteed at all times to ensure participants' safety. Investigators should also respond to specific needs expressed by victims, survivors, and witnesses – such as being interviewed in a private setting or by someone of the same gender.

**During the trial**
In every trial to which Civitas Maxima contributed, victims, survivors, and witnesses have played a decisive role. In convictions handed down in Switzerland and France, judges at times based their findings of guilt for specific charges on the testimony of a single victim or witness – despite the passage of time and the trauma suffered. In the only trial to date to result in an acquittal, that of Gibril Massaquoi, the credibility of victims' and witnesses' testimony about crimes committed by armed forces was never doubted by the judges.

Given the importance of testimony, and to ensure that victims, survivors, and witnesses can speak freely in court, they must be supported and afforded appropriate protection measures. Remote or closed-door testimony, temporary or permanent relocations within Liberia, and measures to ensure anonymity should all be considered. Additionally, the trials attended by Civitas Maxima have shown the importance of allowing people to speak in the language in which they feel most comfortable. High-quality interpretation is vital to ensure objective and authentic transmission of testimony. Moreover, vulnerabilities such as disability or trauma should be taken into account during proceedings by ensuring court accessibility and, for example, allowing breaks during testimony when needed.

**It will be essential to guarantee the safety of victims, survivors and witnesses throughout the judicial process, also beyond the end of the trial.**

**Beyond the trial**
After years of impunity in Liberia, victims' and survivors' expectations of justice are high. This has also been equally true for trials held abroad in which Civitas Maxima and its partners have participated. These expectations include recognition of the harm suffered, but also concrete reparations and security guarantees.

To avoid disappointment, managing expectations transparently and realistically is crucial – and must begin immediately. Over the past thirteen years, Civitas Maxima and its partners have learned a great deal about managing expectations and the need for transparency with those involved in legal proceedings. Reparations should be openly discussed from the outset. Depending on the resources available to the Liberian state – and given that the entire population was affected by the two civil wars – reparations may also be collective. Creating memorial sites, safe spaces for dialogue, or moments of national or regional commemoration could all serve to recognize the suffering endured by Liberians.

Protection of victims, survivors, and witnesses must also extend beyond the end of the trial. A residual mechanism must be put in place and function effectively to ensure that no one is endangered after the WECC delivers its final judgments.

#### 2. Ensuring all Liberians have access to the WECC's work

The civil wars affected every part of Liberia, making the pursuit of justice and national reconciliation a concern of the entire population. It is therefore essential to allow everyone to follow the WECC trials. Liberia has clear experience in this area through the broad public participation in the TRC's work and public hearings. This experience can now benefit the court, ensuring broad and inclusive public access to hearings, including for those living in remote areas.

Liberian journalists can also play a crucial role in spreading information. Civitas Maxima has collaborated with Liberian journalists through the organization New Narratives, which has covered several trials in Europe and the U.S. Their essential reporting – including via radio – allowed a significant portion of the Liberian public to follow these proceedings. Similar partnerships with local media outlets including New Narratives could also benefit the WECC by making its work accessible to the broader population.

#### 3. Ensuring the court and its proceedings remain impartial

Liberia's civil wars involved many actors from different backgrounds. As in any post-conflict setting, it is essential that the court – in its case selection and its appointments of judges, prosecutors, defense attorneys, investigators, and staff – remain completely impartial and free from competing interests.

The cases that Civitas Maxima has worked on involve several different armed groups. Experience from foreign trials has shown the need to avoid

*Civilians flee as NPFL rebels advance on the outskirts of Monrovia amid heavy fighting and government abuses. Congo Town, Liberia, August 1990. Photo by Patrick Robert*

focusing solely on particular factions. It will be crucial for the WECC to ensure that all victims feel represented by its proceedings and by those working within the court.

To ensure impartiality in its structure and personnel, the court could include international participants. The TRC's final report recommended appointing international judges to sit alongside Liberian judges.

**Experience from foreign trials has shown the need to avoid focusing solely on particular factions and ensure that all victims of the Liberian conflict feel represented by its proceedings.**

More broadly, the WECC could draw inspiration from the composition and functioning of other mechanisms created elsewhere. It could also rely on the expertise of legal professionals with experience in international and transitional justice. On the African continent, examples include the Special Court for Sierra Leone, the ad hoc tribunals for Rwanda, tribunals operating in the Central African Republic, and the special court in The Gambia. The trial of Hissène Habré is also a useful model in terms of cost-effectiveness and the collaboration between local and international actors. Of course, every context is unique, so these lessons should be tailored to Liberia's specific needs and circumstances.

It goes without saying that a fair trial can only be guaranteed when the rights of the defense are fully respected, and when defense lawyers are given the adequate tools and resources needed to represent their clients.

### 4. Making all available documentation accessible

Compared to other conflicts, far less written documentation exists for the Liberian wars. However, various newspapers and organizations did report on events, and the TRC, established in 2005, also gathered many written and video testimonies. These resources have proven invaluable in the trials in which Civitas Maxima participated. In the Swiss and French proceedings, news articles, NGO and government reports, transcripts, and judgments from other countries concerning crimes committed during Liberia's civil wars – as well as TRC videos and reports – all had a meaningful impact on how the facts were assessed.

It is therefore vital for the WECC to gather and draw on all existing material, especially from the TRC. Unfortunately, much of this material is currently unavailable, as it remains classified for 20 years. Given its importance in court, the TRC's collected testimonies should be made public as soon as possible. The relevant legislation should be amended accordingly so that all stakeholders can have full access.

### 5. Including gender-based crimes

Like many conflicts, Liberia's wars were marked by widespread gender-based crimes and violence. In trials involving Civitas Maxima and its partners – particularly those against Alieu Kosiah in Switzerland and Kunti Kamara in France – victims of these crimes showed extraordinary courage and resolve in testifying, despite the risks of stigma and the deeply personal nature of their accounts.

To empower more victims of such crimes – especially sexual violence – the WECC should from the outset prioritize the investigation and prosecution of gender-based crimes. This priority should be reflected in the court's statutes and in the prosecutors' strategies when selecting cases to bring before the court.

*Written by Alain Werner, Director, Civitas Maxima.*





# Prince Johnson, notorious Liberian warlord, dies never having been brought to justice

## Press release, 28th November 2024

CIVITAS MAXIMA
Independent Legal Representation of Victims of **War Crimes** and **Crimes against Humanity**

GJRP
Global Justice and Research Project

**Geneva, 28 November 2024.** Senator Prince Y. Johnson, founder and former leader of the Independent National Patriotic Front (INPFL) during the first Liberian civil war died today, November 28, 2024. Placed by the Truth and Reconciliation Commission (TRC) at the top of its list of most notorious perpetrators, Johnson's death is a blow to his victims who have been waiting for more than two decades for justice.

In its final report of 2009, the TRC identified Johnson as "having the highest number of violations ever recorded for individual perpetrators" during the Liberian civil wars. He was responsible for the capture, torture and execution of former President Samuel Doe, which was recorded and broadcast widely on television. Johnson is also alleged to have participated in killings, extortion, massacres, destruction of property, forced recruitment, assault, abduction, torture, forced labour and rape.

Johnson's death comes at a time where justice for crimes in Liberia committed during its two civil wars is finding momentum. With the appointment of Cllr. Barbu as Executive Director of the Office of the War and Economic Crimes Court, tangible progress is being made in setting up Liberia's first accountability mechanism.

Since the final report of the TRC, Johnson is the second faction leader to die before he could be brought to account before a court of law following the death of Alhaji Kromah, former leader of United Liberation Movement of Liberia for Democracy (ULIMO) in 2022. This emphasises the urgent need for the Liberian Government and the international community to dedicate sufficient resources and expertise to the setting up of the War and Economic Crimes Court to combat lasting impunity for atrocities committed during the Liberian civil wars. As more time passes, victims, witnesses and perpetrators age, the chances of achieving meaningful justice fade.

While the appointment of Cllr. Barbu is a significant step forward, the death of Johnson should serve as a catalyst to fuel concerted efforts to get the court operational. For justice to prevail perpetrators should be held accountable, and victims should be heard before it is too late.

