



REPUBLIC OF LIBERIA TRUTH AND RECONCILIATION COMMISSION

FINAL REPORT



unedited

VOLUME II: CONSOLIDATED FINAL REPORT

This volume constitutes the final and complete report of the TRC of Liberia containing findings, determinations and recommendations to the government and people of Liberia

Volume II: Consolidated Final Report

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LIST OF ABBREVIATIONS

AFL	Armed Forces of Liberia
ATU	Anti-Terrorist Unit
CID	Criminal Investment Division
CPA	Comprehensive Peace Agreement (2003)
CRC	Convention on the Rights of the Child
ECOWAS	Economic Community of West African States
EDC	“Egregious” Domestic Crimes
GHRV	“Gross Human Rights Violations”
IACHR	Inter-American Commission on Human Rights
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICGL	International Contact Group on Liberia
ICL	International Criminal Law
ICTJ	International Center for Transitional Justice
IHL	International Humanitarian Law
IHRL	International Human Rights Law
INCHR	Independent National Commission on Human Rights
INPFL	Independent National Patriotic Front of Liberia
ITAC	International Technical Advisory Committee
LDF	Lofa Defense Fund
LFF	Liberian Frontier Force
LPC	Liberian Peace Council
LURD	Liberians United for Reconciliation and Democracy
MODEL	Movement for Democracy in Liberia
NBI	National Bureau of Investigation
NGO	non-governmental organization
NPFL	National Patriotic Front of Liberia

NSA	National Security Agency
OSIWA	Open Society Initiative for West Africa
Protocol II	Protocol II Additional to the Geneva Conventions of 1977
RRU	Rapid Response Unit
RUF	Revolutionary United Front
SATU	Special Anti-Terrorist Unit
SHLV	“Serious” Humanitarian Law Violations
SOD	Special Operation Division of the Liberian National Police
SSS	Special Security Service
SSU	Special Security Unit
TRC	Truth and Reconciliation Commission of Liberia
ULIMO	United Liberation Movement
ULIMO J	United Liberation Movement-J
ULIMO K	United Liberation Movement-K
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNICEF	United Nations Children’s Fund
UNMIL	United Nations Mission in Liberia

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A national enterprise of this nature cannot be anything but a tall order. Having just three years to fulfill this mandate would not have been done by nine commissioners, and staff without the unbridled support of stakeholders, partners, donors, ordinary Liberians including victims and perpetrators.

The commission is thankful to all organizations, institutions and individuals; both in Liberia and abroad who have contributed to this important undertaking to confront Liberia's bitter past and set the stage for peace, reconciliation and the rebuilding of the Liberian state .

We are particularly grateful to the Government of Liberia for funding the TRC throughout its life span and for supporting the process. We are also grateful to the National Legislature for its prompt intervention when required by the Commission. Similarly, several donor institutions are worth mentioning for funding and collaborating with the TRC. We would like to express profound gratitude to the United Nations Development Programme (UNDP) for providing the TRC the initial funding and support. Special thanks go to the Open Society Initiatives for West Africa (OSIWA) who provided initial grant for institutional support and for the development of the TRC data base. Special thanks also go to the United States Agency for International Development (USAID) and the Danish International Development Agency (DANIDA) for supporting statement taking and the TRC International Advisory Committee (ITAC) respectfully. We owe special gratitude to the Swedish International Development Agency (SIDA) and the European Commission for infusing funds into the process immediately after the institutional review process to ensure that the TRC performs the task ahead.

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Several local civil society organizations were also instrumental to the work of the commission. We particularly highlight the support of the Women NGO Secretariat (WONGOSOL), the Crusaders for Peace, Child Protection Agencies and Children Task Force, Transitional Justice Working Group (TJWG), the Catholic Justice and Peace Commission (JPC), Liberia Women Media Action Committee (LIWOMAC),

The Liberia Council of Churches (LCC), the National Muslim Council of Liberia, the Inter-Religious Council of Liberia, the Traditional Council of Liberia and others.

The TRC also expresses profound gratitude to the International Contact Group on Liberia (ICGL) and ECOWAS through the ICGL TRC Working Group for the guidance provided during the process.

To the countless numbers of individuals including the many unsung heroes, heroines and institutions for whom space cannot permit us to mention, we express our heartfelt appreciation for the invaluable contribution to this process.

Finally, we express our profound gratitude to the President, H.E. Madam Ellen Johnson-Sirleaf, and the Government and people of Liberia for their continuous support to the work of the Commission even up to the last moment. We reserve gratitude also for the Legislature and the House Committee on Peace and Reconciliation for standing with the Commission till present.

Final Statement from the Commission

Nearly three and half years ago, we embarked upon a journey on behalf of the people of Liberia with a simple mission to explain how Liberia became what it is today and to advance recommendations to avert a repetition of the past and lay the foundation for sustainable national peace, unity, security and reconciliation. Considering the complexity of the Liberian conflict, the intractable nature of our socio-cultural interactions, the fluid political and fragile security environment, we had no illusion of the task at hand and, embraced the challenge as a national call to duty; a duty we committed ourselves to accomplishing without fear or favor.

Today, we have done just that! With gratitude to the Almighty God, the Merciful Allah and our Lord and Savior Jesus Christ, we are both proud and honored to present our report to the people of Liberia, the Government of Liberia, the President of Liberia and the International Community who are “moral guarantors” of the Liberian peace process.

This report is made against the background of rising expectations, fears and anxiety. The vast majority of us who are victims or survivals of the massive wave of atrocities induced by the conflict, expect that all the recommendations contained in this report will be implemented and reparations in the forms of compensation, policy and institutional reforms, specialized services, restitution or financial relief, will address all our social, economic, cultural, civic and political rights issues, ensure accountability, undermine impunity and foster national healing and reconciliation.

The few of us who commanded the forces of arms, financed, resourced and provided political and ideological guidance to several warring factions, we fear alienation, prosecutions and other forms of public sanctions which may undermine our current socio-economic and political stature acquired during the conflict period.

Though this latter group of us equally desire national healing and reconciliation, it should be accomplished without any cost to our current standing and prestige. Bygones must be bygones. Having no regard for the rule of law, we ignored the TRC Process and when we opted to cooperate and appear before the Commission, we deliberately lied and failed to speak truthfully about the scale of our participation and deeds as a show of remorse and contrition which acknowledges the pains and sufferings of victims and triggers the national healing and reconciliation we profess to desire.

A true transitional justice process, as the TRC of Liberia, is never a perfect human endeavor; and will not satisfy all segments of our society. It is equally true that the TRC may never meet all the expectations or allay all the fears of contending interests it naturally arouses. Expectations, fears and anxieties, justifiably so, are products of the TRC process and not its outcome. The process is what justifies or legitimizes the product or the outcomes.

The outcome in this report is the product of deliberate planning and engagement with all segments of our society centering on all 15 counties of Liberia and the Diaspora. Capturing over 22,000 written statements, several dozens of personal interviews and over 500 hundred live public testimonies of witnesses including actors, perpetrators, and direct victims; a national regional consultation with county stakeholders and a national conference on reconciliation and the way forward provided the Commission a national perspective of the conflict, its causes, trends, impacts and the vision and aspirations of the people of Liberia for a better future. The Commission incorporated desk research, media publications and human rights reports of very prominent international and local human rights institutions into its work. So guided and informed, the Commission is well poised to make this report and draw the conclusions and make the recommendations contained in this report which in four volumes documents the comprehensive work of the Commission.

We extend appreciation to all, locally and internationally, who supported and worked with the Commission to ensure it succeeds at its mandate. We mention the Government of Her Excellency, Ellen Johnson-Sirleaf, the National Legislature including the House Standing committee on Peace and Reconciliation, The International Contact Group on Liberia (ICGL), Minnesota Advocates for Human Rights and the hundreds of volunteers across the USA, the media and dozens of civil society institutions, who were very interested and supportive of the process and lastly but not the least, the people of Liberia everywhere, not only for their support but most importantly for their abiding faith and confidence in the process and our ability to successfully navigate and pilot suavely through the many turbulences we encountered along the way.

We call on all to view this report and use it as a tool, blueprint and foundation for carving a better, brighter and more secured future for posterity. The purpose of our work was not necessarily to please anyone but to objectively and independently execute the mandates of the TRC realistically and objectively in patriotic service to the nation in unraveling the truth of our national nightmare. This report is our roadmap to liberation and lasting peace which means that reconciliation in Liberia is never again an elusive goal. It is both a possibility and a reality we must achieve by opening our hearts and accepting the realities and consequences of our national existence and move forward. This report is a contribution to that process and it is our prayers that all Liberians will see it that way and work for the full implementation of the recommendations without fear or favor or respect for any man. When we do this, the love of liberty “which brought us here” will “bring us together” under God’s Command so that this sweet and glorious land of liberty will forever be ours.

Jerome J Verdier, Sr. (Cllr)
Chairman

We, Commissioners of the Truth and Reconciliation Commission of Liberia having taken oath to honestly and conscientiously serve the people of Liberia through the faithfully execution of the mandate of the Liberian people entrusted to us by the TRC Act, do hereby submit our final report to the Government and people of Liberia.

In Testimony of the fulfillment of our duties and responsibilities under the aforesaid Act, we hereby affix our signatures as below on this 29th day of June A.D. 2009.

Jerome J Verdier, Sr., Chairman

Dede A. Dolopei, Vice Chair

Massa A. Washington, Member

Oumu Syllah, Treasurer

John H.T. Stewart, Member

Gerald B. Coleman, Member

Pearl Brown Bull, Member

Sheikh Kafumba Konneh, Member

QUOTATIONS

“The nature, scale and impact of the conflict and the crises it engendered, were so deliberate and repugnant to human sensibilities that ignoring them is intolerable as fearing their repetition...”

TRC Chairman, Jerome J Verdier, Sr.

“Whenever we are forced to use violence as a means of venting our frustrations with social injustice we usually stand on the side of evil or injustice, especially if we are ‘the first to strike’! Our only protection if we seek to preserve our humanity in the process is to stand upon “CODE PRINCIPLES OF RIGHTEOUSNESS” even in the state of war. Though this is hard to achieve, if one does not do so history will usually judge you, the liberator as having become the new suppressor” ... **Amb. Rev. Gerald B. Coleman.**

“This leaves the excruciating problem of “...human rights violations and other violent crimes which have caused so many victims and so much suffering in the past. They are an open wound in our national soul that cannot be ignored, nor can it heal through mere forgetfulness; to close our eyes and pretend none of this ever happened would be to maintain at the core of our society a source of pain, division, hatred and violence. Only the disclosure of the truth and the search for justice can create the moral climate in which reconciliation and peace will flourish” ...

**President Patricio Aylwin of the Republic of Chile
when he received the report of the TRC.**

1.0. EXECUTIVE SUMMARY

The Truth and Reconciliation Commission of Liberia (TRC) was established at the end of the peace conference in Accra, Ghana when the Comprehensive Peace Agreement (CPA) was signed by all parties to the conflict including the international community as guarantors, in August 2003. This was for Liberia, its first period of calm and relative peace following 14 years of civil war and violent armed conflict.

Under the CPA sitting President Charles Taylor stepped down and departed Liberia into exile paving way for a two year Liberia National Transitional Government (LNTG) headed by Chairman Gyude Bryant. In June 2005, the National Transitional Legislative Assembly enacted the TRC Act into law. National Elections were held in November 2005 and President Ellen Johnson Sirleaf was elected, sealing a long period of conflict and creating the space for national reckoning. The elected President inaugurated the nine-member Commission in February 2006 and the Commission was launched to commence its operations on June 22, 2006.

Since its launching in June 2006, the Commission, for the last three years, worked tirelessly to fulfill its mandate in the face of mounting administrative, operational, financial and human resource challenges. This occasioned a slow start of the Commission's work in the first year till July 2007 when activities of the Commission resumed uninterrupted to present. Pursuant to its mandate, the Commission conducted public awareness campaigns, collected thousands of witness testimonies and held public hearings in all 15 counties of Liberia as well as in the Diaspora.

1.1 Mandate of the TRC

The mandate of the TRC, principally contained in Art IV, Section 4 of the TRC Act, is to foster truth, justice and reconciliation by identifying the root causes of the conflict, and determining those who are responsible for committing domestic and international crimes against the Liberian people as follows:

1. Document and investigate the massive wave of human rights violations that occurred in Liberia during the period January 1979 – October 2003;
2. Establish the root causes of the conflict and create a forum to address issues of impunity;
3. Identify victims and perpetrators of the conflict;

4. Establish a forum to facilitate constructive interchange between victims and perpetrators to recount their experiences in order to foster healing and reconciliation;
5. Investigate economic crimes and other forms of human rights violations and determine whether these violations were part of a systematic and deliberate pattern of violations or isolated events of violations;
6. Conducting a critical review of Liberia's historical past to acknowledge historical antecedents to the conflict and correct historical falsehood;
7. Adopt specific mechanisms to address the experiences of women and children;
8. Make recommendations to the Government of Liberia for prosecution, reparation, amnesty, reconciliation and institutional reforms where appropriate to promote the rule of law and combat impunity; and
9. Compile a report and submit same to the Government and People of Liberia;

1.2 Background to the Founding of Liberia

Liberia is located on the Atlantic coast of West Africa and encompasses a territory of 43,000 square miles. The country shares borders with Sierra Leone to the northwest, Guinea to the northeast, and Côte d'Ivoire to the southeast. Liberia's 15 counties correspond to territories historically claimed by particular Liberian indigenous ethnic groups. English is the official language of Liberia, although more than 20 indigenous languages and a form of English known as Liberian English are also in daily use.

The modern nation of Liberia, as it exists today, was partly shaped by the transatlantic slave trade to the United States. In the early 1800s, a group of prominent white Americans developed a plan to return freed blacks to Africa. Beginning in 1822, freeborn black Americans, freed slaves of African descent, and Africans freed from captured slave ships were settled by the American Colonization Society on lands which later became Liberia. This group of a few thousand settlers, never more than 5% of the Liberian population, became known as Americo-Liberians. They dominated the political, economic, social and cultural life of the nation for over a century.

While Liberia has often been hailed as one of the only African nations never to be colonized, the historical facts are more complex. The settlements of repatriated Africans were in fact, governed by white American agents of the American

Colonization Society for the first several years of their existence. Although the U.S. government funded much of the American Colonization Society's efforts, it was clear that the United States never intended to formally establish itself as a colonial power in Liberia. Liberia became a sovereign nation under Americo-Liberian rule in 1847. The indigenous inhabitants of the territory claimed for Liberia were largely antagonistic to the establishment of the Liberian nation. In fact, the American Colonization Society, and later the fledgling Liberian government, was at war with various indigenous tribes over territory and trade routes throughout the 1800s. Liberia's complex history created a "state of contestation" which remains today a major source of conflict and disunity.

1.3 History of the Conflict in Liberia

Liberia developed into a relatively stable oligarchy through the 1800s and early 1900s. By the 1970s, however, tension within Liberia was escalating. Riots broke out in 1979 in the capital city of Monrovia. In 1980, a military coup took place, resulting in the murder of the president, the summary execution of 13 government ministers, and the installation of Samuel Doe, an army master sergeant, as the new national leader. Doe ruled the country for the next decade. In 1985, Thomas Quiwonkpa, a fellow coup maker with Doe in 1980, led a band of armed militias mainly his kinsmen of Nimba County in a failed bid to oust Doe, plunging the country into further turmoil. In 1989, Charles Taylor and his National Patriotic Front of Liberia invaded from Côte d'Ivoire, setting off two civil wars that raged until 2003, involved more than 10 rebel factions, and engulfed the entire West African sub-region.

As Liberia began to establish itself as a new nation, a small number of Americo-Liberian families and their patronage networks dominated all aspects of government, economy, the security sector, commerce, and social advancement. They acquired land and extended their influence and authority deeper into the hinterland from the coast by force and authority of the settlers' Government which grew from colony to commonwealth and then statehood 25 years later in 1847.

The Government in Liberia was the domain of the True Whig Party. Although other political parties existed, opposition to True Whig Party dominance was systematically oppressed. Control of the Liberian territory and the indigenous people who inhabited it was established by the brute force of the Liberian Frontier Force (LFF), later the Armed Forces of Liberia (AFL).

Commerce with the outside world was centrally controlled by the Monrovia-based government, whose oligarchic governance structure led to an excessive concentration of power in the presidency. Lack of education and other opportunities for those of non-Americo-Liberian origin, and impunity for corruption and

systematic human rights abuses were attributes of the Monrovia hegemony of a few families that controlled the wealth of the nation.

The administrations of Presidents William Tubman and William Tolbert sought to reach out to the indigenous peoples and increase their involvement in government and society opening limited access to opportunities. Their efforts, however, were perceived by many to be insufficient and their respective administrations perceived to be corrupt. In 1979, it was widely believed that President Tolbert planned to raise the price of rice so that he or his family could benefit economically. This led to protests and demonstrations, known as the "Rice Riots." The brutality with which the Tolbert administration quashed the Rice Riots with the help of foreign troops from Guinea, further entrenched the socio-economic and ethnic disparity in Liberian society. Many perceived the civil unrest of 1979 as the beginning of the long-running civil crisis that engulfed Liberia.

Liberia is a country with significant natural resources, including timber, gold, diamonds and rubber. Historically, Liberian people have not been the primary beneficiaries of these natural resources. Rather, these resources have served the interests of a very small number of Liberians (relatives or cronies of the elites) and non-Liberians, seeking to reap benefits for themselves. The concentration of state power among a few influential families meant that the business of governance served the interest of businesses controlled by those families and their networks. Special deals were reached with a multitude of foreign business interests, most notably the lease of one million acres of land on highly favorable terms to the Firestone Rubber Company, which led to the creation of the world's largest rubber plantation. In 1920, the True Whig Party forcibly recruited workers for the Firestone plantation and other projects through its Labor Bureau and the Liberian Frontier Force, which would mete out harsh punishment to any indigenous leaders unable or unwilling to supply workers. Such practices led to a League of Nations investigation and the resignation of one Liberian president and his vice President. Labor practices at Firestone remain to this day the subject of discontent and ongoing litigation in the U.S.

With the lack of opportunities for economic advancement, corruption and the abuse of power spread to virtually all sectors of the Liberian government; corruption became endemic across ministries, the security forces, civil service, and judiciary. So endemic and permissive is corruption as a culturally accepted practice in Liberia that if one doesn't steal public resources and monies when in government, he is considered stupid. While corrupt officials who steal and bask in affluence to extend their influence in society are well respected and honored annually by social and religious institutions as "honorable" and "good citizens" and "personalities of the year" because of their "benevolence and valuable contribution to society".

Liberians have had little faith in judicial institutions to protect their interests or fundamental rights. Inadequate compensation for judicial officers, and the influence of Liberian patrimonial governance structures subjected the judiciary to political, social, familial and financial pressures. In addition, corruption and abuse of power in the security forces went unchecked by the judiciary and the state, leading to further deterioration of the rule of law. The breakdown in the rule of law and a history of pervasive illicit enrichment frustrated those seeking true democratic change in Liberia, and led some to advocate use of force to attain change. These entrenched aspects of life in Liberia exacerbated behavior during the civil conflict. Vigilantism became widespread, as combatants and indigenous victims of the spoilt system used their newfound power to seek revenge for past losses and wanton abuse of power. Looting and theft of property from those perceived as having benefited from the system of illicit enrichment was also commonly reported to the TRC and wide spread during the conflict.

1.4. Findings and Determinations

Findings: Professor Svend E. Holsoe employed the term “Troubled Boundaries” in reference to the root causes of the Liberian conflict; describing them as the basis for the outbreak of violence and social discontent in the Liberian society which, may best be categorized into antecedent, immediate, and remote causes.

Root Causes of the conflict: Liberians identified the following as contributory elements in setting the stage for the conflict in Liberia as well as exacerbating the conflict; leading to loss of life and the destruction of the Liberian nation:

1. Poverty. Governance, it's over centralization and the oppressive dominance of the Americo-Liberian oligarchy over the indigenous peoples of Liberia rights and culture.
2. The lack of any permanent or appropriate mechanism for the settlement of disputes, the judiciary being historically weak and unreliable.
3. Duality of the Liberian political, social and legal systems which polarizes and widens the disparities between the Liberian peoples – a chasm between settler Liberia and indigenous Liberia.
4. Ethnicity and the divisive clustering of the “peoples” of Liberia.
5. Entrenched political and social system founded on privilege, patronage, politicization of the military and endemic corruption which created limited access to education and justice, economic and social opportunities and amenities.

6. Unfair discrimination against women and denial of their rightful place in society as equal partners.
7. Historical disputes over land acquisition, distribution and accessibility.
8. Lack of clarity and understanding of Liberia's history including its history of conflicts.
9. Identity and the crisis of identity engender disunity and undermine Liberian patriotism and sense of nationhood.
10. The gradual breakdown of the family and lost of its traditional value system.

Additional Findings:

1. The conflict in Liberia has its origin in the history and founding of the modern Liberian State.
2. 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.
3. All factions engaged in the armed conflict, violated, degraded, abused and denigrated, committed sexual and gender based violence against women including rape, sexual slavery, forced marriages, and other dehumanizing forms of violations;
4. Both individual and community reparation is a duty and obligation of the state, to promote justice and genuine reconciliation.
5. Where in the determination of responsibility IHRL, IHL, ICL, do not apply domestic criminal law statutes will apply.
6. No faction in particular instituted – in some cases to a very limited extent-adequate mechanism to avoid or mitigate massive violations of human rights that characterized the conflict.
7. All factions and other armed groups recruited and used children during periods of armed conflicts.

8. None derogation of rights during periods of emergency or armed conflict applies to the Liberian conflict situation and as guaranteed by the Constitution of Liberia and international instruments.
9. Prosecution of certain individuals and other forms of justice, including public sanctions, is *sine qua non* to sustaining the fight against impunity, and the promotion of justice, and genuine reconciliation.
10. Common Article 3 and Protocol II of the Geneva Convention, having being ratified by the Government of Liberia apply to Liberia.
11. Liberian was engulfed in armed conflict from December 1989 to 1996; from 1999 to August 2003;
12. Preponderance of evidence is an appropriate evidentiary standard of proof appropriate to the work of the TRC, considering that it is neither a criminal nor prosecuting institution.
13. Massacres, economic crimes, extra-judicial killings, for example, fall within the ambit of IHRL and IHL.
14. The New Penal Code of Liberia will apply as to mercenarism, official oppression, murder, kidnapping, rape, sexual assault, fraud in the internal revenue of Liberia, theft and/or illegal disbursement and expenditure of public money, counterfeiting, and misuse of public money, property or record.
15. General Human Rights Violations (GHRV) are generally, but not exclusively, committed by state actors, and may take place during times of peace or armed conflict, and can be directed against individuals or a group of individuals.
16. Lack of human rights culture and education, depravation and over a century of state suppression and insensitivity, and wealth acclamation by a privileged few created a debased conscience for massive rights violations during the conflict thus engendering a culture of violence as a means to an end; with an entrenched culture of impunity.
17. External State Actors in Africa, North America and Europe, participated, supported, aided, abetted, conspired and instigated violence, war and regime change against constituted authorities in Liberia and against the people of Liberia for political, economic and foreign policy advantages or gains.

18. Significant more sexual and gender based crimes committed mainly against women were committed than was reported to the TRC through its formal process for reasons of insecurity, stigma, etc

Determinations: Consistent with inquiry findings, the TRC determines that:

1. All warring factions are responsible for the commission of gross human rights violations in Liberia, including war crimes, crimes against humanity, IHRL, IHL, ICL, domestic criminal laws.
2. Prosecution in a court of competent jurisdiction and other forms of public sanctions are desirable and appropriate mechanisms to promote the ends of justice, peace and security, foster genuine national reconciliation and combat impunity.
3. The massive wave of gross violations and atrocities which, characterized the conflict, assumed a systematic pattern of abuse, wanton in their execution, and the product of deliberate planning; organized and orchestrated to achieve a military or political objective; disregarding the rights of noncombatants, children, women, the elderly, disarmed or surrendered enemy combatants, etc.
4. All factions to the conflict systematically targeted women, mainly as a result of their gender, and committed sexual and gender based violations against them, including rape of all forms, sexual slavery, forced marriages, forced recruitment, etc.
5. Reparation is a responsibility of the state and development partners as a long term peace investment to redress the gross violations of human rights committed against victim communities and individuals, especially women and children, to help restore their human dignity, foster healing and closure, as well as justice, and genuine reconciliation.
6. Children are entitled to general amnesty for crimes committed during their minority. General amnesty for crimes lesser than gross violations will also contribute to fostering national healing and reconciliation.
7. IHRL, IHL, ICL, and Liberian domestic criminal statutes are applicable in establishing accountability for crimes committed during the mandatory period of the TRC work.

8. Reform of public institutions and certain policies will promote peace, security, national reconciliation, good governance and human rights; reduce poverty and alleviate illiteracy, create opportunities for all, as well as to guarantee that, the experiences and horror of the conflict will not be repeated.
9. While the TRC will not recommend general amnesty, except as provided in count 6 above, the commission however determines that all individuals who admitted their wrongs and spoke truthfully before or to the TRC as an expression of remorse will not be recommended for prosecution.
10. Recommendations for further investigations into other matters which were subject of the TRC inquiry, but remain incomplete up to the expiration of its tenure in June 2009, will be made.
11. Liberians in the Diaspora are as much Liberians as those at home; they continue to be engaged with developments on the homeland, supported and financed warring factions as an instrument for regime change; having heard their voices, issues and concerns raised by them must be addressed in fostering greater national reconciliation.

The TRC determines that individuals, entities or groups involved in a joint criminal enterprise or conspiracy, which planned, instigated, ordered, commanded, aided or abetted in the planning, preparation or execution of any crime within its mandate, including economic crimes, are liable and responsible for the crimes so committed.

The TRC determines that the following armed groups, rebel groups or warring factions and their financiers, leaders, commanders, combatants and advisors etc. associated with them, are responsible for committing 'egregious' domestic crimes, 'gross' violations of human rights and 'serious' humanitarian law violations including economic crime in Liberia between January 1979 and October 14, 2003.

These groups are categorized into two with equal culpability: (1) Significant Violator Groups; and (2) Less Significant Violator Groups. The distinction between them relates solely to the number of reported violations against them. The specific crimes and total reported violations committed by these armed groups, rebel groups or warring factions and the financiers, leaders, commanders, combatants and advisors etc. associated with them are detailed in other sections of this report.

