

THE TRUTH AND RECONCILIATION COMMISSION OF LIBERIA (TRC)

FINAL REPORT VOLUME I: FINDINGS AND DETERMINATIONS

SUMMARY OF PRELIMINARY FINDINGS, DETERMINATIONS AND RECOMMENDATIONS



“Confronting our difficult past for a better future”

Truth, Justice and Reconciliation

A. SUMMARY OF FINDINGS AND DETERMINATION

THE TRC FINDS THAT:

1. The conflict in Liberia has its origin in the history and founding of the modern Liberian State.
2. The major root causes of the conflict are attributable to poverty, greed, corruption, limited access to education, economic, social, civil and political inequalities; identity conflict, land tenure and distribution, etc.
3. All factions to the Liberian conflict committed, and are responsible for the commission of egregious domestic law violations, and violations of international criminal law, international human rights law and international humanitarian law, including war crimes violations.
4. All factions engaged in armed conflict, violated, degraded, abused and denigrated, committed sexual and gender based violence against women including rape, sexual slavery, forced marriages, and other dehumanizing forms of violations;
5. A form of both individual and community reparation is desirable to promote justice and genuine reconciliation.
6. Where in the determination of responsibility IHRL, IHL, ICL, do not apply domestic criminal law statutes will apply.
7. No faction in particular instituted – in some cases to a very limited extent-adequate mechanism to avoid or mitigate massive violations of human rights that characterized the conflict.
8. A form of both individual and community reparation is desirable to promote justice and genuine reconciliation.
9. All factions and other armed groups recruited and used children during periods of armed conflicts.
10. All factions engaged in armed conflict, violated, degraded, abused and denigrated, committed sexual and gender based violence against women including rape, sexual slavery, forced marriages, and other dehumanizing forms of violations;
11. None derogation of rights during periods of emergency or armed conflict applies to the Liberian conflict situation.
12. Prosecution mechanism is desirable to fight impunity and promote justice and genuine reconciliation.
13. Common Article 3 and Protocol II of the Geneva Convention, having being ratified by the Government of Liberia apply to Liberia.
14. Liberian was engulfed in armed conflict from December 1989 to 1996; from 1999 to August 2003;
15. Preponderance of evidence is an appropriate evidentiary standard of proof appropriate to the work of the TRC considering that it is neither a criminal nor prosecuting institution.
16. Massacres, economic crimes, extra-judicial killings, for example, fall within the ambit of IHRL and IHL.

17. The New Penal Code of Liberia will apply as to mercenarism, official oppression, murder, kidnapping, rape, sexual assault, fraud in the internal revenue of Liberia, theft and/or illegal disbursement and expenditure of public money, counterfeiting, and misuse of public money, property or record.
18. General Human Rights Violations (GHRV) are generally, but not exclusively, committed by state actors, and may take place during times of peace or armed conflict, and can be directed against individuals or a group of individuals.
19. Lack of human rights culture and education, depravation and over a century of state suppression and insensitivity, and wealth acclamation by a privileged few created a debased conscience for massive rights violations during the conflict thus engendering a culture of violence as means to an end, with an entrenched culture of impunity.
20. External State Actors in Africa, North America and Europe, participated, supported, aided, abetted, conspired and instigated violence, war and regime change against constituted authorities in Liberia and against the people of Liberia for political, economic and foreign policy advantages or gains.

THE TRC DETERMINES THAT:

1. All warring factions are responsible for the commission of gross human rights violations in Liberia, including war crimes, crimes against humanity, IHRL, IHL, ICL, domestic criminal laws
2. Prosecution in a court of competent jurisdiction and other forms of public sanctions are desirable and appropriate mechanisms to promote the ends of justice, peace and security, foster genuine national reconciliation and combat impunity.
3. The massive wave of gross violations and atrocities which characterized the conflict assumed a systematic pattern of abuse, wanton in their execution, and the product of deliberate planning, organized and orchestrated to achieve a military or political objective; disregarding the rights of noncombatants, children, and women, the elderly, disarmed or surrendered enemy combatants, etc.
4. All factions to the conflict systematically targeted women mainly as a result of their gender and committed sexual and gender based violations against them including, rape of all forms, sexual slavery, forced marriages, forced recruitment, etc.
5. Reparation is a desirable and appropriate mechanism to redress the gross violations of human rights and shall apply to communities and individuals, especially women and children, to help restore their human dignity, foster healing and closure as well as justice and genuine reconciliation.
6. General amnesty for children is desirable and appropriate. Amnesty for crimes lesser than gross violations is also desirable and in certain circumstances appropriate to foster national healing and reconciliation.

7. IHRL, IHL, ICL, and Liberian domestic criminal statutes are applicable in establishing accountability for crimes committed during the mandatory period of the TRC work.
8. Reform of certain public institutions are appropriate to promote good governance and human rights, reduce poverty and alleviate illiteracy, promote peace, security, national reconciliation and opportunity for all.
9. While the TRC will not recommend general amnesty, except as provided in count 5 above, the commission however holds that all individuals admitting their wrongs and speaking truthfully before or to the TRC as an expression of remorse which seeks reconciliation with victims and the people of Liberia will not be recommended for prosecution.
10. Further investigations into matters under consideration by the TRC but remains incomplete up to the expiration of its tenure in June 2009 are desirable.
11. Liberians in the Diaspora are as much of a Liberian as Liberians at home; they continue to be engaged with developments on the homeland, supported, financed warring factions as an instrument for regime change; their voices must be heard and their issues and concerns must be addressed in fostering greater national reconciliation.