# The life and death of Prince Johnson: when a war criminal escapes justice through the democratic process

Prince Johnson, who died on November 28, 2024, was the leader of an armed faction during Liberia's first civil war. He indiscriminately gunned down civilians in the street using his silver pistol and will be remembered in history as the man who ordered the torture of former President Samuel Doe, having his ears cut off on camera (see pp. 75-78). After a long exile, Johnson masterfully reinvented himself upon returning to Liberia, becoming a prominent political figure in the country's post-war democratic landscape – particularly in efforts to block post-war justice. However, he could not halt the unstoppable advance of justice initiatives taking place outside of Liberia, and until the very end the looming threat of accountability troubled his peace of mind.

Prince Yormie Johnson, born July 6, 1952, in Tapeta, Nimba County, was raised by his uncle and joined the army at age 19. He received military training in the United States and became close to his mentor, Thomas Quiwonkpa, then-general commander of the army and one of the leaders of the 1980 coup that brought Samuel Doe to power.

In 1985, Thomas Quiwonkpa, an ethnic Gio like Prince Johnson, attempted to overthrow Samuel Doe, a member of the Krahn ethnic group, after Doe was accused of manipulating the November elections to remain in power. That attempt failed, and as American poet Ralph Emerson wrote: "When you strike at a king, you must kill him."

Indeed, the government's response was utterly brutal. Thomas Quiwonkpa was assassinated, and a bloody crackdown was waged on Gio and Mano civilians, especially those living in Liberia's most populated county, Nimba. Prince Johnson managed to escape to Côte d'Ivoire. This period instilled in the Gio and Mano populations a deep sense of persecution, for which they held Samuel Doe responsible. More than two decades later, Prince Johnson would exploit this perception to his political advantage.

On Christmas Day 1989, Charles Taylor invaded Liberia from the Ivory Coast with his rebel group the NPFL (National Patriotic Front of Liberia). He advanced rapidly, especially in Nimba County, with Prince Johnson at his side as one of his key military commanders.

However, the Taylor-Johnson alliance quickly soured, and Prince Johnson formed his own rebel group, the INPFL (Independent National Patriotic Front of Liberia), which then clashed with the NPFL. During the summer of 1990, his forces seized much of the capital, Monrovia.

**Prince Johnson's cruelty was infamous. He used 170 children from an orphanage as human shields.**

On September 9, 1990, forces loyal to Prince Johnson captured, tortured, and assassinated President Samuel Doe. Parts of the scene were filmed and distributed in VHS format in local markets. These acts of torture committed against a head of state and led by Prince Johnson himself became among the most thoroughly documented war crimes. The events were precisely reconstructed by French war photographer Patrick Robert in his book *Chaque heure compte, la dernière tue* (Erick Bonnier Editions, 2023), with key passages on this tragic episode of the war translated and published for the first time in English in this report (see pp. 75-78).

Prince Johnson's cruelty was infamous. In October 1991, a Human Rights Watch report accused him of summary executions, arbitrary arrests, and of using 170 children from an orphanage – who were repeatedly shown the video of Samuel Doe's torture – as human shields.

According to some reports, he allegedly ordered the murder of an American citizen, Linda Jury, and five of her students, who were distributing food to starving residents of Monrovia – after she had written him a letter begging him to stop the massacres.

Patrick Robert also recounts in his book a scene where a Liberian Red Cross car was stopped in Monrovia by Prince Johnson's escort. A French volunteer and his Liberian driver were pulled out and handcuffed together. Prince Johnson arrived and, without provocation, coldly shot the Liberian driver. The French volunteer, traumatized and still handcuffed to the corpse, was later released.

**Having reinvented himself in exile in Nigeria as a man of faith and reconciliation - while retaining the essence of a bloodthirsty warlord - he was ready for a grand return to his country.**

At the peace conference held in Guinea, where Amos Sawyer was elected president, nothing seemed capable of stopping the political ascent of Prince Johnson and his rebel group. But his ambitions were shattered during Charles Taylor's 1992 assault on Monrovia. As he had done seven years earlier, Prince Johnson managed to escape certain death, finding refuge in Nigeria – taking the orphaned children with him as human shields.

That's one of the paradoxes of his story: although his cruelty left an indelible mark on Liberia's 12-year civil war, he only participated for less than three years and played no role in the second civil war (1999–2003).

While in exile in Nigeria, where he lived for over ten years, Prince Johnson became an evangelist and wrote his memoir *The Rise and Fall of Samuel K. Doe: A Time to Heal and Rebuild Liberia*. Thus, the man he had savagely tortured was featured in the title of his book – a choice that might seem surprising. But the constant evocation of a figure that, for his ethnic group, symbolized brutal persecution was a calculated move – since this group would become his most loyal electorate in Nimba County upon his return.

Prince Johnson also used religion to promote reconciliation. Through televangelist TB Joshua, who claimed to perform all kinds of miracles – and who, according to the BBC, faced allegations of rape and torture committed in his residence over more than 10 years – Prince Johnson met Samuel Doe's widow and son in Lagos. The son, Kanyon Doe, later said that when he saw Prince Johnson, he wanted to stab him for what he had done to his father, but that something he couldn't explain held him back. A Lagos newspaper ran the headline the next day: *The Son Forgives Man who Butchered President Doe*.

Having thus reinvented himself in Nigeria as a man of faith and reconciliation – while retaining the essence of a bloodthirsty warlord – Prince Johnson was ready for a grand return to his country and the conquest of political power.

And it didn't take long. Returning in March 2004 after the end of the second civil war when Charles Taylor fled to Nigeria, Prince Johnson was elected senator in Nimba County in 2005 during the general elections, for a nine-year term.

After over ten years of civil war and fourteen successive peace accords, he had succeeded in persuading the majority of the Gios and Manos of Nimba County that in this young, fragile, and still unstable democracy, electing a former warlord – bloody as he was – who was ready to fight for them should the country relapse into war, was their best insurance.

As democracy consolidated in Liberia, with a successful political transition – three different presidents elected across four elections from 2005 to 2023 – and no return to chaos, Nimba residents seemed to hold the same opinion. Prince Johnson was even re-elected as senator in 2014 (66.6% of the votes) and again in 2023 (54.92%), with better scores than when he first ran in 2005 (33.8%).

**As Senator he earned a monthly salary of USD 5,000 while the average salary in the country is just a few hundred dollars.**

Since Nimba County is the second most populous in Liberia, Prince Johnson also became politically indispensable at the national level. Ellen Johnson Sirleaf secured his support for the second round of the 2005 presidential election. He ran himself in 2011 and 2017, placing third each time in the first round (11.58% in 2011, 8.22% in 2017). But in all four recent presidential elections, the candidate who won the second round had Prince Johnson's explicit support.

As senator, Prince Johnson earned a monthly salary of over $5,000 while the average salary

# 2. In focus
# Prince Johnson

in the country is just a few hundred dollars. This understandably enraged the families of his many victims, many of whom still struggle to make ends meet. They had to endure watching him return to the spotlight, wealthy and politically powerful. One such person posted upon hearing of his death: “Go and meet my mother that you sent before you.”

Yet one thing remained a source of anxiety in Prince Johnson’s life after his return to Liberia: the ongoing effort to achieve justice for crimes committed during the civil war.

It began with the Truth and Reconciliation Commission (TRC), whose mandate was established by the peace agreements signed in Accra, and whose work started in 2005 and concluded in 2009. Prince Johnson testified at the TRC public hearings, and his appearance had similarities to the cross-examination of Goering by Prosecutor Jackson at the 1945 Nuremberg Trials. Like Goering, he used the platform to broadcast propaganda and distort the facts. He portrayed himself as a savior who fought for the people, sacrificed for democracy, and liberated the country of a bloodthirsty dictator before being forced into exile. His rhetoric visibly swayed part of the audience, while TRC commissioners watched helplessly as the proceedings were hijacked anew.

But the commissioners were going to get their revenge.

The TRC’s final report, published in 2009, included a list of 98 individuals described as the “most notorious perpetrators” who were to be tried for war crimes. The very first name on this list was Prince Johnson’s.

For the 15 years that followed the publication of the report, Prince Johnson had to ensure that the TRC’s recommendation to establish a court for war crimes remained unimplemented. His argument was the usual one: prosecuting these crimes would plunge the country back into chaos, and the Accra agreements that created the TRC were signed for reconciliation – not for criminal proceedings.