I. Significant Violator Groups

- i. National Patriotic Front of Liberia (NPFL)

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

II. Less Significant Violator Groups

- i. Vigilantes
- ii. Lofa Defense Force (LDF)
- iii. Liberian National Police
- iv. Special Operation Division of the Liberian National Police (SOD)
- v. Revolutionary United Front (RUF)
- vi. Special Anti-Terrorist Unit (SATU)
- vii. Special Security Unit (SSU)
- viii. Special Security Service (SSS)
- ix. National Security Agency (NSA)
- x. National Bureau of Investigation (NBI)
- xi. Criminal Investment Division (CID)
- xii. Rapid Response Unit (RRU)

Military Institutions Drawn into Conflict by their defensive and offensive postures

- i. ECOMOG
- ii. Black Beret

1.5. RECOMMENDATIONS

The TRC makes general and specific recommendations consistent with the dictates of its mandate; with the leading objective to promote national peace, unity, security and reconciliation. Recommendations cover such subjects as reparation, amnesty, prosecution in a specialized Liberian criminal tribunal, public sanctions and a palava hut peace building mechanism to foster peace dialogue and rebuild broken relationships in fostering national reconciliation, and healing beginning at the grass roots.

1.5.1 Recommendations to the People of Liberia

TRC recommends to the people of Liberia that they maintain abiding faith in the potential of the Liberian Nation to rise beyond the current dilemma and work assiduously for the implementation of all the recommendations of the TRC.

That the people of Liberia begin to adopt positive attitudes and change the old mind sets in how we view ourselves as an African nation, breakdown the social, economic, and cultural barriers, that keep the nation apart, and envision a new Liberia founded on equal rights and mutual respect for the cultural values of all Liberians, and equal opportunities for all.

1.5.2 Recommendations to the Government of Liberia

The TRC recommends to the Government of Liberia, the full and timely implementation of all the recommendations contained in this report. The full and timely implementation of these recommendations are critical to Liberia's recovery and progress beyond the conflict and will contribute to the building of a more just and equitable society in which everyone is equal before one set of laws which guarantees equal protection and opportunity for all.

The wide range of recommendations directed to the Government of Liberia and more specifically, the President of Liberia, include guaranteeing to women, children and other vulnerable populations, the full enjoyment of their social, economic and cultural rights, in addition to civil and political rights.

Recommendations to the Government also include the full range of mandated recommendations of the TRC Act; to include reparations, justice and reconciliation mechanisms, institutional reforms, governance, issues of the Diaspora, national integrity and corruption, the national human rights commission, etc

1.5.3 Recommendations to the International Community

The TRC is recommending to the International community, continued and considered long term security engagement with Liberia and the sub region until such time that Liberia's security infrastructure is reliable and stable.

The TRC is also recommending to the international community to reconsider peacekeeping objectives and the modus operandi for negotiating peace agreements, which will assign high premium to human rights, public integrity and increased investment in conflict prevention over conflict resolution.

The TRC is recommending also the creation of permanent conflict prevention and early warning mechanisms that will afford aggrieved citizens the opportunity to place their grievances before an international body when certain benchmarks for peace and democracy are not maintained by their governments. This serves as an alternative to violent actions and protest in pursuit of regime change.

2.0. INTRODUCTION

2.1. The Beginning

Confronted with numerous challenges, Liberia had to grapple with the challenges of human rights abuses emerging from its immediate past. The 2003 Comprehensive Peace Agreement mandated the creation of a national Truth and Reconciliation Commission (TRC), which was passed into law by the National Transitional Legislative Assembly in June 2005. President Johnson-Sirleaf inaugurated the nine member Commission in February 2006, and formally launched the active phase of its two-year mandate at a public ceremony in Monrovia at the Centennial Memorial Pavilion on June 22, 2006.

On October 19, 2005, the head of state, Chairman Gyude Brant, announced the names of the nine new Commission members: Sheikh Kafumba Konneh, Rev. Amb. Gerald Coleman, Cllr. Pearl Brown Bull, Retired Bishop Rev. Arthur F. Kulah, Cllr. Jerome J. Verdier, Sr., Mrs. Massa Washington, Mrs. Dede A. Dolopei, Mrs. Oumu K. Sylla, and Mr. John H.T. Stewart.

2.2. Profile of Commissioners of the TRC

In October 2005, the nine Commissioners of the TRC were appointed by Chairman Charles Gyude Bryant, Head of the National Transitional Government of Liberia, pursuant to Article XIII of the CPA. After a comprehensive national vetting process and following an extensive public vetting and recruitment process in late 2005, Commissioners were inducted into office by Her Excellency Ellen Johnson-Sirleaf, President of Liberia, on 20 February 2006. The Commissioners and ITAC members are:

Cllr. Jerome Verdier, Chairman of the TRC, was a leading human rights and civil society activist prior to his selection to serve on the TRC. He holds a Bachelor of Business Administration degree in Accounting and Economics from the University of Liberia (1988) and a Bachelor of Laws degree (LLB) from its Louis Arthur Grimes School of Law (1998). Apart from working both in the private and public sectors as a Senior Accountant, Comptroller and Executive Director, he has been instrumental in strengthening civil society advocacy, while serving in several capacities as Executive Director of Liberia Democracy Watch; Chairman of the Board of Directors of The National Human Rights Center of Liberia; a consortium of nine human rights and pro-democracy organizations; Board Chairperson of the Foundation For International Dignity; Senior Staff Attorney for the Association of Environmental Lawyers (Green Advocates); and the first Research & Program Officer of the Catholic Justice & Peace Commission. Cllr. Verdier is a practicing attorney, credited for rendering pro bono legal services to indigent persons, civil society activists, and

journalists. He also led civil society groups in several successful lawsuits against the Government of Liberia. Cllr Verdier is a member of the Bar of the Honorable Supreme Court of Liberia. He commenced active law practice with the law firm of Stubblefield & Associates, Inc., and later founded the Law Offices of Verdier and Associates, Inc.

Commissioner Dede Dolopei, Vice-chair of the TRC, was a Liberian administrator, manager, social worker and peace activist. She holds a Bachelor of Business Administration degree in accounting with emphasis in management from the University of Liberia, where she is also a Master of Science candidate in regional planning. Commissioner Dolopei served as a member of the board of directors for the National Women's Commission of Liberia and the Christian Foundation for Children and the Aging. She has been instrumental in the promotion and protection of women's rights in Liberia, and is well-known for her efforts and expertise in peace-building, conflict resolution and psycho-social counseling.

Commissioner Oumu K. Syllah is a registered nurse, HIV/AIDS counselor and social worker. She holds a Bachelor of Science degree in Nursing from Cuttington University College, Bong County, Liberia, and a certificate in nursing as a State Registered Nurse from the National School of Nursing in Freetown, Sierra Leone. Commissioner Syllah has worked as a professional nurse and social worker in renowned hospitals, including Connaught Hospital in Freetown and the St. Joseph Catholic Hospital in Monrovia. She has also acted as a trainer/facilitator and participant in numerous workshops in social work.

Commissioner Massa Amelia Washington is a journalist with more than twenty years of experience in journalism. She holds a Bachelor of Arts degree in Mass Communication with an emphasis in print journalism from the University of Liberia and is currently a second-year graduate student with high honors at the Temple University School of Social Administration and Management, Philadelphia, PA, USA. She was trained in broadcast journalism by the Voice of America and the Liberian Broadcasting System. She has served as a Public Relations Officer for the Liberian National Red Cross Society, Senior Reporter for the Ministry of Information's New Liberian newspaper and News Editor for the Inquirer Newspaper, Liberia. Commissioner Washington covered the Liberian Civil War extensively, often reporting in hostile territories, and created a column in the Inquirer dedicated to highlighting the impact of the war on women. She is a Civil Society and women's rights activist and a member of the Liberian Women Initiative (LWI), which has been at the vanguard of peace advocacy in Liberia. She attended and covered early peace conferences including; the Accra Clarification Conference, Akosombo I and Abuja I. Commissioner Washington is the only member of the TRC recruited from outside of Liberia. Prior to joining the Commissioner, she lived in Philadelphia where she worked as Director of Programs for the WES Health Centers Department of WESWorks. The Commissioner has received several honors including; U.S. Embassy in Monrovia 2009 Liberian Woman of Courage Award, in the Category of the State Department's International Woman of Courage Award, Women's Campaign International (WCI) 2009 International Women's Leadership Award, 2004 Liberian Association of Pennsylvania Inc. Certificate of Honor, and Press Union of Liberia Reporter of the Year Award 1994. Ms. Washington is also one of sixteen Liberian peace advocates featured in the

African Women and Peace Support Group's 2004 "Liberian Women Peacemakers, Fighting for the Right to be Seen, Heard and Counted".

Commissioner Cllr. Pearl Brown Bull has been practicing Lawyer with the Bull Law Firm since January 7, 1982. She studied law at the Louis Arthur Grimes School of Law in Liberia and the University of Quinnipiac Law School, Connecticut, U.S.A,

earning a JD degree from Quinnipiac. She holds Bachelor of Arts degree in Political Science from the University of Liberia (1973). She is a legal drafter with more than a quarter century of experience in the peace building, woman and human Rights Advocacy and a renown Liberian Politician. Commissioner Bull has held many elected and presidential appointed positions, serving in the public and private sectors in Liberia including on several Boards; Red Cross, YMCA, Renaissance Corporation Inc. FORUM, Special Assistant to Mrs. Angie Brooks Randolph 1974, Law clerk to Supreme Court of Liberia under Associate Justice, George E. Henries, 1978-1979, Country Vice President, International Federation of Female Lawyers, elected National Chairman, Women Wing, True Whig Party of Liberia, January 1980-April 12 1980, Elected Member from Montserrado County to the Constitutional Advisory Assembly of Liberia (1983) (see 1986 Constitution), Member of the Interim National Assembly of Liberia, representing Montserrado County (1984), Member of the Public Procurement Steering Committee to draft the Act Creating the Public Procurement and Concession Commission of Liberia (2004-2005), elected chairman of the Civil Society committee to lobby the national Transitional Legislature for the enactment of An Act to Repeal the 1979 Act Creating the Liberian Commission of Human Rights and to Create the Independent National Committee on Human Rights of Liberia, to ensure said act was printed into Handbill (2005), Vice Chairman, Independent Committee of Expert for the selection of commissioners for the Independent National Human Rights Commission of Liberia (Dec. 2005), Acting National Chairman Women Wing Unity Party of Liberia, 2005, Coordinator for the Movement for the Promotion of Ellen Johnson-Sirleaf for President of Liberia (MOPED) (2005-2006), Member of the National Bar Association of Liberia for 27 years, and Association of Female Lawyers where she served on several Committees.

Cllr. Bull also served as President of Tropicana Travel Agency in Liberia until 1996 when she had to leave Liberia as a result of the 1996 Civil Crisis. While in the United States she worked as an Immigration Specialist assisting many Liberians to obtain Temporary Protective Status, green card, asylum and regularization of their status Cllr. Bull has traveled worldwide to conferences, seminars and spoken to Universities including Duke University, USA "Humanitarian Challenges at home and aboard focus Program,' At Shaw University, USA , She taught Management and supervision in Law Enforcement Planning and Criminal Evidence.

Commissioner Bull has received several national and International Honors and Recognition including "Who is in the world " 1987 ed. Philip Jessup Moot Court competition Washington D.C., Female lawyer of the year (Liberia) 2007- 2008, Woman of the Year 2008 (Liberia), Liberia Human Rights chapter (1994), TRC Representative on the 2006 Presidential Commission to Investigate the Nimba Land dispute.

In 2007 the Liberian Senate Invited Counselor Bull as a Constitutional Legal Expert to advise that Honorable body, Widow of former Chief Justice of Liberia, Justice James G. Bull, Commissioner Bull has four children and several adopted children under the (ADOPT A STUDENT) Humanitarian Program.

Commissioner Ambassador Rev. Gerald Coleman is an electrical engineer and project manager by training. He holds a Master of Science degree in Electrical Engineering and completed post-graduate studies in Engineering Management at Northeastern University, Boston, MA, USA. Rev. Coleman is the spiritual elder and founding national missionary of the Unification Movement of Liberia, where he has worked for more than twenty-five years. In 1996, he was the Government of Liberia's Commissioned Ambassador and Special Envoy to the Far East. During this period, he worked for the peaceful transition of the Liberian National Transitional Government to civilian government by facilitating several peace building, education and cultural exchange programs for Liberian youths. In 2000, Ambassador Coleman, along with several other prominent Liberians, launched the Inter-Religious & International Federation for World Peace of Liberia as a national branch of an international peace-building non-governmental organization (NGO). Ambassador Coleman also assisted the National Transitional Government of Liberia to establish the Liberian TRC.

Commissioner John H.T. Stewart is a Liberian journalist, human rights advocate and activist. He is well known for his acerbic writing and interviewing style and has served as Associate Editor of the New Democrat Weekly and presenter of the Radio Veritas Topical Issues program. He was educated at the University of Liberia and has held numerous professional positions including local consultant for the Media Foundation for West Africa; reporter for Channel Africa; Regional Coordinator for the Catholic Justice and Peace Commission; Information Assistant for the United Nations Population Fund; and National Assistant Field Security Advisor to the United Nations Development Program. Commissioner Stewart's advocacy efforts have included working with the Citizens of Liberia against Gambling, Citizens of Liberia in Defense of Albert Porte and the Movement for Justice in Africa. An advocate for the past thirty years, he has been imprisoned and tortured for his activism.

Commissioner Sheikh Kafumba Konneh is a Liberian Muslim Authority who has a long record of conflict resolution and peace-building efforts during major civil and military conflicts in Liberia. In addition to his theological (Al-Islamic) achievements, Sheikh Konneh studied secular law through apprenticeship. He held several positions in the civil service, including Justice of the Peace, Associate Stipendiary Magistrate and County Commissioner in Nimba County, his birthplace. He has also served as Secretary-General and Managing Director of the Liberian Muslim Union

and as Secretary-General and National Chairman of the National Muslim Council of Liberia.

Bishop Arthur F. Kulah is a well-known Methodist prelate who traveled throughout Liberia during the civil war, spreading hope to the people. He holds many degrees in theology and other disciplines from Cuttington University College, Bong County, Liberia; St. Paul Theology Seminary, Kansas City, MO, United States of America; and Wesley Theological Seminary, Washington, DC, USA. Commissioner Kulah began serving as pastor of the United Methodist Church in Liberia in 1980, and held numerous prominent positions until his retirement in 2000, including Resident Bishop of the Liberia Annual Conference/United Methodist Church. As an educator, administrator and author, Bishop Kulah has served as Dean of the Gbarnga School of Theology, and Dean and Principal of the Theological College and Church Training Center in Freetown, Sierra Leone. He has written several books and articles including *Liberia will Rise Again* and *Theological Education in Liberia: Problems and Opportunities*. In June 1990, Bishop Kulah and others organized a sixty thousand-person peace march that initiated the creation of an interfaith committee and helped build a foundation for the 2003 peace process in Liberia. *Bishop Kulah resigned his position on the Liberian TRC in March 2008, to become the Interim Bishop of the United Methodist Church of Nigeria.

2.3. Profile of International Technical Advisors

Dr. Jeremy I. Levitt is the sole member of the International Technical Advisory Committee (ITAC) of the TRC. Article V Section 10 of the TRC Act mandates that ITAC advisors are entitled to the same “full rights and privileges as Commissioners, except that advisors shall not vote during meetings.” The TRC Act requires ITAC advisors to “work directly with Commissioners in the fulfillment of their mandate.” In accordance with Section 10, Professor Levitt was nominated by the United Nations High Commissioner for Human Rights at the beginning of 2008, and appointed by Her Excellency President Johnson-Sirleaf on 31 July 2008.

Professor Levitt is Associate Dean for International Programs and Distinguished Professor of International Law at Florida A&M University College of Law in Orlando, Florida. He is a public international lawyer, political scientist and historian. Prior to joining the legal academy, Dr. Levitt served as Special Assistant to the Managing Director for Global Human and Social Development at The World Bank Group in Washington, D.C., and held a variety of globally oriented positions in the public and private sectors. He served as a Legal Aide to the Constitutional Assembly of the Parliament of the Republic of South Africa during the country’s constitution-making process, and assisted in drafting its 2005 Promotion of National Unity and Reconciliation Act. Professor Levitt earned his bachelor of Arts degree at Arizona

State University, his J.D. at the University of Wisconsin-Madison, and his Ph.D. in International Studies at the University of Cambridge, St. John's College.

Dr. Levitt is an internationally recognized scholar and has authored several books and law review articles. He is the author of the widely acclaimed *The Evolution of Deadly Conflict in Liberia: From 'Paternalitarianism' to State Collapse* (Carolina Academic Press, 2005).

Prof. (Mrs.) Henrietta Joy Abena Nyarko Mensa-Bonsu, was a serving member of ITAC. A national and internationally renowned legal academic, Prof. Mensa-Bonsu who was nominated to the International Technical Advisory Committee by Economic Community of West African States (ECOWAS), is a Professor of the Faculty of Law, University of Ghana and once served as Vice-Dean of the Faculty of Law. She holds a LL.B First Class Honors (University of Ghana); LL.M. (Yale University) and was called to the Ghanaian Bar in 1982. She is the recipient of several academic awards and fellowships including a Fulbright Fellowship. She was elected a Fellow of the Ghana Academy of Arts and Sciences in 2003 and currently serves as the Honorary Secretary of the Academy. Prof. Mensa-Bonsu has served her country in several capacities including membership of the Police Council of Ghana, as the President's Nominee. She has previous experience of TRC work as a Commissioner of the National Reconciliation Commission of Ghana. She has also undertaken international assignments as a member of the OAU's Committee of Eminent African Jurists on the Lockerbie Case and the AU's Committee of Eminent African Jurists on the Hussein Habre Case. She was also a member of the Advisory Panel of the International Bar Association for the drafting of a Code of Professional Conduct for Defense Counsel appearing before the International Criminal Court and was Ghana's representative on the Intergovernmental Committee of Experts on the Drafting of the African Charter on the Rights and Welfare of the African Child. Professor Mensa-Bonsu has published widely on Criminal Law, Juvenile Justice, Children's rights, Family Law, and authored some basic texts in Criminal Law, including *The Annotated Criminal Code of Ghana*; *The Annotated Criminal Procedure Code of Ghana*; and *The General Part of Criminal law, - A Ghanaian Casebook*, vol. I and II. She is a member of Accra Ebony Lions Club and has held various positions of responsibility including Zone Chairman of Zone 161 of the International Association of Lions Clubs. She is married with three daughters and is currently the Deputy Special Representative of the Secretary General (DRSG) of the United Nations Mission in Liberia (UNMIL).

Dr. Kenneth Agyemang Attafouah, Phd, ITAC Member (Ghana) was also a member of ITAC. A Criminologist, Sociologist and Barrister-at-Law and Solicitor of the Supreme Court of Ghana, Dr. Attafouah was nominated to the TRC by the United Nation's High Commissioner for Human Rights. He is a former Commissioner of Human Rights in the Province of British Columbia, Canada, where he adjudicated human rights complaints, and a Member of the Canadian

Immigration and Refugee Board, where he adjudicated claims to convention refugee status in Canada. He was the Executive Secretary of Ghana's National Reconciliation Commission. He previously worked as Chief Investigator and Director of Public Education and Anti-Corruption at Ghana's Commission on Human Rights and Administrative Justice. He is a former Adjunct Professor of Criminology at the prestigious School of Criminology at Simon Fraser University (SFU) in Vancouver, B.C., Canada, from where he earned his Ph.D. in 1994. Dr. Attafuah is also a product of the Ghana School of Law (B.L), the University of Manitoba in Winnipeg, Canada, (M.A., Sociology) and the University of Ghana (B.A. (Hons.), Sociology with Political Science.

Prior to his appointment to the TRC of Liberia, Prof. Cllr. Ken Attafuah was an Associate Professor of Governance and Leadership at the Graduate School of Leadership and Public Management at the Ghana Institute of Management and Public Administration (GIMPA). He is the recipient of the *Rev. Dr. Martin Luther King, Jr. Memorial Award* for outstanding contributions to race relations in Canada (February 1992), and of the much-coveted Vancouver Multicultural Society's *Distinguished Public Service Award* for outstanding contributions to, and dedicated service in, the promotion of human rights education and multiculturalism in British Columbia, Canada (November 1995). Dr. Attafuah's extensive publications record includes a number of decisions that set precedents in human rights in Canada. He has trained and consulted widely, both locally and internationally, in the fields of human rights, adjudication, investigations, conflict resolution, crime, policing, crime prevention, criminal law reform, justice and the rule of law, gender mainstreaming, leadership and governance, corruption and conflict of interest, corporate/organizational re-engineering, peace and development, inter-group relations management, and advocacy and lobbying. He resigned his TRC portfolio late 2007.

2.4. Secretariat and Specialized Staff

Members of the Report Writing Committee

Jerome J Verdier, Sr., TRC Chairman/Ex-Officio

John H.T. Stewart, Commissioner/Chairperson

Massa A Washington, Commissioner/Member

Gerald B Coleman, Commissioner/Member

Jeremy Levitt, International Technical Advisor/Member

Prof. Ademola Abbass, Consultant/Member

Nathaniel Kwabo, Executive Secretary/Member

Stephen Manley, Program Director/Member

Patrick T. Dexter Johnson, Database Manger

Stephen Garnawah, Acting Inquiry Director/Member

Dickson T.Fully IT Webmaster

Consultants

Amb. Juli Endee
Ademola Abass
Neil Fishman
Itonde Kakoma
Anu Pillay
John Etherton, Georgia Tech

Standing Committees:

Jerome J Verdier, TRC Chairman, Ex-Officio Member

Gender Committee

Massa A Washington, Commissioner/Chair

Children's Committee

Oumu Syllah, Commissioner/Chair

Media & Outreach

Massa Washington/Chair

Youth Committee

Dede Dolopei

Economic Crimes

Gerald Coleman

Religion, Traditonal & Reconciliation

Gerald Coleman & Sheikh K. Konneh

Civil Society

John Stewart

Historical Review

Pearl Brown Bull

Diaspora

Massa Washington

Program and Planning

Gerald Coleman

Vulnerable Groups

Gerald Coleman

Governance

Oumu Syllah

The Secretariat

Nathaniel Kwabo, Executive Secretary

Database Manager

Patrick T. Dexter Johnson

Dickson Fully (webmaster)

2.5. Commissioners, Specialists, Senior Staff, Structure & Administration

The TRC organizational structure shown below indicates reporting lines that have been adopted in the rules and procedures. The structure provides for nine Commissioners and an ITAC composed of three technical advisors. For operational purposes, there are provisions for a Chairperson, a Vice-Chairperson and a Treasurer. The Executive Secretary heads the Secretariat, which is responsible for the day to day operations of the TRC. The Executive Secretary is assisted by several

directors who report to his/her office. The TRC has offices, which are headed by county coordinators, in all fifteen counties.

2.5.1. Commissioners

All Commissioners have equal powers with the Chairperson exercising his/her powers as a “first among equals.” The organic powers of the Commission are contained in the TRC Act. All members of the Commission shall exercise oversight responsibilities for the functioning of the Commission in order to maintain a balanced and comprehensive perspective of TRC operations. Commissioners are not involved in day to day operations of the Commission.

The Chairperson shall be the Chief Representative and official spokesperson for the Commission, or he/she may designate one of the Commissioners to act as a spokesperson on his/her behalf. The Chairperson shall preside over meetings, forums, conferences and hearings. He/she shall undertake all other acts and exercise all authorities in consultation and with the consent of Commissioners. The Chairperson shall be responsible for ensuring that all information pertinent to the affairs of the Commission is properly and timely disseminated to all Commissioners and members of the ITAC. The Commissioners shall meet and elect a Chairperson or Vice-Chairperson to succeed to either office in the event of vacancy by reason of death, incapacitation, resignation, impeachment, and/or removal from his/her position on disciplinary grounds.

The Vice-Chairperson shall assist the Chairperson in the discharge of his/her duties and perform all such functions as the Chairperson may delegate.

The current Vice-Chair is one of four female members of the eight-member Commission. The TRC Act calls for nine Commissioners; however, one resigned and was not replaced.

2.5.2. International Technical Advisory Committee (ITAC)

Article V Section 10 of the TRC Act provides for three ITAC members to be nominated, one by the United Nations High Commissioner for Human Rights (UNHCHR) and two by the Economic Community of West African States (ECOWAS). Due to a number of constraints, three different ITAC advisors were appointed in 2006, but thereafter resigned. In September 2008, one was again nominated by the UNHCHR and appointed by the President of the Republic of Liberia in July 2008. ITAC advisors provide legal and policy oversight and advice to TRC Commissioners and are accorded all rights and privileges as Commissioners, except the right to vote.

2.5.3. Special Magistrate

Article VIII Section 27 (b) provides for a Special Magistrate vested with the authority to, under the direction of the Commission: a) issue out citations, summons, warrants and commitments; b) conduct quasi-judicial inquiries and hold contempt hearings; and (c) perform all other acts as may from time to time be designated by the Commission. The Special Magistrate shall perform his/her duties in consultation with the TRC Legal Counsel and the Executive Secretary, upholding all standards of due process, impartiality, fairness and justice in consonance with the constitution and laws of Liberia. The Special Magistrate was appointed by Her Excellency President Johnson-Sirleaf in December 2008.

2.5.4. Senior Staff and the Secretariat

Under Article IX Section 34, the Executive Secretary manages the day-to-day operations of the TRC Secretariat. The Secretariat is the administrative and operational arm of the TRC, rendering administrative, professional, technical, clerical and general administrative support services to the Commission. It comprises a core of administrative and functional staff that is under the direction, leadership and supervision of the Executive Secretary. No action of the Chairperson, Vice-Chair, Treasurer, Commissioners or Executive Secretary shall be inconsistent with the decision of the Commission or the TRC Act. These functions were assumed by the current incumbent in March 2008, almost one year after the Commission was inaugurated. In the conduct of duties, he is assisted by the below line officers described in this section.

According to the organogram, there are four line directors who form a part of the Secretariat. The four directors are: (1) the Director of Inquiry; (2) the Director for Outreach and Media; (3) the Director of Programs; and (4) the Director of Administration. These middle-level managers report to the Executive Secretary, who in turn reports to the Commissioners and ITAC through the Chairperson. A Director of Administration was never appointed.

The Director of Inquiry directs twenty-two investigators and researchers. As the Commission winds down its data gathering activities in country and in the Diaspora, a reduced number of these staff continue to provide invaluable services by analyzing the vast data collected through the thematic, actor and institutional hearings conducted in all fifteen counties. They continue to corroborate findings from witnesses or additional discoveries of sites and events in order to authenticate such findings.

