For me, justice is the prime condition of humanity.
– WOLE SOYINKA

I will be as harsh as truth, and uncompromising as justice (...) I am in earnest, I will not equivocate, I will not excuse, I will not retreat a single inch, and I will be heard.
– WILLIAM LLOYD GARRISON

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

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

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

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

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

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

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

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

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

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

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

Alain Werner
Director of Civitas Maxima
Why Civitas Maxima?

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

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

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

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

Global Armed Conflict Frequency

5 ¬ Christopher Woolf, “The world is actually becoming more peaceful - believe it or not,” PRI’s The World (Sept. 29, 2014), retrieved from https://www.pri.org/stories/2014-09-29/world-actually-becoming-more-peaceful-believe-it-or-not.
WHY CIVITAS MAXIMA?

Yet the perpetrators of atrocities committed during recent and ongoing armed conflicts mostly go unpunished. The only permanent international body set up to try criminal cases for international crimes, the International Criminal Court (ICC), is a key and central player in the fight against impunity, but has so far only handed down five judgments concerning war crimes and crimes against humanity in its fifteen years of operation. Today Syria provides the most tragic and blatant, but by no means the only, example of a country where the lack of international political will is allowing those responsible for the most serious crimes to go free. What is more, countries where active fighting has subsided - such as Liberia and the Ivory Coast - still struggle to find a peaceful path forward because the lack of accountability allows former warlords to stay in power, thereby hampering meaningful progress and damaging trust in public institutions. Without accountability, the fear that such countries will return to conflict is all too real.

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

The International Criminal Court (ICC), a key and central player in the fight against impunity, has so far only handed down five judgments concerning war crimes and crimes against humanity in its fifteen years of operation. Today Syria provides the most tragic and blatant, but by no means the only, example of a country where the lack of international political will is allowing those responsible for the most serious crimes to go free. What is more, countries where active fighting has subsided - such as Liberia and the Ivory Coast - still struggle to find a peaceful path forward because the lack of accountability allows former warlords to stay in power, thereby hampering meaningful progress and damaging trust in public institutions. Without accountability, the fear that such countries will return to conflict is all too real.

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

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

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

6 From the period 2002-2011, the ICC delivered no verdicts. In 2012, Thomas Lubanga Dyilo was convicted of war crimes and charges against humanity. In 2013, Germain Katanga was convicted of a war crime and crimes against humanity. In 2014, Jean-Pierre Bemba Gombo was convicted of crimes against humanity and war crimes, and Ahmad Al Faqi Al Mahdi was convicted of a war crime. For a list of current and past cases before the ICC, see http://www.icc-cpi.int.


11 For an account of the structural and political issues complicating the ICC’s operations, see Stephanie Wagner, “Civitas Maxima and the ICC: One Institute’s Quest to Reform Justice”, 21(2) Constellation (2014).

Methodology -
the way Civitas Maxima
does its work matters

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

**Documentation**

**STEP 1**
Interviewing a victim or group of victims in cooperation with local organizations to create a record of events.

**STEP 2**
Storing all relevant information on a secure electronic database for factual and legal analysis to identify alleged perpetrators and appropriate accountability avenues on behalf of the victims(s).

**STEP 3**
Transmitting information, with the full consent of the victims, to relevant authorities with jurisdiction over the alleged perpetrator(s) and/or filing a complaint directly on behalf of the victims(s) where a viable accountability avenue has been identified.

**STEP 4**
Interfacing with authorities that have commenced investigations of the alleged perpetrator(s), and following up with victims continuously to ensure they are informed, regardless of how accountability efforts advance.

**STEP 5**
Representing victims and coordinating with prosecuting authorities at trial of the alleged perpetrator(s); and, where investigations have not matured into trials, preserving victims’ accounts for the long term, keeping in mind that political circumstances may change and prosecutions that seem impossible today may become a reality in the future.

**Pursuit of justice**

**STEP 3**
Transmitting information, with the full consent of the victims, to relevant authorities with jurisdiction over the alleged perpetrator(s) and/or filing a complaint directly on behalf of the victims(s) where a viable accountability avenue has been identified.