B. Accountability of Perpetrators

The Commissioners of the Liberian TRC determine that some persons are responsible for committing 'egregious' domestic crimes, 'gross' violations of human rights and 'serious' humanitarian law violations in Liberia between January 1979 and October 14, 2003. The specific crimes committed by perpetrators will be detailed in the Final Consolidated Report (Volume II) in order to protect the identity and physical person of witnesses, victims and their communities. The Commissioners of the TRC reserve the right to and will make additional determinations on individual and group responsibility for domestic and international crimes throughout the duration of its mandate, which expires on June 22, 2009.

The TRC also reserves the right to and will make additional determinations of responsibility on any persons, groups or entities involved in a joint criminal enterprise or conspiracy including those that planned, instigated, ordered committed, aided or abetted in the planning, preparation or execution of any crime within its mandate, including economic crimes.

C. Accountability of Groups

The Commissioners of the Liberian TRC determine that the following armed groups, rebel groups or warring factions and the financiers, leaders, commanders, combatants and advisors etc. associated with them are responsible for committing 'egregious' domestic crimes, 'gross' violations of human rights and 'serious' humanitarian law violations including economic crime in Liberia between January 1979 and October 14, 2003. The TRC has divided these groups into the following two categories; however, their culpability is the same: (1) Significant Violator Groups; and (2) Less Significant Violator Groups. The distinction between them relates to the number of reported violations against them. The specific crimes and total reported violations committed by these armed groups, rebel groups or warring factions and the financiers, leaders, commanders, combatants and advisors etc. associated with them will be detailed in the Final Consolidated Report (Volume II). The Commissioners of the TRC reserve the right to and will make additional determinations on these groups or factions for domestic and international crimes throughout the duration of its mandate, which expires on June 22, 2009.

Significant Violator Groups

- i. National Patriotic Front of Liberia (NPFL)
- ii. Liberians United for Reconciliation and Democracy (LURD)
- iii. Liberian Peace Council (LPC)
- iv. Militia
- v. Movement for Democracy in Liberia (MODEL)
- vi. United Liberation Movement (ULIMO)
- vii. Armed Forces of Liberia (AFL)
- viii. Unknown
- ix. United Liberation Movement-K (ULIMO K)
- x. Independent National Patriotic Front of Liberia (INPFL)
- xi. United Liberation Movement-J (ULIMO J)
- xii. Anti-Terrorist Unity (ATU)

Less Significant Violator Groups

- i. Vigilantes
- ii. Lofa Defense Force (LDF)
- iii. Liberian National Police
- iv. Special Operation Division of the Liberian National Police (SOD)
- v. Revolutionary United Front (RUF)
- vi. Special Anti-Terrorist Unit (SATU)
- vii. Special Security Unit (SSU)

- viii. Special Security Service (SSS)
- ix. National Security Agency (NSA)
- x. National Bureau of Investigation (NBI)
- xi. Criminal Investment Division (CID)
- xii. Rapid Response Unit (RRU)

Military Institutions Drawn into Conflict by their defensive and offensive postures

- i. ECOMOG
- ii. Black Beret

D. RECOMMENDATIONS

1. Accountability: A Prosecution Mechanism

The Commissioners of the TRC determine that a criminal court with the competence and jurisdiction to adjudicate criminal responsibility for individuals, armed groups and other entities that the TRC determines were responsible for ‘egregious’ domestic crimes, ‘gross’ violations of human rights and ‘serious’ humanitarian law violations is appropriate. Such institution shall be specifically endowed with the authority and jurisdiction to adjudicate domestic, IHRL and IHL violations.

The TRC will submit a comprehensive recommendation on the competence, jurisdiction, structure, function and other authority of the recommended criminal court to the National Legislature and the President of Liberia in the Final Consolidated Report (Volume II).

2. National ‘Palava Hut’ Forum

The Commissioners of the TRC determine that the establishment of a National Palava Hut Forum under the aegis of the Independent Human Rights Commission is a useful tool for peace building, healing and national reconciliation at both the national and district levels. The Commission to organize and administer national ‘Palava Hut’ Committees in all of Liberia’s sixty-four districts in order to provide victims a public venue to confront perpetrators living in their communities to hasten reintegration and reconciliation and community-based atonement.

The TRC will submit a comprehensive recommendation on the competence, jurisdiction, structure, function and other authority of the “National ‘Palava

Hut Forum to the National Legislature in the Final Consolidated Report (Volume II).

3. Amnesty

The Commissioners of the TRC reserve the right to make recommendations of amnesty for children and persons, groups or entities that it has determined not to have committed 'gross' violations of human rights or 'serious' humanitarian law violations.

The TRC will submit a comprehensive recommendation on the nature and character of any amnesty in the Final Consolidated Report (Volume II).

4. Persons Not Recommended for Prosecution

The Commissioners of the TRC reserve the right to recommend and will recommend to the Government of Liberia, National Legislature and any criminal court that persons it determines are responsible for committing domestic and international crimes not be prosecuted if the TRC believes said persons testimony was truthful and remorseful.

The TRC will submit a comprehensive recommendation on those persons that it recommends not be prosecuted in the Final Consolidated Report (Volume II).

5. Reparations

The Commissioners of the TRC reserve the right to and will make individual and community reparations to any persons, groups, entities or communities, and to establish Reparations Trust Fund(s) as it deems appropriate.

The TRC will submit a comprehensive recommendation on the nature and character of any reparations in the Final Consolidated Report (Volume II).

6. Additional Recommendations

The TRC reserves the right to and will make several additional recommendations in the Final Consolidated Report (Volume II).

SIGNED:

JEROME J VERDIER, SR. (CLLR)
CHAIRMAN
DECEMBER 19, 2008