The Director of Outreach and Media is assisted by two officers. He/she functions as the spokesperson of the Commission and manages outreach and public relations activities.

The Director of Programs and projects is responsible for managing the database and coding unit, the psycho-social unit, statement-taking, hearings in the fifteen counties, and the administration of all county offices. He/she is assisted by one program officer and a program assistant. The database and coding section has two supervisors, fourteen coders and eleven data clerks. The two supervisors report to the Benetech consultant, who in turn reports to the Executive Director through the program director. During the statement-taking process, one hundred twenty-four local contractors were engaged to collect statements in the fifteen counties. Statement-taking was followed by the individual and thematic hearings in the counties. The Psycho-Social Unit is headed by one coordinator who is assisted by two counselors. During the county hearings, the Commission outsourced the counseling component to a local organization; The Liberian Association of Psychosocial Services, which was closely monitored by the Commission's three counselors. The Commission was represented at the county level by two staff members: one county coordinator and one county field officer. These offices were especially useful during the county hearings. In September 2008, the Commission decided to close all county offices, thereby making redundant thirty staff members.

The position of the Director of Administration was not filled. Instead, a finance manager was appointed. The Finance Manager manages the financial accounts and controls the budget of the TRC. Reporting to this manager are an accountant and a bookkeeper. Other staff within the TRC administration includes the logistician, the procurement officer and ten drivers, with one serving as the chief driver. A mechanic was also employed on a retainer basis. In the security section, the Commission has maintained a roster of twelve parameter security, running three shifts and nine VIP securities, each assigned to a Commissioner. When the hearings began in January 2008, the national police also assigned nine additional uniform police to the Commission. That number has since been reduced considerably.

2.5.5. Administration

In March 2007, the Commission, after one year of existence, constituted a Secretariat. Prior to that period, all nine Commissioners played roles in running the day to day activities of the TRC. When the Executive Secretary and the Director of Programs came aboard, the International Contact Group on Liberia (ICGL) intervened and requested that the Commission put on hold its activities and develop an acceptable work plan and corresponding budget as well as adopt a standardized and acceptable set of rules and procedures to govern its day-to-day operations. The Commission was also subject to an external audit. The audit was conducted, and the report circulated to member countries of the ICGL.

On 18 July 2007, after almost five months of meetings with the ICGL/TRC working Group, an acceptable budget of approximately US\$7 million was adopted, after one year of existence, for the remaining life of the Commission. The Commission undertook a two-month fast-tracking process of outreach activities into the fifteen counties to reawaken awareness and the spirit of the Commission. In July and August 2007, with funding initially sourced from the United Nations Development Programme (UNDP) and the Open Society Initiative for West Africa (OSIWA), county offices were equipped and outreach activities to disseminate messages in preparation for statement-taking were conducted. Between the months of October and December 2007, statement-taking activities were concluded in all counties and in selected countries in the Diaspora. The Commission announced in December 2007 that individual and thematic hearings in the counties would begin on 8 January 2008 in Montserrado County. Since then, the Commission's work has continued uninterrupted.

2.5.6. Benetech

TRC commissioned The Benetech Human Rights Program for assistance in developing a data collection and analysis process in order to address key questions about human rights violations and the nature of the conflict in Liberia. For over fifteen years, members of the Benetech Human Rights Program have worked with eight other truth commissions to incorporate information technology and scientific methods to support their truth-seeking mandates. Specifically, Benetech work with the Commission has involved establishing analytical objectives, collecting data, designing and implementing an information management system, conducting statistical analysis, integrating quantitative findings and follow-up support. Benetech advised the TRC on methods for large-scale data collection and quantitative analysis of statements and other data about human rights violations. Benetech provided training and support to help the TRC develop the capacity to undertake the necessary steps to accurately and defensibly represent quantify information about human rights violations documented in Liberia. Benetech worked with the TRC to implement a complex human rights information management system consistent with the specific needs of the TRC and its dynamic process.

2.5.7. TRC Logo: Meaning and Unity Depicted



The features of the Logo are interpreted below:

1. The **dove** with **olive branch** signifies **peace**.
2. The **flag** in the background represents the **sovereignty of Liberia** as the source of the **TRC Authority**.
3. The bundle of 15 **sticks** signifies the unity and **strong bond** of the 15 **political sub-divisions** of Liberia, bound by a common tie- the TRC.
4. The **rope** is the TRC unending bond which binds all the 15 political subdivisions of Liberia.
5. The **Gold colored "TRC"** signifies everlasting and unfading luster of the **TRC, its process** and results – just like Gold.
6. The **people holding hands** signify that the TRC is people centered and depends on the support of the people of Liberia to succeed. Also, it signifies unity of all Liberians irrespective of differences in color, tribe, gender, creed, age, economic status or political affiliation - just Liberians...One people, one nation.

The **TRC** Colors are **GREEN** and **GOLD** signifying perpetual peace and prosperity throughout the length and breadth of Liberia.

3.0. MANDATE

3.1. TRC Mandate

This chapter will primarily focus on the conceptual, standards and methodological aspects of the TRC's mandate, while other related components will be addressed in the chapters that follow. It is divided into four major sections including: Mandate, Legal Methodology, Standard of Proof and Legal Architecture, Standards and Crimes.

The mandate of the Truth and Reconciliation Commission of Liberia (TRC) is expansive and complex. It is charged with the onerous task of promoting national peace, security, unity and reconciliation by, among other things, investigating, identifying the antecedents of, and determining responsibility for "egregious" domestic crimes (EDC), "gross" human rights violations (GHRV) and "serious" humanitarian law violations (SHLV). Article IV Section 4 of the Act to Establish the Truth and Reconciliation Commission (TRC Act) of 12 May 2005, states:

Section 4

- a. Investigating 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 14 October 2003; determining whether these were isolated incidents or part of a systematic pattern; establishing the antecedents, circumstances, factors, and context of such violation and abuses; and determining those responsible for the commission of the violations and abuses and their motives as well as their impact on victims.

Notwithstanding the period specified herein, the Commission may, on an application by any person or group of persons, pursue the objectives set out in this Article IV (Mandate of the Commission) in respect of any other period preceding 1979.

- b. Providing 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 create a clear picture of the past to facilitate genuine healing and reconciliation;
- c. Investigating the antecedent of the crisis which gave rise to and impacted on the violent conflict in Liberia;
- d. Conducting a critical review of Liberia's historical past, with the view to establishing and giving recognition to historical truths, in order to address

falsehoods and misconceptions of the past, relating to the nation's socio-economic and political development.

- e. Adopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences, addressing concerns and recommending measures to be taken for the rehabilitation of victims of human rights violations in the spirit of national reconciliation and healing.
- f. Compiling a report that includes a comprehensive account of the activities of the Commission, and its findings.

From this background, the TRC must not only investigate and determine those who are responsible for committing EDC, GHRV and SHLV against Liberians, as well as their motives and impact on victims, but also determine the historical antecedents or causes of violent conflict in the country, conduct an audit of Liberian history to offer historical correctives, develop sustainable mechanisms to address gendered and child-based violence and promote national rehabilitation, reconciliation and healing. The TRC Act has only accorded the TRC two years to effectuate its mandate with the ability to request a one year extension. The Liberian National Legislature granted the TRC a nine month extension in September 2008.

Article VII Section 26 (j) of the TRC Act requires that the Commission make recommendations in four specific areas: Reparations; Legal Institutional and Other Reforms; Continuing Investigations and Inquiries; and Prosecutions. Section 26 (k) also requires the TRC to take any necessary action to gather information and receive evidence to allow it to effectuate its mandate. Further, Article VIII empowers it to "exercise powers generally in any matter, manner and form, and for any purpose to the fulfillment of the objectives expressed in the Act", without limitation.

Due to its broad mandate, the TRC was immediately confronted with the difficult task of assessing which bodies of IHRL and IHL applied to it—a critical question given that the mandate includes making determinations on those responsible for committing EDC, GHRV and SHLV. The TRC Act broadly defines "Human Rights violations" as: "(1) violations of international human rights standards, including, but not limited, to acts of torture, killing, abduction and severe ill-treatment of any person; (2) violations of international humanitarian law, including, but not limited to crimes against humanity and war crimes." It further states that "'violations of international humanitarian law' includes the Geneva Conventions of 12 August 1949 and its Additional Protocols." Based on the legal mandate of the TRC as enumerated in Section 4(a), the TRC adopted a coherent set of categories of crimes, standards and definitions to guide and inform its work. The process involved determining the applicability of IHRL and IHL on Liberia between January 1979 through 14 October

2003, which was a daunting task due to the large body of treaty law, general international law and customary international law applicable to Africa's oldest republic (since 1847), not to mention that IHRL and IHL had significantly evolved during this period. In this sense, what may not have been an IHRL or IHL violation in 1979 may have become one through treaty or customary law development by 1999, particularly with the establishment of the various ad hoc criminal international tribunals since the mid-1990s (Yugoslavia, Rwanda and Sierra Leone), and with the adoption of the 1998 Rome Statute establishing the International Criminal Court.

Consequently, the TRC is confronted with the complicated task of developing a legal architecture and set of standards that comport with Liberia's international commitments and obligations and simultaneously complement its substantive and temporal mandate while providing it with the flexibility to apply law that is digestible to the Liberian pallet and suitable to the Liberian experience.

3.2. Legal Methodology

As an independent body created under and by Liberian law, the TRC must operate in accordance with international law binding on the Republic of Liberia. Despite the fact that the TRC Act provided broad legal guidelines to steer the TRC's legal mandate to investigate and "determine those responsible for the commission of the violations and abuses," it did not offer insight into the multifarious existing rules and standards that bind, regulate and define the scope of the TRC's quasi-adjudicatory function. Consequently, the TRC had to conduct a forensic legal audit of Liberia's obligations under Liberian penal law, African Union law, ECOWAS law; UN law; general international law, and customary international law to fashion its own legal architecture and standards. This process required canvassing over fifty human rights, humanitarian and other-related treaties, ascertaining the precise status of regional and customary international law norms applicable to Liberia, as well as examining the jurisprudence and practice of the various international and ad hoc criminal tribunals, and truth and reconciliation commissions, respectively. This endeavor was further complicated by the unique temporal mandate of the TRC (from January 1979 to October 2003), which, for example, begins during the Cold War era and continues through the immediate post-Cold War period into the twenty-first century. During this twenty-four year period, regional and international law significantly evolved, requiring nuanced analysis and legalistic filtering. For example, prior to the end of the Cold War, there was no comprehensive international protective regime for children; however, since 1990, the African Charter on the Rights and Welfare of the Child (1992), Convention on the Rights of the Child (CRC) (1989), and the Optional Protocol to the CRC on the involvement of children in armed conflict (2004) have been crystallized into hard law; along with complementary customary international law. Consequently, in 1979, despite the contested applicability of IHL to internal armed conflict, governments and non-state

actors were not bound to clear standards on the recruitment or enlistment of children in armed conflict and Liberian children had fewer rights under regional and international law than they did in 1999. Not only did the TRC have to account for the evolution of regional and international law but, also the critical distinction between IHRL and IHL. Consequently, the TRC addressed these temporal and substantive dichotomies by employing a sequential analysis for reviewing allegations, for developing broad standards, by only making determinations of responsibility using legal precepts applicable at the time that the alleged crimes occurred, and by drawing a fine line between IHRL- and IHL-based violations.

3.2.1. Distinguishing IHRL from IHL

Although IHRL and IHL are complementary and strive to protect the lives, health and dignity of people, they are distinct. IHL applies in situations of armed conflict, while IHRL applies at all times, in situations of armed conflict and peace. IHRL is generally limited in application to violations committed by a state or its agents against citizens, whereas IHL is applicable to state actors and non-state actors alike. In the search to criminalize violations of IHRL and IHL, a new branch of international penal law referred to as international criminal law (ICL) has emerged. After a review of relevant and prevailing regional and international law and standards, and in accordance with its mandate, the TRC concluded that while in times of public emergency some human rights treaties permit governments to derogate from certain rights, it is never acceptable to derogate from fundamental human rights (e.g. right to life and personal dignity). It also determined that no derogations are permitted under IHL because it was established to regulate emergency situations, and particularly armed conflict; rules governing the conduct of hostilities and Prisoner of War (POW) status are not applicable in non-international armed conflicts; and there is no derogation from ICL in times of public emergency because it exists to protect the fundamental rights of people through penal sanction.

3.2.2. Distinguishing Armed Violence from Armed Conflict

IHL gives little guidance on how to determine when an armed conflict actually begins and, for this reason, when IHL is applicable to non-international armed conflict. This is a critical issue because, as already noted, situations of internal armed violence short of armed conflict only engender IHRL and ICL; whereas, situations of armed conflict are characterized by IHRL, IHL and ICL. With respect to IHL, the Geneva Conventions of 1948 (I-IV) and Protocol II Additional to the Geneva Conventions of 1977 (Protocol II) provide different standards for determining when armed conflict exists and consequently when the conventions apply. According to the Inter-American Commission on Human Rights (IACHR) in the *Abella case*, which is one of few authoritative interpretations identifying when Common Article 3 is

applicable to armed violence, armed conflict is “low intensity and open armed confrontations between relatively organized armed forces or groups that take place in the territory of a state.” For purposes of Common Article 3, armed conflict applies to all parties at conflict and involves “armed civil strife between government armed forces and organized armed insurgents” and “governs situations where two or more armed factions” battle “without the intervention of government forces where, for example, an established government has dissolved or is too weak to intervene.” According to the IACHR and the commentary of the International Committee on the Red Cross on the Geneva Convention law and customary international humanitarian law, there need not be large-scale war nor do armed groups need to control segments of national territory for there to be an armed conflict under Common Article 3. The TRC shares this view.

Notwithstanding, Geneva Convention law and customary international humanitarian law do seem to require that, for purposes of application of Common Article 3, armed conflict must: (1) be protracted, not simply sporadic acts of violence (e.g. mass rioting or short-lived rebellion); (2) be conducted by armed organized groups; (3) not be contained to a small part of territory; (4) be violently intense in nature; (5) pose a threat to a government or the civilian population; and (6) not include the armed forces of another state. Therefore, Common Article 3 would apply to, for example, armed conflict between the National Patriotic Front of Liberia (NPFL) and the Government of Liberia as well as conflict between the NPFL and the Independent National Patriotic Front of Liberia (INPFL), among other factions, in the 1990s. The TRC likewise shares this view.

Protocol II was ratified by Liberia in June 1988 and sets out more conservative criteria or a higher threshold that legally controls all internal conflict after this period. For purposes of application of Protocol II, armed conflict must be: (1) violently intense or at a high level; (2) between armed forces of a state and dissident armed forces or other armed groups; (3) conducted under responsible command of armed groups that exercise control over enough territory to carry out sustained and concerted military operations, not excluding hit-and-run type operations. Protocol II does not apply to armed conflict between organized armed groups (e.g. the NPFL and INPFL in the 1990s), but only when one of the warring factions is represented by government forces (e.g. armed violence between the Liberians United for Reconciliation and Democracy (LURD – 1999-2003) and Government of Liberia). If armed violence in a state does not satisfy the high threshold in Protocol II, it cannot be classified as armed conflict under Protocol II. Under this scenario, IHL may still apply if armed violence satisfies the broad threshold for armed conflict under Common Article 3.

While the TRC recognizes the need to differentiate between Common Article 3 and Protocol II types of armed conflict, the complex nature of violent conflict in Liberia

necessitates a flexible juridical approach that simultaneously recognizes the blurred lines between armed conflict between organized armed groups and government, and opposing organized armed groups. This situation has been further complicated by the fact that, between 1979 through 2003, organized armed groups often controlled significantly more territory than contesting governments, some of which had no military capacity except for militia. Consequently, the TRC determined that during Liberia's various episodes of armed conflict (see Annex 1) between organized armed opposition groups and/or between such groups and the Liberian government that both Common Article 3 and Protocol II standards applied to both types of conflict.

3.3. Standard of Proof

Since the TRC Act is silent on the question of which standard of proof to use in investigating and determining those responsible for the commission of EDC, GHRV and SHLV, and after reviewing standards used by other truth and reconciliation commissions, the TRC decided that the corresponding standard of proof would be a **"preponderance of the evidence"** (i.e. in TRC terms a probability test based upon the volume and credibility of evidence gathered by the TRC from various primary sources, especially witnesses testimonies, and other sources that the accused **"more likely than not"** is criminally responsible for committing the violation or crime). Since the TRC is **not** a criminal court or tribunal, no higher standard of proof is necessary. When the recommended prosecution mechanism is established after the TRC process is complete, the statute when legislated, will determine the requisite prosecutorial standard of proof, which, in accordance with current Liberian law, is "beyond a reasonable doubt" for conviction under normal circumstances within the traditional criminal justice system.

3.4. Legal Architecture, Standards and Crimes

As already noted, the TRC adopted three primary classifications of crimes that it is using to investigate and determine responsibility including: (1) "Egregious Domestic Crimes"; (2) Gross Human Rights Violations; and (3) Serious Humanitarian Law Violations. The TRC reserves the right to and will make determinations of criminal responsibility on any persons, groups or entities involved in a joint criminal enterprise or conspiracy, including those who planned, instigated, ordered, committed, aided or abetted in the planning, preparation or execution of any crime within its mandate. The sections that follow will discuss and define these terms in greater detail.

3.4.1. “Egregious” Domestic Crimes (EDC)

While the TRC mandate is preoccupied with IHRL and IHL violations, it also provides the necessary flexibility to consider other “abuses” or crimes that are not of an international character but fall into the realm of domestic criminal law including sexual violations (e.g. rape and molestation) and murder. Clearly, massacres, economic crimes and extra-judicial killings fall within the ambit of IHRL and IHL; however, to the extent that the Liberian penal law addresses these or related egregious crimes (particularly those classified as first degree felonies), TRC Commissioners decided that they would comprise a part of the legal standards used to make determinations on responsibility. This approach provides the TRC with needed flexibility because during times of peace—when only human rights law is applicable—it may investigate and adjudicate responsibility for violations committed by private citizens for private actions under domestic law, not simply crimes committed by the state against private citizens. Hence, to the extent that Liberian law criminalizes sexual crimes, murder and massacres, the TRC will use it to determine those responsible for committing such acts.

The relevant “egregious” domestic crimes include economic crimes under the Act Adopting A New Penal Law and Repealing Sections 31.3 & 32.1 of the Criminal Procedure Law (approved 19 July 1976), which are as follows: (1) Mercenarism; (2) Official Oppression; (3) Murder; (4) Kidnapping; (5) Rape; (6) Sexual Assault; (7) Fraud on the Internal Revenue of Liberia; (8) Theft and/or Illegal Disbursement and Expenditure of Public Money; and (9) Possession, Distribution, Transportation and/or use of Tools and Materials for Counterfeiting Purposes; (10) Misuse of Public Money, Property or Record; and (11) Economic Crime (not a category under the existing penal law, but one established under Article IV Section 4(a) of the TRC Act).

In accordance with the TRC Act, economic crime has been added as a substantive crime. There is no generally agreed upon definition of economic crime, so after conducting a comparative analysis of domestic law in Africa, regional law and international law, the TRC adopted one, which is included in the “egregious” domestic crimes section; fully aware of its transnational characteristics and linkages to IHRL and IHL. For a list of definitions, please see Annex 2.

3.4.2. “Gross” Human Rights Violations (GHRV)

The human rights protective regime is designed to protect individuals and groups of people from abuses of state authority. The TRC Act is almost exclusively concerned with gross violations of civil and political rights as opposed to economic, social and cultural rights, except for its explicit reference to economic crimes. By definition, the Statute also unambiguously distinguishes between GHRV and milder types of violations enumerated in, for example, the International Covenant on Civil and

Political Rights (ICCPR) such as the right to freedom of speech and assembly, liberty of movement, and freedom to choose a residence; as well as rights in the International Covenant on Economic, Social and Cultural Rights (ICESCR) such as the right to education, enjoyment of just and favorable work conditions and vacation pay. The TRC Act is clearly preoccupied with GHRV that bring about death, physical or mental pain and injury or deprivation of freedom and livelihood.

The TRC has determined that GHRV are generally but not exclusively committed by state actors, may take place during times of peace or armed conflict, and can be directed against individuals or groups. GHRV abrogate preemptory norms of international human rights law such as: (1) Murder; (2) Extermination; (3) Enslavement; (4) Torture; (5) Rape; (6) Sexual Slavery; (7) Enforced Prostitution; (8) Enforced Sterilization; (9) Sexual Violence; (10) Enforced Disappearance of Persons; (11) Persecution; (12) Deportation or Forcible Transfer of Population; (13) Imprisonment or other Serious Deprivation of Physical Liberty; (14) Genocide; and (15) Crimes Against Humanity. Articles II and IV of the TRC Act encompass the aforementioned GHRV. For a list of definitions, please see Annex 3.

3.4.3. "Serious" Humanitarian Law Violations (SHLV)

During armed conflict, GHRV are serious violations of humanitarian law that trigger universal jurisdiction to prosecute. Since conflict in Liberia is best characterized as a non-international armed conflict, only two bodies of IHL govern episodes of armed conflict in the country: (1) Common Article 3 of the 1949 Geneva Conventions; and (2) 1977 Additional Protocol II to the Geneva Conventions, not excluding customary international humanitarian law. As previously noted, the TRC has determined that both conventions apply to all of Liberia's episodes of conflict.

Common Article 3 states, "persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria." It strictly prohibits the following acts against these classes of persons: (1) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (2) Taking of hostages; (3) Outrages upon personal dignity, in particular humiliating and degrading treatment; (4) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples; and (5) Attacking objects or persons using the distinct emblems of the Geneva Conventions.

Protocol II states, “[a]ll persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honor and convictions and religious practices.” It requires that such persons always be treated humanely, “without any adverse distinction.” Protocol II strictly prohibits any order that there “shall be no survivors” as well as the following acts against persons: (1) Violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; (2) Collective punishment; (3) Taking of hostages; (4) Acts of Terrorism; (5) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, sexual slavery, sexual violence and any form of indecent assault; (6) Slavery and the slave trade in all their forms; (7) Pillage; (8) Sentencing or Execution Without Due Process; (9) Using, Conscripting or Enlisting Children in Armed Conflict; and (10) Threats to commit any of the foregoing acts.

In the final analysis, the TRC sought to ensure that the overall approach to carry out its mandate complemented Liberia’s complex history while simultaneously comporting with domestic, regional and international norms.

3.4.4. Policy Guidelines

In order to provide notice to the public of its determinations on critical issues, the TRC issued, published and circulated several public policy bulletins on key policy areas including:

- A. N0.01, Public Hearings;
- B. N0.02, General Immunity for all TRC witnesses; does not apply to false statements.
- C. N0.03, Restatement of policy on the right to counsel during hearings;
- D. N0.04, Reparation, Prosecution and Amnesty;
- E. N0.05, In-camera or Confidential hearings;
- F. N0.06, Application for Amnesty; and
- G. N0.07, Warrants, and Compulsory processes.

These policies clearly articulated the TRC’s interpretation of key policy issues. Public dissemination of the public bulletins generated public confidence, particularly the TRC’s bulletins on granting of general immunity to all witnesses testifying or appearing before it and its decision to mainstream confidentiality throughout its proceedings. These were pivotal in soliciting the cooperation of victims, witnesses and alleged perpetrators to participate in the process.

4.0. METHODOLOGY

4.1. Introduction

There is no single methodological approach that adequately assists the TRC in fulfilling its complex mandate. This is especially true with respect to the interrelationships between the mandate provisions of the TRC Act, for example, in finding out the root causes of the conflict and its historical antecedents, or satisfying the public's perspective on the thorny policy areas of amnesty, prosecution and reparation, and in determining what is practicable and applicable under applicable laws, and country conditions. The 2005 TRC Act is an intricate body of law compounded by high public expectations that the TRC will produce a one-size fits all remedy to decades of injustice and violent armed conflict in a neatly bow-tied end product. Equally so, the TRC is expected to make substantive contributions to the "law and doctrine of truth commissions" that surpasses its predecessors.

Given the unique historical and contemporary dynamics of Liberia the TRC defined the methodology of its work qualitatively and quantitatively under the following considerations: it first established the fundamental purpose of the TRC, then reviewed the mandate thoroughly for understanding and clarity of the functions and powers of the Commission, what was feasible and practicable bearing in mind the two year stipulated timeframe for implementation of its work, the country condition and available resources, and then established short and long term objectives for meeting its goals.

In determining procedures the Commission would employ in performing its functions, Article VII, Section 26 (a) stipulates that the TRC should facilitate and, where necessary, initiate or coordinate enquiries into, and investigate "[g]ross violations and abuses of human rights, privileges, powers and authority in Liberia including violations, which were part of a systematic pattern of abuse" as well as the "nature, causes and extent of gross violations and abuses of human rights, including the root causes, circumstances, factors, context, motives and perspectives which led to such violations."

Select provisions of Section 26 of the TRC Act also require the TRC to achieve multiple ends:

"Section 26

- d. Ensuring accountability, political or otherwise, for any such violation.
- e. Gathering information and receiving evidence from any person or persons, including persons claiming to be victims of such violations or the

representatives of such victims, individuals, groups of individuals, perpetrators, witnesses and institutions through the taking of statements and through evidence gathered through the conduct of both public and confidential hearings upon request of witnesses, informants, petitioners, either as victims, perpetrators, subject to the exclusive discretion and authority of the TRC.

- f. Helping restore the human dignity of victims and promote reconciliation by providing an opportunity for victims, witnesses, and others to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and perpetrators, giving special attention to the issue of sexual and gender based violence and most especially to the experiences of children and women during armed conflicts in Liberia;
- g. Recommending amnesty under terms and conditions established by the TRC upon application by individual persons making full disclosures of their doings and thereby expressing remorse for their acts and/or omissions, whether as an accomplice or a perpetrator, provided that amnesty or exoneration shall apply to violations of international humanitarian law and crimes against humanity in conformity with international laws and standards;
- h. Preparing a comprehensive report which sets out its activities and findings based on factual and objective information and evidence collected or received by it or placed at its disposal;
- i. Creating an independent, accurate and objective record of the past and making recommendations reflective of the truth to re-unify and reconcile contending groups and/ or the peoples of Liberia;
- j. Making recommendations to the Head of State with regard to;
 - i. Reparations and rehabilitation of victims and perpetrators in need of specialized psycho-social and other rehabilitative services;
 - ii. Legal, institutional and other reforms;
 - iii. The need for continuing investigations and inquiries into particular matters, at the discretion of the TRC; and
 - iv. The need to hold prosecutions in particular cases as the TRC deems appropriate;
- k. At the discretion of the TRC, any person, group of persons or organizations or institutions shall be permitted to provide information as informants, witnesses, perpetrators or victims to the TRC on a confidential or non-confidential basis and the TRC shall not be compelled by any authority to disclose any such information given to it in confidence;

1. The TRC shall take into account the security and other interests of the victims and witnesses when appearing for hearings, design witness protection mechanisms on a case by case basis as well as special programs for children and women both as perpetrators and victims under burdens of trauma, stigmatization, neglect, shame, ostracization, threats, etc. and others in difficult circumstances who may wish to recount their stories either in privacy or public, subject to the discretion of the TRC.

