

Report

**Generating Recommendations for the Liberian Truth and Reconciliation Commission:
Civil Society Regional Consultations**

Transitional Justice Working Group, Catholic Justice and Peace Commission



Foundation for International Dignity

Organized by CSO Coalition: (Transitional Justice Working Group, Catholic Justice and Peace Commission, Foundation for International Dignity, and Talking Drum Search for Common Ground)



**With technical and funding support from International Centre for Transitional Justice and
Open Society Initiative for West Africa**

December 2008

A. Background

The Liberian Truth Reconciliation Commission was necessitated by the Accra Comprehensive Peace Accord signed in 2003. Parties to this agreement included warring factions, political parties and to a lesser extent Liberian civil society. The insertion of the TRC in the Accra peace agreement was largely seen by various actors as Liberia's maiden step towards addressing a history that was fraught with gross human rights abuse, lack of good governance and a wanton disregard for the rule of law.

As part of the strategic role civil society occupies in facilitating, critiquing, aiding and lending credibility to any national process, more importantly a TRC process, the Foundation for International Dignity (FIND), Catholic Justice and Peace Commission (JPC), Search for Common Ground (SFCG), Liberia and the Transitional Justice Working Group (TJWG) in partnership and with technical and funding support from the International Center for Transitional Justice (ICTJ) and the Open Society Initiative for West Africa (OSIWA) organized a series of consultative processes on the Liberian TRC process. The consultations are part of a bigger project that tried to link the establishment of the Independent National Human Rights Commission¹ with the TRC process, rejuvenate the role of civil society, generate through consultations recommendations on some of TRC key issues, and map out civil society role in a post TRC transitional justice landscape. The present report is on the consultations that have been conducted the outcome of which have been couched as broad recommendations which are meant to inform the final report of the TRC.

B. Introduction

The TRC commenced its operation in January 2006 and by mid 2008, it was in the process of gathering information through statements taking and public hearings that are to eventually feed into its final report. There are many issues at stake such as amnesty, reparation, prosecutions etc which are bound to attract diverse views among the Liberian public, and thus the recommendations of the TRC final report. While the TRC may have developed broad policy guidelines on these issues there was little evidence that these policy guidelines were informed by broad public inputs. The consultative process was aimed at providing feedbacks from civil society and ordinary Liberians on many of the key issues at stake in the only transitional justice, accountability and reconciliation process.

The consultations took place in three locations.

- a. Southeastern region - Sinoe, Grand Gedeh, Grand Kru, Maryland and River Gee counties- took place in Zwedru on June 20 and 21, 2008

¹ The INHRC is also provided for in the Accra Peace Accord. In 2005 a law establishing the Commission was passed by the Interim National Legislative Assembly. But the process of constituting that Commission has stalled. The Commission is by law suppose to be the follow up structure to the TRC. By 2008 plans to amend the law for subsequent reconstitution of the Commission were being discussed. It is important that the Commission be reconstituted before the end the TRC mandate and work.

- b. Western region--Montserrado, Bassa, Rivercess, Cape Mount, Bomi and Margibi, took place on July 3, and 4 in Monrovia
- c. Central region - Bong, Lofa, Barpolue, and Nimba counties – took place on August 18 and 19, 2008 in Gbarnga.

In each of the consultations between 25 and 35 participants were drawn from civil society, Community Based Organizations (CBOs), women groups, religious groups, representatives of county administration, TRC county structures, victims and ex-combatants. (see annexed participants lists)

These interventions were designed to give broad information on the TRC process, relevant TRC issues and the TRC policy guidelines. Secondly and more significantly, the interventions were designed as a vehicle to gauge the public's view on key issues such as truth, amnesty, reparations, prosecutions, memories and memorialization and reconciliation for which the Liberian TRC is slated to provide recommendations. This would in turn be made available to the TRC as the collation of citizens' broad-based perspectives on these very delicate issues with the anticipation that they can inform the final recommendations of the TRC.

The consultations consisted of plenary presentations and small group discussions designed around specific questions on the aforementioned issues in order to get their views on how they would like the TRC to proffer recommendations on these issues (See annexed Agenda and key questions).

The following is the report on the progress of the consultations including the issues discussed and recommendations that emerged.

Opening Courtesies

The consultations commenced with welcome remarks from representatives of the organizing institutions. The remarks underscored the critical nature of the TRC process and the important role that civil society must play in order to make the transition justice mechanism successful. It also gave an overview of the consultation process, stressing the overriding reasons why it was necessary to gather views as well as continuously provide qualitative information on the TRC mandate and what it is capable of implementing.