Civitas Maxima’s capacity-building efforts ensure its partners are able to participate at each stage of documentation and pursuit of justice.
Specific needs of victims and witnesses

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

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

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

A Bottom-Up Approach

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

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

Civitas Maxima’s Documentation Activities in 2016

Ivory Coast: Since 2013, Civitas Maxima has documented more than 250 accounts from victims and witnesses of crimes committed in the western part of the Ivory Coast during the 2011 post-electoral crisis. In 2016, Civitas Maxima conducted outreach activities to update victims and witnesses of progress on its work, and continued to explore ways to achieve justice. Over the course of three separate field missions in 2016, Civitas Maxima investigators met with more than 160 victims and witnesses. Each deployment required extensive planning and preparation for travel in remote areas accessible only for a limited period during the dry season.

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

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

Documentation: Impact

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

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

Ivory Coast - Moving beyond guilt

Mr. Guei had to escape his village in the west of the Ivory Coast during the violence that followed the 2010 Ivorian presidential election. He sought refuge in a small forest camp with his wife and son. Armed men attacked the camp and raped and killed Mr. Guei’s wife in front of him. When investigators from Civitas Maxima interviewed Mr. Guei, he told them his inability to save his wife plagued him with feelings of guilt and uselessness. He explained that he was ashamed to tell his son what had happened, fear of being killed had kept Mr. Guei from acting during the attack. Giving his testimony to investigators in order to...
seek justice for his wife gave Mr. Guei a sense of empowerment: “I can now say to my son that I did something for his mother, I can tell him that I am pursuing justice for her.”

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

Sierra Leone - Alleviating loss
Mr. Kamara was enslaved by the Revolutionary United Front in the diamond mines of Sierra Leone. He suffered physically as a slave, and lost one of his children. He told Civitas Maxima the circumstances of his daughter’s death: “We were running away from the war, and hiding in the bush. She fell sick and died. She was 5 years and 4 months old. We had nothing to give her. She died in the bush and we buried her there.” For Mr. Kamara, sharing his story with Civitas Maxima itself provided a form of reparation: “Nobody can bring me back what I have lost, nobody can bring me back my child, my property... but maybe someone can bring me justice.”
Civilitas Maxima and its local partners currently collaborate with six national war crimes units and investigators throughout the world. Between 2014 and 2016 this collaboration has directly led to the arrest of three alleged perpetrators of international crimes. Civilitas Maxima and its local partners currently collaborate with six

**Infinite Time Commitment**

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

The cases against alleged former Nazis who committed atrocities during WWII provide the best example of how long the cause of action for an international crime can last. Recently, a court in Poland issued an international arrest warrant against a former SS guard for his role in the Holocaust. This case represents for the long term, and will never give up on their quest for justice.

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

**Filing the Criminal Complaint**

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

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Civilitas Maxima firmly believes that the sudden end to Desaedeleer’s case does not rob the victims’ courageous efforts of meaning. Ibrahimm Tommey, the Executive Director of the Centre of Accountability and Rule of Law in Freetown, Sierra Leone, explains why this case was important for Sierra Leone below (p. 21).
Perseverance
In 2012, Alain Werner founded Civitas Maxima, which continued to pursue the case alongside Luc Walleyn and CARL. The case, however, stalled shortly afterwards, as Desaedeleer was living outside Belgian jurisdiction at the time. Furthermore, the Sierra Leonean government failed to respond to official requests by Belgian authorities for permission to conduct an on-the-ground investigation of the diamond mines.

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

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

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

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

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

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

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

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The Significance of the Michel Desaedeleer Case for Sierra Leone

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

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

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

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

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

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

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

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

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

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

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

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

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

The desire to pursue justice for mass atrocities committed does not need the approval or consent of any political entity or anyone else. Today, international law gives victims the tools to fight for accountability. Civitas Maxima will accompany them in this quest, which in turn sets precedents and enriches jurisprudence, strengthens the expertise and experience of national war crimes units around the world, and paves the way for justice for more victims.
My father was an aristocrat and one of King Sihanouk’s closest associates and had dedicated his life to his country. Among other things, he was an ambassador for Cambodia and Prime Minister. In 1970, the monarchy was overthrown and a republic declared. My father, who had retired in Paris a few months before that, and his family were banned from entering Cambodia by the new government.