Once the TRC agreed on the meaning of its mandate, functions and powers, it moved forward with determining its modus operandi as a quasi-judicial body pursuant to the TRC Act. Consequently, the TRC adopted a set of rules and procedures to guide its work and ensure stability in its operations.

In order to provide notice to the public of its determinations on critical issues the TRC issued, published and circulated several public policy bulletins on key policy areas including: N0.01, Public Hearings; N0.02, General Immunity for all TRC witnesses; N0.03, Restatement of policy on the right to counsel during hearings; N0.04, Reparation, Prosecution and Amnesty; N0.05, In-camera or Confidential hearings; N0.06, Application for Amnesty; and N0.07, Warrants, and Compulsory processes. These policies clearly articulated the TRC's interpretation on key policy issues.

Public dissemination of public bulletins generated public confidence, particularly the TRC's bulletins on granting of general immunity to all witnesses testifying or appearing before it and its decision to mainstream confidentiality throughout its proceedings. These were pivotal in soliciting the cooperation of victims, witnesses and alleged perpetrators to participate in the process.

The protection of victims and witnesses in either giving statements to the TRC or testifying before it was a dominant factor in how the TRC conducted its investigations into IHRL and IHL violations. Witness protection was applied on an individual case by case basis due to inadequate resources and the limited time (two years) that the TRC had to achieve its mandate. Confidentiality of the statement-giver during statement-taking was insisted upon, and anonymous statements allowed. In-camera hearings were confidential and off limits to any member of the public or TRC staff.

Article VII Section 26 (f) requires the TRC to help "restore the human dignity of victims and promote reconciliation by providing an opportunity for victims, witnesses and others to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and perpetrators." It also requires that the TRC give special attention to the issue of sexual and gender based violence, particularly with respect to women and children. Consequently, the TRC decided that in order to protect the physical and psychological welfare of victims and alleged perpetrators,

victims were informed about the appearances of alleged perpetrators and were free to attend public hearings if they desired to without being in conflict with or required to be in close proximity to them. The TRC decided against providing a venue for the accuser, particularly the most violent ones, to confront the accused, for security reasons, among others. While such exchanges took place, they were limited and did not occur frequently.

Data collection of the process was both qualitative and quantitative. For qualitative information, the Commission received information through the following means: statement-taking (the statement-taking forms had sections for both qualitative and quantitative information), Inquiry Unit interviews, public and In-camera hearings and testimonies, documented submissions, UN Country reports and assessments, reports of local and international human rights organizations, reports of Liberian civil society organizations, US State Department human right reports, media reports, publications, books and declassified documents of the US State Department, CIA pursuant to Freedom of Information Act (FOIA) request made for the benefit of the TRC by two American private institutions, National Security Archives and The Kennedy Foundation. Some of these sources were confidential as well as non-confidential. For quantitative information, the TRC relied heavily on data and analysis from Beneficial Technology or Benetech, a U.S. based corporation contracted to manage the TRC database; a critical component of its work.

4.2. Commissioner Training and Preparation

Following a public vetting and recruitment process in late 2005, TRC Commissioners were selected by then transitional Head of State, Gyude Bryant and afterward received their commissions from Her Excellency President Ellen Johnson-Sirleaf on 20 February 2006. Immediately thereafter, Commissioners underwent various types of training and courses in the history and origin of truth commissions as a form of transitional justice mechanisms, including their functions, goals, objectives and importance in post conflict countries; best practices approach and experiences of other truth commissions, and human rights and humanitarian law training. Commissioners also received training in the investigation of human rights violations; technical issues in conducting public and in-camera hearings; psycho-social care and support for victims, and others coming before the TRC; conflict prevention and resolution; reparations; and other specialized topics of interest that enabled Commissioners to function within the accepted operational standards of truth commissions.

The training was facilitated by a combination of local and international experts in the field of international law and transitional justice. An array of institutions including the Economic Community of West African States (ECOWAS), Human Rights Foundation of South Africa (HRCSA), the International Center for Transitional

Justice (ICTJ), the United Nations Mission in Liberia (UNMIL), and the locally based Transitional Justice Working Group (TJWG) assisted the TRC during those formidable stages of its work. Dr. Jeremy Levitt provided training for the Commission on legal standards and application of international law and legal standards to the TRC work.

In June 2006, prior to the launching of the TRC, the nine member Commission visited South Africa under the auspices of the Human Rights Foundation (FHR) to undertake a study tour of South Africa for orientation and to become acquainted with the country's past truth and reconciliation process in order to experience first-hand, how the South African TRC approached and managed its process. The training was well coordinated and intensive, and afforded the Commissioners the rare opportunity to meet and speak one-on-one with former South African Commissioners, staff, human rights advocates, government officials, and renowned South Africans and others on the impact of the TRC in South Africa. The training assisted Commissioners in expanding their knowledge about the practice of truth and reconciliation commissions, and provided them with a clearer understanding of what they would be encountering. Additional training continued on an ongoing basis throughout the process.

4.3. Domestic and International Staff Training

In recognition of the important role staff would play in effectuating the TRC's mandate, the Commission, with the assistance of several partners, conducted research, writing, analysis, investigative techniques and management skills training for domestic TRC staff. Staff often participated in training alongside Commissioners, while at other times they were trained independently. For example, in 2006, over three hundred staff members were trained as statement-takers, investigators, psycho-social support persons and county coordinators in preparation for the statement-taking, inquiry and hearing processes, and the creation of TRC offices in Liberia's fifteen counties. Data entry staff or coders entrusted to input information into the database from the statement-taking were provided specialized training in this area coordinated by Benetech. The data coders were trained in 2007 in the mechanics of data coding, categorizing of human rights violations, geography of victims communities and name codification.

In early May 2006, over one thousand community mobilizers from various civil society organizations resident in the counties were hosted at the Liberian Biomedical Research Center in Margibi County, where they underwent three days of training in communications and social mobilization skills facilitated by Ambassador Julie Endee, a Liberian communication expert and Cultural Ambassador contracted by the TRC to assist in its outreach efforts. This was in preparation for the official launching of the TRC in the 15 counties of Liberia and the sensitization and awareness

campaign associated with it. Staff associated with the Diaspora Project in the United States of America, Ghana and Nigeria, were similarly trained as coders and community mobilizers to ensure that TRC techniques were mainstreamed among all staff. All training programs focused a gender dimension that included emphasis on women and children's issues.

The majority of training was conducted in collaboration with civil society groups and members. Some were carried out for specific members of civil society in partnership with the TRC. For example, the TRC and ICTJ coordinated the International Media Center and the Press Union of Liberia training in early 2007 to conduct extensive training for local journalists on the TRC process. This effort culminated in a joint code of conduct being established to govern the media's coverage of the TRC process, and especially its hearings. Local and field staff also received training of various forms.

In order to maintain a balanced perspective, a uniform training program was designed with slight modification to suit the particular needs of the TRC Diaspora Project. The Diaspora Project was implemented by the TRC Diaspora partners, the Advocates for Human Rights, formerly Minnesota Advocates for Human Rights based in Minnesota, U.S.A, and closely supervised and co-managed by the TRC. Training modules in the Diaspora were jointly designed and coordinated to mirror, as closely as possible, the Liberia program. The TRC created a Diaspora Committee to closely track and monitor the project. Commissioners made periodic visits to the USA and played a leadership role in several training modules on the TRC mandate, transitional justice, the history of Liberia and its various episodes of conflict, the Liberian Constitution, statement-taking and investigation, human rights law and multiculturalism. The Diaspora Project trained over six hundred volunteers to collect statements from Liberians in the USA. This model of training was replicated with competent modifications for the West African Diaspora Project. Ten Liberians residing in the Buduburam Liberian refugee camp in Ghana were trained as statement-takers to assist the TRC to collect statements from Liberians in Ghana. About ten Liberians resident in the Federal Republic of Nigeria were also trained for the TRC project.

4.4. Statement-Taking

Between 2005-2006, approximately two hundred individuals were recruited nationwide from local communities as statement-takers and trained to solicit the voluntary narratives of individuals recounting their personal experiences and accounts of the conflict; either as victims, witnesses, perpetrators, or as family members and loved ones from their communities. The statement forms were specifically designed to be gender sensitive, victim friendly, while special forms were designed for children statement-givers. This method employed a confidential

interview using probing questioning techniques that would assist the statement-giver in recounting traumatic events or experiences and to provide factual accounts or evidence of events that took place. Recommendations for how the TRC should proceed with its work and its final report were also solicited from those persons that participated in the process and the public in general. As a result of its careful statement-taking approach, the TRC generated goodwill with the public and succeeded in obtaining over 20,000 statements from Liberians in Liberia and in the Diaspora including the U.S. and West Africa.

The TRC recruited more women statement takers than male while women participated strongly in the statement-taking process as statement givers, accounting for approximately 47% of all statements given to the TRC.

The statement-taking process was followed by Public and In-Camera Hearings in Liberia's fifteen counties and in the US. Hearings were initially scheduled for West Africa in the Republic of Ghana. Liberian refugees' confrontations with the authorities of Ghana unsettled the planned hearings in the West African sub-region. The hearings included seven months of victims' and witnesses' testimonies and, to date, four months of actors, thematic and institutional hearings, which provided vital accounts and perspectives under the broader "contemporary history of the conflict theme". Special considerations have been made to accommodate women, children, the elderly, handicap and other vulnerable groups.

4.5. Civil Society Participation, Outreach and Hearings

This section discusses the various civil society participation and outreach activities of the TRC inclusive of national and international hearings processes. In this context, it will also highlight the various activities that the TRC designed and implemented for women and children.

Civil society was a major stakeholder in the Liberian peace process and has been in the vanguard of the TRC process for as far back as the 2003 Comprehensive Peace Agreement (Accra). From the conceptualization of the TRC and the drafting and passing of the TRC legislation to the vetting of Commissioners and senior staff, civil society representatives from various organizations, including women's groups, youth groups, the disabled community, political parties, the religious community, traditional organizations and the media, participated in the TRC process and continued to play a lead role in how the TRC implements its mandate. In 2007, the TRC entered into a memorandum of understanding with sixteen civil society organizations, further concretizing this partnership.

As early as May 2006, the TRC, through a public participatory process, launched a massive public outreach, awareness and sensitization campaign in collaboration

with several civil society organizations, aimed at formally introducing the Commission by explaining its mandate, educating the populace about the pivotal role it could play in healing the nation, encouraging them to participate, and garnering the support of the broader Liberian public and partners in the process. This public awareness campaign began in Monrovia and was subsequently expanded throughout Liberia's fifteen counties.

The TRC held special interactive outreach presentations on its programs and activities with the National Legislature and the Cabinet. Civil society groups at different levels were engaged by the Commission to assist in this effort; they include: the Liberian National Girls Guides Association, Boys Scouts of Liberia, Artists Association of Liberia, Liberian Crusaders for Peace, Roller Skaters Association of Liberia, Women on the Move Association, and the Traditional Women Association of Liberia. Local media and the United Nations Mission in Liberia (UNMIL) and other partners have also provided assistance in this area.

Civil Society organizations buttressed the commission's efforts by conducting sensitization and awareness in all fifteen counties, distributing 15,000 copies of the TRC's informational questions and answers (Q&A) brochure, replicating and distributing 10,000 copies of the 1986 Constitution of Liberia to schools and communities for civic education and by conducting sensitization and awareness workshops about the TRC process. The involvement of civil society in the TRC process enormously enhanced the Commission's work in accomplishing its mandate.

4.6. National and International Outreach and Hearings

With the launch of the Diaspora Project on 22 June 2006, concomitantly with the national launching of the TRC, rigorous outreach efforts were exerted to market and localize the TRC to Liberians residing outside of the country; beginning in the USA and then West Africa. Numerous outreach, education and sensitization events were held in several U.S. cities where large populations of Liberians reside. Like national TRC activities, these activities included town hall meetings, formal presentations, speaking engagements in churches and mosques, and special events. The media at home and abroad was also equally involved in spreading the TRC's message across to Liberians and the general public. Several newspapers, radios and television interviewed project staff and Commissioners in Liberia and abroad.

The TRC's Diaspora Project was innovative because it redefined the way in which truth and reconciliation commissions should operate—from local or nationally-centered bodies to global truth seeking institutions—by conducting international hearings that included testimony and perspectives from its citizens abroad; thereby, raising the bar of ingenuity in transitional justice approaches. The Diaspora Project began in Minneapolis, Minnesota (USA), which is home to approximately 5,000 of the 40,000 Liberians living in the U.S., with the assistance of one of the TRC's key

partners, the Advocates for Human Rights, which served as a primary implementer of the Project. The Diaspora project resulted in the collection of approximately 1,500 statements from alleged perpetrators and victims of Liberia's various episodes of state chaos and conflict. The project eventually conducted activities in eleven U.S. cities, Europe and to Ghana, Nigeria, and Sierra Leone where a significant number of Liberian refugees in West Africa reside. Community Advisory Committees comprising credible Liberians were established in each city hosting a project. Numerous outreach events were organized in collaboration with the Advisory committees and often hosted by the various Liberian communities. This approach ensured Diaspora community involvement and support for the Project. Approximately 1000 statements were collected from Liberians in West Africa.

Public sensitization and awareness were a constant feature of the TRC process, initiated during each phase of the TRC's work. The communication, sensitization and mobilization aspect of the TRC's program was designed to coincide with every stage of activities. Sensitization and public outreach was a permanent feature of all TRC programs in the fifteen counties, and were carried out through music, drama, town hall meetings, workshops, visitations of churches and mosques, presentations and media reports. Other specialized modes of communication, including the non-traditional and conventional, were explored to maximize the outreach capacity and objectives of the TRC. Notwithstanding these efforts and extensive strategic planning, the necessary financial support from the donor community was not forthcoming, and consequently, the TRC's outreach programs were adversely affected.

After receiving initial feedback about conditions in the counties during the outreach process, the TRC embarked upon a nationwide assessment of each county; with the goal and objective of ascertaining first-hand the plight of civil war rural victims and living conditions of inhabitants in rural Liberia, generally. The TRC immediately established county offices in order to decentralize its operation and provide local residents with the opportunity to establish ownership of the TRC process.

4.7. Women

Historically, women have been the most marginalized; economically, socially and politically. In Liberia, it was only in 1947, for example, 100 years after the declaration of independence, that Liberian women were granted rights of suffrage.

Liberia is attempting to emerge from the throes of more than two decades of state breakdown and protracted civil conflict resulting in deaths and massive displacement of persons internally not excluding the destruction of the country's infrastructure. Unfortunately, women bore a disproportionate amount of suffering during the war. Women were often brutally raped and kidnapped, forced to watch

their husbands and children tortured and killed or forcibly conscripted into various warring factions. Thousands of children and youth were forced to take drugs as a means to control and teach them to kill, maim and rape without conscious; making them virtual killing machines. It is estimated that the conflict in Liberia produced the highest number of female perpetrators in comparison to civil conflicts in other parts of the world.

According to TRC findings, various episodes of the armed conflict affected men and women differently. While men account for nearly 50% or half of all reported violations compared to one third or 33% from women, women were uniquely targeted because of their gender throughout the conflict and its different phases. Moreover, above 70% of all sexual based violations reported were against women. For historical, cultural, social, political, economic and other reasons, women's experiences are often not reported and hence under-represented in reported violations. Recognizing this reality, the TRC Act provides guidelines for the treatment of women in the TRC process. In addition to the Preamble, nine sections of the Act speak to women's realities and how they should be incorporated in the TRC process. These provisions and references demand the effective participation of women at all levels and in all aspects of the TRC process, including as Commissioners, managers and staff of the TRC, petitioners, victims, perpetrators, victim-perpetrators, and witnesses. Article IV and VI of TRC Act specifically requires the TRC to adopt mechanisms and procedures to address the experience of women, children and vulnerable groups; pay particular attention to gender-based violations; employ specialists in women's rights; protect women's safety; and not endanger women's social reintegration or psychological recovery.

In adhering to these requirements, the TRC has engaged in numerous activities with women in Liberia and in the Diaspora. Several formal and informal meetings have been held with individuals as well as women's groups. In 2006, to ensure proper coordination and broad-based participation by women in the TRC process, and to guarantee that woman's concerns are adequately expressed and addressed, the TRC established a gender committee comprising a wide spectrum of civil society and international partners. Members of this committee included the Women NGO Secretariat of Liberia; the Ministry of Gender; the Open Society Initiative for West Africa (OSIWA); ICTJ; the United Nations Development Fund for Women (UNIFEM); UNMIL Gender Section; Rule of Law Section and Human Rights and Protection Section; Liberia Crusaders for Peace Women's Wing; Traditional Women Association of Liberia; Women on the Move; and the Liberian Media Women Association.

From December 2006 to February 2007, the TRC implemented extensive outreach programs with women throughout Liberia's fifteen counties by holding four zonal workshops targeting women's organizations in the counties, and town hall meetings

in all counties. Against this backdrop, there are concerns that, after more than a century of gross neglect, marginalization, and dehumanization, especially during Liberia's most recent episodes of conflict, women harbor deep seeded disdain towards those persons who are directly linked to their suppression and are fearful of reprisal if they cooperate with the TRC.

4.8. Children

The TRC Statute requires the TRC to specifically focus on child participation and protection because they were targeted and victimized in Liberia's successive wars. They were illegally recruited to take part in hostilities-became victims-perpetrators and witnesses, of conflict in Liberia. Child friendly procedures have been used and legal safeguards established to protect the rights of children to participate in the TRC process. In addition, protective measures were taken to conceal the identity of children, no video coverage was permitted, media was not allowed to interview or cover child-related sessions and special social workers were trained and available to assist in providing counseling to the children prior to, during, and after the hearings.

From the onset, the TRC sought to ensure that children played a significant role in its activities. Consequently, the TRC invited the United Nation Children's Fund (UNICEF) to be one of its key partners. It negotiated an MOU with UNICEF and the National Child Protection Network creating the TRC Task Force comprising 80 child protection agencies. Following the children's protection orientation training for TRC Commissioners and four sets of training for TRC statement takers and investigators on child-friendly procedures and policies, the TRC and its partners established various programs for children to participate in its processes. Such activities included: forty-five awareness workshops tailored especially for children held in each of the country's fifteen counties (one at each county seat and two in selected districts of each county) to over 5000 children. Nearly 1000 confidential statements were collected from children in the counties with the support and supervision of local child protection agencies.

In May through September 2008, the TRC held several regional hearings for children and held various panel discussions with them in Bong, Grand Gedeh, Grand Kru, Nimba, Rivercess, Grand Bassa, Margibi, Maryland, Montserrado, and Sinoe, Counties. Over 120 children testified before the Commission and hundreds of children witnessed their testimonies. TRC Commissioners also held interactive sessions with children every evening.

In late September 2008, Thematic Hearings titled, *Children and the Liberian Conflict: What Does the Future Hold?*, for children were convened at the Centennial Pavilion in Monrovia, Montserrado County. Presentations were made by a convergence of professionals in the field of child advocacy including: Government's Line Ministries

for Children, Child Protection Agencies, and the Liberian Children's Parliament. Confidential testimonies by three child witnesses were also taken. The hearings revealed a clear picture about the indiscriminate suffering and targeting of children illegally recruited during the Liberian Civil War, up to the LURD and MODEL insurrections. The hearings also emphasized the courage of children that reunited with their families and communities, returned to school and are rebuilding their lives.

On September 27, 2008, The TRC Children's Art Gallery was officially opened by the Vice President of Liberia, H.E. Joseph N. Boakai. It featured poems, stories, and drawings by children about their experiences during the Liberian Civil War and how they envision the future of Liberia. The art was obtained from all across Liberia. Approximately 350 children attended the program.

4.9. Inquiry, Investigation and Witness Protection

In 2007, the TRC established an Inquiry Unit, inclusive of a Director and ten inquiry officers, to investigate and corroborate allegations for egregious domestic crimes, gross violations of human rights and serious humanitarian law violations emanating from statement-taking and other sources. The scope of its work included, for example, an inquiry into window cases such as the Lutheran Church, Carter Camp, Sinji, and Bakadu massacres, among others. The Inquiry Unit was also tasked with investigating what role, if any, non-state, state and international actors had in the commission of domestic and international crimes including economic crimes.

The names and other identifying information of victims were and are kept in strict confidence, and the TRC has instituted measures to protect the identity and physical person of those victims whose testimony puts them at grave risk of injury or peril to life.

4.10. Thematic and Institutional hearings

The statement taking process was followed by Public and In-Camera Hearings in the fifteen sub-divisions of the country and in the United States of America representing the Diaspora. The hearings including seven months of victims and witnesses testimonies and to date, three months of perpetrators, thematic and institutional accounts and perspectives under the broader contemporary history of the conflict theme. Unique categories such as women and children were accommodated under this section. Special considerations were made to accommodate individuals testifying under unique circumstances or categories like women, children, the elderly, youth and the handicap. Two victims who fled the country and lived on the Buduburam Liberian Refugee Camp in Buduburam, Ghana, testified in Liberia symbolically representing the sub-regional Diaspora community. The Thematic and

Institutional hearings featured specific categories such as; women, children, religious, historical review, media, education, youth, religion, culture and tradition, law enforcement, and security. To date, the TRC has heard more than 800 testimonies from witnesses testifying before it.

4.11. The Mass Media

As part of its mandate, the Truth and Reconciliation Commission (“TRC”) held a three-day thematic hearing on October 27-30, 2008, focusing on the experiences of the domestic and international news media and the role they played in the Liberian civil conflict. The TRC’s media hearings were especially significant assessing its standing during and after the conflict because strengthening democracy in Liberia and ensuring that all citizens have access to basic human freedoms, including freedom of expression, largely depends on the news media’s capacity to provide reliable information through professional and unbiased journalism. Numerous prominent local and international journalists and media experts testified at the hearings held in Monrovia. The thematic hearings on the media sought to examine the overall role of the media spanning the timeframe of the TRC mandate. It focused on how the media reported on the conflict regarding content, level of coverage, ethical issues underpinning media coverage of the conflict, challenges confronting the media during the period under review, how these impacted the conflict generally, and lessons learnt. It also solicited individual and institutional perspectives on the TRC mandate provisions regarding reparation, amnesty and prosecution.

The hearings were structured to reflect the various Eras, highlighting window cases in tune with the TRC’s timeframe and investigative periods as follows; under the first era 1979 to 1984, attention was paid to the rice riot, of 1979, the military coup of 1980 and subsequent execution of 13 government officials, the 1984 raid on the campus of the University of Liberia campus etc., Second era, from 1984 to 1989, focused on the Thomas Quiwonkpa invasion, the Nimba raid, the murder of TV Anchor, Charles Gbeyon, the arrest and detention of several journalists and the opposition including politicians, students activists; the third era from 1989 to 1997, the rebellion launched by the NPFL of former President Charles Taylor, the intervention of the West African-Sub-region through ECOMOG, the role of the Armed Forces of Liberia as a combatant group, the emergence of numerous warring factions, the origin of peace conferences, the link to the war in Sierra Leone and the elections of Charles Taylor as President of Liberia, the Fourth era from 1997 to 2003; human rights and international humanitarian laws violations by the Taylor government and the international community’s response to these violations by imposing sanctions, the emergence of two new warring factions (LURD and MODEL), the exile of Taylor to Nigeria, the Accra Comprehensive Peace Accord which subsequently saw the creation of the TRC, etc.

International and local journalists, who worked or were closely involved with the media during these times, were invited to provide testimonies. The hearing was followed by a three-day capacity building workshop held in collaboration with the Press Union of Liberia (PUL), and sponsored by UNESCO, the Carter Center, Emory University and the Sutherland Law Firm of Atlanta, Georgia, U.S.A. The workshop critically appraised the performance of the Liberian media in its coverage of the civil war, while taking stock of the role journalists play in today's society and how best they could contribute to the national reconstruction process. It was equally intended to focus the important role of the media in the implementation of all the TRC recommendations. As disseminators of information, the media will be responsible for passing the TRC final report onto the public and initiating a critical discussion that should help the people understand the findings and recommendations of the TRC.

The hearings were precipitated by series of efforts aimed at involving the media in the process of the TRC and galvanizing support from the mass media for the commission's work. As early as May 2006, prior to the official launching of the TRC, a broad base approach for working with the media was initiated through the holding of initial meetings with editors, reporters and other media practitioners on how the TRC could collaborate with the media in facilitating the necessary and appropriate coverage of the commission. The TRC resolved to work with all media outlets across the board, but would select from amongst the media, a core group with wider coverage or broader interest in TRC issues.

To make certain that the media was empowered and knowledgeable about the mandate of the TRC and its activities, the commission, with the help of partners, held several trainings and workshops with the Press Union of Liberia (PUL), media institutions and individual journalists. As a result of these combined efforts, the TRC, along with the PUL and representatives of media institutions, developed and adopted a code of conduct to govern the media's coverage of the TRC particularly the public hearings. The TRC also developed a media friendly approach whereas members of the fourth estate had access to the commission. The TRC created the department of media and outreach which coordinated the public affairs of the TRC and liaised directly with the media in ensuring proper management of information dissemination of the commission to the general public.

Owing to the mutual respect, professional and cordial relationship between the media and the TRC, it is factual to state that the Commission enjoys maximum support and cooperation from the media in the promotion of its mandate. With the exception of isolated negative incidences reported by some news outlet, the TRC received maximum objective coverage and the full attention of the Liberian media. The media was also in the vanguard of galvanizing and encouraging support of the

government, the international community and the general citizenry for the TRC process. Many media outfits, especially newspapers ran editorials and commentaries in support of the Commission throughout its life span.

The media closely tracked the TRC hearings with media institutions assigning their reporters to travel with the commission as it conducted victims and thematic hearings throughout the country. The Diaspora project and hearings were also closely monitored and reported by the local media. The international media also reported comprehensively on the Liberian TRC including the Diaspora project.

