



Transitional Justice and DDR: The Case of Liberia

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Transitional Justice and DDR Project

This research project examines the relationship between disarmament, demobilization and reintegration (DDR) programs and transitional justice measures. It explores the manifold ways in which DDR programs may contribute to, or hinder, the achievement of justice-related aims. The project seeks not only to learn how DDR programs to date have connected (or failed to connect) with transitional justice measures but to begin to articulate how future programs ought to link with transitional justice aims. The project is managed by Ana Patel, Deputy Director of the Policymakers and Civil Society Unit at the ICTJ. For more, visit www.ictj.org/en/research/projects/ddr/index.html.

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Introduction

Between 1989 and 2003, the West African state of Liberia was engulfed in fourteen years of war. While the war is often analyzed as an ethnic conflict, ethnicity was only one facet of a wider complex of factors that shaped the fighting. Prior to the war, Liberia was characterized by political repression, economic mismanagement, lack of access to health care and education and lack of broad political participation. These conditions created a lack of security, in the broadest sense, and set the stage for conflict.

The National Patriotic Front of Liberia, the armed group led by Charles Taylor, initiated the way in 1989 to challenge the regime of President Samuel K. Doe. By the end of the war ten armed groups were involved in fighting that spilled over into Sierra Leone and had repercussions throughout the West African region. After thirteen attempted peace agreements and an intervention by the Economic Community of West African States Military Observer Group (ECOMOG), the first phase of the conflict, known in Liberia as the “Taylor” war, ended with the elections of July 1997. The elections brought Charles Taylor to power as president of Liberia with the infamous slogan “He killed my ma, he killed my pa, but I will vote for him.”¹ Opportunities for building peace were squandered by President Taylor and the country returned to war just two years later, in July 1999. This second round of violence lasted until the Comprehensive Peace Agreement (CPA) was signed on August 18, 2003, in Accra, Ghana. The indictment of President Taylor by the Special Court for Sierra Leone, for his role in that country’s civil war, and his subsequent decision to avoid extradition by leaving the presidency and going to Nigeria created a window of opportunity for those seeking peace and justice. In 2006, after the election of President Ellen Johnson-Sirleaf, Charles Taylor was finally taken into custody. He currently is on trial in The Hague.

All of the armed factions, including the national army, the Armed Forces of Liberia (AFL), were involved in massive human rights violations. The range of atrocities perpetrated against the people of Liberia included the massive killing of civilians, widespread rape and sexual violence, forcible recruitment of children as soldiers, extortion, desecration of the cultural heritage of the country, looting of the national economy and the destruction of property. According to recent reports, an

estimated 250,000² to 270,000 people died,³ 850,000 sought refuge in neighboring countries,⁴ and 500,000 were displaced within the country from 1989 to mid-2003 as a direct result of the war.⁵ The crimes against humanity committed by the armed groups in Liberia were horrific and included the targeting and indiscriminate killing of civilians, including infants, children and the elderly. Combatants and noncombatants alike were tortured, mutilated, shot and burned alive.⁶ A study conducted by the UNDP in collaboration with the National Human Rights Center of Liberia in early 2004 reported that between 60 and 70 percent of the population suffered some form of sexual violence during the conflict.⁷

In attempted peace negotiations for Liberia, prior to the CPA in Accra, justice for human rights abuses was not addressed beyond granting amnesties for perpetrators of crimes. With the Accra negotiations, however, accountability for the past was one of the most challenging issues, along with the demand that President Taylor exit from power and the struggle to find a consensus on an appropriate power-sharing arrangement. Civil society groups were instrumental in getting the issue of transitional justice on the agenda. Given the extreme violence that characterized the conflict, some Liberians demanded the establishment of a war crimes tribunal. The negotiations in Accra instead resulted in an agreement to establish a Truth and Reconciliation Commission (TRC) with the view that its work would contribute to spreading the truth about what transpired during the conflict and gaining further insight into the root causes of the conflict.

The Accra negotiations also led to a request to the United Nations to deploy a peacekeeping force to Liberia under Chapter VII of the Charter of the United Nations to support the National Transitional Government of Liberia and assist in the implementation of the CPA. Accordingly, the United Nations Mission in Liberia (UNMIL) was established by Security Council Resolution 1509 in September 2003 and is still operating in the country. The UNMIL mandate includes the development and implementation of a strategy for cantonment, disarmament, demobilization, rehabilitation and reintegration of ex-combatants to be developed in coordination with a National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR). The disarmament, demobilization, rehabilitation and reintegration (DDRR)⁸ program was officially completed on October 31, 2004, with 101,496 combatants and their “associates” disarmed and demobilized. Approximately 90,000 of these ex-combatants have also participated in the rehabilitation and reintegration components of the program.⁹

This paper explores the relationship between transitional justice and the DDRR program in Liberia during the period of the negotiation of the CPA in 2003 through August 2007, as well as a brief overview of an earlier failed DDRR process attempted in 1996. The position of this paper is that by implementing the DDRR program separately and prior to the implementation of the TRC and any other transitional justice measures, the fragile peace and security that emerged after the signing of the CPA was sustained.

Postconflict Liberia was a collapsed state. Physical infrastructure was destroyed, including courts and correctional centers. Lawyers had fled the country. The entire security system was fragmented and

factionalized. Societal structures had also collapsed. The country did not have the capacity to pursue transitional justice measures concomitantly with the DDRR process. Efforts to address past human rights crimes were, and to an extent continue to be, hindered by the fear that the pursuit of justice would derail the peace process. The case of Liberia illustrates that under certain conditions, such as a failed state and a peace agreement based on a negotiated settlement, the best relationship that can be obtained between DDRR programs and transitional justice measures is one of sequencing. The rest of the paper attempts to support this position by examining the two most recent DDRR programs implemented in the country, the peace negotiation process and the postconflict situation, transitional justice initiatives to date, and the connections, and disconnections, between DDRR and transitional justice initiatives in Liberia.

DDRR in Liberia: The First Attempt, April–July 1997

Liberia underwent two different DDRR processes in a ten-year period. The first was attempted after the signing of the Cotonou Agreement in 1993, which provided a blanket amnesty for all the fighters. Combatants were demobilized in various stages between the years of 1994 and 1997. Almost ten years later, after the negotiation of the CPA, the second DDRR process was initiated in December 2003. The most recent DDRR process officially ended on October 30, 2004, although rehabilitation and reintegration programs for ex-combatants continue to this day.

The first DDRR program began in March 1994, but was prematurely and temporarily aborted because of violence between Charles Taylor and his former allies in April of that same year. A period of intense fighting followed for the next year and a half. The Abuja II Agreement of 1996 allowed for the resurrection of the disarmament process and mandated a restructuring of the army. The United Nations Observer Mission in Liberia and the United Nations Humanitarian Assistance Coordination Office were mandated to assist the disarmament and demobilization process under very difficult conditions, including severe logistic, financial and manpower constraints. The UN Mission could not incur additional expenditures until December 1996, when the commitment and authority of donors was finally granted.¹⁰ During this period, while waiting for donor funds, the offices responsible for the program were looted and databases were destroyed, causing further delays.¹¹

The 1996 DDRR program was implemented in three stages. The first stage involved disarming, registering, interviewing and counseling ex-fighters. Stage two involved the absorption of disarmed combatants into “bridging activities”¹² (that is, work and training programs) to help them gain employable skills. The final stage was reintegration, a longer-term and more complex process.¹³ The assistance package for the ex-fighters included food and tools for work. A fixed ration of rice, canned food and other food items was given to the ex-fighters in exchange for a serviceable weapon and 100 rounds of ammunition. Following this, reintegration coupons or food rations were given to the demobilized fighters who were traveling to their final destinations.¹⁴

The response to the DDR program varied in different parts of the country. While there was enthusiasm to disarm in much of the country, the process was delayed in such cities as Zwedru, Voinjama, and the border town of Bo Waterside because of security concerns expressed by leaders of factions occupying these areas.¹⁵

By the end of the process in February 1997, about 24,500 of the estimated 33,000 fighters (74 percent) had been disarmed and demobilized. These included 4,306 child soldiers and 250 adult female fighters. More than 9,570 weapons and 1.2 million rounds of ammunition were also surrendered, and ECOMOG's cordon-and-search operations yielded another 917 weapons and 122,162 rounds of ammunition.¹⁶

Child Combatants

Child combatants aged seventeen and under were the primary fighters in the first phase of the Liberian conflict. It was estimated that 15,000 to 20,000 child soldiers were under the control of the six major armed factions. Child soldiers, both male and female, were subjected to sexual abuse and drug use, and were forced to witness and commit human rights atrocities.¹⁷ By the end of the first DDDR program, however, only 4,306 child soldiers were disarmed and demobilized. The lack of any gender-disaggregated data has made it impossible to obtain information about the experiences of female child fighters during the 1996–1997 program.

Adults and children went to the same sites and were disarmed by ECOMOG soldiers. Some of the children gave their weapons to their commanders to hand in because they were afraid to give them to the ECOMOG soldiers, whom they considered to be their enemies.¹⁸ After handing in the weapons, they were registered and asked to provide their names and ages and to identify the armed faction with which they had fought. A photograph was taken and an ID card provided. Due to misinformation and fear about the process, some children gave false information about themselves¹⁹ and most never entered the process at all.