C. Presentations and discussions

The presentations were focused on giving an overview of the TRC including highlighting its origin, mandate, progress, challenges and prospects. Presentations on substantive issues including truth, amnesty, reparation, prosecution, institutional reform, memories and memorialisation and reconciliation were focused on definitions and their relation to the Liberia context. In addition formulated TRC policies on some of these issues were also discussed. In all of the three regional consultations, presenters were drawn from the TRC, civil society and ICTJ.

1. Overview of the TRC Processes:: Origin, mandate, progress, challenges and prospects

Presenters: *TRC County Coordinators and Richmond Anderson, Director, Media and Communication, TRC*

The presentations included recounting the genesis, mandate, challenges and prospects of the Liberian TRC. In this guise the following points were highlighted;

- The TRC has its origin in the Accra Comprehensive Peace Accord being a compromise between those actors including women groups and civil society organizations who demanded justice and accountability for the human rights violations during the conflict and powerful war lords who demanded an inclusion of an amnesty provision in the peace agreement. A TRC was provided for and the document remained silent on the question of amnesty.
- Civil society became very active in pushing for the establishment of the TRC and initiated processes such as consultations to generate inputs, drafted the bill and advocated and lobbied the National Interim Administration to promulgate the law that created the TRC.
- The selection process and composition of the Commission - This involved rigorous exercise of public vetting steered by some members of the international community and local civil society actors. The selection process led to the nomination and appointment of nine commissioners who were all Liberians from various segments of society including women, religious figures, lawyers, activists and journalists.
- The mandate, functions and power of the Commission - An overview of the mandate and objective of the TRC was highlighted specifically putting emphasis on its role to investigate the violations that occurred from 1979 and 2003, determine the extent and pattern of the violations, establish the root causes of the conflict, promote national healing and reconciliation and make recommendations in a bid to prevent the recurrence of another conflict. The powers and functions of the Commission include investigations, conducting public hearing, providing a forum where victims and perpetrators could have a genuine exchange of their experiences.²
- The initial hurdles that the TRC faced whilst trying to develop a work plan during its preparatory phase was enormous and later impacted on the slow of the work of the Commission. These hurdles included lack of adequate funding, capable staffers, essential logistics, a clear understanding of the workings of a TRC etc. As a consequence of these problems, the TRC work came to slow grinding halt at the close of 2007. This necessitated the intervention of the International Contact Group of Liberia (ICGL), in order to evaluate the status of the TRC and make tangible suggestions for improvements.³

² For a full reading of the mandate, functions and powers of the Liberia TRC please go to <http://www.ictj.org/static/Africa/Liberia/liberiatract.eng.pdf>

³ See report of the European Union funded assessment of the TRC Report by Lucy Daxbacher

- Funding of the Commission: The TRC has been funded mainly by the Government of Liberia to the tune of approximately 2.8 Million United States Dollars and the international community through bilateral funding. The funding from the international community has been managed by the United Nation Development Programme. Private foundations such as OSIWA have also provided funding.
- The gathering of information including statement taking and putting in place an inquiry system that include investigation and research into key events and thematic areas of relevance to the mandate of the Commission. As of the time of the consultations the TRC has documented about 17,600 statements from victims, perpetrators and witnesses. These are being coded and put into a data base which will eventually be used to provide statistical and aggregated account of the violations.
- The commencement of hearings at the start of 2008. At the time of the consultations the TRC had conducted about 650 hearings in all of the fifteen county headquarters towns including Monrovia. The hearings comprised of individual victims and perpetrator hearings, thematic and institutional hearings. The hearings are still ongoing and are expected to end by December 2008.
- Outreach and public information – The TRC has undertaken outreach programs that have taken commissioners and staff to many parts of the country explaining the mandate of the TRC and soliciting the cooperation and participation of the public in the process. Civil society has also being helpful in this guise.
- Undertaking work with Liberians in the Diaspora: The Liberia TRC is among the first to engage extensively with Diaspora community. About 2000 statement have been taken in the United States, Ghana etc and public hearings conducted in the United States. This initiative has largely been supported by its international partners.
- The policies TRC has developed on key issues – amnesty, reparation, prosecution, use of subpoena powers etc.⁴

During the discussions participants raised questions and concerns ranging from lack of understanding of the mandate of the TRC to negative public perception. Specifically the following non exhaustive concerns and questions were raised;

- What benefits ordinary Liberians will gain from participating in the TRC
- The membership of the Commission – whether it had personalities with required credibility that Liberia people can trust and also whether they are beyond reproach and impartiality. Concerns were raised about perception of some Commissioners' role during the conflict.
- Many communities are still unaware of the TRC. What will the TRC do in this light?
- The gradual erosion of public interest in the process partially as a result of what some see as waste of money especially when media report indicate commissioners fighting among themselves indicating a lack of sense of unity of purpose among the Commissioners.
- Participants also raised the need to just forget about the past and stop opening old wounds through the TRC process.
- Concerns about the credibility of the process and the political will to implement recommendations of the TRC especially those dealing with prosecution and reparations.

