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Implementing R2P in Liberia: Is there a Political-will?



Mustapha Abdallah

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First published by the Kofi Annan International Peacekeeping Training Centre, Accra-Ghana (2022)

Cover Photo: A Liberians United for Reconciliation and Democracy (LURD) rebel observing a ceasefire in Freeport, Monrovia, Liberia.
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Acknowledgement

This publication is the output of a series of research undertaken with the financial support of the Government of Denmark, through the Danish Ministry of Foreign Affairs, under the “Promoting Peace and Security in West Africa: Danish Support to KAIPTC 2021-2022” project. The project supports KAIPTC activities in three areas: Women Peace and Security (WPS), Responsibility to Protect (R2P), and Conflict Prevention (CP). Activities comprise research, training, and awareness-raising, with the research findings feeding into training courses, policy dialogues, and other events for stakeholder representatives at all levels, from UN General Assembly participants and ECOWAS and AU officials to community-level leaders.



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ABSTRACT

This paper contributes to a dearth of literature on the international norm of 'Responsibility to Protect' (R2P). Specifically, it examines how state institutions and actors are contributing to the implementation of R2P norms in Liberia with the view to preventing the recurrence of mass atrocity crimes. The paper argues that despite successes in peacebuilding interventions, there is a lack of political-will to address the issue of criminal accountability as articulated in the Truth and Reconciliation Commission's Report. Using both desk and empirical data, the paper analyzes weakness of state institutions, underpinned by lack of political commitment as challenges faced in tackling what I call the 'big issue' of criminal accountability. It also discusses existing response mechanisms that serve as preventative and mitigating factors. To conclude, emphasis is placed on the need to domesticate R2P norms, as well as formalize and strengthen state institution to avert future recurrence of atrocity crimes in Liberia.

Key Words: Liberia, responsibility to protect, criminal accountability, state institution, atrocity crimes, response mechanism.

Introduction

The post- Cold War period in West Africa was characterized by outbreak of intra-state conflicts, which undermined security situations in the sub-region. Liberia, Sierra Leone and subsequently La Côte d’Ivoire witnessed disproportionate human rights violations by war actors, requiring interventions by the Economic Community of West African States (ECOWAS) and the United Nations (UNs) through mediation and peacekeeping.¹ As part of four-country study in West Africa, this paper focuses on the specific case of Liberia by examining the state-level implementation of responsibility to Protect’ (R2P) in the country. The aim is to identify institutional and policy structures that underpin the implementation process. The paper argues that although Liberia has made strides in peacebuilding interventions including; Disarmament, Demobilization and Reintegration (DDR), Security Sector Reforms (SSR), transitional justice arrangements and building democratic institutions (with three relatively peaceful elections (2005, 2011, 2017 and one transition)², there is lack of political-will by the former Sirleaf and the current Weah governments to support institutions to implement the R2P norms and principles. Empirical evidence from the field suggests that multiple risk factors and indicators of atrocity crimes exist that question the capacity of the Liberian state and key actors/institutions in delivering on the social contract between the state and the citizenry. Liberia remains a low income country in West Africa and continues to face socio-economic challenges including; poverty³, unemployment, inequality (wide disparity in salaries of public servants and political actors, control of state access by settlers), perception of marginalization, corruption in public office and land boundary contestations.⁴

In spite of the reforms in the security sector, the drawdown of United Nations Mission in Liberia (UNMIL) in March 2018 has exposed the weakness in the Liberia National Police (LNP) relating to lack of logistics, corruption, but also frustrated and misused police officers who continually disregard rule of law and human rights principles.^{5,6,7} Despite the key recommendations of the Truth and Reconciliation Commission’s Report (TRC) to ensure criminal accountability, reparation, memorialization, and reconciliation, the Sirleaf and Weah governments have little to show in terms of policies and institutional structures to heal the country and build national cohesion. The egregious human rights violations that characterized the pre-war, and especially the war years persist, albeit on a lesser scale as captured in the 2020 Human Rights Report on Liberia.⁶ The Report reveals significant human rights violations, including; arbitrary killings by police; cases of cruel, inhuman, or degrading treatment or punishment by police;

¹Aning, K., & Abdallah, M. (2012). Exploring the Benefits and Disadvantages of Hybrid and Other Support Models for Peace Operations in Africa. *Supporting African Peace Operations*

²See Jaye, T. (2009). Transitional justice and DDR: The case of Liberia. *International Center for Transitional Justice, June*; Alao, A., Mackinlay, J., & Olonisakin, F. (1999). Peacekeepers, politicians, and warlords: The Liberian peace process.

³[Global_POVEQ_LBR.pdf \(worldbank.org\)](#)

⁴Sawyer, A. (2008) ‘Emerging Patterns in Liberia’s Post-Conflict Politics: Observations from the 2005 Elections’. *African Affairs*, 107(429), pp. 177-99.

⁵See the ‘2020 Country Reports on Human Rights Practices: Liberia, Bureau of Democracy, Human Rights, and Labor’, March 30, 2021 <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/liberia/>

⁶Ibid.

⁷Ibid.

⁸Ibid, p.1.

harsh and life-threatening prison conditions; arbitrary detention by government officials; serious problems with the independence of the judiciary; serious restrictions on freedom of the press, including violence and threats of violence against journalists; official corruption; lack of investigation and accountability for violence against women; the existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and the worst forms of child labor⁷.

In addition, the culture of impunity is high, especially relating to individuals who perpetrated human rights abuses, including atrocities during the war. In spite of this state of inaction, there exist national, regional and community early warning mechanisms that constitute preventative and mitigating factors for atrocity crimes. To help understand state level implementation of R2P in Liberia, this paper employs both desk and empirical research methods for analysis, and the findings are presented in five sections. The first section gives a historical context of atrocity crimes in Liberia. In the second section, the author analyzes the capacity of state institutions/actors in atrocity crime prevention, focusing on the roles of the executive, the judiciary, and the legislative arms of government in Liberia. The third section discusses the ‘big issue’ of criminal accountability, emphasizing that so far, there is no demonstrable political commitment to address the issue as articulated in the TRC Report. The fourth section identifies and examines structural and institutional early warning mechanisms in preventing conflicts, and by extension atrocity crimes. The last section provides some concluding thoughts, encapsulating key policy recommendations.