It is thought that the low turnout of child soldiers to the DDDR program was caused by three interrelated factors: (1) some children voluntarily and independently returned to their homes and communities after the end of the conflict; (2) others were reluctant to register with ECOMOG soldiers—the very enemies they fought during the war; and (3) others believed that registering meant they would be returned to the battle front to fight.

Those children who entered the DDR process could choose to stay in transit centers that would attempt to trace and reunify them with their families; stay with parents or family; live on their own or with friends; or work on plantations, company camps or mining areas.²⁰ Those who decided to stay at the transit centers benefited from the UNICEF-organized program for war-affected youth, which included vocational and literacy training and trauma counseling.²¹ Many institutions and NGOs, including Don Bosco, Calvary Chapel and Save the Children, organized and operated

several transit centers throughout the country for two and a half years. Although these centers were supposed to help children go through the transition from military to civilian life, there is little evidence to indicate whether those who spent time at the transit centers did or did not return to fighting during the next phase of war, which started in 1999.

The obstacles to reintegration into the larger society were similar for child and adult ex-fighters. Such obstacles included:

- Conflicting perceptions between ex-fighters (seek gratitude for their heroic deeds) and civilians (seek apologies and repentance);
- Emotional and psychological scarring of civilians and ex-combatants due to the extreme violence of the fighting and the high level of atrocities that occurred;
- Inability of families to support ex-combatants due to health problems, lack of shelter and high unemployment of their own; and,
- Legacies of ethnic tensions.²²

The acceptance of former child soldiers into their former communities did not depend solely on their parents or families; community elders, secret societies, churches and chiefs also played a critical role in reconciliation and reintegration. Social workers had to carry out family and community sensitization in order to help facilitate this process.²³ Unfortunately, there were also a number of factors outside the community that made it difficult for the ex-fighters to be easily reintegrated into the larger society: the poor state of the economy; the destruction of the very communities into which these ex-fighters were being reintegrated; and the ex-fighters' lack of employment skills.

Taylor Elected President

The DDRR process for 1996 and 1997 was completed in three months. Major weaknesses of this first DDRR attempt were its emphasis and focus on “gun-carrying combatants,” which usually excluded women and children; its failure to accompany DDRR with a strategy to restructure the national army; its lack of accountability measures; and the lack of commitment to DDRR by the leadership of the country.²⁴

Upon his victory in the 1997 elections, Taylor aborted the planned restructuring and training of the army that was to take place under the Economic Community of West African States' (ECOWAS) supervision, arguing that it was his sovereign right to control the army. Within a few months armed rebel groups, in particular the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), rose in opposition to President Taylor and engaged in violent clashes with government forces. By 1999, the country was once more at war.

Back to War

The armed groups' strategies of forced recruitment and horrific atrocities against civilian populations again characterized the second phase of the war and led to large waves of population displacement. By June 2003, the rebels controlled two-thirds of Liberia and were engaged in clashes with government troops throughout the country. President Taylor's military and political power was eroding. The United Nations Security Council arms embargo imposed in 1992 began to negatively impact his military strength, particularly given that his supporters in the neighboring countries of Burkina Faso and Cote d'Ivoire had deserted him.²⁵ Regional and international efforts to broker a cease-fire also intensified. The ECOWAS chair at the time, President John Kufuor of Ghana, hosted peace talks in Accra in an attempt to once again bring an end to the Liberian conflict.

Negotiating the Peace and the Postconflict Context

It was during these initial peace talks in Accra, on June 4, 2003, that the UN-backed Special Court for Sierra Leone announced that it had indicted Liberian president Charles Taylor for war crimes and issued an international warrant for his arrest. The Special Court for Sierra Leone, created through an international agreement between the United Nations and Sierra Leone, charged President Taylor with "bearing the greatest responsibility" for war crimes, crimes against humanity and serious violations of international humanitarian law in Sierra Leone.²⁶ The announcement temporarily halted the negotiations. President Taylor, who was in Accra at the time, was hurriedly flown back to Liberia by the Ghanaian government, which did not want the embarrassment of having an invited head of state arrested in its territory (unbeknownst to the Ghanaian government at the time, Taylor would manage to evade arrest for another two years). The representatives of LURD and MODEL saw this as an opportunity for military victory and hardened their positions, asserting that they would not bargain with an indicted war criminal. In a move that was a portent to a transitional government that would exclude President Taylor, representatives of Liberia's government and the two rebel groups agreed to a cease-fire on June 17, 2003.

Despite all sides agreeing to a cease-fire, fighting continued around the capital, and as the rebels advanced on Monrovia, President Taylor asked the international community to intervene with a peacekeeping force. The UN announced the deployment of international troops to Liberia in July. On August 11, under intense regional and international pressure, President Taylor handed over power to his vice-president, General Moses Blah, and sought asylum in Nigeria. A week later the CPA was signed between the Government of Liberia, LURD and MODEL—the main parties to the conflict.

The key issues in the peace negotiation process that resulted in the CPA were the demand that Charles Taylor exit from power, reaching a consensus on an appropriate power-sharing arrangements

and enacting transitional justice measures. The issue of President Taylor was resolved when he accepted asylum and allowed his vice-president to assume the presidency. The issue of power sharing took center stage next. Some civil society groups and political parties advocated for the exclusion of members of the armed factions from participating in the proposed National Transitional Government of Liberia. This position, however, was unrealistic, given the armed factions' continued hold on power. In fact, the three armed faction groups claimed the majority of the positions within the transitional government, although civil society groups were also allocated governmental positions.

Civil society groups did play a significant role at the Accra talks of 2003. Women's groups, for example, were actively involved in the peace negotiations. Throughout the talks, Liberian women organized an ongoing vigil focused on their demands for an end to the conflict. International actors, including ECOWAS, the AU, the UN, the U.S. government, the EU, the International Contact Group on Liberia (ICGL) and such individuals as former U.S. president Jimmy Carter also played a significant role in the efforts to find a solution to the Liberian conflict.

The resulting CPA was divided into ten different parts, including sections on definitions; cessation of hostilities; cantonment, disarmament, rehabilitation and reintegration; security sector reform; release of prisoners and abductees; human rights issues, including the establishment of a Truth and Reconciliation Commission and an independent national commission on human rights; humanitarian issues; political issues; and postconflict rehabilitation and reconstruction.²⁷ Part 10 of the CPA provided a plan for its implementation, including provisions for the responsibilities of the parties and the international community. While the overarching duty of the local and international stakeholders was to ensure the successful implementation of the agreement, there were also "special provisions" covering the transitional government and its role in the implementation of the peace process. Accordingly, certain provisions of the Liberian Constitution were suspended during this time, to be restored with the inauguration of the new president in January 2006.

After the CPA was signed, a National Transitional Government of Liberia ruled the country for a period of two years. With the support of the international community, the transitional government organized the elections of October 2005, bringing Mrs. Ellen Johnson-Sirleaf to power as the first democratically elected female president in Africa.

Postconflict Situation

The transitional government and, subsequently, the elected administration of President Johnson-Sirleaf inherited enormous social, economic, political and security deficits. Although the lack of available and up-to-date statistics makes it difficult to get a clear picture of the postconflict situation of the country, figures from previous years give an indication of the state of the economy when the peace agreement was signed. In 2003, the country was counted among the world's poorest, with a GDP per capita of US\$151 and an unemployment rate of 85 percent. The proportion of people

living on less than a dollar per day increased from 55.1 percent in 1997 to 76.2 percent in 2001. Approximately 1.4 million people out of a total population of 3 million were living in abject poverty. The situation has not improved and human development indicators there continue to be among the worst in the world.²⁸

Access to basic social services was difficult throughout the country because of the near total destruction of infrastructure, including schools and hospitals. The Gross Enrollment Ratio (GER) of pupils decreased from 78 percent in 1989 to 56 percent in 2001 and 2002. Between 2000 and 2002 the GER for boys declined from 72.9 percent in 2000 to 48.5 percent, while for girls it declined more drastically from 72.5 percent to 35.5 percent.²⁹ Similarly, the health situation in the country was, and continues to be, appalling. Mortality rates for mothers and infants are among the highest in the world. The under-five mortality rate is 235 per 1,000 live births. Thirty-five percent of the population is undernourished.³⁰

The new government also faces serious security challenges. Increasing waves of lawlessness and armed robbery have engulfed the country since July 2006. The postconflict security sector is fragmented and dysfunctional and there is no national army. Threats to the security of the country come from disaffected groups, such as the demobilized personnel of the AFL, who are not satisfied with their severance payment and pension benefits; ex-fighters who have yet to benefit from the reintegration program; and those who have gone through the DDRR program but are still unemployed and languishing in the streets. Deactivated personnel of the Special Security Service (SSS) and the Liberia National Police are also security threats.³¹

One example of a postconflict security situation was the illegal occupation of rubber plantations by groups of ex-combatants, including those who had undergone disarmament and demobilization, and others who had not participated in the process. The former fighters were acting as middlemen, forcing the rubber tappers to give them the product, which they in turn sold. UNMIL and the new Liberian administration brokered the peaceful removal of ex-combatants from these plantations by offering rehabilitation and reintegration benefits. The plantations were transferred to interim management teams led by the Rubber Planters Association of Liberia.³²

The fragile peace in Liberia was brought about through a negotiated settlement between undefeated armed factions. As a consequence, Liberia has emerged out of prolonged conflict as a collapsed state with very weak governance and security structures. The postconflict environment in Liberia remains volatile, characterized by economic dislocation, social deprivation, political uncertainties and insecurity. The precarious security situation in 2003 and 2004 forced concerns about justice and accountability to take a backseat to the problem of disarming and demobilizing combatants. The following section provides information on the second and third—finally successful—attempts at disarmament and demobilization.