⁴ For full text of these policies please see <https://www.trcofliberia.org>

2. What did we consult about? – Defining and discussing the issues.

The consultations addressed the following key issues; truth, amnesty, prosecution and justice, reparations, memories and memorialisation, institutional reforms and reconciliation

Presenters: *Kanio Bai Gbala(TJWG), Aaron Weah (ICTJ), Samuel Toe(ICTJ Volunteer), Paul James-Allen, ICTJ, and Ruben Carranza, ICTJ, Reparation Program*

Presentations in this session were divided into two. One dealt with truth, amnesties and prosecutions while the other session with reparations, institutional reform and reconciliation. Depending on the availability of the aforementioned resource persons each of them presented on the two or more of the various topics stressing the content details as follows;

- **Truth:** non-judicial facts; a pattern of abuses of human rights or humanitarian law, usually committed over a number of years, discovering, clarifying and formally acknowledging past abuses; respond to the needs of victims, contributing to justice and accountability and making recommendations that will prevent future conflict. Part of the mandate the Liberia TRC is to “create a clear picture” of events related to the violations that were committed by various factions during the conflict and “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”.⁵ In order to achieve this TRC embarked on gathering information through statement taking from perpetrators, victims and witnesses and as well conducted investigations and research events and issues of the past. It also listened in public and in camera to individuals who had information about violations committed and events that occurred during time frame the TRC should cover.

- **Amnesty:** granting/recommending pardon or freedom from prosecution/trial to individuals and groups for violations/crimes they have committed. Amnesty was one the thorny issues in the discussion leading to the signing of the peace agreement. No mention was however made of in the final peace document. The TRC was then given specific power to recommend amnesty upon “application of individual persons making full disclosures of their wrongs and thereby expressing remorse for their acts and/or omissions, whether as an accomplice or a perpetrator, provided that amnesty or exoneration shall not apply to violations of international humanitarian law and crimes against humanity in conformity with international laws and standards”.⁶ In pursuit of this, the TRC in March 2008, published policy guidelines which included on how amnesty will be handled and applied for. The policy highlighted the following;⁷

⁵ An Act to Establish the Truth and Reconciliation Commission of Liberia Enacted by the National Transitional Legislative Assembly on Mat 12 2005. Article IV, Section 4, (b and d) respectively.

⁶ Ibid footnote 2, Article VII, Section 26(g)

⁷ Ibid footnote 4

1. Recommendation for amnesty will be made only in favor of an individual or group of persons for any act, wrong or crime committed between the period 1979 and October 2003 or before, upon request and upon the making of full and truthful disclosure of all material fact, in expression of remorse, pertaining to the act, wrong or crime for which amnesty is sought or pertaining to the actions, deeds or activities of the individual during the period 1979 to 2003 or any preceding period in Liberia history as the TRC is mandated to cover.
2. Any one, who has committed, is a suspect or has reasons to believe that a crime was committed or international human rights standards violated by him or her under circumstances of war or political motivation during the period 1979 to 2003 or any preceding period relevant to the TRC mandate, may apply for amnesty pursuant to the reconciliation objectives of the TRC.
3. Application for amnesty shall be in writing by letter, completing an application form, filling a statement form or by interview especially for an illiterate applicant. Application may be done in person, by delivery or via the internet at www.trcofliberia.org or info@trcofliberia.org
4. The application process may be completed when the TRC is satisfied that the applicant has made a truthful and full disclosure of all the material and relevant facts and circumstances under which the act, for which amnesty is sought, was committed.
5. The decision of the TRC to grant the application and recommend amnesty will be determined by the facts and circumstances of the incident, remorsefulness of the applicant, the relative position or state of mind and actions of the victim(s) and the alleged perpetrator then and now; the strong desire for national unity and reconciliation, the need to redress impunity, promote justice and the rule of law.
6. Upon consideration of all the facts and circumstances, the TRC will determine what constitutes international human rights law violations as to warrant exemption from amnesty.