4.12. Religion, Culture and Tradition

The TRC determined that religion and traditional culture, principles and values weigh heavily on the conscience of the Liberian people. As such a truly integrated reconciliation process must engage these institutions for sustainable and genuine results. The commission is graced with reputable religious leaders who provide oversight leadership in ensuring that the Commission doesn't lose sight of this reality.

Culture and tradition is an integral and essential part of the Liberian society. The fabric of the nation and its people is deeply carved along cultural and traditional values, systems, and practices. The recognition thereof and premium placed on tradition in Liberia is reflected broadly. For example, in recognition of the cultural systems and practices of the country, the Liberian penal code has allowed for dual legal system; statutory and customary, the latter, in reverence of the cultural customs of the land. National government also accepts the cultural norms and way of life of indigenous Liberians as enshrined within the structures of local government. Under this arrangement, traditional practices of governance through the chieftaincy system are observed and preserved. Being cognizant of this fact and in an effort to involve the traditional population in the TRC process, the Commission in early 2007 established a TRC-Traditional Advisory Council of 36 chiefs and elders from the 15 counties of Liberia. The organizing of the Traditional Council was facilitated by Liberia's Cultural Ambassador and Traditional Queen, Amb. Juli Endee.

The TRC-Traditional Advisory Council membership was drawn from the leadership of the National Traditional Council of Liberia, which is the umbrella association of all traditional and tribal associations in the country. The National Traditional Council is representative of Chiefs and elders from the 78 political districts and 64 electoral districts of Liberia. Each of the 15 counties of Liberia has a County Council whose representative reports to the National Council. The National Traditional Council of Liberia has several sub-committees including Women Affairs and the National Coordinating Committee, responsible for settling all disputes affecting the organization and country at large.

It was this structure that the TRC established relationship with in order to assist the Commission in its work in rural Liberia and advise the commission on appropriate approaches needed to involve local inhabitants in the TRC process. Upon the establishment of the TRC-Traditional Advisory Council, council members received training through workshops on the TRC, its mandate, and processes. Substantial outreach was done with the traditional elders and people. The gender program of the TRC specifically designed and targeted outreach and sensitization about the TRC to female traditional leaders (Zoes) of the Sande Society who in turn educated their communities about the importance of participating in the TRC process. The Commission also considered traditional methods of conflict resolution, peace building and justice in preparedness for addressing reports of human rights violations emanating from its investigations in the traditional context and violations affecting local communities. During thematic hearings in the counties, in addition to giving personal accounts of their experiences during the conflict, traditional elders lead their communities in making group presentations on how the war affected their people and advanced recommendations to the TRC for appropriate redress. On the overall, traditional stakeholders involvement in the TRC was greatly encouraged and yielded much benefit for the work of the Commission.

4.13. Youth

One of the focal areas for concentration of the TRC has been youth and the need to incorporate this population in the work of the TRC. Being cognizant of the tremendous impact of the conflict on the youth of the nation, their role as conspicuous combatants then victims, it was imperative to establish a Committee on Youth to engage the future of Liberia. The TRC took statements from the youth and engaged them in the TRC process; which engagements are still ongoing. In so doing, the Commission forged relationship with the Federation of Liberian Youth (FLY), the umbrella organization of youth organizations in the country. Through the collaboration with FLY, the TRC held several town hall meetings with students of various junior and senior high schools on the TRC mandate and other areas of transitional justice. The TRC also established the TRC/University of Liberia Club with membership of 200 students who assisted the TRC outreach efforts in other universities and the communities. The Commission also held a special workshop with youths in Buchanan, Grand Bassa County, in 2007. Thematic and Institutional Hearings of the Commission around the country included special presentations by youth groups on the effect of the conflict on youth and their aspirations for the future. The TRC Coordinators in the counties also held special events such as: football tournaments, talent show to enhance awareness of the TRC in rural communities.

4.14. County Consultations and National Conference on Reconciliation

Owing to resource limitations, the county consultations had to be consolidated into regional consultations which were held in the latter part of May 2009. These consultations were part of the TRC overall strategy to amplify the voices of the people from all levels of society in the TRC process. As a forerunner to the TRC National Conference on Reconciliation, the Regional consultations brought together participants from three regions convened at the capital of one of the counties in the region.

Region I - comprising the counties of Maryland, Grand Kru, Grand Gedeh, River Gee and Sinoe, convened in Zwedru, Grand Gedeh County.

Region II comprising Bong, Lofa, Grand Bassa, River Cess, and Nimba counties and was seated at Gbarnga, Bong County.

Region III constituted Grand Cape mount, Bomi, Gbarpolu, Margibi and Montserrado counties and was seated at Tubmanburg, Bomi County.

Delegates or representatives were drawn from a cross section of stakeholders from each county, representing each district, cutting across the social, economic and political make up of the counties. From the office of the county superintendent to civil, traditional, religious and other societies, women, children, youth, community leaders, ex-combatant communities, etc. were considered as constituencies for representation at the consultations. In all, not less than 13 representatives from each county in the region attended and participated in these consultations. The TRC did not do the selection but rather encouraged local people and the Superintendent's offices to do the selection in a transparent, representative and fair manner to ensure the broadest representation possible. TRC former county coordinators were rehired to serve as mobilizers in each county of their previous assignment.

Since the establishment of the TRC almost three years ago, the Commission adopted a policy to take the TRC to the people, believing that "Monrovia is not Liberia". This policy guaranteed that the people from all levels in society are involved, not only in the TRC process, but also in all governance issues and the making of decisions that affect them. Against this backdrop, the TRC involved civil society, all the 15 counties and stakeholders in all works of the Commission; from public awareness to statement taking, hearings and other programs like research, town hall meetings, workshops, group discussions, etc.

With the participation of all Liberians, the TRC was able to produce three major documents which gave the TRC a clear understanding of the past experiences of the Liberian people during the war, and the overwhelming aspirations of the Liberian people to ensure that war will be no more, and that in unity, the current peace will

be sustained. The National conference had as its basis or program framework the findings of three major TRC instruments: 1) TRC Preliminary Report; 2) TRC Conflict Mapping Project Report; and 3) Reports of the TRC Regional County Consultations. Based on the findings, determinations and recommendations contained in these reports, the National Conference on Reconciliation, with the theme: “National Reconciliation and the Way Forward” convened from June 15 – 19, 2009 around the following sub-themes:

1. Reparation for victims, survivors
2. National Reconciliation
3. Accountability for crimes including Prosecution
4. Traditional Mechanism For Reconciliation
5. Amnesty and Forgiveness for perpetrators
6. Memorialization in traditional forms and other manifestations
7. Identity crisis in Liberia body polity
8. Land and the conflict over tenure, ownership, distribution and reparation
9. Participation in government and political, economic decentralization
10. Envisioning a New Post – Conflict Liberia
11. Strategies for the support and full implementation of the TRC Recommendations

Representation at the national conference followed the same pattern with additional seven representatives added to the initial 13 delegates from each county, to further broaden participation. In all, each county potentially fielded twenty representatives at the national conference; bringing county representation to 300 in total, constituting the single largest block representation at the conference. Apart from county delegates, other stakeholders from political parties, the government, partners and the international community, and the Diaspora were represented.

4.15. The Diaspora

The TRC determined early that it wished to engage Liberians living outside of Liberia, the “Diaspora,” in the national truth-seeking process. While more than thirty countries have implemented some form of national truth seeking body, no similar body has systematically engaged a Diaspora population in all aspects of its work. The TRC approached The Advocates for Human Rights (known at the time as Minnesota Advocates for Human Rights) and proposed a partnership to achieve its goal of engaging the Liberian Diaspora, particularly the U.S.-based Diaspora, in its

work. The TRC and The Advocates ultimately signed a memorandum of understanding authorizing The Advocates to act as the TRC's implementing partner in the Diaspora.

After a preparatory period, the TRC officially launched its work on June 22, 2006. The Advocates held a simultaneous launch in Minnesota for the U.S.-based TRC Diaspora Project. The Advocates initially volunteered to develop a pilot project and recruit and train volunteers for the Diaspora statement-taking process in Minnesota. It quickly became apparent, however, that information from the Diaspora would need to be gathered in a consistent and coordinated manner for it to be of use to the TRC. The Advocates subsequently agreed to coordinate the work of the TRC with the Diaspora community throughout the United States as resources became available.

The TRC approached The Advocates because it sought an organization that would be perceived as trusted, transparent, and neutral within the Liberian Diaspora community. Moreover, the TRC was seeking an organization with established connections to the Liberian Diaspora. The Advocates was ideally situated to partner with the Liberian TRC to undertake the Diaspora Project for a number of reasons. The mission of The Advocates for Human Rights is to implement international human rights standards to promote civil society and reinforce the rule of law. The Advocates for Human Rights was founded in 1983 by a group of Minnesota lawyers who recognized the community's unique spirit of social justice as an opportunity to promote and protect human rights in the United States and around the world. The Advocates is a non-profit, volunteer-based organization that investigates and exposes human rights violations; represents immigrants and refugees in the community who are victims of human rights abuses; trains and assists groups that protect human rights; and works through education and advocacy locally, nationally, and internationally to engage the public, policy-makers and children about human rights and cultural understanding.

The Advocates, which is headquartered in Minneapolis, Minnesota, has a long history of working with the Liberian Diaspora. Minnesota is home to what may be the largest population of Liberians living outside of West Africa. Liberians fleeing the conflict in the nineteen-nineties made up the largest single client group seeking assistance for The Advocates' free asylum services. In addition to providing legal representation to hundreds of Liberians, The Advocates trained dozens of volunteer attorneys to handle Liberian asylum cases. For years, The Advocates also worked through the Building Immigrant Awareness and Support (BIAS) Project to provide training and resource materials to both the Liberian community and to educators in schools with substantial Liberian refugee student populations.

As an organization, The Advocates has a longstanding commitment to the human rights of Liberians. Moreover, The Advocates began using human rights monitoring methods in 2002 to contribute to the success of transitional justice in post-conflict societies. This expansion of the organization's human rights work was premised on the belief that human rights monitors' investigations and published observations would help to uphold the integrity of the transitional justice process and the belief that monitoring further supports the transitional justice process by bringing it to the attention of the international community.

Management & Operation of the TRC Diaspora Project

Relationship to the TRC in Liberia: The Diaspora Project was an integrated part of the TRC's overall work. The Advocates acted as an implementing partner for the TRC in the Diaspora. As such, The Advocates consulted as extensively as possible with Commissioners and staff of the TRC, regarding the broad operation and structure of the Diaspora Project. Day-to-day decision making and implementation were undertaken by The Advocates.

Commissioner Massa Washington, who was charged with overseeing the Diaspora component of the TRC's work, and Chairman Jerome Verdier traveled to the United States several times to assist with training volunteers in Minnesota and New York, and to plan for future Diaspora Project activities. Commissioners Oumu Syllah, Gerald Coleman, and Arthur Kulah also participated in community outreach and volunteer training events in Atlanta, Chicago, North Carolina, Philadelphia, and Washington, DC. In addition, The Advocates' staff and volunteers traveled to Liberia four times in 2007 and 2008 to continue the coordination of activities and to observe TRC statement taking and public hearings activities in Liberia.

Funding: The Advocates did not receive funding for any part of its work from the TRC of Liberia. As with all of its projects, The Advocates raised a small cash budget from U.S.-based foundations and individual donors and then leveraged that budget through donations of volunteer time and in kind support. *Pro bono* and in kind contributions in fiscal year 2007 totaled nearly \$4 million. The total contribution for fiscal year 2008 was more than \$6 million.

Project Structure: Upon accepting the responsibility for implementing TRC activities in the Diaspora, The Advocates created a project structure that would ensure accountability to key stakeholders, including the TRC of Liberia, statement givers, the Liberian Diaspora community generally, and to other project participants such as volunteers. The TRC Diaspora Project was co-directed by The Advocates' Executive Director and Deputy Director. Two staff in The Advocates' Special Projects Program worked full-time on the project, and three other staff members dedicated significant portions of their time to the project depending on need. The Advocates created a *pro*

bono management team and a national advisory committee of Liberian community leaders to provide input and strategic advice throughout the project. It was envisioned from the beginning that volunteers would undertake a substantial proportion of the work of the project, specifically statement taking. The *pro bono* management team was composed of representatives from law firms who had committed from the outset to provide volunteer and in-kind support in order to ensure the project's successful completion. The national advisory committee was composed of members of the Liberian community in the United States who represented the geographic and ethnic diversity of the Liberian people, and who were recognized as leaders in their respective communities. The members of the national advisory committee were approved by the TRC. Both entities, the TRC and the Advocates, met regularly and were consulted on key aspects of project management and direction.

Apart from regularly seeking the input of the management team and national advisory committee, The Advocates specifically sought the input of recognized experts in critical areas. For example, The Advocates invited the International Centre for Transitional Justice to advise and train staff and volunteers on implementation of public hearings and on current issues in transitional justice. Relative to the psychosocial needs of statement givers, The Advocates sought expert input from the Center for Victims of Torture, an internationally recognized torture treatment center that has extensive experience working with Liberians both in Liberia and in the Diaspora.

Pro bono affiliates: The TRC Diaspora Project piloted its model of community outreach and statement taking in Minnesota, then expanded to other locations where there were significant Liberian populations and where *pro bono* support was available. Priority locations were selected in consultation with the TRC, the national advisory committee and the *pro bono* management team. Before expanding statement taking to a new location, The Advocates identified *pro bono* coordinating partners in the area and worked with them to ensure that there would be sufficient administrative and volunteer support to complete the project goals in that location. *Pro bono* partners included law firms, law school clinics, and other community organizations and Non-Governmental Organizations (NGO) that were willing to work on an entirely voluntary basis, receiving no funding from either the TRC or The Advocates. Ultimately, the project included statement-taking sites in Minneapolis/St. Paul, Atlanta/South Eastern United States, Chicago, Philadelphia, Washington, DC, New York, Newark, Providence/Boston, and the UK.

The TRC also asked The Advocates to assist with statement-taking in the West African sub-region, specifically the Buduburam refugee settlement near Accra, Ghana. Drawing on volunteers from all of its *pro bono* affiliates, The Advocates took more than twenty volunteers on three trips to document the statements of refugees

in Ghana. TRC Diaspora Project volunteers worked alongside TRC staff and Liberian refugees who had been trained as statement-takers.

Operational Considerations - A Non-Liberian Organization in a Liberian Process:

Many national truth commissions grapple with whether, and to what extent, to include non nationals in the process, either as commissioners or staff members. In Liberia, the decision was made to keep the process as Liberian as possible. For example, there are no non-Liberian commissioner members. In evaluating who could assist the TRC in implementing its Diaspora process, The Advocates and the TRC engaged in preliminary discussions about the feasibility of a non-Liberian organization taking a lead role in the implementation of the project. From the outset, the TRC was clear that it was important that a non-Liberian group take the lead because no Liberian entity would be seen as sufficiently neutral to be trusted by all segments of the community. Indeed, given the trust building issues that The Advocates encountered, even after decades of working closely with the community, it is difficult to imagine how any Liberian organization would have managed to reach out to the broad spectrum of the community. During public hearings in Minnesota, one community member clearly expressed this sentiment in a question and answer session with the Commissioners. He asked rhetorically, whether anyone could imagine any organization other than The Advocates that no one in the Liberian community would complain about, and the full audience concurred.

Nevertheless, questions consistently arose throughout the process as to why a non-Liberian organization had been chosen and what benefits The Advocates would accrue that would not accrue to a Liberian organization. Despite attempts to ensure Liberian involvement in the process through the creation of a community advisory committee, it was clear that many advisory committee members were reluctant to put their reputation on the line in support of the TRC before it had been proven a success. This hampered efforts to build community momentum. Some opinion leaders went beyond reluctance to overt obstructionism.

Navigating these community politics consumed valuable staff time and ultimately produced little movement on the part of community leaders. It proved more useful to simply navigate around established community leadership structures, than to attempt to engage them. It is important to note however, that the political climate was highly variable by region in the United States and in some communities; established community leadership was highly effective in partnering and pushing forward the TRC effort.

Another key issue was that while many in the international community and sometimes the TRC itself saw the Diaspora work as very separate from TRC efforts in Liberia, individuals in the Diaspora and Commissioners regarded the work of The Advocates as intimately connected with the TRC itself. It raises the issue of how and

when the Diaspora leads or follows national processes, and also highlights the complexity and importance of coordination between national and Diaspora processes. Because of the instantaneous nature of the international news cycle, news about the TRC in Liberia immediately had a ripple effect on work in the Diaspora.

Although The Advocates had no control over TRC policies, scope of work, or timeline of activities, the organization was viewed by many in the Diaspora as having influence over processes in Liberia. For example, the TRC's decision not to call major perpetrators to public hearings until late in the process, the refusal by key actors including the president not to appear before the TRC, and coverage of internal conflicts at the TRC all had dampening effects on participation in the Diaspora. It is important to note that this relationship can be reciprocal as well.

Legal issues: The legislation creating the TRC in Liberia has no applicability outside of the territorial jurisdiction of Liberia. Accordingly, the powers conferred on the TRC did not transfer to the Advocates in the United States, the UK, or Ghana. Moreover, protections for statement givers and other participants in Liberia did not apply in those contexts.

Given this reality, The Advocates consulted with legal experts in the areas of immigration, criminal law, and ethics regarding the statement taking protocol. A primary consideration in the development of the TRC Diaspora Project was protection for statement givers in the form of fully informed consent. Specifically, it was critical that prior to the disclosure of any information, all potential statement givers be informed that The Advocates could not protect them from prosecution or other legal consequences in any jurisdiction, that the information they provided would eventually be sent back to entities in Liberia, and that they could choose to provide an anonymous statement if they had concerns about any legal or safety ramifications of their statement. The Advocates, in consultation with the *pro bono* management team, developed a disclosure statement that was read, signed by, and given to, every statement giver with whom volunteers interacted in the United States, the UK, and in Ghana. In conjunction with that disclosure, each statement giver in the United States and the UK was offered the opportunity to speak with an attorney prior to deciding whether to provide information to the TRC. In addition, local law in the United States and the UK was examined to assess any risks and or requirements related to parental consent for minors providing statements to the TRC Diaspora Project. Moreover, the possibility that anyone associated with the project might be sued for defamation based on any statements made during public events, such as radio interviews or public hearings, was closely examined and discussed with the TRC Commissioners.

Treatment and ownership of documents and information gathered by the TRC Diaspora project was also a consideration. All information gathered for the purposes

of the TRC Diaspora Project was treated as property of the TRC of Liberia. Accordingly, information provided to the Diaspora Project was subject to the same policy proscriptions as information gathered in Liberia. For example, it could not be used for academic research purposes without express permission of the TRC Commissioners.

Support for Statement Givers: Apart from ensuring that statement givers had relevant information about the legal status of the TRC Diaspora Project, of paramount importance was ensuring adequate psychosocial support for statement givers who might experience re-traumatization during the statement-taking process. The TRC Diaspora Project sought out *pro bono* services from mental health professionals who had experience working with survivors of trauma. These professionals were available on-site during some statement-taking sessions in the United States and the UK, during U.S. public hearings, and were also available, on call, for pre- or post- statement-taking counseling. In Ghana, where lack of mental health and counseling services was a major concern, statement-takers were given additional training on how to support statement givers through the process and on how to access resources available in the settlement, including Ghanaian NGOs, the health clinic, and faith and traditional leaders. Moreover, the TRC Diaspora Project saw this process as an opportunity to connect Liberians who might be in need of services with appropriate information about available resources in their community.

Each *pro bono* affiliate developed a referral sheet for the local area to provide statement givers with information about legal service providers, housing, health, and other resources. This information was provided to all statement givers in the United States and the UK.

Process & Methods: The TRC Diaspora Project was responsible for carrying out the same core activities as the TRC in Liberia – outreach & sensitization, statement-taking, public hearings, research, and report writing.

Community Outreach & Sensitization: The TRC Diaspora Project outreach strategy was based on practices and materials developed by the TRC but adapted for the circumstances of the Liberian Diaspora in the United States and the UK. Outreach materials were approved by the TRC prior to use. Outreach materials included brochures, a video about the statement taking process, online messaging, power point presentations, etc. Materials developed for use in the Diaspora included the TRC logo, other TRC graphics, and video of Commissioners, the TRC Peace Song, and other images from Liberia to ensure that the TRC Diaspora Project was viewed as a fully integrated component of the TRC's work.

The Liberian Diaspora in the United States and the UK is organized into myriad political, ethnic, faith, and geographic-based organizations. Moreover, a large

segment of the community in the Diaspora uses internet-based communication (listservers, blogs, news media) to exchange information. The TRC Diaspora Project sought to use these avenues to spread information about the opportunity to participate in the TRC process. As in Liberia, much of the community outreach was conducted through face-to-face communications at events in the Diaspora community. For example, The Advocates and its *pro bono* affiliates organized community meetings in Minneapolis, Atlanta, Chicago, Newark, New York, Philadelphia, and Washington, DC. The meetings provided an opportunity for several hundred Liberians in the United States to hear from TRC Chair Jerome J. Verdier, Sr. and other Commissioners and to ask questions about the TRC's operation and goals. In several cities, a festive kick-off event with food and cultural performances was held to launch statement-taking. Some of the most effective outreach efforts centered on apartment buildings or neighborhoods populated by Liberians or at Liberian food shops, restaurants, beauty salons and barber shops. On several occasions, The Advocates staff and volunteers conducted outreach at national conventions of Diaspora community organizations. The Advocates also conducted a special "Healing through Faith" conference for Liberian Diaspora religious leaders. The Advocates staff, volunteers and national advisory committee members conducted outreach at numerous churches and mosques, soccer matches, county association meetings, and other local events.

Data Management: Information from statement-taking interviews was entered by statement takers from around the United States and the UK into a web-based data management system designed to store confidential client communications and other legal information. Volunteers were given passwords and the database was filtered so that they could view only the statements that they themselves entered. Statements gathered in the Diaspora were also provided to the TRC coding unit in Liberia so as to be included in the statistical analysis undertaken by the TRC's data management partner.

Research: The TRC of Liberia requested that The Advocates provide Research and Inquiry Unit with support via The Advocates' network of volunteers in the United States. To that end, several U.S. law firms completed background memoranda on topics ranging from the U.S. role in the Liberian conflict to a comparison of reparations programs that were provided to the TRC for its use.

4.16. Benetech (Data Base)

Benetech work with the Commission involved establishing analytical objectives, collecting data, designing and implementing an information management system for the benefit of the TRC. Benetech also conducted statistical analysis, integrated quantitative findings and follow-up support to the TRC in the implementation of its human rights mandate. Benetech advised the TRC on methods for large-scale data

collection and quantitative analysis of statements and other data about human rights violations. Benetech provided training and support to help the TRC develop the capacity to undertake the necessary steps in order to accurately and defensibly quantify information about human rights violations. The task of Benetech was to work with the TRC to implement a complex human rights information management system comprising the following steps:

Step 1: Collection of Statements. TRC statement-takers collect statements from each of the fifteen counties of Liberia.

Step 2: Statement Classification and Coding. The statements are analyzed by TRC Data Coders to identify the victims, perpetrators and violations within each. This information is transcribed onto paper coding forms for each statement.

Step 3: Database Representations. TRC Data Entry Clerks enter the set of coding forms for each statement into the database. The quality of data entry is checked for typographical and transcribing errors.

Step 4: Generating Analysis. The information is extracted from the database in a form that can be used by a statistician. Graphs and statistics are used to answer research questions.

Collection of Statements: The TRC collected statements in several waves, based on the availability of funding. TRC statement-takers were carefully selected and trained on how to take down a narrative statement using the TRC's open-ended statement form. Each of the fifteen counties in Liberia received a team of statement-takers - slightly larger teams were assigned to more populated counties such as, Nimba, Bong, and Lofa, with the largest number of statement-takers assigned to Liberia's densely populated capital county, Montserrado.

Coding: Consistency in Meaning and Counting: As mentioned above, coding is the process by which the "countable units" violations, victims and perpetrators are identified in statements and transcribed onto coding forms. This process enables the TRC to count violations by county, by year, etc., in order to analyze the nature and patterns of human rights violations reported to the TRC. For example, what distinguishes "rape" from "sexual abuse"? The two categories must be defined so clearly that the people doing the coding apply the definitions in a standard way. That is, the definition must be so clear that if the same narrative statement is assigned to all of the coding staff, they would classify it in precisely the same way. We refer to these definitions as the controlled vocabulary.

The TRC developed a controlled vocabulary based on the types of abuses specific to the Liberian conflict and the TRC's analytical objectives. Benetech and other advisors to the TRC provided input and feedback on working drafts. The TRC's controlled vocabulary includes the following twenty-three violation types: forced displacement, killing, assault, abduction, looting, forced labor, property destruction, robbery, torture, arbitrary detention, rape, exposure/deprivation, sexual abuse, extortion, forced recruitment, missing, gang rape, sexual slavery, ingesting taboo item, cannibalism, drugging, multiple rape, and amputation. The TRC hired a Coding Supervisor and three Data Coders in January 2007, an additional eight in October 2007, and twelve more in March 2008. At its peak, the Coding team consisted of three staff Data Coders, a Coding Supervisor and thirteen contractors.

It was also necessary to develop classification lists for other types of information about the locations, individuals, and groups given in statements. For example, the TRC adapted a list of counties, districts, towns and villages in Liberia; patterned after the National Election Commission. Three letter codes were then assigned to each county and district for ease and speed of data entry. The coding team also developed a list of the warring factions that operated during the TRC's mandate period to which violations could be attributed by statement-givers.

When more than one person is working on coding, it is important to monitor inter-rater reliability (IRR). IRR measures whether different coders, given the same source material, produce the same quantitative output (e.g. the same number of victims and the same number and type of violations). High levels of IRR, or agreement between the coders, ensure that the information entered into the database is more than the individual interpretations of each of the coders and is crucial to the quality of any future analysis of the data. In September 2007, the coding teams expanded from three coders to eleven, and then in May 2008 to sixteen to hasten the work, and as resources were available to the TRC. The coding team has achieved an overall average of 89% agreement on coding exercises throughout their work on TRC statements.

Database: Representing the Complexity of Human Rights Violations: There is a considerable amount of complexity that must be managed when counting human rights victims and violations:

- Victims can suffer many violations;
- The violations can happen at many different times and places;
- Each violation may be committed by one or many perpetrators;
- Each perpetrator may commit one or many violations.

Benetech developed, and the TRC approved the 'Who Did What to Whom?' Data model to capture and maintain the complex relationships between the different elements and roles, and events (a person can be a witness, victim and/or perpetrator within a sequence of events) to be able to accurately reconstruct which victims suffered which violations committed by which perpetrators; simplifying these points leads to distorted statistical results.