More than the validity of his arguments, it was, of course, Prince Johnson’s political weight and the context – President Johnson Sirleaf, in office from 2006 to 2018, also had her name on one of the TRC’s lists – that ensured that nothing happened concretely until 2023. At that point, Prince Johnson

*Former warlord and presidential candidate Prince Johnson campaigns in rural Liberia. Klay Junction, Bomi County, September 14, 2011. Photo by Simon Akam/Reuters*

was already ill, and the newly elected president, Joseph Boakai, signed a decree in May 2024 to create an office tasked with establishing such a tribunal.

**But he was powerless to stop justice efforts by Liberians abroad and could only watch as judicial actions multiplied outside Liberia.**

Furthermore, although he masterfully neutralized every effort to establish a war crimes court in Liberia for fifteen years, he was powerless to stop justice efforts by Liberians abroad and could only watch as judicial actions and decisions multiplied: the first criminal conviction related to the first civil war in 2017 (Jungle Jabbah case), the first official foreign investigative mission in 2019 (Kunti Kamara case), the first conviction of a Liberian for war crimes in 2021 (Alieu Kosiah case), the first hearings held by a foreign authority in Liberia for war crimes in 2021 and 2023 (Gibril Massaquoi case), and the first conviction for crimes against humanity against a Liberian in 2022 (Kunti Kamara case).

In 2016, he nearly faced extraterritorial justice after being arrested in Abuja, Nigeria, during a parliamentary conference organized by ECOWAS, only to be released shortly afterward. Despite vehemently denying the allegations at a press conference upon his return, he subsequently made sure never to travel outside Liberia again.

Prince Johnson was also fortunate that the FBI did not deploy the same investigative resources into the murder of American citizen Linda Jury – killed by his men under his orders – as they did into the case of the five murdered American missionaries, even though that case was later controversially dropped due to the statute of limitations. He was, however, targeted by U.S. sanctions for corruption in 2021 – with his involvement in Samuel Doe's murder and his naming in the TRC report explicitly cited in the official U.S. press release.

During international criminal trials in Switzerland in 2021 and 2023, Alieu Kosiah, a former rebel commander during the first civil war (see pp. 30-40), rightly pointed out the arbitrary and unfair nature of justice. Indeed, field commanders like him or Kunti Kamara were held accountable because they were in countries that could try them. But those who made all the decisions at the top – like Alhaji Kromah (ULIMO leader) or Prince Johnson – were never bothered because they remained in Liberia.

This reality is all the more bitter when the person at the very top not only escapes justice but also reaps significant political and economic benefits as a politician. Charles Taylor had already walked a similar path before Prince Johnson when he became president via democratic election in 1997 of a country he had brought to war and helped destroy. But Taylor was driven from power by a rebel group and ultimately sidelined by international justice for crimes committed outside Liberia, in Sierra Leone. Prince Johnson, for his part, died before he too could be held accountable.

Liberian politicians and the international community abandoned the victims of the civil wars in their pursuit of justice, allowing Prince Johnson to occupy the post-war vacuum in Liberia and prosper. But others – victims and survivors, TRC members, scholars, activists, journalists, lawyers – never gave up on the idea that justice must one day prevail.

Thanks to their work and despite all obstacles, justice has been served for at least some of the crimes committed during the Liberian war. These advances were not enough to see Prince Johnson prosecuted, but they were enough to ensure that justice disturbed his peace of mind until the very end.

*Written by Alain Werner, Director, Civitas Maxima.*

## The assassination of President Samuel Doe: an unprecedented war crime

**In 1990, French war photographer Patrick Robert – whose images helped reveal the brutality of Liberia's civil war (see pp. 24-25) – was in Monrovia shortly after the torture and assassination of President Samuel Doe, carried out on the orders of Prince Johnson. In his book *Chaque heure compte, la dernière tue* published in 2023, he recounts this unprecedented event, whose images, first recorded on VHS tape, circulated through West African markets long before appearing on YouTube.**

"When we finally made it to Monrovia under these chaotic conditions, it had already been sixteen days since President Samuel K. Doe had died. That's how long it took us to get there. His body had been displayed at Island Clinic, near the port, and buried three days before we arrived. We were able to piece together the story of his death.

Two months earlier, in July 1990, as Prince Johnson betrayed Taylor and formed the INPFL, Nigeria was assembling an African peacekeeping force under ECOWAS, called ECOMOG, financed by the United States. (…) Since the regime no longer controlled the port, and peacekeeping troops and their equipment needed to land, negotiations were held with Prince Johnson, giving the dissident rebel significant leverage.

Thus, on August 24, 1990, ECOMOG disembarked with Johnson's permission and set up camp inside the port. Ghanaian General Arnold Quainoo, ECOMOG's commanding officer, sought to capitalize on Johnson's apparent cooperation and tried to arrange a meeting between him and the president. The Liberian press was invited, and the only foreign journalist in town – BBC correspondent Lise Blunt – was fetched from her hotel. But Lise, newly arrived and fearing for her life, declined to attend. The meeting took place in the port authority office, ECOMOG's headquarters. In the existing video footage of the event, the president delivers a tragically dull and incoherent speech. Prince Johnson, sweating and visibly drunk, tries to respond, but he is rambling and makes little sense, like the president's. He stutters, loses his train of thought, and fails to finish sentences. It's clear that politics is not his forte – he comes off as useless. Two illiterate men posturing with no real talent but full of illusions. Pathetic. For ECOMOG, the meeting's content didn't matter – what counted was simply initiating contact. Outside the building, the president's and Prince Johnson's escorts fraternized and shared cigarettes. A ceasefire agreement – or even political negotiations – seemed within reach. Both parties left seemingly pleased, intent on formalizing an agreement.

ECOMOG then organized a second meeting at the same location on September 9, 1990, hoping to secure a signed commitment. Emboldened by the first meeting, President Doe arrived with a large entourage – his full cabinet, including the ministers of Defense and Interior, the army chief of staff, and the head of the Death Squad (a type of presidential guard). The convoy roared across the city with sirens blaring, arriving at the port.

The president and his delegation waited upstairs in the port authority office for Prince Johnson, who was late. This time, Lise Blunt agreed to attend, reassured by the success of the first meeting she had missed. Her testimony tells us what happened next. She was in front of the building when Prince Johnson finally arrived with his entourage – clearly drunk. Greeted by ECOMOG officers, a commotion broke out – tensions escalated until the Gambian press officer accompanying Lise grabbed her arm and pulled her into an office on the ground floor for safety. But Prince Johnson followed them in, opened a window, and shouted to his men: "My people, open fire!"

As Blunt dove under a table, pushed there by the Gambian officer, a relentless firefight broke out that spread through the building and lasted over an hour. Seventy-eight people were killed, mainly members of the president's entourage. All but two ministers were killed, as were Doe's close aides and his entire military escort. Liberia's army was left leaderless, and what remained of the state collapsed. The rebels captured Samuel Doe, wounded at the thigh, and took him to their HQ in Caldwell village, where Prince Johnson had


*Warlord Prince Johnson appears in the streets after the killing of President Samuel Doe. Monrovia, Liberia, October 1990. Photo by Patrick Robert*

commandeered the house of Tahseen, a Lebanese Christian of Palestinian origin. Tahseen filmed the infamous interrogation of Doe.

Prince Johnson sat in Tahseen's office, in front of a window beside a poster of Christ, with a beer can in front of him. The room was chaotic – crowded and noisy. Two women from his entourage stood behind him: one fanned him with a cloth, the other held a spare beer. He was sweating. His face was wiped as he issued an order. People hastily dragged Doe in the office. He was limping – but his wound to the thigh had not broken his femur. That was his only visible injury. He was made to sit on a rug. Someone, amid the confusion, shouted, "He's going to disappear!" – believing Doe's talismans still had power. They stripped off his shirt – despite his hands being tied behind his back – and ripped off his necklace of protective charms.

**Then Prince Johnson said: 'Cut off his ear'. And later: 'Cut off the other ear'.**

Prince Johnson mumbled a barely audible speech. Doe tried to speak: "Prince, Prince, Chairman, I want to say something..." But he was silenced. Prince Johnson asked questions like, "What did you do with the people's money?" Doe replied, "I don't even have money in the bank." Then Prince Johnson said: "Cut off his ear." They jumped on him, pinned him to the ground, a soldier climbed on his chest, others held his head sideways under a boot. A bloody Kalashnikov bayonet appeared. They then sat him up – his shoulders covered in blood.