Atrocity Crimes in Liberia: A Background

Liberia is located on the Atlantic coast of West Africa and covers a territory of 43,000 square miles. The country shares contiguous boundaries with Sierra Leone to the northwest, Guinea to the northeast, and Côte d’Ivoire to the southeast.⁸ Liberia’s 15 counties generally correspond to territories historically claimed by particular Liberian indigenous ethnic groups. However, since 1847, politics and governance in the country had been dominated by the settlers, known also as Amerio-Liberians, creating division, dissatisfaction among the natives until the removal of William Tolbert in a bloody coup d’état by Samuel Kanyon Doe in 1989.⁹ Doe’s regime was also characterized by ethnic exclusion, leading to various forms of human rights violations. For example, the Armed Forces of Liberia (AFL) was restructured and dominated by members of the Doe’s Krahn ethnic group. This led to a targeted abuse of rival ethnic groups, particularly the Mano and Gio tribes of Nimba county— home region of Charles Taylor, who were accused of supporting multiple coup attempts against Doe.¹⁰ Indeed, Samuel Doe’s governance style led to further divisions among the indigenous people on the one hand, and between the indigenous and the settlers on the other hand, leading to state breakdown, widespread deadly conflict and warlord politics precipitated by the intervention of Charles Taylor in 1989.¹¹

Additionally, civilian misrule, poverty, greed, corruption, limited access to education, unfair land tenure system among the different ethnic groups constituted key underlying reasons

for the outbreak of the violence.¹² In the view of Sawyer, constellation of political power, identity politics, and marginalization of the indigenous Liberians by the Americo-Liberians cannot be disregarded in any analysis of the root causes of the conflict.¹³ As the conflict raged on, various actors, including civil society organizations (CSOs), regional, continental and global organizations played diverse roles to bring the conflict to an end. For example, while the Inter-Faith Mediation Committee, which became known as Inter-Religious Council of Liberia, initiated a mediation process, it was modified and adopted by ECOWAS as a Peace Plan for Liberia.¹⁴ With the support of the Organization of African Unity (now African Union) and subsequently the United Nations (UNs), ECOWAS played diverse mediation and peacekeeping roles to resolve the conflict and restored Liberia back to the path of peace, stability and development.¹⁵ While ECOWAS intervened with its ceasefire monitoring group (ECOMOG), it was replaced by United Nations Observer Mission in Liberia (UNOMIL) in 1994, and subsequently by United Nations Mission in Liberia (UNMIL) during the second phase of the conflict.¹⁶ By the end of the war when the Comprehensive Peace Agreement was signed in Accra in 2003, over 250, 000 people had died, displacing approximately 500, 000 people internally, and causing about 700, 000 to seek refuge in neighbouring countries like La Cote d'Ivoire, Guinea and Ghana.¹⁷

A glaring feature of the conflict was the proliferation of rebel groups, which kept splintering after almost every mediation process, creating multiple factions for the prosecution of the war. Key among them included: Armed Forces of Liberia (AFL); Liberia Peace Council (LPC); Lofa Defense Force (LDF); National Patriotic Front of Liberia (NPFL)- led by Charles Taylor, which got splintered and led to the formation of the Independent National Patriotic Front of Liberia (INPFL), which was led by Prince Johnson. Another rebel group known as United Liberation Movement of Liberia for Democracy (ULIMO) was beset with internal misunderstanding, leading to a schism and the formation of ULIMO-J led by General Roosevelt Johnson and ULIMO-K, a Mandingo-based faction led by Alhaji G.V Kromah.¹⁸ Others included the Liberian United for Reconciliation and Democracy (LURD) and Movement for Democracy in Liberia (MODEL), which became active during the second phase of the conflict until the signing of the Comprehensive Peace Agreement in 2003 in Accra.

⁸<https://www.nationsonline.org/oneworld/liberia.htm>

⁹Liebenow, J. G. (1981). The Liberian coup in perspective. *Current History*, 80(464), 101-134. See also

The Truth and Reconciliation Commission of Liberia, (2009) Final Report, Vol. 1: Findings and Determinations: Summary of Preliminary Findings, Determinations and Recommendations, Available at:

<https://reliefweb.int/report/liberia/liberias-trc-presents-final-report> (accessed 2 June, 2021)

¹⁰Interview with a Journalist, Monrovia, Liberia, 8th March, 2021.

¹¹Reno, W. (1995). Reinvention of an African patrimonial state: Charles Taylor's Liberia. *Third World Quarterly*, 16(1), 109-120.

¹²*Ibid.*

¹³Sawyer, A. (2008) 'Emerging Patterns in Liberia's Post-Conflict Politics: Observations from the 2005 Elections'. *African Affairs*, 107(429), pp. 177-99. For more on the causes of African conflicts, see further McIntyre, A., (2003), 'Rights, Root Causes and Recruitment: The Youth factor in Africa's armed conflicts'. *African Security Review*, Vol 12, No. 2, pp. 91-99.

¹⁴Aning and Abdallah, 2012, Op cit.

¹⁵*Ibid.*

¹⁶Hutchful, E. (1999). The ECOMOG experience with peacekeeping in West Africa. *Whither peacekeeping in Africa*, 61-85.

¹⁷Mbadlanyana T. and Onuoha F., (2009) "Peacekeeping and post-conflict criminality – Challenges to the (re-) establishment of rule and law in Liberia," Institute of Security Studies" (ISS), Paper 190. See also

¹⁸Fyanka, B. B. (2019). Legacies of the Lords of War: A Critical Appraisal of Weapons Proliferation Patterns in War-Time Liberia. *IUP Journal of International Relations*, (1), 59-73.

Egregious human rights violations characterized the operations of these groups. The NPFL, for example, became notorious for the abduction, recruitment and use of boys, most of who were below 18 years to engage in gender-based violence. The pervasiveness of these practices is rightly captured in the TRC report:

All factions to the Liberian conflict committed, and are responsible for the commission of egregious domestic law violations, and violations of international criminal law, international human rights law and international humanitarian law, including war crimes violations.