DDRR in Liberia: The Second Attempt, December 2003–October 2004

The CPA stated that the overall aim of the DDRR program was to disarm the armed factions of the conflict.³³ The program was organized into two components: disarmament and demobilization, and rehabilitation and reintegration. The disarmament and demobilization component involved the collection and cantonment of weapons and ammunition and the disengagement of disarmed fighters from their command structures. The objective of the rehabilitation and reintegration component was to provide reentry support to ex-fighters to enable them to become useful citizens in the larger society. This second component rested on three pillars: formal education, vocational training and social reintegration.³⁴

The DDRR Unit of UNMIL, the United Nations Development Programme (UNDP) and the National Transitional Government of Liberia (NTGL) formed the Joint Implementation Unit (JIU), which was responsible for the implementation of the DDRR program. A National Commission on Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR) was established to coordinate the activities of the program on behalf of the NTGL.³⁵ The JIU coordinated the inputs of other sections of UNMIL, NGO service providers and UN agency implementing partners, as well as the transitional government, into the DDRR program. The UNDP also managed a DDRR Trust Fund with a budget of US\$13.5 million provided by the European Commission, USAID and the Department for International Development of the United Kingdom, among others.

Component 1—Disarmament and Demobilization

The Liberian DDRR program went through three stages of development—all of them involving voluntary disarmament: (1) an aborted round of disarmament and demobilization in 2003; (2) a second round of disarmament and demobilization in 2004; and (3) rehabilitation and reintegration. Fear that the security situation in Monrovia would deteriorate if the factions were not immediately disarmed prompted an ill-advised early start to the first phase of DDRR on December 7, 2003. UNMIL was overwhelmed by the high turnout of ex-fighters for this first phase, and the situation deteriorated into violence and looting at the cantonment sites.³⁶ The process was aborted just ten days later, on December 17, because of the lack of preparation and inadequate security. Despite this, UNMIL troops were still able to disarm 13,490 fighters, and to collect 8,679 weapons, 2,650 unexploded ordnance and 2,717,668 rounds of ammunition.³⁷

One reason the early start to the program was aborted was that the ex-fighters, stakeholders and community members were inadequately sensitized to the process. For example, instead of following the policy guidelines that stipulated that the disarmament process should start simultaneously with all three factions, the UN personnel decided to start with the pro-government fighters. Upon

hearing this, fighters from the remaining two factions, LURD and MODEL, decided to participate, and overwhelmed the registration sites, perhaps out of concern that they would be left out of the process. A second reason was the failure by the UN to reach out to and incorporate local perspectives and knowledge. According to UNMIL, the UN staff in Monrovia at the time lacked expertise on the situation in Liberia. There was no political team with in-depth knowledge of the country situation and, subsequently, the UN was unable to make the right contacts with the parties to the conflict, including armed factions, or to obtain accurate information about the political developments in the country.³⁸ For such a program to become successful there must be “adequate in-house expertise, preparation and consultation with national, UN and non-governmental organisation (NGO) partners, and the commitment of the parties to the peace agreement.”³⁹ The initial mistake of the UN team was its attempt to use the usual “quick fix” and uncritical “cut and paste,” “one size fits all” approach. The majority of the UN staff in Liberia were redeployed from the mission in Sierra Leone, and according to an NCDDRR staff member, it seemed as though the original DDRR program for Liberia was designed based on a replication of the program in Sierra Leone, without any critical consideration taken to situational differences between the two countries.⁴⁰ A further problem was the marginalization of the political and military leaders of the armed factions in the initial planning and execution of the program. Implementing partners and service providers contracted by UNMIL were also poorly prepared for the start of the exercise.⁴¹

After the aborted start in December 2003, UNMIL faced the difficult task of convincing ex-combatants to participate in the second round of the program in April 2004. At this point, the commanders were crucial in getting the information about the process to their followers. UNMIL also carried out a public information campaign.⁴² The most successful DDRR–Information, Education, and Communications (DDRR-IEC) instruments were the community radio programs.⁴³

The UN initiated stage two of disarmament and demobilization on April 15, 2004, in the city of Gbarnga, which had been the base for Charles Taylor’s forces in the early phases of the war. At this point, fighters from all the armed groups were targeted, at a rate of about 250 ex-combatants per day. From April to September, six other cantonment sites were set up around the country.⁴⁴ The projected figure for participation in the program was 38,000 combatants, but by the end of March 2005 about 101,495 ex-combatants had been disarmed and demobilized. The unexpectedly high number of participants is explained by a number of possible factors, including the lack of reliable data from the armed groups about the number of fighters and the fact that many people who were not ex-combatants registered to be in the program for the benefits.

The general eligibility criterion of the new program was proof of membership in one of the armed groups. During the first attempted demobilization in December 2003, fighters were required to present a weapon in order to enter the DDRR process. For the stage-two disarmament and demobilization phase, the criterion expanded to include groups comprising up to five combatants or members who could present one weapon as a demonstration of membership in an armed group.⁴⁵ As of April 2004, the full criteria for individuals entering the program were the following:

- Must be an ex-fighter for any of the warring factions, or any other militia groups;
- Must be properly identified by his/her commander;
- Must possess one gun or 300 rounds of ammunition; or
- Must be part of a group weapon team.⁴⁶

Ex-combatants registered into the program individually, but they still had to show evidence of belonging to an armed faction. The commanders of the relevant armed factions had ultimate power in confirming who did and did not belong. One critique of the program was that the criteria used to determine who was able to benefit from the program encouraged a large number of people to enter under false pretenses. Many commanders registered their relatives in order to have them benefit from the DDRR program. In the process, some genuine ex-fighters were left out.

The disarmament and demobilization components of the program were conducted at the D1 (Disarmament) and D2 (Demobilization) sites. The D1 site was managed by armed peacekeepers, who received weapons from the ex-fighters. The total number of weapons collected from the ex-fighters was as follows: 27,000 heavy weapons; 6,153,631 small arms and ammunition; and 29,794 other types of ammunition, such as bullets, shells, missiles, bombs and grenades. Most of the weapons were collected during the first and second stage of the DD component.⁴⁷

In order to properly plan the rehabilitation and reintegration component of the program, to avoid fraud and to be able to identify and track participants, information was collected from the ex-fighters during a registration process at the D2 site. They were asked to provide the following details: full name, sex, marital status, education level, type of warring faction and county of interest for reintegration. Additionally, they were asked to select a type of reintegration program: formal education or vocational training.⁴⁸ The pre-discharge orientation at the D2 site was a one-week curriculum that offered ex-combatants information on a variety of issues, including the rehabilitation and reintegration components of the DDRR program, HIV/AIDS and sexually transmitted infections, gender-based violence, community reintegration and human rights issues.⁴⁹ Ex-combatants also received medical screening and treatment. Upon discharge from the D2 site, the demobilized combatants received the first half of a total Transitional Safety Allowance (TSA) of US\$300, a one-month food ration from the World Food Programme and transportation back to their community of choice. The second half of the allowance was provided in the rehabilitation and reintegration phase of the program.⁵⁰

Child Soldiers

According to UNICEF, 11,780 children associated with fighting forces went through the organization-sponsored programs and all but thirty-six were reunited with their families.⁵¹ UNMIL

states that 10,972 children were disarmed and demobilized in total (8,532 boys and 2,440 girls).⁵² UNICEF played a significant role in ensuring that the issue of child combatants was part of the planning of the DDRR program. Child protection and family reunification were the stated aims of the strategy for demobilizing children. Children were separated from other ex-combatants at the encampment sites.⁵³ Girls and boys were lodged in separate dormitories at these sites and at transit centers.⁵⁴

A controversial aspect of the DDRR program for child soldiers in Liberia was that cash payments were given directly to them. UNMIL, overwhelmed by the large number of combatants demanding DDRR benefits during the attempted disarmament in December 2003, tried to appease the crowds by handing out the first payment of the expected US\$300 total payment to all combatants.⁵⁵ At this time no distinction was made between children, youth and adults. When the DDRR process was resumed in April 2004, UNMIL continued to give cash payments to child combatants. The concern expressed at the time was that withholding the cash would be a disincentive for children associated with fighting forces to enter the DDR process. At the same time, however, because of lax criteria for entry into the DDR program and a strong command structure still enforced in many areas, it was soon apparent that former commanders were sending not only former child combatants but their own children and other children in their communities to the cantonment sites just to collect payment for the commanders' own gain. Child protection agencies also found that the focus on cash meant that children did not fully engage in reintegration activities.⁵⁶ Eventually local and international NGOs were contracted to support child ex-fighters at the cantonment sites, including trying to help them manage the cash payments. The remaining TSA was later given to parents instead of the children.⁵⁷

The majority of all adult and child ex-combatants requested education as part of their reintegration, and education was a major priority for children associated with fighting forces. Up to 11,000 demobilized children were expected to participate in UNICEF's education initiatives, which were developed for all children in the community, but there is no evidence to suggest whether this has happened. According to UNICEF, however, half a million children in Liberia do not attend school. Of the children who do attend school, two-thirds have unqualified teachers providing education. In addition to this, girls' enrollment rates lag far behind those for boys.⁵⁸ UNICEF is still appealing to donors to cover serious shortfalls in programming for children in Liberia.