More nonsensical questions followed. He was stunned. "Cut off the other ear," ordered Prince Johnson. The same frenzy. The same screams. They laid the severed ear on the table in front of Prince Johnson. More questions were asked – Doe couldn't understand. "What?" They repeated. He said, "I can't hear you. You cut off my ears." The film ends there – tragically. He died later that night.

A local photographer sold me black-and-white film taken the next day or the day after. We developed it in Paris. In the courtyard of Island Clinic, near the port, Doe's naked body lay on a stretcher, surrounded by INPFL rebels. People queued to see and confirm it was him. His head rested in a puddle of blood pooled on the stretcher, seemingly from his left temple. Such bleeding couldn't have come from ear mutilation alone. In the photos, the right side of his face is not lit so it's unclear if a bullet entered or exited there – but it's likely he was shot in the head. Three fingers and several finger segments were missing from his hands, and clumps of hair had been cut – likely post-mortem, for use in charms. That's probably what the ears were used for too. He was not castrated, despite rumors still circulating today.

There were no other bullet wounds or injuries on his body. Prince Johnson also came with a delegation to view him – he appears in the photos. When we visited the INPFL HQ, Tahseen showed us the Doe interrogation tape. I photographed the TV screen, and a colleague from the now-defunct network "La Cinq" filmed the screen to make a copy. These images spread worldwide. But when "La Cinq" shut down for good, that videotape was lost. It seems copies of the original are still sold on the Monrovian market."

**Patrick Robert, war photographer**
Patrick Robert has been a war photographer since 1980. Over the past forty-five years, he has covered international news, armed conflicts, foreign policy, and global tragedies, working for major news agencies in Afghanistan, Bosnia and Herzegovina, Iraq, Liberia, Libya, Republic Democratic of Congo, Rwanda, Sierra Leone, Sudan, South Sudan, and South Africa among others. In 2003, he was seriously wounded by gunfire while reporting in Liberia. He has received a dozen international awards, including two Golden Visas at the International Photojournalism Festival in Perpignan. In 2024, he published a book of reflections, analyses, and reportage narratives, *Every Hour Counts, the Last One Kills* (Erick Bonnier, 2023).

*Patrick Robert.com*

*Chaque heure compte la dernière tue*





## Resisting attacks: Civitas Maxima confronts defamation

Since 2023, Civitas Maxima has been the target of civil lawsuits intended to obstruct our work on behalf of victims. In 2023, the ex-wife of Charles Taylor, Agnes Reeves Taylor, filed a claim in Liberia, including against Civitas Maxima, seeking $15,000,000 in damages. In 2024, Gibril Massaquoi, a former commander of a rebel movement in Sierra Leone, also filed a civil lawsuit in Liberia against Civitas Maxima, seeking $50,000,000 in damages.

These lawsuits are legally baseless, and we trust the Liberian justice system to dismiss them. In our 2023 Annual Report, we dedicated several articles to these actions, known as SLAPPs (Strategic Litigation Against Public Participation), which are often used against nonprofit organizations. Since 2024, we have been part of the Swiss Alliance Against SLAPPs to fight this phenomenon (see p. 87).

These legal proceedings are not the only tactic being used to try to silence us. Since 2021, Civitas Maxima has also faced an increasingly aggressive defamation campaign, which reached its peak in 2024.

The campaign began during the legal case in Switzerland against Alieu Kosiah, a former Liberian rebel commander accused of international crimes committed during the First Liberian Civil War (see Annual Report 2023 pp. 22-39). Throughout the investigative phase, from 2014 to 2019, Kosiah accused Civitas Maxima's Director, Alain Werner, and his Liberian colleague Hassan Bility, Director of the GJRP, of bribing victims and witnesses and misleading the Swiss judiciary.

Another defamation campaign came from Agnes Reeves Taylor, who was detained in the UK for nearly 18 months on suspicion of having participated in acts of torture during the Liberian Civil War. She was released in December 2019 and returned to Liberia shortly thereafter, without trial. Ultimately, no trial took place in the UK following a Supreme Court decision that a necessary legal element for the crime of torture under British law was missing. The fact that no trial ultimately occurred had nothing to do with the credibility of the accusations made against Agnes Reeves Taylor by the victims.

Nonetheless, in July 2020, she held a press conference where she called the victims who had accused her "liars" and labeled the evidence submitted in her case as "lies." She also claimed that the motivation of Civitas Maxima and the GJRP was financial gain and directly threatened the GJRP, stating that its work "must stop." The day after this press conference, Civitas Maxima issued a public statement titled "Agnes Reeves Taylor and the truth."

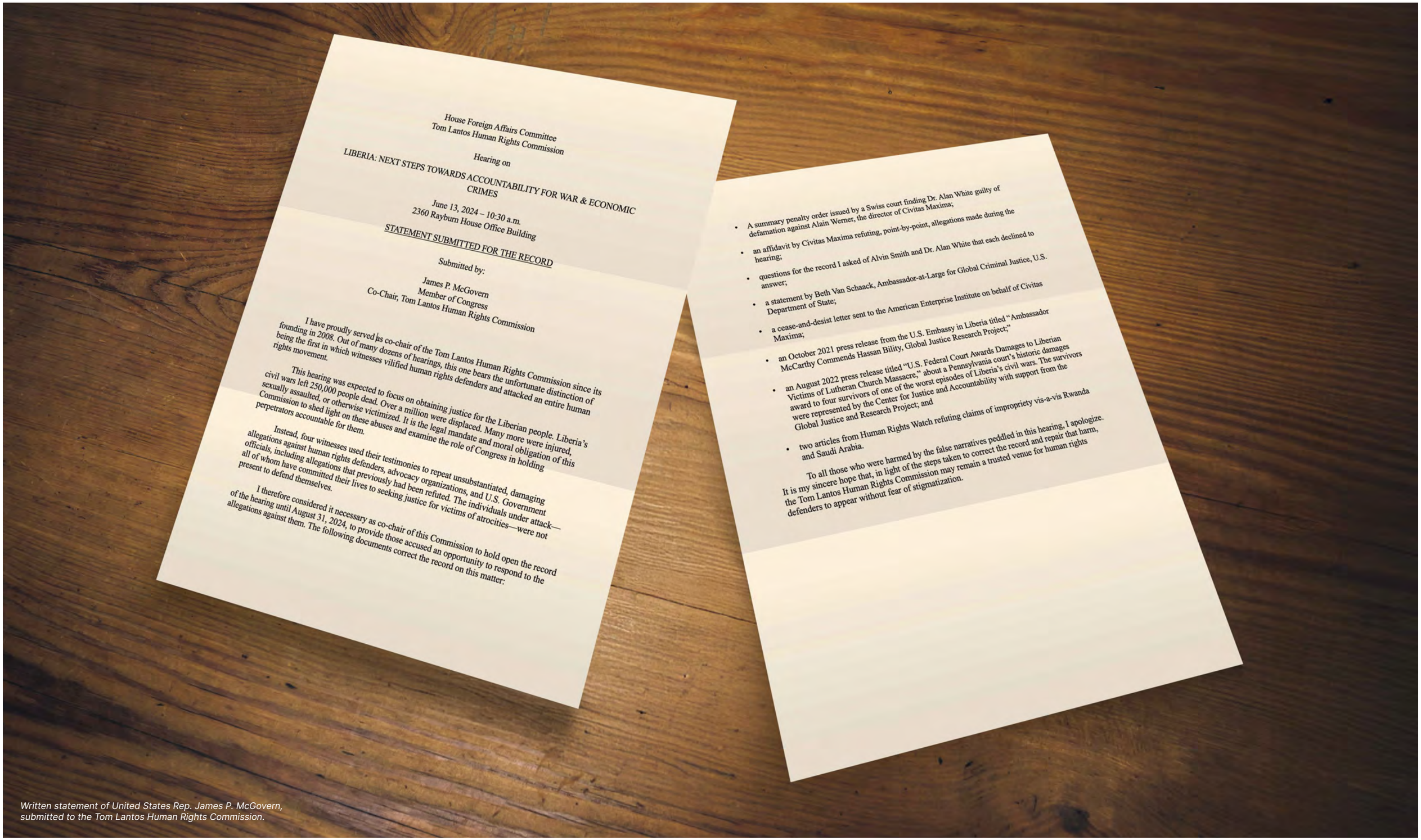
In 2021, two of the trials in which Civitas Maxima had played a role – Alieu Kosiah in Switzerland and Gibril Massaquoi in Finland – gave rise to renewed accusations against Civitas Maxima and the GJRP.