The Report further notes that:

All factions engaged in armed conflict, violated, degraded, abused and denigrated, committed sexual and gender based violence against women including rape, sexual slavery, forced marriages, and other dehumanizing forms of violations²¹

Not only these,

*and gender based violations against them including, rape of all forms, sexual slavery, forced marriages, forced recruitment, etc.*²²

¹⁹Aning, K. and Atta-Asamoah, A. (2011), 'Demography, Environment and Conflict in West Africa' *KAIPTC Occasional Paper* No. 34.

Mutisi, M. (2012) 'Interrogating traditional youth theory: Youth peacebuilding and engagement in post-conflict Liberia in Grace ed. Opportunity or Threat: The Engagement of Youth in African Societies, Africa Dialogue: Monograph Series No. 1, pp.87-120.

²⁰The Truth and Reconciliation Commission of Liberia, (2009) Final Report, Vol. 1: Findings and Determinations: Summary of Preliminary Findings, Determinations and Recommendations, Available at:

<https://reliefweb.int/report/liberia/liberias-trc-presents-final-report> (accessed 2 June, 2021)

²¹Ibid, p. 9

²²Ibid, p. 10.

These extracts from the TRC Report speak volume of deliberate acts of human rights violations and disregard for Liberian law and various international laws by both state and non-state actors. Symptomatic of deep divisions between indigenous and Americo-Liberians, and a schism among various rebel factions, the targeted violations further engendered “a culture of violence as means to an end, with an entrenched culture of impunity”.²³ a subsequent breakdown in the justice system emboldened state actors such as the AFL and Liberian LNP to become embroiled in the war and used by successive governments to suppress innocent civilians.²⁴ Acting on behalf of the state, some military and police officers specifically engaged in extortion at checkpoints, looted villages, raped women in police custody, and the executed alleged rebels and collaborators.²⁵

Equally implicated in the commission of various forms of crimes were external actors as captured by the TRC Report:

*They [the external actors] participated, supported, aided, abetted, conspired and instigated violence, war and regime change against constituted authorities in Liberia and against the people of Liberia for political, economic and foreign policy advantages or gains.*²⁶

Against this background, the TRC Report made several recommendations relating to the roles state actors and external partners can play to help rebuild the country and prevent possible recurrence of the conflict and related atrocity crimes. The following section examines the capacity of state institutions in Liberia to prevent a repetition of mass atrocity crimes.

Analyzing the Capacity of State Institutions in Atrocity Crimes Prevention

Under the principles of ‘Responsibility to Protect’, the state has the primary obligation to protect its populations. Like many countries across the globe, Liberia relies on the executive, the legislature, the judiciary, and several other state institutions to deliver on the social contract between the citizenry and the state. The Executive arm of government has direct authority over the police, the military and other institutions such as the Independent Human Rights Commission (IHRC) to protect the rights of citizens. However, capacities of these institutions to undertake such protection mandates should be understood within the context of exiting risk factors and indicators as clearly articulated in the 2014 UN Framework of Analysis for Atrocity Crimes. According to the Framework, “Risk factors are conditions that increase the risk of, or susceptibility to negative outcomes.”²⁷ Therefore, “behaviours, circumstances or elements that create an environment conducive to the commission of atrocity crimes, or indicate the potential, probability or risk of their occurrence”²⁸ are considered as risk factors. Risk factors can be structural in nature, such as the weakness of state structures, while others relate to more dynamic conditions or events, such as triggering factors.²⁹ On the other hand, indicators are referred to as expressions of each risk factor, and contribute to determining the extent to which a particular risk factor is present, with the possibility to lead to the commission of atrocity crimes. However, the presence of one factor and related indicators

may not necessarily lead to atrocity crimes, but can create susceptible condition, and when combined and analyzed with other factors can increase the likelihood of atrocity crimes.³⁰ Responses from interviewees in Liberia revealed that several risk factors exist in the country, including youth bulge and unemployment, border disputes, corruption and mismanagement of state resources, politics of marginalization and exclusion.³¹ In addition, state institutions remain weak to render protection services to the citizenry. As rightly captured in the 2020 Human Rights Report, institutions “lack sufficient resources, adequate representation or training; the police is still abusive and corrupt; the judiciary still corrupt, not independent and not impartial.”³² These characterizations summarize the danger institutions like the police and the judiciary face in their quest to protect the rights of citizens.

The Police

Police personnel have the primary responsibility to protect citizens and to prevent crimes from occurring. Following the 14-year civil war, the Liberian National Police (LNP) received several capacity-building interventions by the United Nations Mission in Liberia (UNMIL) and other training institutions such as the Kofi Annan International Peacekeeping Training Centre (KA IPTC)³³ to enhance their capacities to deliver on their law enforcement and protection mandates. Despite this, empirical evidence from the field suggests that most officers are not reformed. They continue to operate with regime-centeredness in mind; protecting governments in power and using brute force on citizens in their attempt to enforce the law.³⁴ They are often accused of engaging in human right abuses such as harassments, intimidations and extortions of money from the public. The 2020 Human Rights Report confirms this assertion about the LNP and recounts a number of incidents equating to serious human rights infractions. For example, in January 26, bodyguards of President George Weah allegedly assaulted Zenu Koboi Miller, a local broadcast journalist, as he was leaving the Samuel Kanyon Doe Sport Stadium in Monrovia for no apparent reason. Kobi Miller subsequently died in February 2020 although the death could not be linked directly to the alleged police brutality. In March, 2020, Sergeant Sensee Kowo, who was also the deputy commander of LNP Ganta City Detachment in Nimba County, allegedly flogged and choked 18-year-old motorcyclist, Samuel Selleh, after an argument. The victim died shortly thereafter.

²³Human Rights Watch, *Human Rights Watch World Report 1989* (New York: Human Rights Watch, 1988) See The TRC Report, p.10

²⁴Sawyer, A. (2005). Social capital, survival strategies, and their potential for post-conflict governance in Liberia (No. 2005/15). WIDER Research Paper; Alao, A. (2017). Conclusion: The International Community and Post-Conflict Liberia. In *The Burden of Collective Goodwill* (pp. 203-215). Routledge; Aboagye, F. B., (1999), *ECOMOG: A Sub-Regional Experience In Conflict Resolution, Management and Peacekeeping in Liberia*, Accra, Ghana: Sedco; TRC, (2009).