Women and Girls

UNMIL reports that 22,370 women and 2,440 girls were disarmed and demobilized.⁵⁹ The United Nations Population Fund (UNFPA) and the World Health Organization (WHO) played a significant role in promoting women's issues during the planning and implementation of the DDRR program. Both organizations worked to create a conducive and supportive environment for pregnant and lactating mothers at the cantonment sites. Women were treated separately from the rest of the ex-fighters. The age and maternity status of women were also taken into account during the disarmament and demobilization component, and female child ex-combatants and pregnant and

lactating mothers were registered separately from other adult women. Health care was provided, including pre- and ante-natal care. Treatment for sexually transmitted infections was provided for men and women, and HIV/AIDS awareness, family planning education and safe sex practices were also part of the orientation and support provided during the program.⁶⁰

Female staff of various NGOs interviewed women ex-combatants in order to integrate their views in the planning process. For example, female nurses from reproductive health NGOs, working as implementing partners of the UNFPA, obtained information about sexually transmitted infections from women and girl ex-combatants.⁶¹ Unlike the first DDRR program in Liberia, serious attempts were made to actively involve women in the process of collecting data at every stage of the process during the second program. The prospect of DDR, however, was still considered traumatic for many women and girls. Many women were afraid to be identified as combatants, and feared going to cantonment sites teeming with the men who had exploited them when they were members of an armed group.⁶²

The situation of women and girls in Liberia remains precarious. The exploitation and abuse of women and girls that was endemic during the war continues in the postconflict period. Gender-based violence is prevalent. There are reports of young female combatants returning to DDRR cantonment sites to sell themselves as prostitutes because of their perception that there are no other options for survival.

Component 2—Rehabilitation and Reintegration

The rehabilitation and reintegration of ex-fighters were planned as separate components of the overall DDRR program. The rehabilitation component was meant to encompass psychosocial and trauma counseling as well as vocational and formal educational training with the objective of preparing the ex-fighters to reenter society. Reintegration was focused on the actual reinsertion of ex-combatants into their families and within their communities. According to some reports, 98 percent of the 103,019 persons disarmed were qualified for RR, and UNMIL reported that 90 percent have participated in such programs.⁶³

The rehabilitation component of the DDRR program in Liberia consisted of training opportunities that were subdivided into three principal categories: formal education at primary, secondary and university levels; vocational training; and apprenticeship. The vocational skills training included, but was not limited to, agriculture, auto mechanics, pastry, tailoring and tie-dye. The ex-fighters were given an opportunity to choose or identify their training preferences. About 40 percent chose formal education, and the remaining 60 percent chose other training programs, such as auto mechanics, tailoring, agriculture and masonry.⁶⁴ By February 15, 2005, the Joint Implementation Unit had approved fifteen rehabilitation and reintegration projects. Other rehabilitation programs were sponsored by USAID and the EU.

As of August 2007, about 66,000 out of the total of 101,874 demobilized fighters had completed or were participating in training and educational programs funded under the UNDP-managed Trust Fund and through bilateral arrangements. Although implementation of the rehabilitation component was delayed due to budgetary constraints, recent reports indicate that most of the funds required to cover the reintegration costs of the remaining 35,000 fighters have been mobilized.⁶⁵ Unfortunately, there is no record to indicate the total amount earmarked for this program. According to NCDDRR sources, about US\$71 million was raised for the programs, out of which roughly US\$70 million has been spent.

One aspect of the rehabilitation program that has been ignored is psychosocial counseling for ex-fighters. Ex-fighters should have undergone psychosocial evaluations at the D2 site, where pre-discharge orientation was carried out, but this did not happen.⁶⁶ Consequently, even though there was evidence that ex-fighters, including child soldiers, were forced to use marijuana and other drugs during the war years, very little was done to address this as part of the rehabilitation process. The ex-fighter Marcus Weah described his drug use and its role in fighting thusly: “The commanders came to my school, slapped my face, and took me into the bush to smoke grass . . . that is how I joined MODEL and after that we smoked grass every day. They said it gave us magical powers to avoid the bullets and to be strong and brave.”⁶⁷ Drug use was prevalent among child soldiers; they abused cocaine and other hard drugs. UN officials stated, however, that there was not enough money in the US\$681 million budget for UNMIL for the year 2005 to offer drug screening for the ex-fighters.⁶⁸

Many ex-fighters chose to reintegrate into their respective communities and moved back in with their parents or close relatives. A large number of ex-combatants, estimated at 44.4 percent, stayed in the county of Montserrado, where the Liberian capital, Monrovia, is located.⁶⁹ Some ex-fighters chose to stay in Montserrado because they had either lived there during the transitional periods of 1997 to 1999 and 2003 to 2005 or because of some opportunity nearby for education, training and employment. Others were stuck there. Cantonment sites released ex-fighters into urban settings that provided them with ample opportunities to squander their disarmament benefits. Not an insignificant number of ex-fighters spent their money immediately, and were left with no financial means of transporting themselves back to their home communities. These former combatants have been forced into the unskilled labor market or have to beg for survival. There are also high numbers of ex-fighters in Nimba and Bong counties, because these areas served as major theaters of war and were areas from which the armed groups recruited fighters.

The DDRR program in Liberia is generally considered a success. According to a survey of ex-combatants undertaken by UNDP in March 2006, ex-combatants who “formally disarmed, registered, and completed a reintegration training experienced an overall 8 percent increase in their socio-economic situation.”⁷⁰ About 94 percent of the ex-fighters in this survey indicated that they have not had problems being accepted into their communities.⁷¹

There are ex-fighters who feel stigmatized and marginalized, however. Some have organized into self-help groups, such as the National Ex-Combatants Peacebuilding Initiatives (NEPI). This

organization is involved in psychosocial and peacebuilding programs in the city of Zorzor, which was a site of major fighting during the war.⁷² The organization developed out of a 2006 training in basic psychosocial trauma counseling and peacebuilding issues that was provided to both residents of the city and ex-combatants.

Impact of DDR on the Peacebuilding Process

It is still too early to determine the impact of the DDR process on the overall peacebuilding efforts in Liberia, but a number of assessments have been conducted that provide some pertinent information. In addition to the March 2006 UNDP survey of ex-combatants cited above, UNMIL conducted another, similar study in August and September 2006. The survey aimed to compare the experiences and perceptions of ex-combatants who had participated in the reintegration and rehabilitation program with those who had only disarmed and demobilized. The UNMIL survey found that there was only a marginal difference in the socioeconomic situations of the two groups. In terms of acceptance by society, 93 percent of the ex-combatants said they were accepted by their neighbors without any trouble. Overall, 73 percent believed the community viewed them with acceptance. Ex-combatants who had completed the RR programs perceived higher acceptance from the communities in comparison with those who had not (6 percent versus 55 percent). Of the ex-combatants who had participated in the RR programs, only 4 percent believed that their communities viewed them with fear.⁷³

In January 2006, the UN Department of Peacekeeping Operations (DPKO) financed an external public opinion survey to gauge perceptions of UNMIL's work.⁷⁴ The survey reported that 94 percent of the 800 respondents situated throughout the country said the security situation in the country had improved under UNMIL, and 90 percent stated that UNMIL had done a very good or good job implementing the CPA. In regard to the disarmament process, 26 percent rated it very good, 42 percent rated it good, and 32 percent rated it only fair or poor.⁷⁵ Critiques of the DDR process were focused on the concern that the disarmament process was incomplete, with 10 percent of respondents stating that arms were not sufficiently collected. In terms of security sector reform, 92 percent said that the retraining of the police by UNMIL was very good or good, but confidence in the police remained mixed. Fifty-eight percent of the survey sample stated that they were only somewhat confident in the police, and 32 percent stated that they had no confidence in the Liberian police. In terms of human rights in general, 88 percent stated that UNMIL had improved the human rights conditions in the country, particularly through "increased security, disarmament, and enabling people to have freedom of movement."⁷⁶

Most recently, in 2007, UNMIL, a number of UN agencies, USAID and others conducted an assessment mission on the DDR process in Liberia.⁷⁷ According to a statement in the *Fifteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia*, many Liberians informed the mission that "the reintegration programme has failed to provide sustainable alternative livelihoods for ex-combatants. The majority of ex-combatants are still unemployed, and thousands

have regrouped for the purpose of illegally exploiting natural resources in diamond and gold mining areas, as well as on rubber plantations.”⁷⁸

The Liberia example shows us that a DDRR process minimizes the risks of relapse to violence, but it does not remove all threats to the security of the people and the state. The socioeconomic and political situation in postconflict Liberia also had an impact on the reintegration and rehabilitation of ex-fighters. The relatives or parents with whom many of the ex-fighters are being reunited are surviving on less than US\$1 per day. The unemployment rate is 85 percent. Although 40 percent of the ex-fighters are choosing to acquire formal education, even upon successful graduation there are few jobs for them. While a successful DDRR program can have an impact on peacebuilding, its success also depends on the socioeconomic and political climate in which the process is taking place.