A former commander of the Revolutionary United Front (RUF) in Sierra Leone, Gibril Massaquoi, had become a protected witness before the Special Court for Sierra Leone (SCSL) and was later relocated to Finland. In 2018, Civitas Maxima transmitted information to Finnish authorities suggesting that Massaquoi had committed war crimes during the Liberian civil conflict. The Finnish authorities conducted an independent investigation, including months of inquiries in Liberia, which led to a number of charges being filed. One of these charges alleged that he committed crimes in Liberia while under SCSL protection in Sierra Leone in 2003.

Although Civitas Maxima was not the source of that specific charge, our organization had provided other incriminating information against Gibril Massaquoi. Nevertheless, Civitas Maxima was blamed by some for what they considered to be an unfounded allegation. That same year, a media campaign was launched against Hassan Bility and Alain Werner, led by certain journalists in Liberia (see illustrations, p. 82).

Still in the context of the Massaquoi case, the Finnish court – sitting in part in Liberia – heard four defense witnesses who claimed Hassan Bility had attempted to bribe them into giving false testimony, allegedly offering them large sums of money. During the preliminary investigation, it emerged that at least two of these witnesses had

# 3. Civitas Maxima
# Under attack



House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing on

LIBERIA: NEXT STEPS TOWARDS ACCOUNTABILITY FOR WAR & ECONOMIC CRIMES

June 13, 2024 – 10:30 a.m.
2360 Rayburn House Office Building

STATEMENT SUBMITTED FOR THE RECORD

Submitted by:

James P. McGovern
Member of Congress
Co-Chair, Tom Lantos Human Rights Commission

I have proudly served as co-chair of the Tom Lantos Human Rights Commission since its founding in 2008. Out of many dozens of hearings, this one bears the unfortunate distinction of being the first in which witnesses vilified human rights defenders and attacked an entire human rights movement.

This hearing was expected to focus on obtaining justice for the Liberian people. Liberia's civil wars left 250,000 people dead. Over a million were displaced. Many more were injured, sexually assaulted, or otherwise victimized. It is the legal mandate and moral obligation of this Commission to shed light on these abuses and examine the role of Congress in holding perpetrators accountable for them.

Instead, four witnesses used their testimonies to repeat unsubstantiated, damaging allegations against human rights defenders, advocacy organizations, and U.S. Government officials, including allegations that previously had been refuted. The individuals under attack—all of whom have committed their lives to seeking justice for victims of atrocities—were not present to defend themselves.

I therefore considered it necessary as co-chair of this Commission to hold open the record of the hearing until August 31, 2024, to provide those accused an opportunity to respond to the allegations against them. The following documents correct the record on this matter:

- A summary penalty order issued by a Swiss court finding Dr. Alan White guilty of defamation against Alain Werner, the director of Civitas Maxima;
- an affidavit by Civitas Maxima refuting, point-by-point, allegations made during the hearing;
- questions for the record I asked of Alvin Smith and Dr. Alan White that each declined to answer;
- a statement by Beth Van Schaack, Ambassador-at-Large for Global Criminal Justice, U.S. Department of State;
- a cease-and-desist letter sent to the American Enterprise Institute on behalf of Civitas Maxima;
- an October 2021 press release from the U.S. Embassy in Liberia titled "Ambassador McCarthy Commends Hassan Bility, Global Justice Research Project;"
- an August 2022 press release titled "U.S. Federal Court Awards Damages to Liberian Victims of Lutheran Church Massacre," about a Pennsylvania court's historic damages award to four survivors of one of the worst episodes of Liberia's civil wars. The survivors were represented by the Center for Justice and Accountability with support from the Global Justice and Research Project; and
- two articles from Human Rights Watch refuting claims of impropriety vis-a-vis Rwanda and Saudi Arabia.

To all those who were harmed by the false narratives peddled in this hearing, I apologize. It is my sincere hope that, in light of the steps taken to correct the record and repair that harm, the Tom Lantos Human Rights Commission may remain a trusted venue for human rights defenders to appear without fear of stigmatization.

*Written statement of United States Rep. James P. McGovern, submitted to the Tom Lantos Human Rights Commission.*

# 3. Civitas Maxima
# Under attack


exchanged messages with Alan White, the former chief investigator of the SCSL. Alan White refused to testify before the Finnish court.

On April 29, 2022, Gibril Massaquoi was acquitted. While the Finnish judges concluded that the crimes listed in the indictment had indeed been committed, they found that reasonable doubt remained regarding whether Massaquoi was the perpetrator – and ruled that this doubt must benefit the accused. No unlawful conduct was found against Hassan Bility or Civitas Maxima, despite the earlier testimonies.

Nonetheless, the acquittal marked the beginning of a violent defamatory media campaign against Civitas Maxima by American historian and former Pentagon official Michael Rubin. On the very day of the acquittal, Rubin published a scathing article titled "Another human rights group scams the West" on the websites of the think tank American Enterprise Institute (AEI) and the Washington Inquirer. A second article, published on June 23, 2022, recycled the same allegations along with additional commentary.

In January 2023, during his appeal before the Swiss Federal Criminal Court in Bellinzona, Alieu Kosiah again made defamatory statements about Alain Werner and Hassan Bility, calling them criminals who, according to him, had bribed witnesses – repeatedly referring to the Gibril Massaquoi proceedings in Finland.

During those same hearings, Alieu Kosiah mentioned an e-mail dated July 19, 2021, sent by Alan White from the U.S. to the professional address of Kosiah's attorney in Switzerland. That e-mail – produced by Kosiah's attorney at the judges' request – contained allegations by White that a witness had lied about Kosiah in Switzerland, that Civitas Maxima and the GJRP had made millions from these proceedings, and that he had heard that Hassan Bility was bribing witnesses. Swiss judges sought to hear Alan White to clarify these claims, but he refused to appear.

As permitted under Swiss law, Alain Werner filed a criminal complaint for defamation against Alan White on April 6, 2023, in Moutiers, Switzerland, where the e-mail had been received (see pp. 84-86).

On April 25, less than three weeks after the complaint was filed, Michael Rubin published yet another article titled "It's time to tackle human rights fraud," directly targeting Civitas Maxima once again. This marked his third such article within a year. In response, Civitas Maxima retained legal counsel in Washington and, on May 15, sent a nine-page letter to the Washington Inquirer and the American Enterprise Institute, thoroughly rebutting each of Michael Rubin's allegations point by point and demanding an end to the publication of such defamatory content.

On June 1, 2023, the Appeals Chamber of the Swiss Federal Criminal Court confirmed Kosiah's conviction for war crimes and added a conviction for crimes against humanity. The 350+ page judgment was published on February 29, 2024. In that decision – publicly available, also see pp. 39-40 – the court analyzed Kosiah's allegations of a criminal conspiracy led by Civitas Maxima and the GJRP and concluded that "repeating a theory does not make it valid," ultimately rejecting any wrongdoing by either organization. The court also noted that "the theory of a smear campaign specifically targeting Hassan Bility and Alain Werner is substantiated."

On January 31, 2024, a Finnish appeal court upheld Gibril Massaquoi's acquittal, finding – like the lower court – that doubts remained about his involvement in the alleged crimes.

Of the four witnesses who had accused Hassan Bility of attempted bribery in 2021, only one returned to testify during the appeal in 2023 to repeat his claims. Despite this, and as in the initial trial, the appeal court in Finland found no evidence of any illegal or unethical behavior by Bility, the GJRP, Werner, or Civitas Maxima.

One might have hoped these two appellate rulings in Switzerland and Finland would put an end to the ongoing attacks and smear campaign against Civitas Maxima and the GJRP, but quite the opposite occurred.