²⁵See the TRC Report, Op Cit.

²⁶Ibid.

²⁷United Nations. (2014). Framework of Analysis for Atrocity Crimes: A Tool for Prevention. https://www.un.org/en/genocideprevention/documents/aboutus/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf

²⁸Ibid

²⁹Ibid

³⁰Ibid

³¹Interview with a Journalist, Monrovia, Liberia, 7th March, 2021

³²Ibid.

³³In 2017, the KA IPTC, in partnership with the Government of Japan and the United Nations Development Programme (UNDP) implemented a programme to build the capacities of police officers in Rule of Law, Human Resource Management, Conflict Resolution, Combating Extremism and Terrorism, Transnational Organized Crime, Disaster Management and Elections Security.

³⁴Interview with a Human Rights Commissioner, Monrovia, Liberia, February, 2021

³⁵Ibid.

Similarly, on April 23, Mohammed Komara, was alleged to have breached the perimeter of the president's private residence in Paynesville. Perhaps, as a first time offender, the victim should have been warned or taken through due process if he indeed breached an existing law. However, LNP officers and agents of the Executive Protection Service "kicked and used sticks to prod the individual while he lay prostrate, shirtless, and handcuffed, according to a widely circulated video of the incident."³⁵ Although the Office of the President announced the launch of an investigation into the case, it is not established whether the police officers in question have been taken through due process and sanctions preferred against them. In effect, these practices question the professionalism of some police officers and raise concern about their knowledge of the Liberian Constitution, and particularly the TRC Report that highlights various forms of human rights violations as some of the precursors of the 14-year civil war.

These practices also question the utility of the social contract theory that places responsibility on state actors and institutions to protect the rights of citizens³⁶ However, while criticizing the police, it is also important to highlight the challenges they face in undertaking their operational duties. Like many police institutions in Africa, the LNP faces the challenge of limited personnel and are frustrated by inadequate logistics. UNMIL partially addressed these gaps by deploying its military and police contingents, as well as formed police officers across the country. Their presence and patrols contributed to strengthening public perceptions of security, and as a result, guaranteed individual and communal safety. However, the drawdown of UNMIL in March 2018 exposed a huge gap in the security sector. As at 2016, the police strength stood at 5,096³⁷ when the estimates showed that the country required about 8,000 police officers to maintain state security.³⁸ The shortfall of close to 3,000 police officers has yet to be filled. As a result, police to citizen ratio is low and their presence is weak outside of the capital city of Monrovia.

In addition, they lack the necessary logistics to respond to distress calls to prevent protests and combat crimes. For example, a 2017 study by a CSO known as 'Open Liberia' in 26 police depots indicated a yawning gap in logistics, including lack of vehicles, motorbikes as well as administrative equipment and supplies such as computers, uniforms, batons, spray guns.³⁹ This partly stems from the fact that items are assigned from the central headquarters on Capitol Hill – leaving stations and depots completely strangled to effectively perform. Depots in Montserrado County, for example, are unable to respond to more than one crime reported at the same time.⁴⁰ Besides the logistical challenges,⁴¹ the obvious lack of decentralization is even more depressing for rapid response. Ideally, for the police to prevent crime and escalation of violence, they have to respond to an incident within 30 minutes.

However, in most cases, the police officers take several hours to respond to a reported crime in their own neighborhood. In most cases, "if the crime is reported in a location that is a little farther, it takes them several hours to respond – which they significantly attribute to the lack

³⁶See Human Rights Report, 2020.

³⁷Ibid.

³⁸Interview with a security officer in Monrovia, Liberia, 4th March, 2021.

³⁹Estimate of required police in Liberia cited by UNDP representative in Winston Parley, 'UNDP Worries on Security', The New Dawn (Monrovia), 24 June 2013

⁴⁰<https://frontpageafricaonline.com/news/2016news/no-logistics-at-police-depots-open-liberia-report/>

⁴¹<https://frontpageafricaonline.com/news/2016news/no-logistics-at-police-depots-open-liberia-report/>

⁴²Ibid.

of operational logistics.”⁴² This kind of situation creates difficulties for the management of crime and contributes to the increase in riots, mob action, and interpersonal violence in the country. Such state of affairs can lead to the escalation of violence, with multiple implications on the rights of populations.

The Judiciary

Related to the above is the weak justice system. Like the police, the judiciary and judicial officers can play key roles in implementing the R2P norm by contributing to preventing conflicts and mass atrocity crimes. This can be achieved through the delivery of justice and ensuring that human rights violations by security forces and other non-state actors are addressed without fear or favour. Under both Sirleaf and the current Weah governments, the judicial system is perceived to be weak relating to denial of fair public trials, civil judicial procedure, and remedies. The Constitution of Liberia provides for an independent judiciary, which should ensure that all manner of persons irrespective of their ethnic, religious backgrounds, and political affiliations receive fair public trials. However, in many instances during the year 2020, judges and magistrates were subject to influence and engaged in various forms of corruption.⁴³ As indicated in the 2020 Human Rights Report, judges “solicited bribes to try cases, grant bail to detainees, award damages in civil cases, or acquit defendants in criminal cases.”⁴⁴ One of such cases involved Eva Mappy Morgan, chief judge of the Commercial Court and president of the National Trial Judges of Liberia. He was alleged to have collaborated in the withdrawal of \$3.4 million at the Liberian Bank for Development and Investment, “which was being held in escrow pending final determination of a commercial dispute between Ducor Petroleum Inc. and the Monrovia Oil Trading Company.”⁴⁵ It is worrying to note that, in such high profile cases, if suspects are politically connected or socially prominent, outcomes are often predetermined.⁴⁶ In essence, what has become visible feature of the Liberian Judicial Service is the desire to protect the interest of political actors rather than that of the public, resulting in the lack of accountability of political office holders. The US State Department Report of 2015 corroborated this view, noting that serious human rights abuses in the country were linked to the deficiencies in the administration of justice. The same report acknowledges the culture of impunity as a serious problem in the country, posing a challenge to the promotion of human rights and respect for the rule of law.⁴⁷

Moreover, process of reforming the judiciary is very slow. Consequently, women and children, who are most vulnerable and need state protection are often denied justice. Many of them were victims of rape and violence during the war and very few of the perpetrators have faced trial in the formal justice system. The lack of access and slow process of justice has caused distrust and low confidence level in the justice system, with an implication on the culture of impunity. The obvious lack of knowledge of, and lack of trust in the formal justice system, has caused a chunk of the vulnerable persons to resort to informal and customary means of justice to address their grievances. This involves chiefs, elders and religious leaders. Though traditional mechanisms are faster and more affordable for the average Liberians, their flaws may be linked to the rigid application of traditional values, which reflect a highly patriarchal system with its inherent abuses.⁴⁹

⁴²Ibid.

