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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

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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."

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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.

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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.