Transitional Justice

Little consideration was given to the issue of transitional justice when the most recent DDRR program was conceived, designed and implemented in Liberia. The domination of the armed factions in the transitional government that emerged from the Accra peace talks precluded the pursuit of transitional justice measures simultaneously with the DDRR program. Moreover, after fourteen years of war, Liberians were more preoccupied with ensuring improvements in the security environment than with pursuing transitional justice. There was concern that accountability processes had the potential to generate more tension and conflict.

The transitional government did, however, initiate a process of institutional reform, particularly in relation to the security sector, and began vetting security institutions of individuals who were involved in past human rights abuses. Security system reform in Liberia was not done with any recognition of the link between DDRR and transitional justice, but merely as a continuation of the technical approach to security system reform. The major step toward accountability inserted in the CPA was the establishment of the TRC. The next section examines the CPA as the legal framework for the pursuit of transitional justice in postconflict Liberia.

Legal Framework

The legal framework for truth-telling as a component of the transitional justice process in postconflict Liberia was enshrined in the CPA and the 2005 Truth and Reconciliation Commission (TRC) Act. Section 1 of Article XIII in the CPA stipulated that “a TRC shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation.”⁷⁹ The National Transitional Legislative Assembly (NTLA) subsequently passed an act for the establishment of a TRC in 2005. The TRC commissioners were selected through broad national consultations and inaugurated in February

2006. President Ellen Johnson-Sirleaf officially launched the TRC on June 22, 2006, following an initial three-month preparatory phase.

To some degree, the insertion of the TRC into the peace agreement constituted a compromise between the conflicting demands by civil society groups and the armed factions at the peace talks. The former called for the establishment of a war crimes tribunal, while the armed groups favored amnesty. After much debate, it became apparent that the inclusion of a war crimes tribunal in the agreement would derail the peace process. The TRC was proposed as an alternative, and was accepted.⁸⁰ Proponents of transitional justice accepted the TRC alternative for two reasons. First, after fourteen years of war there was huge pressure to ensure that peace was established in the country. If the issue of war crimes trials would further derail the process, then it was considered better to adopt the TRC model of transitional justice. Second, of the eighteen political parties participating in the peace talks, President Taylor reportedly sponsored eight in order to influence the outcome of the negotiations, and they did. These Taylor-sponsored parties advocated for the TRC option rather than a tribunal in order to avoid a criminal process that would seek to punish perpetrators of war crimes.⁸¹ The final agreement was silent on both the issues of prosecutions and amnesty. Though it fell short of a criminal accountability process, the establishment of the TRC was a milestone in terms of the pursuit of justice in postconflict Liberia, and left open the door for future judicial measures.

The Truth and Reconciliation Commission

According to the TRC Act, the Commission may recommend prosecution for those who committed crimes against humanity during the war, as Article VII, Section 26(g) of the Act states: “amnesty or exoneration shall not apply to violations of international humanitarian law and crimes against humanity in conformity with international laws and standards.”⁸² The Act provides a detailed explanation of the role of the Commission in promoting national reconciliation through truth-telling. The TRC is mandated to investigate “gross human rights violations and violations of international humanitarian law as well as abuses that occurred, including massacres, sexual violations, murder, extra-judicial killings and economic crimes, such as the exploitation of natural or public resources to perpetuate armed conflicts, during the period January 1979 to October 14, 2003.”⁸³ It will also determine whether these were “isolated incidents or part of a systematic pattern.”⁸⁴ Furthermore, the TRC serves as a forum for addressing impunity, and an opportunity for victims and perpetrators to share their experiences of the war. The TRC aims to facilitate healing and reconciliation; investigate antecedents of the crises; conduct a critical review of the country’s historical past in order to address “falsehoods and misconceptions” by establishing and giving recognition to “historical truths”; adopt mechanisms and procedures to address the experiences of women, children and vulnerable groups with specific attention to gender-based violence; and compile a comprehensive report that will give an account of the Commission’s activities and its findings.⁸⁵

Finally, in keeping with Section 27 of the TRC Act, the Commission has extensive powers to gather information by any means it deems appropriate. Commissioners can nominate a Special Magistrate with the rank of a circuit judge who can issue, or cause to be issued, warrants of search and seizure; warrants of arrest for contempt; subpoenas; and citations, in order to procure information and testimonies to further the work of the TRC.⁸⁶ Those who willfully obstruct the work of the Commission can be fined not less than US\$300 and not more than US\$500, and can be imprisoned for six months or longer.⁸⁷

From the above it is clear that the TRC has a broad and challenging mandate. It is charged with addressing gender-based violence, experiences of children and vulnerable groups, cases of corruption and other economic crimes, and recording the origins of the war. If achieved, the work of the Commission could contribute to national healing and reconciliation as envisaged by the crafters of the Act. The mandate of the TRC is highly ambitious, and a major concern regarding this body is its dependence on donor funds. The TRC initially launched in June 2006 with limited pledges from the Liberian government and the UNDP and had difficulty in actually accessing these monies, and had further problems raising additional funds. The UNDP and bilateral donors, such as the Danish government and USAID, have since committed more funds, and the ICGL created a joint working group in March 2007 to assist the TRC in strategy development and fund-raising. A joint press release from the TRC and ICGL recognized the importance of the Commission, stating:

Reconciliation is vital to a successful future for Liberia's people. Only by uniting around a shared national identity and ensuring fair access to opportunity for all can Liberia's old divisions be put behind it. In order to achieve that reconciliation, the Liberian people need to understand the truth about the causes of conflict of the past. Liberians need an opportunity to tell their own experiences of that conflict. The creation of a just society in the future requires that all the injustices of the past are examined and acknowledged. The Truth and Reconciliation Commission (TRC) has a central role in achieving this goal.⁸⁸

Telling the Truth

Over the past three years, over 20,000 statements have been taken by the TRC from Liberians in Liberia and abroad. Additionally, seven months of public hearings have taken place, including thematic hearings on women, children, religious, history, media, education, youth, religion, culture and tradition, law enforcement and security. The TRC received international attention for its outreach to the Liberian diasporas. As an estimated one million people left the country during the war years, statement taking was also conducted in several states of the United States and other countries in the West African subregion.⁸⁹ Hearings continued through March 2009.

A first report of the TRC was released in January 2009. It found that the origin of the conflict was in the history of Liberia, but that 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, and land tenure and distribution.”⁹⁰

The Report recommends setting up a special tribunal to try those responsible for gross human rights violations, as well as the establishment of a National Palava Hut Forum, a traditional method of resolving conflict, as a useful tool for peace-building and national reconciliation. Additionally the TRC Report calls for a reparations program for victims, and amnesty for children. The TRC will release two other volumes, the Consolidated Report and Appendixes prior to the end of its mandate in June 2009.

While the TRC provides a useful forum for telling the truth at a national level, other groups are involved in activities that aim to facilitate dialogue around the TRC and encourage truth-telling at the community level. A national coalition of civil society groups called the Transitional Justice Working Group,⁹¹ in conjunction with the International Center for Transitional Justice, held a workshop on civil society participation in the TRC in May 2006. The following month, the Liberia Media Center convened a meeting to address the issue of peace and national reconciliation, bringing together community radio announcers, traditional communicators, local government officials, traditional leaders and others. The consensus at the meeting was for the TRC to be reflective of the aspirations of the people. In reaching this objective, meeting participants requested a nationwide sensitization of the work of the Commission; the decentralization of the TRC; and that traditional conflict resolution methods be included in the process.⁹² Similarly, such groups as Search for Common Ground and its partners have convened events that brought participants from different areas together in order to share experiences and work together to ensure peace and social reintegration.⁹³

Calls for a Criminal Justice Process

The work of the TRC is challenged by the demands of the human rights community and victims of war crimes for the establishment of a war crimes tribunal for Liberia. The Transitional Justice Working Group was instrumental in ensuring that the TRC was established. The group also carried out a survey on attitudes toward justice in September 2004. The survey, based on interviews with more than 1,000 people, found that respondents did not think that the TRC was sufficient in addressing the crimes committed during the Liberian conflict. While acknowledging that the justice system in postwar Liberia did not have the capacity to prosecute these people, they called for the perpetrators of crimes to be held accountable for their actions by the establishment of a special court comprised of Liberians and non-Liberians.⁹⁴

The Forum for the Establishment of a War Crimes Court in Liberia (FEWCCIL) is one group that has organized around the issue of a criminal justice process. It presented a petition to the national legislature demanding, “in the interests of genuine lasting peace and reconciliation we call upon this august body to pass an act that establishes the legal framework for the creation of a Special War

Crimes Tribunal for Liberia.” Another group, the Confederation of Monrovia Youth, also called for the establishment of a court in order to “end Liberia’s culture of impunity.”⁹⁵

The human rights activist Dempster Brown called for the establishment of a special court to bring to justice those who committed heinous crimes against the people of Liberia during the fourteen years of war. Brown is believed to have made efforts to prepare a bill to present to the national legislature to replace Criminal Court A, which hears robbery cases, with a special court for war crimes, but without success.⁹⁶