⁴⁷See US Department of State Country Report on Human Rights Practices for 2015 at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper> Accessed on 23/9/2018

⁴⁸In NUPI Report No. 5. Marina Caparini (2014) Extending State Authority in Liberia: The Gbanga Justice and Security Hub available at <http://reliefweb.int/sites/reliefweb.int/files/resources/NUPI%2BReport%2B5-14%2BMarina%2BCaparini.pdf>

In some cases, they employ the ‘sassywood’²⁰²¹ (trial by ordeal) to prove the innocence or otherwise of persons accused of witchcraft. For example, Sarah Togba, a woman in Gaye town, Gbarzon District 3 in Grand Gedeh County died on Monday, June 27 after she voluntarily took a ‘sassywood’ to prove her innocence of witchcraft allegations.⁵⁰ Such traditional beliefs and practices constitute an affront to both domestic and international human rights principles, with consequences on the dignity of persons, especially in rural settings in Liberia. To fill the gap, the government and some civil society organizations have resorted to more refined traditional and alternative dispute resolution mechanisms, such as the Palaver Hut and Peace Hut, the details of which will be discussed in subsequent section.

The Legislature

Like the Executive and the Judiciary, the Bicameral Legislative Arm of the Liberian government played a key role in post-conflict peace-building processes through the enactment of new laws, including; the National Defence Act (2008)⁵¹ and Land Rights Act (2018⁵²). Moreover, with increased pressure from the Liberian Press Union (LPU) and CSOs, Freedom of Information Act, 2010 and Kamara Abdullah Kamara Act of Press Freedom (2018)⁵³ were passed by the Legislature. These are significant legislative milestones in promoting democracy and security governance. The Freedom of Information Act, for example, seeks to ensure that Government can respond swiftly to requests filed to state institutions by individuals and organizations.⁵⁴ The request may relate to statistics on Sexual Exploitation and Abuse (SEA) and more broadly SGBV in the country.⁵⁵ On the other hand, the Kamara Abdullah Kamara Act of Press Freedom of 2018 is significant in protecting the rights of media practitioners in the country. While these acts are important in contributing to protecting individuals from human rights violations, the Legislature can equally employ available tools such as filing questions to the speakers of the two houses and through committee meetings ‘haul’ ministers of state to answer specific questions on the implementations of key recommendations of the TRC Report, especially relating to criminal accountability. The two houses can also enact new laws or domesticate international norms through ratification as a first step to generate policy discussions on how state institutions should reflect R2P principles in actual practice in the country. This remains a gap and requires attention by both houses of legislature.⁵⁶

Overall, weakness in parliamentary oversight, coupled with other state institutions as discussed above have contributed to state incapacity to protect the rights of citizens. The combined effects of these manifests in lack of political-will of Sirleaf and the current Weah governments to address the issue of criminal accountability in the country; a subject of discussion in the following section.

⁴⁹Government of Liberia and UN, ‘In-depth Study’, pp. 51-52. In NUPI Report No. 5. Marina Caparini ((2014) Extending State Authority in Liberia: The Gbanga Justice and Security Hub.

⁵⁰Sassywood is a traditional concoction given to persons accused of witchcraft and other crimes to prove their innocence in Liberia.

⁵¹See ‘Liberia: Woman Dies after Reportedly Taking ‘Sassywood’ to Clear her Innocence from Witchcraft Allegations’

⁵²The National Defence Act of 2008 defined the roles and responsibilities of the AFL, as well as other security actors including the LNP, the Liberian Seaport Police, the Police Quick Reaction Unit, the Special Security Service [now Executive Protection Service] and the Bureau of Immigration and Naturalization.

⁵³The Act is aimed at addressing the land issues and land boundary disputes has been a source of conflict between and among ethnic groups and counties in the country over the years.

⁵⁴A law promoting free speech, expression, independence and the safety of the Liberian Press.

⁵⁵An interview with the Liberia Press Union (LPU), Monrovia March, 2021.

⁵⁶Ibid.

Criminal accountability

The issue of criminal accountability, politically sensitive as it may seem or it is, remains a key concern in the country and continues to generate discussions at least among CSOs and the broad masses of the middle class. The importance of this thorny issue and the continued debate around it stems from the TRC report, which established that all factions that engaged in the war perpetrated various degrees of human rights infractions. To ensure justice and to address the culture of impunity, those who perpetrated such crimes needed to be sanctioned, including being banned from holding public office and also made to undergo trials through appropriate local or international courts depending on the gravity of the crimes committed. The Report recommended the establishment of the “Extraordinary Criminal Court for Liberia” to prosecute 124 key individuals for gross human rights violations,⁵⁸ eight leaders of warring factions and 116 notorious persons, including Charles G. Taylor. For such punishment to have an effect, it recommended that certain individuals be barred from holding public office for 30 years. In addition, 45 persons were to be prosecuted for economic crimes, barred from holding public office for 30 years and all the assets they had acquired unlawfully during the conflict seized.

Other recommendations include 58 individuals who were identified as having committed egregious domestic crimes, but lesser than gross violations, be prosecuted under the jurisdiction of the domestic criminal courts.⁵⁹ It is heartwarming to note that although some 38 individuals were pardoned from prosecution for showing remorse, Sirleaf, the former President, and 48 others were also found guilty of committing gross human rights violations-international humanitarian law violations, war crimes and egregious domestic law violations due to their roles during the civil war and instability in Liberia between 1979 and 2003.⁶⁰ Part of their sanction is that they should not be appointed in government or legislative authority or have power to govern or make decisions on behalf of the Liberian people whom they victimized.

After a decade of the release of the TRC Report, the two succeeding governments of Liberia (Sirleaf and Weah’s governments) cannot ‘boast’ of policy initiative to address the issue of impunity and criminal accountability.