**Gibril Massaquoi's acquittal in 2022 marked the beginning of a violent defamatory campaign against Civitas Maxima in the United States.**

On June 13, 2024, the Tom Lantos Human Rights Commission of the U.S. Congress held a hearing on war crimes in Liberia and the creation of a tribunal to prosecute them. Among those who testified were Alan White, Michael Rubin, and a man named Alvin Smith – all of whom devoted a significant amount of time to making vicious and defamatory statements against Civitas Maxima and the GJRP, rehashing the same claims made in prior articles and echoed during Kosiah's trial in Switzerland. This session was recorded and posted online by the Commission.

In response, Civitas Maxima submitted a seven-page letter to the Commission – now part of its public record – refuting each claim made during the session. The submission included several attachments, including a letter from a Finnish prosecutor stating that no unlawful or unethical conduct had been committed by Civitas Maxima or the GJRP during the Massaquoi case.

**We will never be intimidated by these attacks. And we will always respond by exposing the facts.**

The Commission's record now also includes letters such as one from Commission Co-Chair James McGovern, apologizing for the attacks made during the hearing against those working to advance justice in Liberia (see pp. 80-81). Beth van Schaack, the U.S. Ambassador for Global Criminal Justice, also issued a statement noting that such baseless attacks endangered civil society actors. A press release from the U.S. Embassy in Liberia dated October 2021, in which Ambassador Michael McCarthy thanked Hassan Bility for his work on behalf of war crimes victims, was also submitted.

On August 15, 2024, the Swiss prosecutor handling Alain Werner's complaint issued a summary penalty order finding Alan White guilty of criminal defamation. White has contested the ruling.

Civitas Maxima and its partners are committed to presenting facts to police and prosecutors so that investigations may be opened, and, when appropriate, trials held to deliver justice for victims. These facts are often complex, stem from traumatic events, and date back many years. This is why diligence and humility are core values of Civitas Maxima.

Those who attack our integrity aim to prevent us from continuing this work by undermining the trust of prosecutors and donors – trust without which we cannot operate.

We will never be intimidated by these attacks. And we will always respond by exposing the facts. We will remain true to our mission: to serve the forgotten victims of mass crimes.

*Written by Alain Werner, Director, Civitas Maxima.*
*Left: Examples of defamatory publications against Civitas Maxima. Monrovia, Liberia, August 2021.*

# 3. Civitas Maxima
# Under attack

## Differences in approach to prosecuting defamation in Switzerland and the USA

In 2023, the Director of Civitas Maxima, Alain Werner, filed a criminal complaint in Switzerland to the Regional Court Jura Bernois-Seeland for defamation committed against him. The proceedings were initiated in 2024 and are still ongoing.

The person accused of defamation and against whom charges are pending, Mr. Alan White, is an American citizen. The allegedly defamatory e-mail was composed and sent from the United States and received in Switzerland.

**In the United States, defamation is dealt with on a civil rather than a criminal level and proceedings are often long and costly.**

The legal approach to defamation claims is different in Switzerland and the USA.

In the United States, defamation is a matter of civil law. The plaintiff must establish four elements: that the statement was false; that it was published or communicated to a third party; that the defendant acted negligently or with the intent to harm; and that the statement caused reputational damage. Defendants can invoke several defenses, including the truth of the statement, “absolute” or “qualified privilege”, and “fair comment” when addressing public issues. On this last point, in Washington D.C., for example, the distinction between private citizens and public figures further complicates matters: a public figure must prove that the statement was made with “actual malice”, i.e. that the author knew it was false or showed culpable indifference to the truth.

Moreover, opinions and “rhetorical exaggerations” (rhetorical hyperbole) are generally not punished. U.S. prosecutors must navigate First Amendment rights when trying defamation. In addition to proving a statement is defamatory, they must prove that it is not constitutionally protected speech. The Supreme Court has set a precedent to allow ‘breathing room’ for freedom of speech and press. Defamation cases are considered against the backdrop of public debate, where factual errors and attacks on public officials are likely to occur and must be permitted. Commentary on public issues and public figures, even if false, will always fall under protected speech.

Finally, it should be noted that defamation is dealt with on a civil rather than a criminal level, and that proceedings are often long and costly. Lawyers tend to charge an hourly rate, meaning costs for the plaintiff can quickly add up. Several factors dictate the cost of proceedings, including the complexity of the case, discovery costs, expert witness fees, and the difficulty of proving damages.

In Switzerland, the situation is different. Defamation, as well as slander and insult, are criminal offenses. For a statement to be considered defamatory, it must accuse a person of dishonorable conduct before a third party, and this accusation must be objectively perceived as rendering the person contemptible. Defamation is about facts, not mere value judgments. The defamer must be aware of the damaging nature of their remarks and can avoid conviction by proving the truth of their allegations or demonstrating good faith. Slander, an aggravated form of libel, assumes that the perpetrator knew that his or her statements were false. As for insult, it covers any offensive attack on one’s honor through words or gestures but is treated as subsidiary to defamation.

**Unlike civil proceedings in the US, Swiss criminal procedure requires the public prosecutor to take charge of the investigation and gather the necessary evidence.**

On the question of the jurisdiction of Swiss courts, in principle, Swiss criminal law applies to any offence committed on Swiss territory. A crime or misdemeanor is deemed to have been committed both at the place where the perpetrator acted or should have acted, and at the place where the harmful result occurred. In the case of the sending of an e-mail, jurisdiction can be retained if the


*Facade of the Federal Crimininal Court in Bellinzona, Swizerland. Photo by Marlon Trottmann/Shutterstock*

# 3. Civitas Maxima
# Under attack

result - in this case, the attack on honor - occurred in Switzerland, because the victim resides there or because the intended audience is Swiss. Thus, even if the perpetrator of defamation acted abroad, Swiss courts may have jurisdiction if the perpetrator knew or intended that his or her words would be brought to the attention of third parties in Switzerland.

**As the law stands today, Switzerland offers greater protection, simpler procedures and lower costs for victims of defamation.**

Moreover, in Switzerland, the victim of defamation does not have to demonstrate as many complex elements as in the United States to assert his or her rights. Also, the protection of honor is more strictly defined in Switzerland, offering a better guarantee against damage to reputation.

Another major advantage of the Swiss system is the active role played by prosecutors. Unlike civil proceedings in the US, where the victim is often left to gather the evidence and bear the brunt of the costs, Swiss criminal procedure requires the public prosecutor to take charge of the investigation: he or she gathers the necessary evidence, interviews witnesses and can initiate investigations on his or her own initiative. This involvement of the authorities means that the victim is not left alone to deal with the complexity of the case and avoids having to take onerous or costly steps. What's more, Swiss justice is characterized by generally lower procedural costs and shorter processing times than in the United States.

In short, as the law stands today, Switzerland offers greater protection, simpler procedures and lower costs for the victim of defamation. In the United States, on the other hand, the strong protection afforded to freedom of expression, the strict distinction between opinion and fact, and the heavy burden of proof make defamation actions more difficult, particularly for public figures.

In the proceedings initiated following Alain Werner's defamation complaint, the jurisdiction of the Swiss courts was established because the victim of the offending e-mail resides in Switzerland, and it was on this territory that the attack on his honor was felt, even though the disputed message originated in the United States.

*Written by Adriana Schnyder, Case Manager, Civitas Maxima, with the contribution of Claire Moore, Claremont McKenna College Student.*

*Right: The company Resolute Forest Products, a Canadian logging and paper company, sued Greenpeace in 2013 eventually for $300 million in a U.S. lawsuit. Years later, both U.S and Canadian courts eventually dismissed the lawsuits, recognising that it was an abuse of the legal system to silence criticism. Photo by Laura Buckman/Greenpeace*

## Civitas Maxima member of the Swiss Alliance Against SLAPPs

In 2024, Civitas Maxima proudly joined the Swiss Alliance Against SLAPPs, strengthening our commitment to freedom of expression and the protection of human rights defenders. Strategic Lawsuits Against Public Participation (SLAPPS) are abusive legal actions brought by powerful actors with significant financial resources. Their aim is to intimidate and silence critical voices who speak out on issues of public interest, such as human rights, environmental protection, or corruption (see Civitas Maxima 2023 Annual Report pp. 6 to 15).

Founded in 2023, the Swiss Alliance Against SLAPPs brings together civil society organizations and journalists to combat these legal threats and defend freedom of expression in Switzerland. The alliance works to raise public awareness of SLAPPs, advocate for legal reforms to prevent such lawsuits, and support small organizations and independent journalists facing these attacks.