Taylor sympathizers hold the view that he has been used as a scapegoat, and what is now being called for is selective punishment. In the eyes of these sympathizers, the way in which the Taylor issue was handled (that is, extradition to The Hague) illustrates that President Johnson-Sirleaf cannot be trusted because she reneged on her electoral promise not to demand the repatriation of Taylor from Nigeria.⁹⁷ Some ex-fighters and their leaders feel that a special court will not heal the wounds in the country. For example, the leader of the defunct LURD, Sekou Damante Conneh, has said that nearly everyone in Liberia is guilty of war crimes, and therefore such a court will not help to restore peace in Liberia.⁹⁸ Andrew Sway, an ex-fighter, also indicates that a court would not keep the peace: “after the war some of us went to our towns and villages and begged for pardon. Our people welcomed us and we are all living together in harmony—but the court would divide us and the people.” A local physician, Joe Blay, agrees that a war crimes court is not a major concern for Liberians, but that development to provide electricity, water, good roads and hospitals is a top priority.⁹⁹

The Taylor experience of extradition coupled with constant calls by various groups for a war crimes tribunal in Liberia has generated an atmosphere of fear among ex-fighters and their commanders, who believe that they are next in line to be punished. There is a perception that speaking to the TRC will eventually lead to prosecution. As one ex-fighter stated: “If I committed a crime, I will not go to testify [to the TRC] because this government will hand me over to a war crimes court.”¹⁰⁰ A major challenge is convincing this category of people of the real intentions of the TRC and its work—to promote national healing and reconciliation through truth-telling.

Prosecutions

There have been no prosecutions for war crimes in Liberia, and only a handful outside of the country. Only Charles Taylor and his close associate Gus Kouwenhoven have been indicted. The Special Court for Sierra Leone indicted Taylor for his involvement in crimes in Sierra Leone. His trial is ongoing in The Hague. Kouwenhoven, a Dutch citizen, was given an eight-year prison term in 2007 by the Dutch District Court in the Netherlands for committing war crimes and violating a UN arms embargo. According to a statement made by the Dutch prosecutor in the case, “Militias formed by [Kouwenhoven]’s timber companies are alleged to have participated in massacres of

civilians where even babies were not spared. The weapons used by the militias to commit these war crimes are alleged to have been supplied by the Dutchman.”¹⁰¹ The Dutch Court of Appeals overturned the conviction in 2008. Dutch prosecutors have announced their intention to appeal the Appeals Court decision before the Supreme Court.

Additionally, in terms of prosecutions outside of Liberia, in September 2007, a United States Federal Grand Jury charged the son of Charles Taylor, Charles McArthur Emmanuel, in a superseding indictment of an earlier ruling with additional crimes of torture occurring in Liberia between 1999 and 2003.¹⁰² Emmanuel commanded the notorious Anti-Terrorist Unit under his father’s regime. He was accused of committing torture by burning; cutting and stabbing; severe beating with firearms; and electric shock, among other means. In January 2009, Emmanuel, was sentenced to ninety-seven years imprisonment.

Within Liberia, civil society groups have tried to use the courts to block the government office appointments of certain individuals with ties to former armed groups, including individuals accused of perpetrating human rights abuses during the war. One of those challenged was the Deputy Minister of Finance, Francis Karpeh. The other was Kabineh Ja’aneh, Associate Justice of the Supreme Court.¹⁰³ The case were initiated, respectively, by Melvin Page, a human rights activist, and Nathaniel Williams, a former member of the national legislature. Karpeh and Ja’aneh were targeted because of their links with now-defunct armed factions; the Ja’aneh story, however, is more complex. Ja’aneh was chief negotiator for the LURD during the Accra peace talks and later served in the transitional government as minister of justice. Despite this, there are those who argued that Ja’aneh has been targeted because of his Mandingo ethnic origins. Others raised concerns about his past human rights record, citing the reported maltreatment of prisoners in River Cess County during his reign as justice minister as evidence. Still others were opposed to his appointment purely based on his association with LURD. The appointments of both have since been confirmed by the Liberian Senate, and with regard to the specific case of Ja’aneh, in August 2006 the Supreme Court rejected the writs of prohibition filed against him.¹⁰⁴

While the Rape Amendment Act in 2006 made rape a criminal offense, there have been no prosecutions for gender-based crimes committed during the war. A first-degree rape charge is now punishable by life imprisonment and is treated as a capital offense, and a second-degree rape charge is punishable by a maximum sentence of ten years imprisonment.¹⁰⁵ The new law has had little impact on the high incidence of sexual violence, although a few cases have gone to trial.¹⁰⁶ The law does not make clear reference to rape committed during the war, and it is debatable whether war victims could use it to seek accountability for rape crimes that were committed during the fighting. More details of this legal advance is provided in the institutional reform section.

Given the high number of child combatants in the war, there is the possibility that children could be prosecuted at some point. The TRC is empowered to investigate crimes committed against humanity and it is tasked to adopt mechanisms and procedures for dealing with children and issues related to child soldiers, including potentially providing conditions for their prosecution.¹⁰⁷ This

possibility is underscored by the fact that the TRC cannot grant amnesty or exonerate those who committed crimes in violation of international humanitarian law and crimes against humanity.¹⁰⁸

The lack of correctional centers, courts, prisons and lawyers in most of the country has made it impossible to prosecute even those accused of committing crimes in the years since the CPA, much less those committed during the war. A 2006 International Crisis Group (ICG) report noted that only two magistrates in Liberia have law degrees and that most justices of peace are corrupt.¹⁰⁹ In interviews conducted for this paper by the author, officials complained about the way in which ex-fighters and other citizens commit crimes with impunity because of the lack of correctional centers in which to sentence and house offenders.¹¹⁰

In summary, prosecutions of human rights abuse during the war have not taken place due not only to a lack of capacity and infrastructure, but also to the concern that such proceedings could undermine the peace and truth-telling processes. However, as both society and state structures grow stronger, there is a possibility that judicial means will be pursued.

Other Sanctions

Within Liberia, the only current form of sanction experienced by those associated with Taylor and the war is the UN Security Council–enacted travel ban barring them from leaving the country and a further measure to freeze the assets of some of those same individuals. Those on the travel ban list include members of the House of Representatives and the Senate, such as former House Speaker Edwin Snowe and Senator Jewel Howard Taylor. In addition, Liberians who played a significant role under Taylor, including Myrtle Gibson, Benoni Urey, Randolph Cooper, Cyril Allen and Emmanuel Shaw, have also been banned from traveling.¹¹¹ While most Liberians have welcomed the ban, others think it is too random, given that there are former members of armed factions who continue to travel abroad freely. At the same time, those on the travel ban list do not always lose political influence because of it in Liberia. The media has made recurring references to the cases of Prince Johnson and Adolphus Dolo of Nimba County, who were both recently elected to the Senate despite being members of the travel ban list for having actively organized and participated in the execution of the war. Johnson was head of one of the major armed groups opposing former president Taylor and Dolo was one of the key people in Taylor’s war machinery. That both men were recently elected to political office illustrates their sustained influence as well as the difficulties of pursuing accountability in postconflict societies.

Institutional Reform—Justice Sector Reform

As part of the overall postwar reconstruction process, there are various institutional reform initiatives, including a judicial review and security sector reform (SSR) being undertaken throughout the country by different agencies. The SSR process involves vetting members of the security forces

and institutional reform processes. The legal and judicial review and reform are focused on rewriting and enacting legislation on forestry and rape, reconstructing courthouses and training personnel.

The development of justice and corrections systems has been slow. UNMIL established the Legal and Judicial System Support Division in late 2003 to provide assistance to the Liberian government in “consolidating a national legal framework, including judicial institutions.”¹¹² Through this division, UNMIL has, among other activities, supported the process of establishing a law reform commission to review and update Liberia’s laws and trained magistrates, justices of the peace, prosecutors, clerks and immigration officers.¹¹³ Yet five years after the war there are still no functioning courts in parts of the country. Prisons are overcrowded. There is a severe shortage of qualified personnel. The juvenile justice system exhibits a particular lack of trained staff. There is only one functioning juvenile court in the country, and juveniles are spending inordinate amounts of time in pretrial detention.¹¹⁴ UNMIL’s most recent report on the human rights situation in Liberia (covering the period of November 2006 to January 2007) found that while there were advancements in terms of national level processes to strengthen the rule of law, “human rights protection at the local level remained poor.”¹¹⁵ The Human Rights Watch overview of Liberia in 2006 focused on the continued corruption in the courts and the use of harmful traditional justice practices, such as killing alleged witches and forcing the accused to drink the sap of a poisonous tree in order to deduce innocence or guilt.¹¹⁶

The passage of the rape bill, however, is a positive step in the legal reform process. The law provides victims with the legal opportunity to seek redress and pursue justice through the courts.¹¹⁷ While the recognition in law of the criminality of rape represents progress, the failure to implement the law allows for continued impunity. As of April 2007, according to the Association of Female Lawyers of Liberia (AFELL), 110 rape cases were on the court’s dockets, but only five had been assigned for trial. Only one case has successfully been brought to prosecution since 1999.