Even though Charles Taylor, the former president and a leader of NPFL notoriously engaged in the abduction, recruitment and use of boys to prosecute the war in Liberia²⁶, he was tried and convicted by the UN-backed Special Court for Sierra Leone on 12th April 2012 on war crimes, crimes against humanity and other serious violations of international humanitarian law. The trial of Charles Taylor had to do with his role in the Sierra Leonean conflict from November 30, 1996 to January 18, 2002. Specific to the Liberian conflict, Gibril Ealoghima Massquoi, a commander and spokesperson of the Revolutionary United Front (RUF) in Sierra Leone was arrested in Finland for engaging in atrocity crimes in Liberia during the 1999-2003 conflict.

⁵⁷Interview with Human Rights Activist, Monrovia, Liberia, March, 2021.

⁵⁸Liberian TRC Report, 2008, Vol. II).

⁵⁹ibid.

⁶⁰ibid.

However, having gone through trials in Finland, he was subsequently acquitted and discharged on 29th April 2022. The other individual known as Alieu Kosia was the former commander of ULIMO in Liberia. He was arrested and sentenced by Swiss Federal Criminal Court for 20 years²⁹ for war crimes, including murder, torture, and forced labor. He was also charged for inflicting pain on the people of Lofa County, in northern Liberia.³⁰ Similar international arrest was that of Martina Johnson, which occurred in Belgium in September 2014. Mrs. Johnson was a commander in Taylor's NPFL, and was suspected in particular of participating in "Operation Octopus",³¹ an infamous 1992 NPFL attack on the Liberian capital Monrovia which left scores of civilians dead.

These arrests and trials spearheaded by European state actors suggest that either Liberian state lacks the necessary capacity or political will to deal with the perpetrators of the various atrocity crimes. The perception of lack of political will should, however, be understood within historical context; that is, the first post-conflict president, Ellen Johnson Sirleaf herself, had been accused of supporting the perpetration of criminal acts during the war.³² Although before the TRC Report was officially commissioned and made public, Sirleaf and other alleged perpetrators had already been elected into office although the report bars them from so doing.³³

It is therefore not surprising that, the Unity Party led by the former President Ellen Johnson Sirleaf could not establish war crime accountability court to try perpetrators. The expectation was that, George Opong Weah, who is an indigene and had gained popularity among the broad masses of indigenous people would initiate the process of ensuring criminal accountability. Contrary to expectation, he has rather involved well-established elites and leaders associated or implicated in the atrocities in his government. For example, the former wife of Charles Taylor of the National Patriotic Party (NPP) merged with Weah's Congress for Democratic Change (CDC) party during the second round of 2017 elections and she is currently the vice-president of Liberia.

Prince Y. Johnson, a leader of the rebel group- INPFL, whose forces captured and slaughtered ex-president Samuel Doe and engaged in further crimes such as killing, extortion, massacre, destruction of property, force recruitment, assault, abduction, torture and forced labor, rape"³⁴ continues to hold political office as Senator for Nimba County. In line with the recommendations of the TRC Report, Prince John and former President Sirleaf should have been banned from holding public office for thirty (30) years and from contesting elective positions.³⁵

⁶¹Sawyer, A. (2008) 'Emerging Patterns in Liberia's Post-Conflict Politics: Observations from the 2005 Elections'. African Affairs, 107(429), pp. 177-99.

⁶²Aning and Atta-Asmoah, 2011, Op Cit.

⁶³[Hearings begin in landmark Liberia war-crimes trial - France 24](#)

⁶⁴See 'Human Rights Watch Reacts To Conviction of Alieu Kosiah - African Star Newspaper' [Alieu Kosiah: Liberian convicted of war crimes in Swiss court - BBC News](#)

⁶⁵<https://reliefweb.int/report/liberia/liberiajustice-european-arrests-liberian-war-crimes-suspects-refuel-impunity-debate>

⁶⁶In 1992, Operation Octopus was formed by Charles Taylor, the leader of the NPFL. The aim was to stamp out the interim government headed by Amos Sawyer and the peacekeeping forces of ECOWAS. This would lead to the installation of Charles Taylor in the Executive Mansion.

⁶⁷See the TRC Report, 2009; See also Aning and Jaye (2011) Liberia: A Briefing paper on the TRC Report, KAIPTC Occasional paper, No. 33

⁶⁸The TRC Report

However, while Sirleaf has completed her two terms as president, Prince Johnson and others remain in political office, making policies and laws to govern the people of Liberia contrary to TRC Report. The presence of such a high profile individuals in political office will continue to undermine political efforts at addressing the issue of criminal accountability and by extension weaken the capacity of the state to deal with impunity. Additionally, confidence and trust building that is needed for social cohesion will be undermined. The likely implication is that, it will deepen enmity and ill-feelings across counties and between ethnic groups, especially those whose relatives suffered unimaginable atrocity crimes, and continue to have high expectations of justice and accountability.⁷¹ While these remain concerns among interviewees, there is also a danger that any attempt to prosecute the named individuals could spark violence because of the influence and support base such individuals have in political office.

Response Mechanisms to Conflicts and Atrocity Crimes

This section examines the various response mechanisms for preventing conflicts and atrocity crimes, focusing on the role of the state, non-state actors, while exploring partnerships with other organizations such as ECOWAS and the UN.

Following the war and consequent devastations in Liberia, the UN established Peacebuilding Commission (PBC) as an independent body to spearhead peacebuilding interventions. It has since implemented various projects to address security challenges towards building sustainable peace in the country.