The most effective way of managing the relationships between different interdependent pieces of information is with a relational database. Benetech developed Analyzer, a database tool based on the 'Who Did What to Whom?'; a model specifically designed to organize human rights data for statistical purposes. Analyzer facilitates managing the challenges involved in structuring and quantifying human rights data. Different projects need to analyze different variables according to the specific human rights context in which they work. Benetech worked closely with the TRC to identify and add custom data fields needed for the TRC's work. The TRC hired a Database Manager and an initial team of three Data Entry Clerks when the customized Analyzer database was installed in October 2007. Two additional Data Entry Clerks were hired in December 2007 and six in March 2008 in order to increase the speed of data entry as funding became available.

The database server and computers were set up on a network separate from that connecting other workstations at the TRC; and were not connected to the Internet. Maintaining the database network independently of the rest of the TRC's network and off the Internet increased its security as demanded by the TRC and prevented infection from viruses. TRC Database Manager conducted backups of the database to ensure that the database could be recovered in case of theft or failure of the TRC's database server. Copies of the database backups were stored on-site as well as encrypted and sent securely via the Internet for remote storage.

Benetech helped the TRC Database Manager monitor the progress and quality of the data entry clerks by providing data validation scripts or set up of check-runs on the database. The checks are used to systematically spot errors and inconsistencies across all of the statements. Errors identified include typos in the folder reference ID, statement-givers who suffered a fatal violation (impossible since they were alive to give the statement), victims who died more than once and statement-givers with unfeasible dates of birth (making them babies at the time the statements were given) and others. The scripts produced reports that reference the potentially problematic statements so that they can be investigated and corrected if necessary.

Analysis: Patterns of Reported Victims and Violations: The data from coded statements captured in Analyzer was securely backed up and transmitted to Benetech for final processing and analysis. Final processing included corrections that could be automated and systematically fixed such as typos in which the number "0"

was entered in place of the letter "O" or obvious errors in dates that could be corrected without referring back to the original statement.

It is important to note that the analysis presented here reflects the information as presented by statement givers. When documenting human rights situations, different statements may describe the same event. That is, the same killing may have been reported by multiple statement-givers. A review of violations reported to the TRC found that with the notable exceptions of a few widely known individuals such as Samuel K. Doe, there was no significant number of duplicated violations. Duplicates were not identified or systematically removed from the TRC's data.

The data extracted from the database is reformatted to be read into R, a statistical tool used to generate the analysis, graphs and tables presented in the Benetech report. Benetech uses R in conjunction with LATEX, SWeave (LATEX plus R), make, and Subversion (version control software) in an infrastructure developed based on the Benetech Human Right Project (HRP) data processing principles of transparency, auditability, replicability and scalability.

Transparency means that other HRP team members or reviewers from outside of Benetech could follow each step of the TRC work. Auditability means that it is possible to track each step of the analytic process and its subsequent output, facilitating testing. Replicability means that the analysis can be re-run by another HRP-team member, reviewer or independent third-party, at any time. Scalability means that, because of the transparency of the project structure and analytic process, the HRP can bring other team members into the project with minimum overhead and maximum efficiency at any time, as well as accommodate growing amounts of data. The principles that underlie the analytic process enabled Benetech to rapidly reproduce its analysis in response to feedback and requests from the TRC and the addition of more statements to the database. They also ensure that results are transparent for review by TRC colleagues and peer reviewers and can withstand close scrutiny by commentators once the final report has been released.

4.17. Conflict Mapping Project

The TRC commissioned a conflict mapping project and requested the EU to facilitate and support its implementation by the provision of technical and financial assistance, to conduct the research throughout Liberia in support of the goals of national peace, security, unity and reconciliation, and the peace building aspirations of the Government and people of Liberia by “mapping current and looming conflicts in order to ameliorate the potential for future violent conflicts and civil unrest”.

The project was completed and recommended measures to improve the effectiveness of policy and programme initiatives in contributing to conflict prevention and reduction in Liberia. The project deployed research teams concurrently, in each of

Liberia's 15 Counties, and conducted research in 46 of the 64 districts during the period March – July 2008. Approximately 6,000 respondents participated in focus group and key informant discussions.

With the exception of the Team Leader, the process was entirely implemented by Liberian staff, including a Project Manager, five Research Supervisors and forty Researchers; equipped with nothing more than rain boots and notebooks. Project staff developed the research framework and guidelines during a 3-day training and design workshop in Monrovia. An overarching research framework was provided, and then transformed in to a 'user-friendly' format that focused on:

1. Predominant local conflicts
2. Conflict histories and contending groups / individuals
3. Categorizations (including land / politics / social relations / natural resources etc.)
4. Previous resolution strategies (success of / otherwise)
5. Suggested resolution strategies
6. External factors
7. Strategies to promote 'national unity

THE HISTORY OF LIBERIA

“...Perhaps in the future there will be some African history to teach. But at the present there is none; there is only the history of Europeans in Africa. The rest is darkness, and darkness is not the subject of history.”

- Professor Hugh Trevor-Roper of Oxford University wrote in 1964 the following about African history

5.0 BACKGROUND TO THE CONFLICT

5.1. The Early History of Pre-Liberia (1700 – 1847)

The territorial extent of what is today's Liberia was a land mass sparsely populated and isolated from the rest of the outside world prior to the emergence of states in the Sudanic belt. Part of the Upper Guinea Coast and the tropical rain forest of West Africa, its natural habitat, high tropical forest, mountain ranges, infectious insects and mosquitoes, vast swamps and mangrove made living conditions harsher and penetration from the Savannah region of the north (Guinea) difficult. These natural barriers were initially overcome by migration from the north to south of the Sahara resulting from the disintegration of the Sudanic Empires and the subsequent European exploration of the West Coast of African in the 15th century.

The fall of the Sudanic Empires of Ghana, Mali and Songhay disrupted social organizations in these empires and set in motion a great exodus in different directions in Africa. Over a period spanning several centuries many peoples of the Kwa (Dei, Belle, Bassa, Krahn, Kru, Grebo), Mande (Mano, Dahn, Gio, Kpelle, Lorma, Gbandi, Mende) and Mel (Kissi, Gola) cultural groupings in Liberia entered pre-independent Liberia in successive waves in response to the socio-political and trade disturbances in the Sudanic empires. The Mel speaking group migrated to these shores much earlier.

The first inhabitants of the region may have been Pygmies, or people of small size, referred to in Liberia as 'Jinna'. There is no recorded history to prove their existence, but they still play an important role in the oral history and the religious life of some of Liberia's ethnic groups. When the Golas, who are said to be the oldest of the Liberian tribes, travelled from the interior of Central Africa to this West African region they reportedly met these small-sized peoples, who were bushmen and who dwelt in caves and the hollows of large trees, and lived on fruits and roots of wild trees.

A second group of people is reported to have arrived around 600 B.C. Though their origin is not very clear; they most likely came from the Western Sudan. These newly

arrived people defeated the Golas and other tribes such as the Kissi, and established an empire under the leadership of King Kumba, after whom they were called. The Kumbas comprised distinct groups which developed into different tribes after the death of their leader: the Kpelle, the Loma, the Gbande, the Mende, and the Mano, all belonging to the same linguistic group. They were chiefly agriculturists but also developed arts such as pottery, weaving, and basket making. Their blacksmiths were able to make spears, arrow-heads, hoes, knives, rings and iron rods. These iron rods were used as a medium of exchange.

The third group of people who arrived and settled in Liberia migrated quite recently. They were the krus, Bassa, Dei, Mamba and the Grebo tribes. They came from the east where the Republic of Ivory Coast is situated. Population pressure, due to the mass emigration of tribes from the western Sudan where the medieval empires had declined after their conquest by the Moroccan Army, led to tribal wars. The Krus arrived in the early 16th Century by sea as the Grebos later did. The Krus traded with Europeans along the coast and later became slave traders. The Krus worked as laborers on plantations and overseas.

These Grebo who took the sea-route were later called 'seaside Greboes' in order to distinguish them from their kinsmen who decided to travel by land, the safer way. Those who braved the dangerous waves still feel superior to these so-called 'bush'-Greboes because of earlier exposure to western civilization and education. All the peoples of this group belong to the same linguistic group. The last group of tribes to arrive from 'over land' was the Mandingo-group, comprising the Vai and the Mandingo tribes. The Vai also migrated to the West African central region in the sixteenth century and had probably the same motivation as the tribes of the third group. They crossed the western part of the actual republic of Liberia, clashed with the Gola whom they subsequently defeated, and – later – moved to the coast where they settled. The Kru opposed the migration of the Vai into their region. An alliance of the Manes and Kru were able to stop the further migration of the Vai who remained in today's Grand Cape Mount County.

The Vai is the first tribe to embrace Islam unlike other tribes which were animist. It was one of the few tribes of Black Africa who invented their own script in the 1830s with the inspiration of Dwalu Bukele. The Bassa, Kpelle and Lormas also invented their own scripts. About the seventeenth century the Mandingos began to arrive in Liberia. They were Muslims who also migrated from the western Sudan after disintegration of the Mali Empire.

By the 1460s, trade in pre-Liberia had attracted sufficient attention that the Portuguese named the area the Grain Coast. As the 16th century approached, the area had become widely known to European traders as an important center of international trade. Europeans traded with shifting indigenous confederacies having

outlets to the coast such as the Grebo Reunited Kingdom, the Kru Confederacy, and the Kondo Confederacy were all well established.

Prior to the interactions of Europeans with the indigenous people of pre Liberia and the arrival of the settlers, there existed an organized political system with functional socio-economic institutions. Each ethnic group was constituted into a separate clan-state with variations in size and population. The inhabitants of a state had a common lineage and the head was either a king or a chief, an elder or a zoe. The king was the final arbiter assisted by councils of elders and wise men.

Different forms of government or governing authorities existed from practical democracy to monarchy and classic dictatorship. Leadership was influenced by a host of criteria which varied from one cultural group to another-wealth, men under your control (might), generosity, heredity, selflessness, prosperity and in other instances seniority by age.

Prior to the arrival of the settlers who sought to impose a central government over all of Liberia, there existed at least two major broadly differing political systems in pre Liberia. Peoples of the southern and southeastern regions of Liberia comprising mainly the Kwa speaking cultural group had one system. The other system is that relating to people of the central, northern and northwestern regions belonging to the Mande and Mel cultural groupings.

The people of the southern and southeastern regions operated a political system which was lineage based, less complex and less hierarchal. The heads of all sub-clans or states operated as equals and the system was highly individualistic. The peoples of the central, northern and northwestern regions maintained a strong hierarchical structure, cooperated by confederations with different languages and were community based.

Women had a minimum or no public role to play at all in the governance of these states. They were powerful behind-the-scene leaders who advised the kings and chiefs, and were chiefs themselves in other instances. In matters of family, culture, education and spirituality, women were a driving force in determining how the system functions or operates. On the chief or kings' council a woman representative was almost always present. With the extended family system prevalent in pre Liberia, women's role in domestic, familial affairs was huge. She catered to children, relatives and in-laws, made the farms to sustain the wealth and prestige of the family and her husband. Women were important to every leader, chief or king also because of their spiritual leadership and powers to foretell the future and gifts of discernment.

Domestic slavery was a part of the system of governance and practiced widely throughout pre Liberia. A slave was obtained by capture in war and was a part of the leader's wealth because they were used to work the land and till the soil. They supplied valuable labor at a time when competition and wars over land, its acquisition, distribution, access, control and conquest were major sources of intra-tribal, ethnic and multi-cultural conflicts, which were often deadly.

Another feature of pre-Liberia governance structure and culture was the "bush schools"; a tradition still in practice today. The Poro society is the school for men and the Sande for women. They were prominent compulsory institutions which traditionally served to initiate young people into the society. The children are taken away for between one to four years to be educated into the laws, customs, traditions and ways of their people; loyalty, respect and care for the elderly, the extended family system, and other values and skills were taught to prepare them for their role and place in society as responsible adults.

More specifically, the women in the Sande were trained for initiation into adulthood, morality and proper sexual comportment; marriage and domestic chores were also subjects. Education about farming, medicine, dancing, child rearing and domestic as well as specialized skills like dying, making cloth, preserving food, etc. were part of the training program.

Before the arrival of the settlers in 1822, extensive contacts and interactions existed between the indigenes at the coast and the interior. Economics, trade and social interests including intermarriages dominated their dealings and creating a big family of in-laws. For defense purposes, they formed alliances and common defense pacts which were enhanced by membership to the Poro or Sande societies as institutions of socialization, acculturation, stature, honesty, trust, common ancestry and brotherhood. These separate nations were not always at peace. They fought wars among themselves. If one group felt stronger, they invaded the weaker one, captured their women and young men. Those who resisted were either killed or made prisoners. The conquered territories were annexed and the prisoners of war were used on the farms or sold into slavery.

Contacts with the outside world increased as more and more explorers came to the Liberian shores. Europeans from Normandy, France are said to be one of the earliest who came to the west coast of Africa between 1365 and 1367. In 1461 Pedro de Cintra touched down at Cape Montserrado and as per his mandate he kidnapped a man from greater Monrovia and returned after a year with his captive as evidence of his find. He named Liberia the Grain Coast because of the abundance of melegueta pepper. During his second voyage, he named Liberia's coastal waters and rivers: St. John River, St. Paul River, Cape Mount, Rivercess, Cape Palmas and Cavalla Rivers.

The Portuguese were followed by the English in the 15th Century. The English were interested in rice, gold and slaves. The Dutch followed in the late 16th Century. Dutch accounts speak of the Kingdom of Quoja, located between Dukor and the region around the Mano River. The French came in 1725, the Swedes 1776. These visits laid the foundation for more exploration in the interior of West Africa. Soon a new trade, the Transatlantic Slave Trade, would eclipse the trade in tropical goods.

5.1.1. The Transatlantic and Trans Saharan Slave Trade

The modern Liberian state was an offshoot of slavery and the anti-slavery movement of the 19th century. A combination of fortuitous circumstances in the United States will lead to the emergence of pro American colonial interests in exploring back-to-Africa schemes.

Slavery was once a universal behavior that existed even in biblical times. It was practiced by Greeks, Romans and black Africans. It was the most vicious of all forms of servitude. It reduced a human person to nothing but a thing or property in servitude for life with little hope of freedom. Before the transatlantic slave trade, what existed in Africa was domestic slavery in which freedom was won when one married a free person or was a warrior or artisan. One notable example of slaves rising to leadership was Kakura of the Songhay Empire who became emperor.

The Atlantic Slave trade originated in 1492 when Christopher Columbus discovered the Americas. In this age industrialization was expanding and the demand for raw materials and labor was high. The raw materials for food, liquor, clothes grew abundantly in the "new world"- America- which was sparsely populated and the native Indian population was both too small and too weak to toil in the heat for long periods of time. The Europeans turned to Africa for labor.

In the early days of the trade, prisoners of war were the main subject of slave trading in Africa. When the leaders could no longer meet the growing demand of the slavers or slave buyers, they were substituted for the prisoners of war. Towns and villages were pillaged by either their own neighbors or chiefs as agents for the Europeans slavers. The main actors now became Europeans who came with ships to buy slaves and the African chiefs who sold their kinsmen. Middle men often mulattos and resident Europeans, bought and sold slaves at very high prices. One of such middlemen, John S. Mills was an interpreter whose mother was a local African woman and English father. His slave factory was in Gomez Island, opposite Providence or Dozoa Island in Monrovia. Arab involvement in West Africa is not well documented. The area lying between Togo and Nigeria was referred to as the Slave Coast, given the intensity of the trade in the area. Elmina in Ghana was another major slave post as was Senegal and its immediate environs and the Gore

Island. Liberia's main route extended from the savanna through the vai country to the Atlantic Coast.

The Grain Coast was not as involved in the Slave Trade as other areas in the sub region due to its rough and rocky coast; most inhospitable to slave vessels and traders. The major slave trading countries were Portugal, England and Holland. The Portuguese captured three Africans near Cape Verde in the 1400s and many Africans regard this as the beginning of the great trade. In 1551 the English slaver, John Hawkins arrived to the pre Liberian coast for slaves. He paid his second and last visit in 1552. Two resident European slave traders on the Liberian coast were Don Pedro Blanco and Theodore Canot. They were Italians operating on and off in Bassa and Cape Mount. On the plantations, life for the slave was lonely and horrible. While most of the slave women served as domestic servants they were also used unwillingly as concubines to their slave masters and had children (mulattos) many of whom migrated to Africa to form the new states. It is speculated that many of the first presidents of Liberia, including Roberts, originated from this stock.

Children were recruited and sold into slavery as early as between 10 -14 years of age and with the family scattered and disparaged by this trade, they were never to see their parents again. Africans in slavery turned to Christianity in their period of sustained grief and despair. Africans turned to God for deliverance from their bondage and many pastors were masterminds of slave rebellions and insurrections in slave America. No wonder "Christianization" and "civilization" of the African homeland became a core part of what was later to be the American Colonization Society's (ACS) mission to Liberia.

5.1.2. The ACS in Pre-Liberia

The establishment of the ACS eventually led to the establishment of the Republican State of Liberia that engendered a conflicted relationship between the settlers and indigenous peoples of Liberia. With unsettled motives and objectives, sometimes conflicting, the ACS mission sought to impose culture, religion, economic, social and political standards on a nation of people of diverse identities. Central to understanding the socio-political conflict and its degeneration into armed conflict in the evolving history of Liberia is the choice made by the early leadership of Liberia from colony, to commonwealth and statehood. It was a choice of purpose or political direction for the new enterprise.

One option was a Euro-American orientation with the idea of a civilizing and christianizing mission at its core. The other option was to attempt to build an African nationality that blended Western and African values, as Edward Wilmot Blyden and others have advocated. The choice of the former is at the root of Liberia's yet unresolved historical problem of political identity and legitimacy. The choice, in

time, alienated, marginalized, degraded not only the majority of the inhabitants of the Liberia area, but implicitly the very westernized black leaders who bought into and adopted the views derived from American colonialist sentiments. Such sentiments became the philosophical foundation on which white American colonial leaders established and ruled the Liberian entity for the first 25 years of its existence.

The ACS was a voluntary private organization (NGO) of colonists founded in Washington D.C., USA on December 16, 1816; both as an alternative and a consequence of the abolition of slavery in America. Founded under the principles of colonization, Liberia was never an American colony. The US Government provided US\$100,000 to the ACS without saying it was repatriation of freed slaves to Africa. As the name implies, the initial objective was to establish "...a colony in Africa to take free people of color...residing in our country away from the United States...to Africa or such other places as congress may deem expedient"-(Rev Robert Findley, delegate to the ACS conference). Paul Cuffy ceded his back to Africa movement for the repatriation of freed black slaves to Africa to the ACS in 1816 before his death in 1817.

The ACS was formed by prominent men in the American society including politicians, former presidents of the USA, lawyers, church men, slave masters, humanitarian, etc. As they were of different backgrounds, so too were their motivations for relocating freed slaves. The slave rebellion which declared the independent Republic of Haiti as the first all black nation of former slaves was a wakeup call for abolitionist and colonists alike. The frequent and costly uprising by freed slaves in Charleston, South Carolina in 1770, the Gabriel Prosser and Denmark Vesey Rebellions sent signals throughout slave America to do something about the question of freed slaves that were roaming about and causing chaos which led colonization advocates to speed up their repatriation to Africa plans.

The Legislature of Virginia enacted a law empowering Governor James Monroe (who later became president of America, after and after who Liberia's capital Monrovia was named) to correspond with the President of the United States on the subject of purchasing lands without the limits of Virginia for the relocation of persons considered "dangerous to the peace of society may be removed". Other prominent southerners were Speaker of the House, Henry Clay (Clay Street), General Andrew Jackson, Senator, Daniel Webster, Statesman and Supreme Court Justice Bushrod Washington (Bushrod Island), nephew of George Washington.

There were those opposed to black and white mixing or integration, including Thomas Jefferson- author of the American Declaration of Independence who later became president of America and is widely believed to have fathered several children by Sally Hemings, herself a slave, holding the view that mixing will create a new breed of people as inferior as blacks. Hence, "The American society for

colonizing the free people of color of the United States” was inaugurated December 28, 1816 to establish a colony (Liberia) for freed slaves in Africa. Many of them, especially Southerners supported emigration to Africa in order to get rid of the freed black population whom they perceived as a major threat to slavery in America. By eliminating free blacks, they thought they could guarantee indefinitely the perpetual system of slavery that essentially under girded their entire economic system.

While industrialization may have reduced the overwhelming demand for slave labor, there were those who held the belief that Africa was in need of religion and civilization since freed slaves have become Christians and adopted a measure of western civilization. Congregationists wanted freed slaves to come to Africa and preach the gospel. Samuel J Mills a leading member of the ACS said “...we go to lay the foundation of a free and independent empire on the coast of poor degraded Africa...it will eventually redeem and emancipate a million and half of wretched men. It will transfer to Africa the blessings of religion and civilization...”. Many blacks were opposed to the back to Africa plan; others saw life in America as “disagreeable and disadvantageous” and favored repatriation to Africa to obtain full, and not partial, freedom.

The basic objective of early Liberia was to establish an exclusive settlers’ state in coastal enclaves and maintain control over trade and other developments in a wider surrounding area that consisted of several indigenous communities. Six internal deadly conflicts during this period shed light on two crucial developments – the impact and influence of autocratic and ethnocentric white leaders on incipient settler leadership, and the important bi-product of these developing norms for the political culture of the repatriate leadership to follow, perhaps beginning with Joseph Jenkins Roberts in 1841 as last governor of the Commonwealth, and subsequently as first president of Liberia. Also, as a settler society began to take shape on the littoral settlement at most 40 miles into the interior, a distinct pattern of settlers “sphere of influence” began to emerge. Larger spheres followed in furtherance of commodity trade; terminating the Atlantic slave trade, and engaging in selective social contacts consistent with the civilizing and Christianizing mission.

Two global views were in evidence in early Liberia. One was to build a small America in West Africa (advocates included John Brown Russwurn, 1799-1851); the other was to build an African nation modified by Western thought (advocates included Edward Wilmot Blyden, 1832-1912). One was to forge a nation by attempting to subordinate all indigenous competitors and the other was to build an integrated African nation with values incorporated from without. This perspective advocated the development of indigenous human resources, the furtherance and protection of indigenous trade (as distinct from the perversions of European slavers), and the subordination of considerations of the civilizing/Christianizing perspective to elements of cultural and African nationalism. As late as the 1960s the centrality of

the civilizing ethos to the Liberian polity was being echoed. Former Vice President C.L. Simpson, Sr. (himself, a Liberian of mixed repatriate and Vai ancestry, though then a thorough assimilee) wrote in his memoir:

Two courses were open to us: One was to merge at the outset the comparatively small advanced elements of the population into the mass of those who, for various reasons, were at a more primitive stage of development and to hope that in due course all would progress homogeneously and simultaneously. The other was to preserve the ideal of western democracy on however small and imperfect a scale and to direct our efforts at gradually improving the system and extending it to broader section of the population. We adopted the latter course.

The implications of the choice made were far-reaching, not only in the structuring of repatriate/repatriate relations, but particularly those of repatriate/indigene relations. Such relations, singly or in combinations, were to manifest themselves in political conflict, some of them deadly. As regards repatriate/repatriate relations, the choice meant competition between the two ideas of Liberia for ascendancy. In the 19th, century it took the form of racial cleavages (mulatto versus black) that issued into the Roberts and Benson conflict of 1864 (former President Roberts leading charge for misappropriation of public funds by incumbent President Stephen Allen Benson), and the Roye affair of 1871 (mulatto overthrow in a coup d'état of the first wholly black President E.J. Roye who attempted to shift from the 'civilizing' orientations of the past).

A striking comparison between Presidents E.J. Roye and William R. Tolbert should be of historical interest in this context. Roye was the First standard bearer of the TWP and Tolbert the last. Roye ascended to TWP leadership in 1871 advocating progressive change in relationship with the indigenous population whereas Tolbert ascended to TWP leadership 100 years later in 1971 advocating a progressive change that engaged the opposition. Both presidents were killed by coups d'état. Implicit in these episodes is the overriding theme of alienation and national identity.

5.2. Evolution of a Settlers' Hegemony (1822 – 1847)

The first group of settlers that arrived in Africa under aegis of the ACS, sailed on the Elizabeth in 1817. On board were eighty-six men, women and children from New York, Pennsylvania, Virginia, Maryland and the District of Columbia. These were seen as pioneers who would help build the colony. After a few weeks stay in Freetown, they moved on to Sherbo Island where all the agents namely Samuel A. Crozier, Samuel Bacon and John P Blankson, and about half the population of the colonists were wiped out by malaria. Amidst initial constraints, they were able to resettle some 13,000 African Americans and several thousand recaptured African slaves known as Congos from 1821-1867.

5.2.1. Settler's Colonies and Conflicts Over Land

Relief was sent by the society in 1821 to the settlers. Another agent named Joseph Andrus was sent by the society with thirty three settlers. The settlers moved from Sherbo Island and arrived in Bassa to negotiate for the purchase of land from the king, Jack Ben. The king and his people finally consented to sell their land to the settlers and they came to an agreement that was rejected by the Society. The reasons for the rejection was that the land was too expensive and the natives insisted that the settlement should in no way interfere with the slave trade in their country. This development significantly impacted the settlers' relationship with the natives and laid the foundation for historical deadly conflicts, mainly over land.

The ACS changed its agents and the next effort was to transport another 33 freed slaves to Cape Mesurado or Ducor on the "Nautilus" in 1821. The new agent, Dr Eli Ayers, a surgeon in the US Navy, began negotiations with King Peters and the Bassa and Dei Chiefs for the sale of their land to the colonists. Given the ancestral attachments of the people to the land, they would not sell and suggested that since the land was intended for the settlement of Africans who had returned, the settlers could have as much land as they desired once they accepted to live under the authority of the Kings and chiefs instead of being subjects of the colonist ACS, and therefore refused to sell land to the ACS.

After a long and protracted period of negotiations, which was eventually concluded under gunpoint with the Military assistance of Captain Robert F. Stockton (Stockton Creek and Stockton Bridge), Commander of the USS Alligator, Cape Mesurado was handed over to the settlers with 40 mile radius inland from the shores of the Atlantic Ocean. According to the deed, the land was bartered for:

"Six muskets, one box Beads, two hogsheads Tobacco, one cask gunpowder, six bars Iron, ten Iron Pots, one dozen Knives and forks, one dozen Spoons, six pieces blue Baft, four Hats, three Coats, three pair Shoes, one box Pipes, one keg Nails, twenty Looking glasses, three pieces Handkerchief, three pieces Calico, three Canes, four Umbrellas, one box Soap, one barrel Rum; and later was to be paid the following: three casks tobacco, one box Pipes, three barrels Rum, twelve pieces Cloth, six bars Iron, one box Beads, fifty Knives, twenty Looking glasses, ten Iron Pots different sizes, twelve guns, three barrels gunpowder, one dozen Plates, one dozen Knives and forks, twenty Hats, five casks Beef, five barrels pork, ten barrels Biscuit, twelve Decanters, twelve glass Tumblers, and fifty Shoes".