Institutional Reform—Security Sector Reform

All of the security agencies, with the exception of private (or commercial) ones, have been targeted for SSR. Reform of the security sector is very important, not only because security sector personnel were involved in human rights abuses in the past, but also because the sector was fragmented and factionalized during the war. The vast majority of the security agencies’ personnel, including the police and the army, participated in the conflict. Some of the problems identified in the security sector have been its large size, overlapping mandates between agencies and institutions, lack of effective civilian oversight, poor human resource capacity and the overt politicization of the sector.

Articles VII and VIII of the CPA make reference to the restructuring of the AFL, SSS, the Liberia National Police, immigration services, customs security guards and other statutory security units and paramilitary groups within the National Port Authority, the Liberia Petroleum Refining Corporation and the Liberia Telecommunications Corporation.¹¹⁸ The restructuring and training strategy will be

based on respect for human rights, nonpartisanship and avoidance of corrupt practices. While this section focuses on the reform of the national police and army, it should be noted that there has been criticism of the lack of attention to other areas of the security infrastructure in Liberia.¹¹⁹

The Liberian experience demonstrates the challenges of institutional reform and vetting in unstable and volatile postconflict political environments. A major obstacle to the SSR process in Liberia is the conflicting legal frameworks for reform found in the 1986 Constitution of Liberia, the CPA and UNSC Resolution 1509. The Constitution gives power to the president and the national legislature to provide oversight duties over the sector. Article VII of the CPA requests the ECOWAS, UN, AU and ICGL provide advisory staff, equipment, logistics and experienced trainers for the SSR efforts, while the United States is specifically requested to play a lead role in organizing this restructuring.¹²⁰ UN Resolution 1509 mandates UNMIL to restructure the police and requested “interested states” to assist with the restructuring of the army.

Another criticism lobbed at SSR in Liberia is that there is no shared vision of what constitutes SSR. Various NGOs and civil society groups, local and international, have provided critical thinking into the Liberian debates on SSR. In 2004, the Geneva Centre for the Democratic Control of Armed Forces started a consultation and dialogue process on the SSR. The International Center for Transitional Justice (ICTJ) is working with the Liberia National Law Enforcement Association (LINLEA) and other groups to generate debates around the issue and have established the Liberia Working Group on SSR. The U.S.-based RAND Corporation was contracted by the U.S. State Department for the Government of Liberia in order to conduct a review of the security sector, and a report from this study was submitted to the president of Liberia in May 2006. At the statutory level, the Governance Reform Commission (GRC) has been mandated by President Johnson-Sirleaf to provide intellectual leadership and interject critical thinking into the SSR policy debate in Liberia. In August 2006, the GRC conducted its own assessment of the security sector, and the report from this process was published in September 2006. All of these different interventions make the process seem disjointed and require coordination.¹²¹ There is above all a serious concern about the lack of local ownership over the process. The GRC seeks to bridge this gap by involving all stakeholders in its SSR policy debates in order to create some synergy between ongoing efforts.

UNMIL is training the police in keeping with Resolution 1509, and the French company BIVAC International (Bureau of Inspection, Valuation, Assessment, and Control) is providing capacity building for the Bureau of Customs and Excise in the Ministry of Finance. The United States has taken on the responsibility for the restructuring and training of the armed forces of Liberia by contracting DynCorp, a private military company based in the United States.

UNMIL’s division of Civilian Police (CIVPOL) manages the reform of the Liberia National Police. With the aim of restoring trust in the police, CIVPOL implemented a new training program with three conditions. First, former police who entered the service after the 1997 elections are not eligible to rejoin. This eliminates personnel who joined the service under President Taylor’s sponsorship. Second, recruits must undergo a screening process to ensure that they do not have a record of human

rights abuse. This process includes publishing pictures of recruits in newspapers throughout the country so that citizens have an opportunity to get in touch with UNMIL if the candidates are recognized as perpetrators of abuse. Third, the recruitment process also balances gender and ethno-geographic factors in an attempt to avoid the dominance of any one group. UNMIL completed its objective of training 3,500 police officers by June 30, 2007, including an all-female class of 110 trainees. Despite this, mobilization of police throughout the country is still severely hampered by funding and infrastructure constraints. Police stations still need to be built throughout the country. There are few communications facilities, fewer vehicles and no forensic laboratory equipment. As indicated in the public opinion survey conducted by DPKO and referenced in the DDR section of this paper, the Liberia National Police are also hampered by the continued mistrust of the people.

In the case of the AFL there was a demand for a new command structure and integration of three populations: former combatants from the various armed groups, former soldiers of the AFL, and civilians with appropriate background and experience.¹²² The United States, via a contract with the private security companies DynCorp and Pacific Architects and Engineers (PAE), is responsible for the recruitment and training of a new 2,000-member AFL, as well as the construction of barracks. Over US\$20 million has been spent on building these facilities and training recruits, but only 105 recruits have completed basic training. The army reform process has received specific criticism regarding the lack of local ownership. In an effort to have more input into the ongoing processes of reform, nine civil society organizations created an SSR Working Group.

Section 2 of Article VII of the CPA clearly states that the “incoming service personnel shall be screened with respect to educational, professional, medical and fitness qualifications as well as prior history with regard to human rights abuses.”¹²³ Although some ex-fighters with notorious records of human rights abuses managed to get through the vetting process, the public did demand that individuals be removed from the security service in a few important cases. An example of this is the public outcry against Sekou Kamara (aka K1), formerly of LURD, which forced him out of a valued position with the SSS providing VIP protection to the president and dignitaries. This kind of action contributes to building confidence in the police, which, due to its role in human rights abuses in the past, continues to have difficulty restoring its legitimacy as a public security organization.

Groups like Taylor’s Anti-Terrorist Unit were completely dismantled because of their atrocious human rights records. Yet members of the Anti-Terrorist Unit demanded resettlement payments on par with the AFL. The Liberian government gave payments based on humanitarian grounds because members of this unit lost their means of livelihood.

While efforts at reform continue throughout the security sector in Liberia, the UN secretary-general’s most recent report still identifies former members of the security sector as the main perpetrators of insecurity. “Unemployed ex-combatants, deactivated soldiers and police personnel, and elements from the dismantled irregular militias” continue to threaten the country’s fragile peace.¹²⁴ According to the GRC assessment, ex-combatants have illegally occupied various rubber plantations throughout the country. Additionally, ex-servicemen, specifically former members of the

AFL, continue to organize public, and sometimes violent, protests in response to delays in severance payments.¹²⁵

Local Reconciliation Initiatives

Local citizenry and NGOs have organized transitional justice initiatives within their communities in Liberia. Some of these initiatives include traditional methods of conflict resolution, such as reconciliation followed by rituals, cleansing of the land, festivals and singing. Punishment and banishment from the community also constitute elements of these methods.¹²⁶

NGO efforts have focused primarily on forging reconciliation between communities. The Liberia Media Project, for example, has organized a number of peace festivals around the country in order to help reconcile divided communities and ethnic groups, bringing together groups that were sworn enemies during the war. One such peace festival was organized in February 2005 to encourage popular participation in peace and reconciliation efforts. The event was attended by a cross-section of people from Grand Gedeh and River Gee counties in southeastern Liberia, representing the Krahn and Grebo ethnic groups, who were associated with opposing armed groups during the war. The participation of superintendents of both counties, including their symbolic embrace, sharing of the same table, and both eating a cola nut as a symbol of reconciliation and peace, had important cultural meaning for their respective communities.

Likewise, in Lofa County, the Mandingo and Lorma ethnic groups have embarked upon reconciliation exercises involving traditional cleansing ceremonies. One of these was held in the town of Bakedu. It was organized by the elders of the county with the support of local NGOs and financed by the Liberia Community Infrastructure Programme (LCIP). Such ceremonies involve sanctifying places that were desecrated during the conflict.¹²⁷ Under the sponsorship of USAID, the Kissi people of Guinea, Liberia and Sierra Leone organized a similar event with high-level political participation from each country, aiming to resolve the Yenga border dispute between the Kissi people of Guinea and Sierra Leone.¹²⁸

There have also been meetings between the Mano ethnic groups of Guinea and Liberia in order to recommit to a “non-aggression pact” signed during the Taylor period. The pact aims to ensure that insurgents will not be able to use the Manos’ respective territories in Guinea and Liberia to launch cross-border attacks.¹²⁹ The Kpelle and Mandingo ethnic groups of Liberia convened a reconciliation meeting in 2005. At the end of the meeting more than US\$5,000 and LR\$30,000 was received in pledges and cash in order to clean up the city of Gbarnga and its environs, which were seriously damaged during the war.¹³⁰ Such occasions are useful in healing wounds and reconciling people who fought against each other during the war.

Preliminary Conclusions: Transitional Justice

Against the backdrop of the above discussion, it is important to draw some preliminary conclusions about the issue of transitional justice in Liberia. The vetting process carried out as a result of the SSR has ensured that most individuals with appalling human rights records were removed from the army, police and other security posts. There are, however, still former combatants serving as police who have not yet been identified, and unfortunately, the vetting process has not really changed public opinion about the police. The undisciplined behavior of some new recruits in different parts of the country has not helped to improve the image of the police nor build public confidence in the service.¹³¹

The TRC is slowly taking victims' statements and there are still high expectations about the ability of the TRC to open up public discussions about the roots of the conflict. There has been neither prosecution for human rights crimes committed during the war nor reparations for victims as of yet in Liberia. Institutional weakness has made it almost impossible to enforce the law for present-day crimes, let alone crimes from the war. Efforts to address past human rights crimes are also hindered by the continued fear that the pursuit of justice will derail the peace process. The human rights community in Liberia continues to urge the government to consider a criminal court to deal with the human rights crimes committed during the war.