Civitas Maxima has itself been targeted by such legal intimidation. In 2022, Agnes Reeves Taylor, the ex-wife of former Liberian president Charles Taylor, sued Civitas Maxima and its local partner, the Global Justice and Research Project (GJRP), in Liberia in an attempt to silence efforts to document war crimes committed during Liberia's civil wars. In 2024, Gibril Massaquoi, former Sierra Leonean rebel commander, also sued Civitas Maxima and the GJRP in Liberia with the same goal (also see p. 89). These cases exemplify the growing use of SLAPPs to obstruct justice and discourage accountability.

By joining this alliance, Civitas Maxima reaffirms its commitment to protecting those who courageously expose injustices despite legal intimidation. This partnership reflects our dedication to upholding transparency, accountability, and the fundamental rights of those who fight for justice.

# 4. Institutional life
# Training war crimes investigators

## The International Institute for Criminal Investigations (IICI): playing an essential role in training war crimes investigators

With the adoption of the Rome Statute of the International Criminal Court (ICC) and the proceedings against Augusto Pinochet in the United Kingdom, the landscape of international criminal justice started to change dramatically in the 2000s.

Until the late 1990s, the actors involved in prosecuting international crimes – genocide, crimes against humanity, war crimes, and torture – were essentially the international tribunals. Moreover, everyone involved in international criminal proceedings – from investigators, clerks, prosecutors, defense lawyers, to judges – worked for those tribunals.

**With the adoption of the Rome Statute of the International Criminal Court and the proceedings against Augusto Pinochet, the landscape of international criminal justice started to change dramatically in the 2000s.**

In 1998, the Rome Statute creating the International Criminal Court (ICC) introduced the principle of complementarity, meaning that the prosecution of international crimes is first and foremost the responsibility of states. As a result, several countries, mainly in Europe, amended their domestic laws to include provisions for prosecuting these crimes and also established specialized units of police and magistrates.

At the same time, victims of international crimes, their lawyers, and human rights defenders realized with the Pinochet case that they could, under certain circumstances and in certain countries, be actors in these proceedings.

This convergence sparked a movement that has led to a new reality: nowadays, the vast majority of prosecutions for international crimes take place before domestic courts. In 2024, domestic courts handed down at least 27 more convictions than the ICC.

One key challenge in these cases is that, very often, the crimes were not committed in the territory of the country where the trial is held. As a result, although the person to be tried may be present in the country, the evidence is sometimes thousands of miles away, in another country; and it's not uncommon for prosecutors and investigators to be denied authorization to investigate in the territory where the crimes occurred.

As they have access to the field or to certain pieces of evidence, NGOs can play a critical role and become an indispensable player in the legal procedure.

For example, in the proceedings in Switzerland against Alieu Kosiah for international crimes, neither Swiss investigators, prosecutors, nor judges were able to travel to Liberia. Most of the direct evidence used to establish the facts was presented thanks to the involvement of Civitas Maxima and the Global Justice Research Project (GJRP).

Of course, for investigators, magistrates, or prosecutors who are used to carrying out investigations themselves, having to rely on external actors is an anomaly. This has sometimes led defendants to claim that these external actors act unethically in the prosecutions brought against them (see p. 79).

**As they have access to the field or to certain pieces of evidence, NGOs can play a critical role and become an indispensable player in the legal procedure.**

In the past, there have been cases where evidence provided by some of these actors turned out to be problematic, and even weakened the case once examined by the judges. One of the major questions that often arises is how victims or witnesses were approached by these actors and whether, in some way, they "tainted" the evidence – for example, by suggesting the answers they expected.

Conversely, victims, their lawyers, and human rights NGOs sometimes criticize national investigators – who are often from the national police – for their lack of experience in these types of investigations, particularly in how they approach specific historical or cultural contexts which can differ greatly from their own. This remains an issue even though, over the years, some national war crimes units have accumulated considerable experience – as is the case in France (see pp. 26-29).

**Nowadays the vast majority of prosecutions for international crimes take place before domestic courts.**

It is against this backdrop that an essential and independent actor has been operating since the early 2000s: the International Institute for Criminal Investigations (IICI). Created by former investigators from international tribunals, the Institute has, for over 20 years, been delivering advanced training on how to conduct investigations into international crimes – including sexual violence, crimes against children, and financial crimes. The IICI is also involved in developing, clarifying, and strengthening the standards applicable to these investigations.

The IICI's training sessions include participants from national war crimes units as well as members of NGOs that document these crimes, and seek to enhance the professionalism of these organizations' methodology and practices by helping prevent the aforementioned risks of evidence contamination. These trainings also bolster the confidence of national investigators and prosecutors in these organizations, who are often indispensable due to their knowledge of the field and the context in which international crimes have been committed.

*Written by Alain Werner, Director, Civitas Maxima.*

Since 2013, Civitas Maxima and its partner in Liberia, the GJRP, have regularly called upon the expertise of the IICI. All investigators, lawyers, and legal officers from both organizations who participate in gathering information that may later be shared with national investigators or prosecutors have been trained, or will eventually be trained, by the Institute. Emmanuelle Marchand, who worked for 10 years with Civitas Maxima and, among other things, led its legal team, is one of the IICI's accredited trainers on sexual violence. Through a partnership, IICI trainers have visited several times to train GJRP members in Liberia.

**IICI has contributed significantly to building trust between NGOs and national actors responsible for investigating international crimes.**

IICI's training sessions are always a memorable experience for participants as they bring together high-caliber professionals from diverse backgrounds and combine theoretical instruction with practical simulations. Maria Teresa Tienda Rivera, a Spanish lawyer and legal advisor at Civitas Maxima who attended an IICI training in The Hague in 2024, reflects on her experience below.

Thus, the IICI plays a unique and essential role in the field of international criminal law today by helping to professionalize practices and strengthen the skills of investigators. Over the years, it has also contributed significantly to building trust between key organizations in this field – including Civitas Maxima – and national actors responsible for investigating and prosecuting international crimes.


*A war crimes prosecutor in Ukraine. An investigator examines debris at a train station damaged following a drone strike amid the Russian invasion of Ukraine. Lozova, Kharkiv region Ukraine, August 5, 2025. Photo by Genya Savilov/AFP via Getty Images*

## “Much more than just an academic experience”: IICI training course in The Hague

In November 2024, I had a great opportunity to participate in a training course offered in The Hague by the IICI for professionals working or interested in working in the investigation and documentation of international crimes. I was part of a group of 24 people from five continents, which included national war crimes investigators, law enforcement officers, justice operators, and members of civil society organizations.

During my years of practice in the field of international criminal law, I had heard numerous times about the IICI trainings. Furthermore, a few years before taking the course, I had the chance to share an office with their small but incredibly dedicated team during my internship at Civitas Maxima in 2018, while under the supervision of Emmanuelle Marchand – then legal counsel at Civitas Maxima – who was also already collaborating with the IICI as a trainer. Even then, I understood the significance of the work carried out by this organization. Like every ethical academic institution, they operate without pretensions of grandeur, but with the confidence of offering a fundamental service – fully assuming their role in the field of international justice. And they do it very well.

**IICI operates with the confidence of offering a fundamental service. And they do it very well.**

During the two-week course in November 2024, I was able to witness the quality and intensity of the training that IICI offers, and about which I had heard for years. IICI’s courses are prepared and conducted with a level of professionalism, integrity, and commitment to their mission that can only come from those who perfectly understand the challenges of carrying out meticulous, high-quality work under very complex conditions – as both the organizers and trainers have done, or continue to do, this work themselves.

**There is no time to rest. These two weeks are truly two full weeks of intense training. And it is thrilling.**

The course is divided into two parts: theory and practice. The theoretical aspect combines the normative foundations of international crimes with complex current issues that put them to the test. We dealt with elements of crimes, sexual and gender-based violence, mission planning, evidence collection, irregular warfare, security awareness, financial investigations, and open-source investigation and data, among others. The practical aspect combines observation, experience, and action, engaging all participants directly at a military base in the Netherlands, in cooperation with the Dutch army. In addition to learning theory, we are challenged to put it to the test ourselves – thus providing a deeper understanding of the subject matter as well as of oneself. There is no time to rest. These two weeks are truly two full weeks of intense training. And it is thrilling.