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

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

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

One day in November 1975, they were all called in and interrogated one by one and forced to give their identity. My sister, who normally always introduced herself modestly using her married name, said she was called Tioulong, a name that represented power of the past. That was her downfall. A few days later she was brought back to Phnom Penh and locked up in S-21 Prison. That was a torture and extermination centre from which no one ever was to get out alive, run by a man named Duch. This news was devastating for us. But what could we do other than lament our own powerlessness? Cambodia as a country was torn apart and still closed off to the outside world.

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

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

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After five years of waiting, in 1999, taking an example from the case against Chilean dictator Pinochet, who had been arrested in London for legal proceedings undertaken in Spain, I tried to bring a case in the French legal system against three Khmer Rouge leaders, particularly against Duch, who ran S-21 Prison. My claim was rejected two years later because the victims were not French. There was no sign either of an international tribunal. I wondered: were the two million victims of the Khmer genocide so unimportant in the eyes of the world that the criminals did not need to be judged?
We waited another nine years. Finally, in 2008, after tough negotiations between the UN and the Khmer government, an international tribunal was formed in Phnom Penh. The first person to be judged was Duch, the director of S-21, thought to be responsible for the elimination of at least 12,272 people – men, women and children.

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

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

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

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

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

I see it on two levels. Firstly, on a family level. There was obviously relief for my sister Raingsi’s family and for my parents. Secondly, for my whole family and also for all Khmer people who suffered.

The trial was a way to publicly and formally bring up the tragedy, reveal it to all, even to the young people in our family. My sister’s children have children of their own now. One of them who was present at my deposition told me that she now knew a huge part of her grandmother’s story, which she had not until then. My daughter who stood by me for the three years of hearings, realized the scope of the tragedy and helped to make it more widely known around her.

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

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

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

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

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

And I think it is right and absolutely necessary that the largest number of victims possible enjoy that pivotal. The Khmer lawyers relied on them to be able to fulfill their role, and without them, they would never have been able to do their job fully. I understand how fortunate I have been to enjoy this absolutely necessary support, not only in legal issues but also on a human level.

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

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

Civitas Maxima and the Global Justice and Research Project

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

Alain was driven by his experiences at the Special Court for Sierra Leone (SCSL) and the Extraordinary Chambers in the Courts of Cambodia, from which he realized that victims need to take the center stage of international criminal justice. Years of working on RUF trials and the Charles Taylor trial had given him a thorough understanding of the impunity afforded to criminals by the status quo in Liberia. Hassan’s motivations are even more personal: in 2002 he was arrested by Charles Taylor’s men for his conspicuous work as a journalist and human rights advocate, and tortured for several months. Hassan later testified against Taylor before the SCSL, and having already risked his life to speak out for justice, he refused to stop fighting for Liberian victims after Taylor’s conviction.

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

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

Civitas Maxima has also supported GJRP’s integration into regional networks of human rights defenders. In 2016, Civitas Maxima facilitated GJRP’s contact with the Center for Justice and Accountability (CJAL) in Sierra Leone, an organization that has more experience in the human rights field and can provide GJRP with valuable advice; a similar connection was also established with the International Commission of Jurists (ICJ) in Kenya in 2015. These connections are crucial for ensuring that initiatives by Africans to achieve justice for African victims can rely on support networks reaching across the continent.

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

Capacity Building: Impact

What started out as shared personal beliefs in the fight for justice with victims between a Swiss and a Liberian has grown into a strong partnership between two organizations that together represent over 250 victims. GJRP has become a flagship human rights defender in Liberia, and is increasingly sought after to cooperate with war crimes units all over the world in building cases in the name of Liberian victims of atrocities.