With time, further transitional justice measures, including criminal justice processes, could be attempted. Already, some of the individuals on the UN travel ban have also had their assets frozen. While there are mixed opinions about these sanctions within Liberian society, there have not yet been any demonstrations or disturbances related to the enactment of these bans. This could indicate that there is a slowly emerging political will and public support for more robust transitional justice measures in Liberia.

The Disconnect Between Transitional Justice and DDR

There was no formal relationship between either the first (1994 to 1997) or second (2003 to 2005) DDRR processes and transitional justice initiatives. Measures for accountability were not on the agenda of the Taylor regime that emerged out of the elections of 1997 and followed the first DDRR attempt. While the negotiations that resulted in the CPA made provisions for a TRC and SSR, the country did not have the capacity to pursue transitional justice measures at the same time as the second DDRR process was being implemented. In a country where the state had collapsed; societal structures were shattered; infrastructure, including the courts and correctional centers, was destroyed; the entire security sector was politicized and divided; and lawyers had fled, there was no one left to carry out such measures.

The transitional government arrangement did not provide a favorable environment for enacting accountability measures. Representatives of armed factions held important positions in the

transitional government, and their aim was to consolidate power and look after the interests of their followers. Given their complicity in the crimes of the past, they were not interested in facilitating transitional justice processes.

In this environment, the security situation required the most immediate attention. Guns and ammunition had to be collected from ex-fighters, fighters had to be separated from their groups and the security system had to be completely rehabilitated. This is an ongoing process in Liberia, and the ultimate success or failure of the DDRR program is yet to be determined. There have been concerns expressed about the fact that the number of ex-combatants is greater than the number of arms collected,¹³² and unemployed ex-combatants still represent a security threat. These points notwithstanding, the relative peace and security enjoyed by the Liberian people now is due in part to the way that the DDRR process was carried out. The program gave most ex-fighters a sense of security, and the majority of them readily entered the disarmament and demobilization process.

Certain episodes indicate that if issues of justice had been pushed during the DDRR process, the results might have been different. The security situation is still precarious; the country remains transfixed by the arrest and detention of former president Taylor. Taylor's arrest put fear in the minds of the former leaders of now-defunct armed factions, who believe that the Taylor incarceration is a trap that will eventually catch them all. Their fear poses a potential threat to the security of all the Mano River Basin countries, in the sense that it could generate many alliances between former armed factions in an effort to resist the arrests of their leaders.

Actions taken by the ex-fighters during the transition period further contribute to this sense of fragile security. Demonstrations held by ex-fighters suggest that command and control structures of the armed groups remain relatively intact even after disarmament and demobilization. As recently as April 2006, hundreds of former combatants took to the streets of Monrovia when 14,000 soldiers of the AFL were dismissed without their severance payments. The ex-fighters barricaded the Ministry of Defense and partly paralyzed Monrovia before UNMIL intervened.¹³³

The progress on institutional reform in Liberia is slow; and the SSR process thus far is skewed toward only a few agencies, including the AFL, SSS and police. The Bureau of Immigration and Naturalization, the Ministry of National Security, the Drug Enforcement Agency and the National Fire Service have not benefited from the attention and resources of the SSR efforts. The "downsizing" and "rightsizing" policy of the Liberian government could also create tensions, because those whose jobs are eliminated will only swell the ranks of the unemployed, who currently make up 85 percent of the population throughout the country. These jobless people constitute another threat to the national security interests of the country because of the Liberians' history of resorting to violence as a way of redressing political grievances.

All of these examples illustrate the challenges of pursuing transitional justice in volatile, fragile and uncertain environments. With a weak state, devastated societal structures, absence of criminal justice infrastructure and a delicate security situation, judicial accountability measures like tribunals are

nearly impossible, at least on a national level. Given the state of Liberia's economy, reparations for victims are also presently improbable. With these issues taken into account, vetting on human rights grounds in the justice and security sector reform, as part of overall strategies for institutional reform, proceeded alongside the DDRR process without serious repercussions.

Conclusion

The position of this paper is that by implementing the DDRR program prior to, and separately from, any transitional justice measures, the fragile peace and security that emerged after the signing of the CPA in August 2003 was sustained.

It is important to note certain critical factors that determined the disjointed nature of DDRR programs and transitional justice in Liberia. To recapitulate, the significant role that armed factions played in governance after the elections of 1997 and again after the Accra talks in 2003 made discussions about accountability difficult and sometimes even dangerous.

Another critical factor related to the legacies of a weakened state and societal structures after fourteen years of armed violence. In a situation in which the security sector was dysfunctional, factionalized and fragmented; correctional centers and courts were destroyed; central authority was limited throughout the country; and the police force was severely confined, given that it only had three patrol vehicles for the entire country, it was impossible to pursue both DDRR and transitional justice exercises simultaneously.

The above factors were reinforced by the fear of Liberians, who were broken by war and wanted peace at all costs, that any efforts to punish those responsible for human rights abuses would lead to further violence in this country. Under these conditions, anything that would undermine the relative peace and security they enjoyed would not be tolerated. For many people, however, time is slowly changing this position. As the political and security situation becomes more stable, the issue of accountability for past injustice is receiving more attention and support. Hence the emergence of groups like the Transitional Justice Working Group, which played a significant role in crafting the TRC Act. Now that the TRC has been established and is operational, the idea of bringing to justice those who committed crimes against humanity is being discussed publicly.

By sequencing DDRR and transitional justice in Liberia, it was possible to prioritize postconflict projects. DDRR was near completion by the time the TRC began operations. Disarmament and demobilization contributed to a more secure environment that allowed for the creation of appropriate legal and institutional frameworks for pursuing transitional justice. Under the climate in which the country emerged out of war (a negotiated settlement of the conflict) to begin to talk about transitional justice from the onset seemed almost impossible.

The Liberia situation does show that it is possible to initiate institutional reform initiatives alongside a DDRR process. The judicial reform that resulted in such legislation as the rape law could have

important implications for prosecuting crimes of sexual violence perpetrated during the war. Furthermore, while SSR in Liberia was not considered a transitional justice measure, the vetting exercises can provide, at the least, a nonjudicial means of excluding perpetrators of human rights crimes from serving in positions of authority.

What the Liberian experience also tells us is that the implementation of DDRR programs and the pursuit of transitional justice must be carried out within a given local context. While there are lessons to be learned across experiences, advocates and administrators of DDRR programs and transitional justice processes cannot lose sight of what is unique and specific to each national situation. There are a number of points to consider when contextualizing local settings for DDRR and transitional justice, including: What is the nature of the transitional political arrangement that is emerging out of the conflict?; and what is the likelihood that the local situation could be negatively impacted by pursuing both DDRR and transitional justice simultaneously? This is directly linked with the alignment of forces emerging out of the war; the role of the international society of states in the peace process; and strengths or weaknesses of the state and societal structures in which these efforts are being pursued.

Finally, in order for both DDRR and transitional justice initiatives to succeed, the local citizenry must be involved, and local knowledge must be incorporated, from conception to design, and from implementation to evaluation.

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- ¹¹⁸ Comprehensive Peace Agreement, pt. 4, arts. VII and VIII.
- ¹¹⁹ Thomas Jaye, *An Assessment Report on Security Sector Reform in Liberia* (Monrovia: Governance Reform Commission of Liberia, 2006), 12.
- ¹²⁰ Comprehensive Peace Agreement, pt. 4, art. VII(1(b)).
- ¹²¹ Directors of security agencies, interview by author, Monrovia, August 1–15, 2006.
- ¹²² Comprehensive Peace Agreement, pt. 4, art. VII.
- ¹²³ *Ibid.*, art. VII(2(a)).
- ¹²⁴ UNSC, *Fifteenth Progress Report*, 4.
- ¹²⁵ Jaye, *Security Sector Reform*, 14.
- ¹²⁶ UNDP Liberia Community-Based Recovery Programme and RECEIVE, “Traditional Forms of Reconciliation,” 24.

¹²⁷ Sarah Brownell, “Rival Ethnic Groups Smoke Peace Pipe in Liberia’s Lofa County,” *UNHCR News Stories*, July 20, 2005.

¹²⁸ UNDP Liberia Community-Based Recovery Programme and RECEIVE, “Traditional Forms of Reconciliation,” 30–31.

¹²⁹ *Ibid.*, 31.

¹³⁰ Marcus Malayea, “Kpelle, Mandingo in Peace Efforts Set Up Reconciliation Committee,” *Analyst*, February 10, 2005.

¹³¹ Human Rights Watch, *World Report 2007*, 130–31.

¹³² Aboagye and Bah, “Liberia at a Crossroads,” 7.

¹³³ Jimmy Fahngon, “Ellen’s Decision to Arrest, Persecute Former Soldiers,” *AllAfrica*, April 27, 2006.