Both professionally and personally, it is an enriching experience for anyone engaged in this field of work. It is highly demanding, but the human quality and commitment of the trainers and organizers create a spirit of teamwork among the participants that makes the IICI course much more than just an academic experience. It becomes an opportunity to test oneself, challenge one’s prejudices, and build ties and bridges among people who are already in the same boat but have not yet discovered it.

*Written by Maria Teresa Tienda Rivera, Legal Counsel, Civitas Maxima.*

## The Pinochet case retold: an evening talk with Juan Garcés at Civitas Maxima

During his visit to Geneva in October 2024, Civitas Maxima had the pleasure of hosting Spanish lawyer Juan Garcés, who, together with his son Hernan, represents the plaintiffs in the Manuel Terrén case (see p. 43). The man behind the 1998 arrest of former Chilean dictator Augusto Pinochet in London recounted his struggle – a struggle that opened a new path for justice in the prosecution of the gravest crimes (see also Civitas Maxima Annual Report 2022, pp. 14-16).

A former personal advisor to President Salvador Allende, Juan Garcés stood by his side during the attack on the La Moneda presidential palace on September 11, 1973. He managed to escape and flee to France, before returning to Spain in 1982. Beginning in 1976, he started collecting the first incriminating evidence against Augusto Pinochet and establishing proof of the criminal nature of the Chilean regime.

Leading a multinational team of ten lawyers, he succeeded in documenting over 3,000 cases of assassination, enforced disappearance, and torture of citizens from several countries under the Chilean military junta. On July 4, 1996, he filed a criminal complaint in Madrid against Pinochet and other junta leaders for crimes against humanity. Then, on October 16, 1998, while Pinochet was in London for surgery, he was arrested and placed under house arrest, following an international arrest warrant issued by Spanish judge Baltasar Garzón at the request of Juan Garcés, based on the evidence and testimonies gathered by his team.

It was the first time a former head of state had been arrested on the basis of the principle of universal jurisdiction. The international impact was immense. On March 24, 1999, the judges of the British House of Lords ruled that the former Chilean head of state could not claim immunity from prosecution, paving the way for his extradition and trial in Spain.

**The Pinochet case has demonstrated that - through universal jurisdiction - justice can break the vicious circle of impunity, even in the country where the crimes were committed.**

Although that trial would never take place – Pinochet was allowed to return to Chile freely on the grounds of his health condition – his arrest became a catalyst for a profound shift in the willingness and capacity of Chilean courts to address the long-sought justice by the victims of the dictatorship. Since 2000, they have issued rulings in over 500 cases of crimes against humanity and handed down more than 200 convictions. In 2005, Juan Garcés secured over USD 8 million in compensation for more than 22,000 victims of the Chilean military regime.

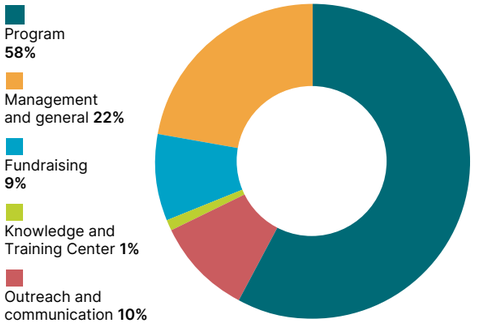
The Pinochet case thus marked a turning point for international justice, fundamentally transforming its landscape. Representing a major step forward in the fight against impunity, it demonstrated – through universal jurisdiction – that justice can be pursued wherever legal avenues exist, and that such extraterritorial justice can in turn break the vicious cycle of impunity even in the very countries where the crimes were committed.

*Juan Garcés received in 1999 the Nobel Prize alternative, the Right Livelihood Award. 2010.*
*Photo by Wolfgang Schmidt/Right Livelihood Award Foundation*

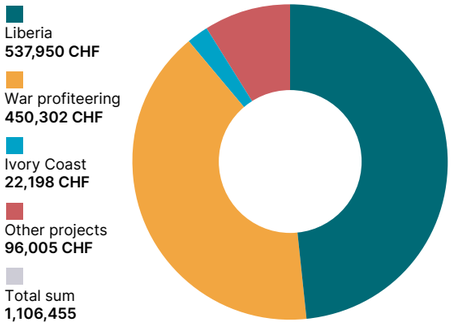
## Operating statement for the year ended December 31, 2024*

| | 2024 CHF | 2023 CHF |
|---|---|---|
| **Income** | | |
| Grants & donations** | 1,829,950 | 1,774,719 |
| Other income | 30,500 | 53,400 |
| **Total income** | **1,860,450** | **1,828,119** |
| | | |
| **Expenses** | | |
| Programs | -1,106,455 | -997,010 |
| Outreach and communication | -183,452 | -197,518 |
| Knowledge and Training Center | -12,113 | -2,651 |
| Fundraising | -192,824 | -200,616 |
| Management and general | -420,290 | -363,600 |
| **Total Expenses** | **-1,915,134** | **-1,761,396** |
| | | |
| **Earnings before financial result** | **-54,684** | **66,723** |
| | | |
| Financial expenses | -51,442 | -50,646 |
| Financial income | 105,978 | 11,161 |
| | | |
| **Result for the financial year** | **-148** | **27,238** |

### Expenses




### Programs




* Based on the audited accounts by 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 our vision and mission.**

The Global Justice and Research Project (GJRP), Liberia
Akin Gump Strauss Hauer & Feld LLP, United States
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Truth Hounds, Ukraine
Washington University in St. Louis, United States
Wellspring Philantropic Fund, United States
Zennström Philanthropies, United Kingdom
And other foundations which requested anonymity

## Make a donation

Founded in 2012, Civitas Maxima has established itself as one of the few organizations in the world capable – without any state funding – of supporting and assisting hundreds of victims of international crimes in their quest for justice. Your valued contribution will help us to continue our activities and preserve the independence of our work.
https://civitas-maxima.org/donate/

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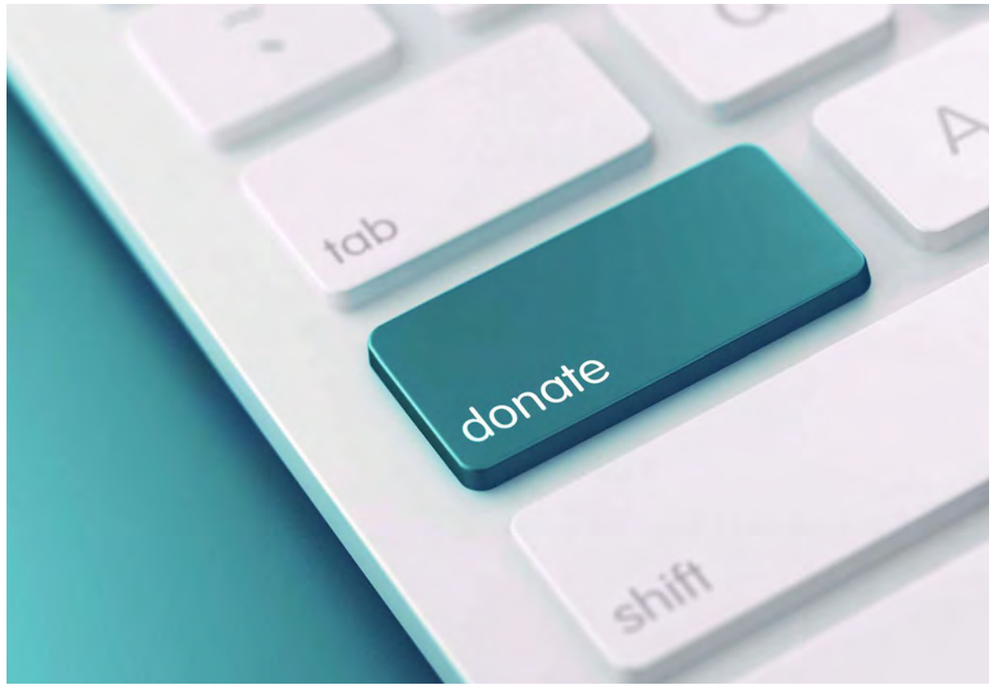






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Bluesky

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