What has come to be known as the Ducor Agreement or Contract was signed on December 15, 1821 by the following Kings: T King Kaanda Njola, the Gola king

known in Liberian history as Zoda, King Long Peter, a Gola, and King Jimmy, probably a Dein and the Dei King Bah Gwogro known in Liberian history as George. The deed was issued in the name of the ACS and Ayres and Stockton signed for the ACS; John S. Mills, a mulatto, (Millsburg) and John Craig witness the agreement. The promises made for additional payment was never made and part of what was paid was later taken back.

On December 16, 1821 Dr. Ayres in a report to the ACS wrote enthusiastically that " We have purchased a tract, of country containing one million dollars' worth of land with the best harbor between Gibraltar and the Cape of Good Hope, an island containing nine houses and six others to be built...; All this we have purchased in fee simple for little more than was stipulated to be given for the annual rent of Bassa, and not amounting to more than three hundred dollars". This set the pace for the forceful acquisition of territories by the colonists of the ACS.

On August 18, 1822 a brig called "the Strong" arrived at Cape Mesurado with 35 settlers including Jehudi Ashmun (Ashmun Street, Clay-Ash Land) and his wife. Ten of the Settlers were recaptured Africans (Congo people) under the custody of the ACS by the US Federal Government. The American Navy captured approximately 10,000 of these recaptured Africans of which 6,000 reached Cape Mesurado alive.

Jehudi Ashmun became agent and took steps to lease, annex or buy tribal lands along the coast and the inland through aggressive means. Soon the Mesurado Colony was consolidated and expanded to what later became the colony of Liberia. Commenting on these events, Richard West, author of "Back to Africa: A History of Sierra Leone and Liberia"(1970) asserts that:

"[t]he deal had been made quite literally at pistol point. It is odd that these pious Christians of the ACS, so ready to mouth their concern for the plight of the Negro race, should have behaved toward this African king with such brutal and ignorant arrogance"

While the natives were prepared to accept gifts from their new guests, they were nonetheless unwilling to sell the land at any price. The land is attached to their being or existence as symbols or evidence of identity or social status. The settlers continue their expansion by the formation of other colonization societies under aegis of the ACS.

The New York City Colonization society and the Pennsylvania Colonization Societies formed the Edina and Port Cresson colonies in 1832; the Maryland Colonization society set up the Maryland colony in 1834; the Mississippi in Africa colony was founded by the Mississippi Colonization society in 1834. The Bassa Cove Colony was built on the ruins of Port Cresson after it was destroyed by the natives of

the area in an attack to register their protest for the encroachment of their land by the settlers. In 1836, Edina and Bassa Cove were united into one colony called Grand Bassa Cove Colony. Bassa Cove was in turn incorporated into Liberia in 1839 as was New Georgia. Maryland in Africa became the state of Maryland in Liberia in 1841 until 1859 when it became part of Liberia. Mississippi in Africa was incorporated into Liberia as Sinoe County in 1842.

5.2.2. From Colony to Commonwealth

The expansion of the colony did not occur without opposition from the indigenous people. There were several deadly conflicts that occurred between the two communities over land during this period. Before the arrival of the settlers, land was owned in common among tribal Liberians. Each town or village owned the immediate land surrounding it. The land was subdivided into smaller units among families (extended families). Land boundaries consisted of well known land marks that were known to all- hills, rivers, valleys and so on. Thus, from time immemorial each village or family unit knew the extension of its land. No monetary fee was paid for land among the aboriginal Liberians and land ownership was collective, not private. Therefore, to the natives, no single individual or even king could sell the people's land because it was non-transferable and sacred. It was owned by the living and the unborn. They were not ready to let go the land and the settlers did not recognize this significant factor.

The ACS was powerful and became successful in its expansion and acquisition, winning one battle after another with the aid of some local chiefs. One notable case is the threat of King Soa Boso who was asked to intervene by the settlers. He was a powerful Madingo King of the Condo Confederate of the Islamic faith. He pledged to cut off the head of any native who opposed the settlement having sold their land and received benefits for it. He emphasized the tradition of not selling lands but recognized the need of returned Africans to settle on the land of their ancestry. His intervention settled the conflict over Ducor and the settlers maintained it thereafter. Expansion continued by outright purchase, annexation and treaties of protection or friendship to title or deeds of ownership. On his death bed in 1829, King Peter of Bushrod Island placed his people under the protection of the Colony.

The authoritarian and dominant role of the ACS and the imposition of settler's rule have been at the core of contention and conflict between the two peoples of Liberia, which to date remains unresolved for centuries; germinating into even greater conflicts from land to skin color, to cultural differences and social, political and economic inequities.

Relationship with the natives was conflicted right from the start upon the arrival of the first group of settlers and the acquisition of their first land with the aid of a gun.

The colonies expanded into a Commonwealth with raging conflicts from 1821 to 1839.

Wars	Years
Dei-British/Settler "Water Battle"	1822
Dei-Settler War	1822-23
Dei-Gola- Settler War	1832
Bassa- Settler War	1835
Kru- Settler "Fishermen" Conflict	1838
Vai- Settler Battles	1839-1840

The Commonwealth adopted the governing structure and social, political policies of the colonies and resisted slave trade just the same. The agents of the ACS were heads of the colony; powerful and authoritarian, embodying all the powers of executive, legislative and judicial functions. Ali Ayers was replaced by Elijah Johnson (Johnson Street) who held on for Jehudi Ashmun. Lott Carey (Cary Street) acted up to the arrival of Ashmun's successor, Richard Randall (Randall Street). Randall died prematurely and was replaced by Joseph Mechlin (Mechlin Street). Mechlin and his successor John B. Piney (a Presbyterian Minister) agencies were brief because the settlers were disgruntled with their authoritarian rule and rioted for greater voice in the affairs of the colony. Ezekiel Skinner succeeded Pinney who was accused of dictatorship and widespread opposition and illness forced him to resign. He was replaced by Antony B Williams, the last colonial agent who ruled until the colony became a Commonwealth in 1939.

During the colonial period (1821 – 1839) a close relationship existed between the church and the colonial administration and state. Most early schools were operated by Christian missions and most of the early leaders of the ACS and the colony were Christian leaders, justifying why it has been said that Liberia was founded on Christian principles. The first Christian denominations were the Baptists, Methodist and Presbyterian; the Baptist as early as 1826. The settlers out rightly rejected the traditional religions and Islamic practices of the natives and made it their mission to, in the words of Elliot Cresson, a founder of the Bassa Cove, "Christianize" and impose "Christian influence and operation upon the surrounding heathens".

Conflicts could have been avoided if the settlers had recognized the authority of the natives instead of the ACS which repatriated them to Africa. Similarly, had the colonists abandoned their colonial ambitions, relationship between the two people might have been more cordial. The laws of the colony set the settlers apart from the

natives. A case in point, Article 23, of the Colony's Digest of Laws in 1824 provided; *"no colonist shall deal with the natives for land"*. This provision continued in the Commonwealth and Republican Constitutions until the republic became history in 1980 (also Article V, Section 14, constitution of Liberia). Thanksgiving Day was celebrated by the settlers to thank God for their "victories" over the natives in 1822.

In 1839 several colonies realized it was in their common interest (finance, security, scanty population, etc) to amalgamate as one unit. The Colonies of Bassa Cove and Cape Mesurado (Montserrado) were united into a Commonwealth. Three years later, in 1842, the colony of Mississippi in Africa joined the commonwealth as Sinoe County. The Commonwealth continued in the same way as a colony rather than change the policies of the Colony even as greater expansion by annexation would have required. One of such exclusionary laws of marginalization provided that *"...no native African or Africans, excepting such as may be brought here under the character of recaptured Africans...shall be entitled to elective franchise, at least three years immediately preceding the election at which the privilege is claimed and shall have during continuous period exhibited a uniformed civilized life"*.

The head of the Commonwealth was a Governor appointed by the ACS. Its first governor was Thomas Buchanan, (Buchanan City), former agent of Bassa Cove. He consolidated the Commonwealth, extended his influence and mediated the Dey-Gola war of 1838. He ruled until 1841 when he was succeeded by Joseph Jenkins Roberts. The commonwealth had a separate executive, judiciary and legislative bodies but denied natives of any rights of participation and sought to keep the two communities apart. The Commonwealth needed a controlled territory, and authority over its territory. This exercise of authority was questioned and challenged by foreign powers operating in the area who had become accustomed to unfettered trade and movement in the West African region. Moreover, these British and French colonialists had territorial ambitions to annex additional Liberian territories. This threat encouraged many kings to join the commonwealth in support against foreign colonial aggression on their territories. The clamor for independence was echoed by the settlers who also became increasingly resentful to the autocratic and direct rule of the ACS, which denied them basic rights and freedoms in deciding matters that affected them and the Commonwealth.

5.3 State Making and Conflicts in the First Republic (1847 – 1944)

The impulses that led to the creation of the state were both internal and external. The internal relates to the difficult encounter of cultures and peoples. The early settlers and their settlements represented a grand experiment, driven by colonial sentiments of "civilizing and christianizing" indigenous peoples. The very messy process of forging a nation that ensued subsequently was punctuated by many violent encounters (over 90 deadly conflicts in all from 1821 to 1944- as documented in

Levitt's "The Evolution of Deadly Conflicts in Liberia") between the new comers and the indigenous populations. Nation making for the settlers was imbued with little humanitarian concern. The forming and re-forming of alliances involving all players was a distinguishing feature of the process (See Warren d'Azevedo's four-part article on "Tribal Reaction to Nationalism" in the *Liberian Studies Journal*).

The external impulse relates to circumstances in the United States, as earlier noted, that led to the formation of colonization societies and energized a debate between the colonists who were strong advocates of the back-to-Africa idea. In opposition were the abolitionists who were addressing a scourge in American society, slavery, and felt that the distraction of the colonists was unwarranted. Powerful forces in American society enabled the colonists to proceed with their project as we have come to know.

In the unfolding process of colonization and settlement in Pre-Liberia, two world views had to be confronted. One was to forge a nation by attempting to subdue all resistance and Americanize the Grain Coast. The other perspective held that the repatriate Africans should live alongside the natives, each mutually influencing and learning from the other and together building a common patrimony. There have been advocates for this perspective throughout the history of Liberia. Liberia has yet to accomplish the objective of the Africanization of the Republic of Liberia. Thus we labor, even today, amid dualisms – statutory and customary law; Poro/Sande and modern education; outward looking security norms ignoring regional and continental realities; land as communal property versus land in fee simple, etc.

Pursuant to momentous outcry for independence, the ACS concluded that the only way to forestall future territorial aggressions from European powers operating in the area was for Liberia to declare its independence. The society communicated its opinion to the Liberian people on January 18th, 1846, **"that the time has come when it is expedient for the people of the Commonwealth of Liberia to take into their hands the whole work of self government, including the management of all their foreign relations"**.

In the following year a constitutional convention was held without the participation or representation of any natives, allies or antagonists. The constitution, written by a Harvard Law Professor, was adopted by the convention along with the "Declaration of Independence", written by Hilary Teage on July 26, 1847. There was no woman represented at the convention, but eleven women were later designated to sew the Liberian flag. Delegates to the convention were drawn from the three counties that were members of the commonwealth:

Montserrado County

Samuel Benedict, (President of the convention)

Elijah Johnson
John N Lewis
Hilary Teage
Beverly R. Wilson
J P Gripon

Grand Bassa

Anthony Gardiner
John Day
Ephraim Titler
Amos Herring

Sinoe

Richard E Murray
John Prout (secretary, did not sign the document)

The Declaration of Independence read:

“A Declaration of Independence by the Representatives of the People of the Commonwealth of Liberia in Convention Assembled July 16, 1847. We, the representatives of the people of the commonwealth of Liberia, in convention assembled, invested with the authority of forming a new government, relying upon the aid and protection of the Great Arbiter of human events, do hereby in the name and on behalf of the people of this commonwealth, publish and declare the said commonwealth a free, sovereign, and independent state, by the name and title of the Republic of Liberia....

We recognize in all men certain inalienable rights; among these are life, liberty, and the rights to acquire, possess, enjoy, and defend property. By the practice and consent of men in all ages, some system or form of government is proved to be necessary to exercise, enjoy, and secure their rights, and every people have a right to institute a government, and to choose and adopt that system, or form of it, which in their opinion will most effectively accomplish these objects, and secure their happiness, which does not interfere with the just rights of others. The right, therefore, to institute government and powers necessary to conduct it is an inalienable right and cannot be resisted without the grossest injustice.

We, the people of the Republic of Liberia, were originally inhabitants of the United States of North America.

In some parts of that country we were debarred by law from all rights and privileges of man - in other parts, public sentiment, more powerful than law, frown us down.

We were excluded from all participation in the government.

We were taxed without our consent.

We were compelled to contribute to the resources of a country which gave us no protection.

We were made a separate and distinct class, and against us every avenue of improvement was effectively closed. Strangers from other lands, of a color different from ours, were preferred before us.

We uttered our complaints, but they were unattended to, or only met by alleging the peculiar institutions of the country...

The people of the Republic of Liberia, they, are of right, and in fact, a free, sovereign, and independent state, possessed of all the rights, powers, and functions of government...

Our courts of justices are open equally to the stranger and the citizen for the redress of grievances, for the remedy of injuries, and for the punishment of crime...

The native African bowing down with us before the altar of the living God, declares that from us, feeble as we are, the light of Christianity has gone forth, while upon that curse of curses, the slave trade, a deadly blight has fallen, as far as our influence extends.

Therefore, in the name of humanity, virtue, and religion, in the name of the great God, our common Creator, we appeal to the nations of Christendom, and earnestly and respectfully ask of them that they will regard us with the sympathy and friendly considerations to which the peculiarities of our condition entitles us, and to that comity which marks the friendly intercourse of civilized and independent communities".

The constitution of the first Liberian Republic was adopted and the Declaration of Independence was signed in the Providence Baptist Church at Monrovia on **July 26th, 1847**. **The 1847 constitution** was based on the ideals of democratic government as reflected in the original American Constitution, and embodying such fundamental principles as centralism (all authority inherent in centralized national governments); popular sovereignty (government by the will and consent of the governed); limited government (powers of government specified in the Constitution); government of general powers (acts unspecified in the Constitution but necessary for good government); separation of powers (legislative/executive/judiciary); and the supremacy of the judiciary (inherent power of judicial review).

The Constitution specifically contains a preamble and five articles including the bill of rights (Article I), legislative powers (Article II), executive powers (Article III), judicial powers (Article IV), and miscellaneous provisions (Article V). Among the miscellany are clauses prohibiting slavery, *protecting the property rights of women and decreeing that only “persons of color” may be admitted to citizenship and granted the right to hold real property in the republic*. Meaning, therefore that the natives were not considered part of Liberia or citizens of the Republic of Liberia.

There were fundamental contradictions inherent in the establishment of the new republic. While copying its national features and democratic values from the United States of America, the new republic maintained the vestiges of slavery and segregation in Liberia. The Liberian flag bears close resemblance to the flag of the United States, it has similar red and white stripes, as well as a blue square with a white star in the corner. The eleven stripes symbolize the eleven signatories of the Liberian Declaration of Independence. While the white star represents the freedom of the ex-slaves there are no symbolic representation of the natives. The dark blue background represents the dark continent of Africa generally.

The Liberian seal is similarly divisive. It portrays a ship indicating the means of arrival of the settlers and contains the motto: **“The Love of Liberty Brought Us Here”**; again without reference or representation of the natives who shared the new land with them. By this construction, it was clear that the settlers intended to establish a separate country of their own in territories now know as Liberia. On September 27, 1847 the Constitution was adopted at a special referendum reserving citizenship only to Africans and their descendents and limiting voting rights to land owners only. Thus, personal ownership of land in fee simple became an issue opposed to the communal ownership of land customarily and traditionally upheld.

Unfortunately, the Constitution, written by an American Harvard University Professor, Simon Greenleaf, generated disunity, selfishness and a major controversy over land that engulfed the state of Liberia. From the proclamation of independence it will appear that a duality - two Liberia - had been created within one geographic location: one Liberia belonging to the natives (referred to as barbarians) and the other to the settlers from the United States of America.

Owing to the nature and character of the new republic, and the realization of the settlers that they had to coexist with the natives, a policy of assimilation was adopted by the settler state in the following and other forms that characterized their interaction or relations with the natives:

- a. **Apprenticeship system:** method of socializing re-captives (intercepted Africans en route to slavery) and indigenes into settler culture by bringing

them under guardianship of settler families. There were both abusive and salutary experiences as some contemporary Liberians can attest; yet it was premised on a superior/inferior culture.

- b. **Education through the civilizing-Christianizing ethos:** produced a corps of indigenous intelligentsia; some of whom were highly critical of the experience. A major element of this practice was a change in name or identity in exchange for education and “civilization and Christianization”.
- c. **Settlement policy:** the creation of repatriate communities within “native jurisdiction” as a “civilizing” influence. One important consequence of this policy was that repatriates came to admire the Mende hierarchical forms of organization which they would later employ in their attempts to administer the “Hinterland”; meaning all areas outside the coastal territories of the settler state.
- d. **Interior administration and “indirect rule:”** imposition of a hierarchical institutional form on all indigenes inhabiting the hinterland, whether or not such forms were compatible with their traditional institutional structure. Mende forms of governance were being forced upon Mel and Kwa societies. Under this policy, the President is assigned executive and judicial powers over all the interior through the Minister of Internal Affairs.
- e. **Contract Labor System appropriated by Government:** Contract labor system in West Africa drew upon traditional indenture or pawning systems and led to organized shipment abroad of indigenous Liberian labor. One source cites 2,500 contract workers from Cape Coast and Cape Palmas recruited in 1875 and 1876. The Liberian government intervened in the process involving indigenous community leaders and European contract labor entities. In this way there was a government endorsement of the shipment of labor to work the Panama Canal. But the arrangement became a major source of conflict as, for example, the Kru resisted government-attempted control of ports on the Kru coast and of control of labor abroad. Legendary exploitation was associated with government involvement in the single best known case, that of the labor contract of 1928, the government itself had decided, because of exploitation and abuse, to suspend contract labor specifically to Fernando Po. Private Liberians, notably including high government officials and a brother of President King, entered in an agreement with the Spanish “Sindicato Agricola de Guinea.” The activities associated with this arrangement led to Liberia being censured by the League of Nations for engaging in activities akin to slave raiding and slave trading.

The repatriate sphere of influence initiated at Cape Mesurado seemed destined to expand – into the hinterland beyond the earlier 40 mile limit from the Coast, and thus to the borders with European imperial powers. The European scramble for African territory impacted adversely on Britain-Liberian relations, hitherto friendly (Britain was the first to recognize Liberia's independence, and provided material support in the fight against the lingering Atlantic slave trade). It soured further Franco-Liberian relations. While an uneven 1885 Anglo-Liberian Treaty "settled" one boundary, the other, still not settled as post-World War II decolonization gained momentum, was simply abandoned by the Liberian government because, as it reasoned, its dispute was with France, not its new African neighbors. Border settlement issues had pitted Liberia against powerful imperial forces. Though even the partial but significant resolutions signaled an end to imperial encroachment, it did not resolve the ongoing challenges of nation-making. How now would the governance of the indigenous majority be sustainably assured within the wider Liberian sphere of influence?

The process was slow. The Liberia of President Joseph J Roberts and his successors demonstrated political competition within a circumscribed elite core with a majority of the population either as "subjects" or decidedly on the socio-political periphery. Liberia's civilized core contrasted to its indigenous periphery. Consistent with inherited autocracy from the colonial era, and in harmony with the founding myth, the periphery would enter the core in keeping with assimilation strategies or when fully socialized into the culture of the core. The implications were at once political and social. The political arrangement was thus characterized by presidential ascendancy in a tripartite system that included a legislature and a system of courts. Though there was occasional openness to allow limited entry from the periphery, this consideration was not applicable to the presidency. Vice President Henry Too Wesley, a Grebo-Liberian and the first indigenous vice president in the country's history was unceremoniously dropped from the ticket at the end of President C.D.B. King's second term in 1928 in favor of the notorious Allen Yancy who was the lead culprit in the contract labor scandal that brought down the King administration in 1930. Presidents King and Edwin Barclay effectively frustrated Consul General Albert Momolu Massaquoi, a Vai-Liberian, in his own presidential quests. And the Kru-Liberian politician Didhwo Twe had to flee the country twice (1930s and 1950s) to escape the wrath of Presidents Barclay and Tubman. Jackson F Doe who stood in line to become vice standard bearer and vice president of Liberia was passed over by President Tolbert twice at the TWP convention in favor of VP Greene and VP Warner after Greene's death.

The immediate successors of President J. J. Roberts were all of the ruling Republican Party, a party committed to the civilizing ethos. It was only in 1869 that the Republicans were defeated by the newly formed True Whig Party, a party in which

Edward Wilmot Blyden collaborated in hopes of shifting Liberia away from the founding paradigm and toward the equal incorporation of indigenous Liberians into the body politic. The advocacy was nothing short of inclusive governance. President Edwin J Roye, reflecting Blyden, underscored these sentiments in his sole inaugural address of January 3, 1870: *“The aborigines are our brethren, and should be entwined with our affections, and form as soon as possible an active part of our nationality. In fact, we cannot have a permanent and efficient nationality without them.”* But all of that quickly came to grief with the overthrow of President Roye and the return to power of the Republicans. (the Roye story briefly)

The Republicans would remain in power until the election of 1883 when both the Republican Party and the True Whig Party nominated (or endorsed) Hilary R.W. Johnson to the presidency. Though, when elected he declared himself a member of the TWP, there is little in his presidency that suggests a deviation from the pattern and ethos of Republican rule. The TWP, in time, became a hegemonic political party and was able to maintain itself in power from 1884 until the 1980 military coup d’etat that ended the regime of the First Republic. The TWP motto of “deeds not words” would ring hallow as they were appropriated by a Republican ethos.

For most of the 19th century, the authority of the Liberian government was confined to a few scattered coastal towns that were inhabited mainly by the settlers and their descendants, with the rest of what is now Liberian territory under the jurisdiction of separate polities inhabited by indigenes and governed by traditional rulers. Commercial, political and military circumstances prompted expansion, which proceeded along the coast until 1857 when the formation of coastal Liberia was virtually complete with four of the five coastal counties; namely, Montserrado, Grand Bassa, Sinoe, and Maryland. Though the Liberian government claimed the Cape Mount area as far back as 1849, it was not before 1924 that Grand Cape Mount County became the Republic’s Fifth County.

The 1884-85 Berlin African Congress, provided the impetus for significant expansion into the hinterland when European imperialists mandated countries at the conference to demonstrate effective territorial occupation of African lands claimed. Trade imperatives also spurred movement into the interior. Inland expansion helped to erase an earlier distinction between the first counties, which had a width not exceeding 40 miles from the coast, and the adjoining territories, which in 1869 became known as the hinterland.

5.3.1. Hinterland Policies, the State and Conflicts

It was not until the 20th century that the state solidified into its current form, encompassing an area of about 37,743 square miles. This geographic expansion of the polity produced a population increase, from 45,000 to 190,000 and then to one

million by 1930. It also engendered conflicts and resistance to expansion, such as the Grebo resistance (1857, 1875, 1910), the Kru resistance (1915-16 and 1930s) and the Gola resistance of 1917, to name a few. This pattern of settlers nationalist expansion and indigenous resistance might have been different in nature if somehow the nationalism proffered had been inclusive as Blyden and others had earlier suggested.

5.3.2. State Instruments of Coercion and Slavery

To enforce the *de jure* limits of the state, Liberia in 1908 for the first time, created a national army, the Liberian Frontier Force (LFF). This development, even though consistent with state-making, engendered tremendous political conflicts of its own. The LFF became a tool for the enforcement of the writ of the Liberian government in the hinterland. An elaborate government “native policy” was instituted with at least two problematic features (or outcomes): One was subversion of the Constitution by endowing the Executive Branch with legislative and judicial powers within the hinterland, a practice reminiscent of the 1822-1847 colonial periods. The other problematic feature of the native policy was the license it gave to some unscrupulous interior officials and their traditional cronies which led to unspeakable atrocities across Liberia’s interior region. Talking about “roots of conflict,” the memory of these atrocities survives in documents, and there are Liberians who continue to hand down to a younger generation the facts of this ugly past in which respectable chiefs and fatherly heads were publicly humiliated, children and women often abused, forced labor and cruelty in collecting the “hut tax” impositions were common.

By the first quarter of the 20th century the hinterland was administratively divided into Western, Central, and Eastern provinces. Liberia thus consisted of five coastal counties, four territories – Marshall, Rivercess, Sasstown and Kru Coast – incorporated within four counties, and three provinces. The “county jurisdiction,” inhabited by a smaller percentage of the population (largely of settlers descent), came under the authority of the statute law system based on the 1847 constitution, but the “hinterland [later provincial] jurisdiction,” where the vast majority of the population lived, did not. Not only did this allow for the establishment by the government of informal control over these provinces, but the character of that arrangement was such as to leave interior Liberia and its inhabitants, in a politically subordinate relationship to the coastal areas until the mid 1960s when the four interior counties were established – Grand Gedeh, Lofa, Nimba, and Bong.

The national life of early Liberia was complicated by chronic financial problems. In response to the “industrial capitalism” that began to replace the plantation system worldwide, enterprising Liberians resorted to commercial trading. When international competitors overtook a Liberian international shipping fleet at the end of the 1960s, government employment quickly became the main economic

enterprise. And in the absence of productive industry to generate funds for sustenance of the bureaucracy, an era of foreign loans was initiated. The first loan of 1871 led to others in 1906, 1912 and 1926. As collateral for these loans, many at high interest rates, state revenues (largely from customs tariffs) were conceded and indigenous lands and produce rights were granted. It was this outward-looking economic policy that led to the era of concession agreements; the most notable being with Firestone in 1926.