Empowering and strengthening civil society in the countries in which Civitas Maxima works is a real and tangible contribution to achieving accountability, building peace and supporting sustainable change. In the following section, Hassan Bility describes how GJRP’s work contributes to moving Liberian society beyond tribalism and towards a future characterized by sustainable peace.
Liberian society has long been divided along ethnic lines. The oldest independent African republic was founded by freed slaves from the US who came to be called Americo-Liberians, arriving in the early 1820s, while the indigenous population, which they met here, was referred to as “Country People” or “native people,” a term in Liberia denoting inferiority. Native Liberians were denied good jobs, education, the right to vote, and many other privileges that were reserved for the minority Americo-Liberians. A 1930 League of Nations-commissioned report named the “Christy Commission,” concluded that forced labor practices were carried out by elite Americo-Liberian government officials, practices that resembled conditions of slavery.

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

According to the final report of the Truth and Reconciliation Commission, one of the root causes of the conflict was ethnicity and the divisive clustering of the people of Liberia, as well as an entrenched political and social system founded on privilege and patronage: Liberia has known peace for the past 12 years, but tribalism is still a determining factor in our society and decisive in the current political campaign for the presidency, as leaders have historically been known to allocate to their own ethnic groups considerable state resources to extend influence and control.

This tribalism is also apparent in reactions to our work. When Alieu Kosiah was arrested in November 2014 in Switzerland and, on the basis of GJRP’s and Civitas Maxima’s common work, accused of war crimes, I received an unprecedented amount of threats – more than I had in the past in connection to Martina Johnson’s arrest in Belgium, for example. **Why?**

Alieu Kosiah is of the Mandingo ethnic group, as am I. The perception among many members of our tribe was that I was a traitor. In their opinion, Kosiah had picked up arms to defend our people against the aggression of Charles Taylor’s men, and I should not “go after him.” Contributing to the arrest of Martina Johnson, however, was perfectly acceptable and welcome, as she had fought alongside Taylor’s NPFL, a rival rebel group comprised, mostly, of fighters from another tribe.

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

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

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

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

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

Moving Beyond Tribalism – Towards a More Just Liberia

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

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

25 ¬

Martina Johnson, a former Liberian army commander, was arrested in Belgium on September 2014 for war crimes and crimes against humanity, crimes associated her arrest to a press release available at https://www.civitas-maxima.org/sites/default/files/docs/2017-01/Release_2014_09_18.pdf.
## 2016 FINANCIAL SITUATION

Operating statement for the year ended December 31, 2016*

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*Based on audited accounts by PriceWaterhouseCoopers (PWC).
**This figure includes allocation to and use of restricted funds.

## Acknowledgments

Civitas Maxima is grateful for the support received from the following donors and partners who contributed towards the advancement of its mission and goals.

- Bryan Cave LLP, USA
- Canadian Centre for International Justice, Canada
- Centre for Accountability and Rule of Law, Sierra Leone
- Centre for Justice and Accountability, USA
- Global Justice and Research Project, Liberia
- Institute for International Criminal investigations, The Netherlands
- Karl Popper Foundation, Switzerland
- Katana SA, Switzerland
- King Baudoin Foundation United States
- Oak Foundation, Switzerland
- Private Donors
- Pro Victimis Foundation, Switzerland
- PricewaterhouseCoopers (PwC), Switzerland
- Swiss Incorp, Switzerland
- The Resources Alliance, United Kingdom
- The Sigrid Rausing Trust, United Kingdom
- The United Nations Voluntary Fund for Victims of Torture, Switzerland
- Veritus Group, United Kingdom
- White & Case LLP, Switzerland
Civitas Maxima in 2016

Executive Board: Kim Thuy Seelinger (President), Robert Troxler (Treasurer), Ivan Agabekov, Alejandro González Florenzano, Michael Kleinman, Yael Rimer, and Gaetano Zanon.

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Staff members: Emmanuelle Marchand, Maria-Angelas Martin, Jeanette Rouvinez, Lisa-Marie Rudi, Rachel Tisseul and Alain Werner.


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