Currently, however, the PBC is known as Peacebuilding Office (PBO) and is attached to the Ministry of Internal Affairs. Together with Liberia Early Warning and Response Network (LERN), they receive incidents of potential violence from the field across the 15 counties. There are over 500 volunteers in all 15 counties, who regularly send messages regarding potential violence to the early warning response Centre, where further analyses are carried out and the result sent to the relevant institution for action. For example, if an early warning information requires police response, it will be forwarded to the Inspector General of Police (IGP) or a unit/department within the LNP with the responsibility and capacity to prevent the escalation of potential violence. Linked to the institutional early warning response are five justice and security hubs envisaged for the country, each consisting of three counties. Currently, however, physical infrastructure exists in only one county-Gbanga- Bonn County). The other four envisaged are yet to be built due to financial constraint. The only Security Hub in Gbanga consists of police and immigration officers. It also has gender, women and children unit, as well as civilian complaint mechanism. This structure exists as preventive mechanism for conflicts, not necessarily for the prevention of atrocity crimes.⁷³ However, it is anticipated that prevention of conflicts can reduce the likelihood of mass atrocity crimes occurring in the country.⁷⁴

⁶⁹The TRC Report

⁷⁰Ibid. See also Aning and Jaye (2011) Liberia: A Briefing paper on the TRC Report, *KAIPTC Occasional paper*, No. 33

⁷¹Interview with a human rights activist, March, 2021, Monrovia, Liberia.

⁷²Interview with With Togah Tarpeh, Peacebuilding Project Officer, ZOA, Monrovia, Liberia, March, 2021

⁷³Interview with a Peacebuilding Officer, Monrovia, Liberia, March, 2021

⁷⁴Ibid.

ECOWAS Mechanism

To complement the national response mechanisms, ECOWAS, in line with its conflict prevention mandate is currently coordinating response mechanism nationally through an established structure known as National Centre for the Coordination of Response Mechanism (NCCRM). This structure exists in other countries such as Mali, Coted l'voire, Guinea Bissau, Burkina Faso and is being replicated in all the 15 member states. Given the importance Liberia attaches to conflict prevention, the Vice-President is the chair of the mechanism. Other members include the Minister for Finance, Minister for Health, Minister for Defence, Minister for Justice, Minister for Gender, Children and Social Protection, Environmental Protection Agency, Special Representative of the ECOWAS Commission and the Special Representative of the UN.³⁷

This structure functions in collaboration with the PBO and coordinates all other non-state actors whose work relate to early warning including; ZOA Liberia, West Africa Network for Peacebuilding (WANEP), Centre for Media Studies and Peacebuilding (CEMESP), Liberia Freedom of Information Coalition (LFIC), Platform for Dialogue and Peace (P4DP), iLab Liberia, Messenger of Peace (MoP), and Labour Congress of Liberia (LCL).³⁸

Similar to the national structure, the ECOWAS' mechanism seeks to coordinate different responses, but focuses on specific thematic areas relating to human security. These include Environmental Security, Health Security, Democracy, Governance and Human Rights, Women Peace and Security, Organized Crime and Violent Extremism. Although R2P is not specifically mentioned among these thematic areas, preventing the occurrence of the identified thematic areas has implications on preventing atrocity crimes.

Essentially, this structure allows various state and non-state actors/organizations to provide early warning information for the relevant state institution to respond to potentially violent situations. The challenge, however, relates with the swiftness of responses by state institutions. In many instances, the police lack logistics to respond, the IHRC lacks financial resources to respond to human rights issues, especially relating to gender-based violence. As a result, non-state organizations take up such responsibilities to protect the population. To address the shortfall in protection, other structures exist, including the County Peace Committees, Palava Hut, and the Peace Hut established by WANEP.

County Peace Committees

Another mechanism for ensuring peace post the Liberian conflict is the establishment of County Peace Committees (CPC). The CPCs were set up in all 15 counties in 2009 by the Civil Affairs section of UNMIL in collaboration with the PBO and the Ministry of Internal Affairs (MIA). Primarily, it aimed at resolving and transforming local conflicts through pacific settlement of disputes, including; mediation and community dialogue initiatives. An important component of this structure is the early warning and response system that helps to resolve inter-ethnic, inter-communal, and intra-county conflicts and to strengthen local/traditional mechanism for peace

⁷⁵Ibid.

⁷⁶Ibid

as part of wider effort at consolidating peace and stability in Liberia.

The CPS system is further decentralized at the district levels. As stated in the Liberia's Revised Peacebuilding Priority Plan' (2013-2016), counties such as Grand Cape Mount, Grand Bassa, Nimba, Lofa, Grand Gedeh and Maryland have been decentralized into Community Peace Committees (CPCs) with support from United Nations Children Fund (UNICEF). The PBO, in collaboration with UNICEF, has conducted a series of training programmes in the areas of conflict mediation and resolution, and in early warning. The aim is to build capacity of the beneficiaries to be able to prevent and respond to security challenges in their catchment areas. While early warning has been effective to some extent due to its integration in the County Security Council structure, the early response remains a challenge. That notwithstanding, the CPC system has been widely appreciated by various communities as effective conflict resolution mechanisms. For instance, because of capacity building initiatives, CPC members, in collaboration with PBO, the Open Society Initiative for West Africa (OSIWA) and the Carter Center, were able to resolve inter-ethnic dispute in Lofa County in 2010. Similarly, an organization known as Mitigating Land Disputes in Liberia (MLDL) collaborated with CSCs and District Security Committees (DSCs) to resolve conflicts and prevent violent attacks by angry youth in the country. During the Ebola crisis in 2014, DSCs played important roles in contributing to mitigating the effects of the Ebola crisis through early warning and education.

The Palava Hut

'Palaver Hut' is a traditional mechanism for resolving disputes between individuals and among communities, especially in rural settings in Liberia. The TRC Report defines the PH as a conflict resolution mechanism in which selected persons of integrity in a community adjudicate matters of grave concern and seek to resolve disputes between individuals and or communities.⁴⁰

Although in its traditional conceptualization, the PH has been used by the four broad linguistic groups in Liberia, namely; the Mande, the Kwa, the Mel, and the Settlers (also known as the Americo-Liberians), in slightly different ways, the TRC Report recommends its adoption at the national level to address issues relating to criminal accountability. The Report emphasizes that the existing court system in Liberia, including old and new remains inadequate to effectively prosecute the numerous known and alleged perpetrators, "not including the unknown thousands whose identities are yet to be determined."⁴¹ The Report further notes that there is "the lack or absence of courts, resources, lawyers, penal institutions and police officers" to address the numerous concerns that emerged from the TRC Report.⁸⁰ It therefore recommends for its universal applicability in the country. Unlike the traditional PH, which diminished the importance of women and the youth, the TRC Report considers their roles as critical to reconciliation and peacebuilding. Moreover, as opposed to the old system where elderly persons lead the arbitration and mediation processes, women and youth are increasingly being involved as key actors.