But Liberia had hardly overcome international intrigue, including American high-handedness during the negotiations for the Firestone agreement when, in 1929, allegations of government complicity in a “forced labor” scheme were made. While the external component of the allegations related to Liberia’s competition for an African contract labor market in which European colonialists held a commanding role, the internal components reflected yet another consequence of policy choice by the Liberian leadership. Public officials and their associates reaping financial rewards from a system akin to slavery and forced labor involving indigenous Liberians was not a pretty sight. The Liberian state was censured internationally for complicity in a system that the League of Nations alleged was “hardly distinguishable from slave-raiding and slave trading.” The political fallout from that crisis, as we have seen, led to the downfall of the administration of President Charles D.B. King (1920-1930). To Edwin Barclay (1930-1944), his successor, fell the task of unraveling the internal and external complications of that sordid episode. Those European powers in the League that sought to abrogate Liberia’s independence by advocating mandate status were thwarted both, because of the contradictions in international relations as well as the determination of the Barclay administration to forestall that possibility.

The forced labor crisis deeply affected Liberia’s governance of segments of its indigenous population. Aggrieved indigenous leaders resisted government authority, even at times attempting to make common cause with external foes of the state. The Barclay administration adopted very repressive policies, which in time came to be intolerant of all political dissent. The Liberian state may have consolidated, but at a price that carried implications for national unity.

6.0. POST WORLD WAR II LIBERIA (1944 – 1979)

6.1. Tubman: A Legacy of Controversy

Tubman built upon what he inherited from Arthur Barclay and others in respect of traditional authoritative structures. Once he acquired full control of the TWP political machine after 1955, he proceeded to manipulate interethnic political cleavages, by eventually establishing himself as the supreme “paramount chief.” Tubman was perhaps the last of the repatriate hegemonic leaders, coming to power when a post-war international order would force Liberia out of its isolation into a deeper relationship with its neighbors, with all of the implications that carried for a settler-dominated government’s relationship to the country’s indigenous majority. African decolonization and the Cold War, would in their combined impact, shine light on human rights issues in Liberia in ways that forced the Liberian people to confront their founding paradigm, the building of a “little America” in Africa, and the corresponding marginalization of the indigenous majority. The trickle of Liberians going abroad largely for education, and the corresponding small numbers of foreigners that came into Liberia soon became a flood of sorts. Liberians educated abroad or coming under the influence of a flood of foreigners, particularly American Peace Corps volunteers and progressive missionaries opened the doors to the contestations for civil and political rights in a way that has yet to be fully documented. *A History of the Episcopal Church in Liberia* (1992) sheds some light on the missionary factor.

President Tubman took on his predecessor’s, Edwin Barclay, skills in native appeasement. Tubman’s reign in power, which lasted from 1944 to 1971, also introduced some pivotal policies that obviated constant confrontation between native and settler Liberians. Tubman’s three-legged policies of “unification”, “open-door” and “integration” were meant to redress historical inequalities or disenfranchisement of indigenous Liberians from the political and economic sectors; an issue which Tubman’s government officially recognized. Native representation in the legislature was increased, universal adult suffrage replaced a system where only kings voted on behalf of entire communities, and new counties replaced the erstwhile provincial systems. Ironically, however, while Tubman introduced some groundbreaking measures to ensure unification of all Liberians, the severe constitutional constraints in place ensured that these measures had little import. For instance, while universal adult suffrage was declared in 1946 in favor of the natives, the fact that only natives who paid hut taxes could vote effectively neutered that measure.

President Tubman’s authoritarian reign, though progressive in some instances, laid the structural foundation for the continuation of Americo-Liberian hegemony through oligarchy, and unfortunately, leading to national chaos, state break down

and deadly conflict between 1979 and 2003. In 1951, with the aid of the True Whig Party-controlled Legislature, President Tubman unilaterally sponsored a constitutional amendment that removed the 1935 provision on presidential term limits, which had previously limited presidents to one eight year term in office. The new clause permitted one eight-year term, followed by successive four year terms. This incongruous act of constitutional manipulation created precedent that haunted Liberia throughout the twentieth century. Furthermore, Tubman's subsequent responses to the amendment can be regarded as the modern genesis of a culture of political intolerance and witch-hunting in Liberia. For example, the challenger and Reformation Party leaders, David Coleman and Didho Twe were Tubman's "political foes". While Coleman was killed in the process, Didho Twe, an indigenous Liberian, was slurred by Tubman and forced into exile. The political contest between Tubman and Twe symbolized the continuation of the age-old divide between settlers and natives to future generations of Liberians and was, in a sense, a defining moment for the country. The consequences of this vendetta became one of the hallmark ways in which future politicians treated political opponents and their families in Liberian politics.

Also, it was Tubman who introduced into Liberian politics the partisan use of democratic institutions, the political control of the military, the culture of extermination of political opposition, invidious destruction of lives and property, and more importantly, the rise of authoritarianism and political brutality. All of these vices festooned during this period and birthed a political culture that would nurture future wars.

6.1.1. Tubman's Vendetta: D Tweh, Coleman and Fahnbulleh

Impact on the Liberian economy and society

Prior to 1940, most parts of the Liberian hinterland were completely lacking in infrastructure. There was virtually no public education, piped water, road system or electrification.

The American military presence in Liberia gave the Liberian economy a huge boost. From 1939 to 1945, Liberia registered a favorable balance of trade, which amounted to \$25.9 million during the six-year period; that equates to \$754 million in current dollars. Liberian Government revenue rose from \$827,000 in 1939 to \$1.9 million in 1945, an increase of 133.9 percent.

Liberia began this special relationship with the United States by converting its national currency from the British pound sterling to the United States dollar; United States Lend Lease funds were made available to the Liberian Government, to subsidize the construction of Liberia's first port, the Freeport of Monrovia; the first

major airport, Roberts Field, was constructed by Pan Am and the U. S. Government; American military engineers began the construction of major roads from Monrovia to the interior of Liberia.

The American military presence also had a stabilizing effect on the social and political relationship between the Liberian state and indigenous Liberians. The artificial boundary drawn between Liberia and its provinces was broken. Thousands of laborers from the interior of Liberia descended on the coastal region, especially to Roberts Field and the Firestone Rubber Plantations, in search of jobs. This massive migration of indigenous Liberians, which the Liberian Government had previously attempted to restrain by legislation (Liberian territory extended for 40 miles in the interior), and through an agreement with Firestone Plantations Company in the 1920s, was subsequently erased.

Indigenous Liberians and their families began to get some of the social and economic benefits that they paid for through the **hut tax**. Their children attended Liberian public schools; they received health care and other services that were not present on the same scale, or not present at all in the interior. On September 14, 1943, Secretary of State, Cordell Hull, wrote President Roosevelt the following in a letter about United States relations with Liberia: "Our relations with Liberia from a strategic point of view have never been of more importance ... as a result of the war, the Liberian economy has been oriented almost entirely to the United States".

The downside to this American military presence were charges that African-American troops murdered, physically abused, and denigrated indigenous people who lived adjacent to the base. Civilians venturing around the military facilities were reportedly shot at and sometimes killed with impunity. The town adjacent to Roberts Field was even named "Smell-no-Taste" by the local people, because they complained that they smelled the American food, and either never tasted it or never had enough of it. It must be pointed out that these are charges that have been made by eyewitnesses over the years, but have never been investigated and substantiated. It is possible that the firing were warning shots, intended to keep out people from sensitive military equipments and supplies.

President William V.S. Tubman

Before Tubman, Liberia was a nation that was not socially united. Its people were divided into two classes: the Americo- Liberians and the natives. When Tubman became president in 1944, indirect rule that could be traced to President Coleman had taken a firm hold in the hinterland. In his first inaugural address of January 3, 1944, President Tubman declared that the

“Spirit of this Administration shall be: No Reprisals; No Paybacks; No get-Even; but let the dead past bury the dead.”

He further declared that

“We shall engage in and strive at the assimilation and unification of our various populations composing the body politic. Liberia must be a place for all Liberians to live alike – all to stand equally privileged, responsible and protected by like administration of the law”

He spent the first period of his rule consolidating his power base through the creation of new and lucrative jobs for his loyalists and the extension of voting rights to women and tribal people, and extended a county system of representation and governance to all political subdivisions in the tribal hinterland. Despite Tubman's efforts to bring the indigenous populations into the social and economic mainstream, the gap between them and the ruling elite during this period of rapid economic development remained. The huge influx of foreign money caused the economy to become distorted and increased social inequalities a consequence of which was increasing hostility between the descendants of the settlers and the original inhabitants. This alarmed Tubman and he was forced to concede that the original inhabitants would have to be granted an amount of political and economic involvement in the country. The rural inhabitants were happy to live with this system for decades because it gave them greater political freedom and the right to vote for the first time.

Although local officials were elected by rural inhabitants, they had to get the acceptance and approval of the president. Tubman successfully used the local officials to control government and strengthen his authority throughout the country. The extension of voting rights to the natives was a case of tying a man's hand behind him and then instructing him to use these hands. The natives could not vote for the people they wanted to be in power. Tubman effectively controlled their decisions by imposing his will on them. The president ruled for 27 unbroken years through a systematic manipulation of the tribal people, chiefs, county superintendents and municipal officials to vote a certain way -- usually for the incumbent president, members of the ruling party and class. The people experienced the swift and harsh reprisals that awaited them if they acted contrary to the wishes of their local officials and the president. Consequently, a deep-seated culture of fear and legitimate expectation for reprisals developed and still exists within the Liberian society. He also maintained a friendly relationship with the underprivileged in society. He retained influence by upholding certain basic belief and practices of the Americo-Liberian class. Like other presidents before him, he believed that it was the God given duty of the Americo-Liberian community to civilize the native Liberians whom they believed were not civilized. He also held the view that sensitive political

positions should not be given to aboriginal Liberians. Thus under his regime, native Liberians never occupied key positions in his government for long. In a major political speech delivered in May 1951 and of course directed at candidate Twe, he stated

"Let it be remembered that when those great men and women first landed here from the United States to found this nation, they met not a single, solitary one of their brothers who were civilized or educated, nor were the traces of Christian religion anywhere seen or known"

He also consolidated his position by joining fraternities and powerful tribal societies like the Poro and became its grand master. He identified with the tribal masses by wearing traditional attire on special occasions and held executive councils at which disputes were settled between the Americo-Liberian administrators and tribal chiefs, among others. In one of his addresses, President Tubman discussed the human rights abuses that had been inflicted on the indigenous people by some leaders of the Liberian Government. He said:

"As I reflect upon the conditions under which you were living in 1944 when we took office, I can recall how at my first interior Council, you complained of, and I discovered that, District Commissioners were unrestrained in their imposition of fines upon you and your people; that for the most insignificant act your chiefs, wives, and children were humiliated and imprisoned; that you were compelled to bury your manhood and bow down to them as though they were your masters and lords instead of your public servant...I further recall that you could not exercise or enjoy one of your basic rights as citizens to vote for those whom you wanted to represent you; that you were not even represented in the National Legislature; yet, you were compelled to pay taxes like every citizen. I still further recall that there were few roads, if any, running to or through your respective provinces, districts, towns, and villages; that you, your sons, and even your wives, sisters and daughters were compelled to carry hammocks and loads on their heads and backs; that there were no schools; no hospitals; no medical clinics..."

At the same time, the new president consolidated his hold on power with what Sawyer calls "an enormous patronage network and an elaborate security network." Tubman also ruthlessly suppressed efforts to organize opposition parties, both by the growing indigenous intelligentsia and by dissident members of the Americo-Liberian elite. Loyalty to the president was the order of the day. Any opposition, real or imagined was mercilessly crushed in a manner characteristic of Tubmanism.

To maintain his power, Tubman created the office of the Public Relations Officer (PRO). This was the private ear and eye of the president and was paid to report directly to the president, anyone found to be unduly critical of him or his policies. This created an atmosphere of fear and repression as people juggled to be in the good books of the president. Family connections were a powerful determining factor in political upward mobility and consolidation of a force loyal to the president. Families or individuals whose loyalty to the President was questionable were often callously displaced.

These repressive measures began to take hold, when President Tubman's first term of office was about to expire. For the third time in Liberian history, the presidential term of office was amended in the Liberian constitution. In 1951, President Tubman rammed through the True Whig Party-controlled Legislature, **an amendment which removed the 1935 clause that limited the presidential term office to one eight-year term.** The new constitutional clause called for eight years for the first term, and four years for succeeding terms of office. The political party that challenged this constitutional amendment was the Reformation Party, which was headed by Didho Twe, an indigenous Liberian from the Kru nation, whom President Tubman called, a "man with premedieval mind.", and the Independent True Whig Party, which was led by former President Edwin Barclay. Tubman had this to say about Twe:

“Does Mr. Twe not further realize that as true as night follows day the tribes of Liberia will produce a president who will be elected by the people of Liberia not only by a single tribe or number of tribes, but that person can never be D. Twe“

This constitutional amendment was not the only political issue that the opposition Reformation Party challenged. A few years earlier, the Tubman Administration declared Old Kru Town, a public domain, in order to make the area available for the construction of the Free Port of Monrovia. When the Reformation Party and the Kru people protested, President Tubman arrogantly said,

"For having razed Kru Town, I have no apologies, explanation or excuse to make."

This was a blatant violation of the constitution which stated that:

“Private property shall not be taken for public use without just compensation”. (Art 1 Section 13)

He also wrote a very threatening letter dated April 18, 1951 in response to what he thought was a clearly “threatening” note from his challengers

The Executive Mansion

18th April 1951

Mr. Twe:

Receipt of your threatening note of April 16, 1951, in the interest of a letter written to me by Thorgus Sie, et al, as representatives of a non-existing political party (UPP), to which I had applied before receiving yours now under reply, is hereby acknowledged. For the present time, my reply to your note is that you are inherently a traitor to your country, a consummate liar, a senile visionary, a sophisticated bigot and an uncompromising egotist, the truth of which you will be made to realize.

Faithfully yours

Wm. V.S Tubman

In 1955, the Independent True Whig Party took on President Tubman at the polls. The standard bearer of the ITWP was a political heavyweight--former President Edwin Barclay. President Barclay also received the nomination of the Reformation Party.

The Independent True Whig Party was formed in 1905, to oppose the English Loan of 1906. During this period, the ITWP called itself the "party for the protection of Liberia." Now it was taking on President Tubman. "as election time approached, the political wrangling that developed ended in an assassination attempt on Tubman's life and the ruthless crushing of the opposition" and "signified the introduction of violence as an instrument of political competition in modern Liberia."

But, history was not on the side of the opposition. When the ballots for the 1955 election were counted, President Tubman scored a lopsided victory. The final results were: President Tubman, **244,873 votes**; former President Barclay, **1,182 votes**. This means that President Tubman received 99.5 percent of the vote. The ITWP responded to the outcome by charging the True Whig Party with vote rigging, and lodged complaints with the True Whig party controlled Legislature. The charges were rejected.

On June 22, 1955, both houses of the Legislature met at the Executive Pavilion, to officially inform President Tubman of his reelection. At eight o'clock that night, several shots were allegedly fired at President Tubman. Hon. Daniel Derrick, a member of the Legislature, and William Hutchins, a presidential guard, were wounded. James Bestman, a man who would later play a prominent role in the implementation of the massive security network in Liberia, arrested one Paul Dunbar. Dunbar was indicted for the shooting. The next day, on June 23, 1955, warrants were issued for the arrest of the following people: Nete Sie Brownell, former Attorney General of Liberia and Vice Presidential candidate to former President Barclay; S. David Coleman, former Secretary of the Interior; and Raymond

Horace, legal advisor to the opposition parties. The result of the Liberian Government investigation revealed that a "Smith and Wesson" .38 caliber, six shooter was used in the assassination attempt; and that one V.S. Onemega, a Nigerian national, was paid by the opposition parties, to kill President Tubman with witchcraft. The attempt to arrest David Coleman ended in death and injury. In a shoot-out with David Coleman and his son John Coleman, five security officers were reportedly wounded in Clay Ashland. The Colemans escaped, and went to Klay, where they were encountered. On June 27, 1955, Coleman and his son John were killed by security forces and their bodies were put on display at the Barclay Training Center in Monrovia. They were shot near the town of Klay by Captain Saydee Totaye of the Liberian Frontier Force. Their right to due process of law was violated. The law of the land states that:

"No person shall be deprived of life, liberty, property or privilege, but by judgment of his peers, or the law of the land"

It is worthy to note that Captain Saydee Totaye of the Liberian Frontier Force who was responsible for their untimely demise was never prosecuted for his excessive use of use. This gave credence to the fact that the government of the day had no respect for human rights especially, if the person or persons concerned is a perceived enemy.

In 1968, Henry G. Fahnbulleh, Sr, a Vai was accused of plotting to overthrow the government of Tubman. At the time of his conviction, he was serving as ambassador to East Africa. He was found guilty of treason and sentenced to twenty years in prison. In presenting the state's case against Ambassador Fahnbulleh, the attorney general of Liberia argued that:

"There are eighteen senators, nine are from the tribes and nine are from the descendants of the pioneers; there are fifty one members of the House of Representatives, thirty are from the tribes and twenty one are the descendants of the pioneers; there are fourteen cabinet ministers, five have tribal backgrounds... in some countries in the world today, the original inhabitants have been almost totally exterminated; and you Fahnbulleh, have been an ambassador... have you ever stopped to think why?...But you haven't had the decency or gratitude to thank your benefactors..."

All the top Americo- Liberian lawyers in the country refused to defend Fahnbulleh. This was a violation of his rights as the constitution stated that:

It became clear that Tubman's progressive policies had no intention to bridge the gap or alter the traditional relationship between the settlers and natives but to

appease indigenous nationalism and turn back the “wind of change” blowing across Africa with rising tides of nationalism especially in Nigeria and Ghana still under colonial rule. With these policies and political stability, the Liberian economy under Tubman grew very sharply over time but without a corresponding national development and improvements in the living standards of the people.

Three periods marked the 27-year rule of Tubman. The first period was 1944 to 1955, during which he initiated his Unification/Integration and Open Door policies. The first was designed to assimilate indigenous Liberians into a socio-political system that denied their identities. The second policy was to accelerate unfettered foreign investment in the purported cause of modernization. As 1955 ended, Unification was being undermined with the political persecution of at least two prominent indigenous Liberians, Didhwe Twe and Nete Sie Brownell who dared to dabble in presidential politics. A very autocratic Tubman was thwarting the public quest to debate terms of concession agreements such as the 1946 Liberia Mining Company agreement. Albert Porte, the notable pamphleteer and Circuit Judge Gyblee Collins, a Grebo-Liberian led the charge. Porte was censured by the Legislature, while Collins was removed from the Bench by a Legislative joint resolution.

The second period, 1955-1968, was marked by the following developments: Tubman sought to translate his Unification Policy into action by the process of creating four interior counties out of the former provincial jurisdiction, but two unsettling events ensued. One was that Liberians indigenous to the areas of the new counties found themselves in competition for Legislative seats from absentee farmers and other residents who were of settler’s heritage. One of the players of this era has confided that this was the reason why of the two senators from some new interior counties, one was of settlers’ and the other of indigenous background. Yet another reason for this arrangement was to ensure that there was a repatriate presence to report to Tubman any incipient subversive activities. The second event was the accusations and jailing on sedition charges of the first Superintendents of Lofa, Nimba, and Bong Counties. A third event was Tubman’s orchestration of a Legislative Act which removed the constitutional limits on presidential term, and enabled him to run for the duration of his natural life, something he in fact accomplished.

The third period, 1968 to his death in 1971 began with a political crisis, the trial (and eventual conviction on treason charges) of the Vai-Liberian diplomat Henry Boima Fahnbulleh, Sr. The Francophone African magazine *Jeune Afrique* captured the full import of the trial as it headlined “Liberia On Trial” (*Le Liberia fait son process*). Some have characterized this period as one of “retrenchment” with diminishing returns in many domains. This was the period when the notable Northwestern University Press publication on the Liberian economy, *Growth Without Development: An Economic Survey of Liberia* was published against the wishes of President Tubman.

Though Liberia registered impressive economic growth in the late 1950s and early 1960s, the fruits of the growth were not equitably distributed. A patrimonial political system was perfected under Tubman as he acted to ensure that there would be no effective challenge to his rule. Liberia became an effective police state under Tubman. Anyone who differed with Tubman or the policies of his government was suspected of harboring ill will and risked being placed under surveillance. The United States played along in furtherance of its Cold War objectives on the African continent. Under the circumstances, the Tubman legacy might be summarized as follows: economic growth without development, an autocratic state structure, and the regime's unabashed advocacy of the civilizing mission, and its deftly pursuit in policy.

The Code of Laws promulgated in 1956, Chapter 11, Sections 60-61, divested indigenous people or groups of title or rights to lands they and their ancestors inherited from time immemorial. Rather, the law under Tubman provided that indigenous communities were granted the *use of public land*. When "a tribe shall become sufficiently advanced in civilization," it could "petition the government for a division of tribal land into family holdings." The law gave no criteria for determining when a group had achieved the state of being "sufficiently advanced in civilization." Tubman, by his policies, helped fuel tribal sentiments and created competition for individual lands rather than maintaining the traditional communal ownership of land. Although he ended provincial demarcation in favor of counties pursuant to his unification policy, the country was highly divided on tribal lines. A controversial figure, he was admired and hated by others; sincere and very oppressive; a patriot but yet accused of selling out to foreigners, chauvinistic promoter of Americo-Liberian interest but yet an advocate of national unification. Tubman was the law and his personality became a cult in Liberia for which he is still revered even 38 years after his demise in 1971.

6.2. William R. Tolbert, Jr.: The Extraordinary Decade of the Seventies

Upon his accession to the Presidency in July 1971, Tolbert engaged in the politics of symbolism as he released the jailed former diplomat, Henry Boima Fahnbullah, Sr. and named him an assistant minister for presidential affairs (subsequently as Superintendent of Grand Cape Mount County). There were from Tolbert other powerful hints about the need to redress the historical divide between Liberia's two communities and built an integrated Republic of Liberia involving all its peoples much more in ways Blyden and Roye advocated more than a hundred years earlier.

Tolbert advanced reform measure of "policy government" as distinguished from the pattern of patronage government he had inherited. The economic component of the measure seemed inspired by worldwide trends in development thought and strategy

that sought to balance economic growth with social equity. The president appeared as though he was signaling his readiness to break with the past and reverse “growth without development” and the patrimonial mode of governance in Liberia.

Tolbert’s leadership style produced conflicting signals so that, all elements vying for power counted on him for maximum support. The old guard politicians had hoped that his progressive pronouncements were largely confined to the rhetorical, and the “imperatives” of political stability (i.e., the status quo) would supersede all else. But the new politicians seemed to have accepted his populist rhetoric either as sincere declarations of intent or as opportunity to test the system to the limits. They seized their rights with what one observer has called “all three of their hands.” Prominent among the opposition groups led by the new politicians or “the progressives” as they came to be known, were the Progressive Alliance of Liberia (PAL), the Movement for Justice in Africa (MOJA) and the Liberian National Student Union (LINSU). In this atmosphere of political tension, Tolbert displayed remarkable indecision while making common cause with “African progressives” and thus possibly alienating the United States without assurance of a compensatory international partner. Caught between two competing and powerful forces, his indecisiveness rendered him a virtual political recluse at the center of a raging political storm as the old Liberia confronted a new Liberia struggling to be born.

The defining moment for Tolbert and for Liberia came on April 14, 1979, “the day Monrovia stood still.” A political history in excess of 130 years was brought to a head. Deeply felt alienation and a strong sense of gross social injustice were on public display. Tolbert understood the depths of feelings but was timid in handling the situation, thinking perhaps that the politics of splitting the difference (mass grievance versus the “sacred heritage”) would suffice. Perhaps the full import of what was happening did not hit him until he literally heard the coup in progress, spoke to a few people by telephone, and awaited his fate.

6.2.1. “To Be or Not to Be”: Challenges to the Old Order

A simple contest of will between the government and an opposition movement was quickly transformed into a significant challenge to a regime that had ruled Liberia in excess of a century. Few in the government then seemed appreciative of what was in fact unfolding. The defiant march occurred, the government overreacted and security forces fired upon the crowd killing and wounding a significant number. Fewer still understood that Liberia would never be the same again.

By 1972, many Liberians held the firm belief that the time for change had come with the end of 27 years of dictatorial rule. The benefits derived from the limited social policies and educational programs of the TWP were visible as more and more native Liberians became educated and elevated to a social status of their own. Challenges to

the status quo became more pronounced with heightened expectations, occasioned by the death of Tubman, that there would be greater democracy and participation in government and respect for the rule of law and greater individual freedom.

Tolbert moved very fast on reforms and earned the name “speedy” from those who advocated and demanded reforms and greater participation in the political and development processes of Liberia. President Tolbert encouraged the high expectations by the remarkable progress he made on his development agenda. He loosened up the society, replaced the environment of terror with one of free speech; expanded the physical infrastructure of the country; built low cost housing estates, highways and farm to market roads; encouraged agriculture and increased access to safe pipe-borne water. He encouraged and enlisted the services of young Liberian professionals; especially of indigenous backgrounds and pursued a policy of decentralization that will see a system of administrative de-concentration in Monrovia to extend the benefits of top-down government to smaller political units. He changed the presidential dress code from a typical business suit to the safari suit he popularized to the status of a national dress. He promoted such development slogans as “from mat to mattress”, “total involvement for higher heights”, etc.

While these actions favored the masses, they demanded more and felt it was too little too late. On the other hand, the old guards scolded and opposed the President’s initiatives and accused him of being too lenient and soft in dealing with opposition demands for even more and greater changes. They branded him “softie” and contemplated his ouster by impeachment. Indeed, the President had on hands a dilemma of proportions he underestimated.

Against the background of economic decline, the President pursued a progressive regional and international foreign policy at the same time confronted with a dilemma at two levels, personal and ideological. Economic growth rates which were high in the 60s began to show signs of decline in the early 70s. By 1979 unemployment took a steep rise to a staggering 23% nationwide and 39% in Monrovia. Cost of living became an all time high with inflation standing at 6% in 1977, 7% in 1978 and 14% in 1979. Food prices in particular rose by 15% between 1976 and 1978 and by 1974 it was estimated that more than three-quarters of household in Liberia earned less than \$50.00 a month, with 50% of the total household income taken by 5 percent of the families.

Notwithstanding Tolbert pursued and succeeded at establishing closer relationships with Liberia’s neighbors. His African and sub-regional integration programs led to the establishment of the Mano River Union and ECOWAS in 1973 and 1975 respectively. At the same time, he sought to diversify Liberia’s international relations, breaking the child-like relationship with the United States of the Tubman era and strengthening Liberia’s relations with the Non-Alignment Movement, China