⁷⁷Vapnek, J., Boaz, P., & Fofie, A. (2017). Resolving Disputes and Improving Security in Post-Conflict Settings: An Example from Liberia. Available at SSRN 3492709.

⁷⁸Republic of Liberia, 'Towards National Reconciliation and Dialogues: The Palava Hut or Peace Forums', Report of the Truth and Reconciliation Commission, Volume Three, 2009, p. 2

⁷⁹ibid

⁸⁰ibid.

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Closely aligned with the Palava Hut is the Peace Hut established by West Africa Network for Peace Building (WANEP) through its organ known as Women in Peacebuilding Network (WIPNET). This initiative advocates for women's rights. The advocacy stems from the recommendations of the TRC Report to ensure reparations are given to persons whose rights were abused, including women who suffered Sexual and Gender Based Violence (SGBV). While little has been done by the state in this regard, WANEP has taken steps to contribute in preventing a repetition of such human rights violations. WIPNET operates in 11 of the 15 counties with community based initiative aimed at addressing local disputes and conflicts as well as gender-based violence.⁸¹

Peace Hut

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They are safe spaces where women in villages settings gather to have their disputes and other concerns mediated and resolved. Imams and pastors are involved in the resolution of disputes and conflicts. With regards to SGBV, women play critical roles in addressing the psychosocial impacts on victims, while the police take up the criminal aspects to ensure that perpetrators of SGBV are prosecuted according to law. Through the effort of women, some men have been taken to jail for gender-based offences.⁴³

However, similar to what occurs in the Palava Hut, cases such as murder and rape are referred to the national level for redress. according to an interviewee, since the introduction of this initiative, localized conflicts and gender-based violence have reduced considerably.⁴⁴

⁸¹Interview with Programmes Officer, WANEP, Liberia, March, 2021

⁸²Ibid

⁸³Kemayah's confirmation hearing halted!-as Senate investigates sexual assault allegation <https://thenewdawnliberia.com/kemayahs-confirmation-hearing-halted/> (accessed 6 June, 2021)

⁸⁴Interview with Programmes Officer, WANEP, March, 2021.

Inter Religious Council of Liberia

The Inter-Religious Council of Liberia (IRCL) is one of the key institutions that contributes to peacemaking and peacebuilding in the country. Among others, the IRCL aims at: encouraging dialogue among various faith communities for peaceful co-existence and religious tolerance; advocate for human rights, justice for all irrespective of creed, religious affiliation, and ethnicity. The Council also promotes the prevention, management and/or resolution of conflict through peaceful means. It is important to recognize the historical antecedents that led to the establishment of the IRCL.

First, leaders of the National Muslim Council of Liberia and the Liberian Council of Churches, in response to the December 1989 civil conflict formed an ad-hoc Inter-Faith Mediation Committee (IFMC). The formation of the IFMC was to engage both the warlords and the Government of Liberia to agree to ceasefire and to continue negotiations towards restoring the country back to stability. However, realizing that efforts at reconciling and reuniting the warring factions had become rather tedious, the ad-hoc mediation committee was transformed into permanent organization and became known as Inter-Religious Council of Liberia in June 1995.

IRCL played a key role by initiating a Peace Plan, which was modified and subsequently became known as the ECOWAS Peace Plan for Liberia.⁸⁵ The Council also engaged the UN platform for Liberia called International Contact Group (ICG) on Liberia, which facilitated the final phase of the Liberian peace process, culminating in the signing of Comprehensive Peace Agreement in 2003 in Accra. Currently, the IRCL works as civil society organization and has made remarkable achievements in diverse areas aimed at promoting peace, security and development through mediation and peace processes. For instance, in 2014, the IRCL conducted a Religious Leaders Mapping with support from UNICEF C4D assessing 10,000+ Religious Leaders in the 15 Counties in Liberia. Given that religious and ethnic tensions have the proclivity to degenerate into violent conflicts, with implications on human rights violations, the IRCL remains a key part of mediation architecture in Liberia. Strengthening this independent body according to many interviewees can serve as preventative mechanism for conflict prevention, and can forestall the relapse of atrocity crimes in the country.

Conclusion and Policy Recommendations

This paper has focused on how the state of Liberia is implementing the global norm of Responsibility to Protect (R2P) in the country. The aim specifically has been to understand what policy structures and institutional mechanisms exist in the country to pre-empt and prevent the recurrence of egregious atrocity crimes that characterized the 14-year civil war. The paper has argued that although the state has made significant strides in peacebuilding interventions, there is no demonstrable political-will by the two successive governments (Sirleaf and the incumbent Weah governments) to introduce policies and establish specific institutions aimed at addressing the key recommendations in the TRC Report, especially the issue of criminal accountability. This stems from the fact that state institutions such as the legislature is unable to use the tool of checks and balances and questions to ensure the executive deliver on key aspects of the Report. While the legislative arm has so far not domesticated nor ratified any

international norm on R2P, the judiciary is criticized for lack of fairness in administering justice. Despite significant reforms within the LNP, police officers remain tied to the apron strings of the Executive. Thus, instead of protecting the rights of the citizens, some police officers rather engage in human rights violations during arrest and interrogation, reminiscing the brutal war years.

Despite these occurrences, early warning and conflict prevention structures established by the state, ECOWAS, and CSOs are contributing to averting the escalation of localized disputes into large scale violent conflicts. In turn, this is helping in responding to crimes, including SEA and SGBV, thereby reducing the possibility of mass atrocity crimes occurring. However, the effectiveness of the existing structures in preventing a repetition of the four atrocity crimes genocide, war crimes, crimes against humanity, and ethnic cleansing will be dependent on domesticating R2P norms through appropriate legal enactment and ratification, as well formalization of specific institutions in that regard. This will play a key role in addressing criminal accountability, which remains a key concern among broad masses of the citizens across the country. In this regard, advocacy roles of civil society organizations in shaping policies on preventing atrocity crimes in the country should feature prominently in all discussions. Such advocacy should also aim at ensuring that the Executive demonstrate strong political- will by establishing functional state institutions in the country.

⁸⁵See Aning and Abdallah, 2012, Op cit.

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