Portion of the TRC mandate sub section 26(g) which states that , “....provided that amnesty or exoneration shall not apply to violations of international humanitarian law and crimes against humanity in conformity with international laws and standards” indicates that amnesty recommendations will be limited to violations not including international humanitarian law (IHL) and crimes against humanity. By implication these crimes should then be prosecuted. However, the policy on amnesty applications explicitly says that person who committed IHL and crimes against humanity can apply to amnesties!

There should have been a disclaimer which should be included, that “any” act, wrong or crimes does NOT include “violations of international humanitarian law and crimes against humanity in conformity with international laws and standards”

Although the expression of remorse is part of the TRC law, it should be noted that it highlights a profound philosophical mistake. Law cannot force people to be sincerely repentant, and an obligation to show repentance only creates an incentive to fakeness and dishonesty, thus adding pain to the victim. The South Africa TRC for instance was wise not to include repentance or remorse as a precondition in their amnesty scheme

- **Reparations:** (repairing relations) - individual relations, community relations, relations between the state and its citizens – reparations for individual victims and communities; state responsibility; compensation, restitution, and rehabilitation etc. In transitional justice contexts reparation is mostly a state-sanctioned act that attempts to place victims in their previous position of well-being prior to the violation, conflict or the transition. The rationale behind reparations is that states are obliged to provide practical and sometime symbolic redress for the crimes committed against its citizens. Reparations can take many forms, all of which have their various advantages and disadvantages. Inclusive of these forms are collective, individual, material as well as symbolic reparations. Collective reparations are designed to address communities as single blocs as opposed to individual reparations. The advantage of this form lies in its relative inexpensive nature compared to individual reparations that look at every one uniquely. Material reparations look at financial, infrastructural, educational benefits for victims while symbolic reparations concentrate on the preservation of memory, renaming of public places and open acknowledgement. All of these forms serve useful purposes to different groups of victims and that a fusion of these measures is necessary to achieve its priorities. Funding sources for reparations programmes in post-conflict settings are mainly from governments with bilateral partners providing technical aid. There is normally the tendency to politicize reparation programmes and therefore it advised that they are managed by independent government-established bodies.

The TRC policy declares that “recommendations for reparation will not be individual-driven. It will target a whole community, village, town, district, county, institution or a group of individuals. Only in extreme cases of individual need, lying within the exclusive discretion and wisdom of the Commission, for physical, health, mental, psycho-social and other rehabilitative services and needs without which a reasonably normal life will not be possible”.

- **Prosecutions and Justice:** making perpetrators account; punitive measures (legislation, judicial reforms): live and lets live vs. prosecution debate. The TRC Act makes provision for the Commission to make recommendations to the Head of States for the “... need to hold prosecutions in particular cases as the TRC deems appropriate”⁸. Some people have expressed that this provision and power of the TRC Act is in a way a vindication for those who advocated for non amnesty provision during the peace process in Accra. The TRC in dealing with this broad provision of its mandate and in a way managing the expectation of the Liberia people has also outlined a policy declaration in the following forms;

1. Prosecution and other justice mechanisms will be recommended for all individuals who by commission or omission committed acts, wrongs and crimes amounting to violations

⁸ Ibid Sub section g

of human rights including international humanitarian laws, international human rights law and crimes against humanity as determined by the Commission.

2. “Individuals” as used above shall apply to all persons who committed the aforesaid acts; who directly or indirectly aided and abetted the commission of the said acts, and those who exercised leadership in commanding, and authoritative positions in administration, in the field, on the battle front or in policy and strategy board rooms; all persons who by the proper exercise of their legal, moral, political, financial support, authority and influence alone or in concert with others as a single unit or group, warring faction, military or political grouping, etc. could have exposed, condemn, decry, prevented or arrested the human carnage and economic crimes in Liberia from 1979 to 2003 and during any preceding period relevant to the TRC mandate, but neglected to do so.
3. The TRC will recommend prosecution for any individual fitting the above categorization who knowingly ignores or disregards the TRC process, contempts the TRC, exhibits an impenitent, haughty and unremorseful posture, and thereby manifesting insensitivity to the national cravings for national reconciliation and healing, and the imperative for accounting and ownership for ones past deeds, and building a new society founded on justice and the rule of law to forever combat impunity in Liberia.

This TRC policy declaration has not gone without critique. It is alright to declare that prosecution and other justice mechanisms will be recommended, but if this is the case, then the TRC should think very carefully before inviting those individuals to participate in hearings where they will “underutilize” valuable evidence or else be exposed to self incrimination. Moreover, this is contradictory with the policy paper asserting that individuals accused of crimes against humanity or violations of IHL can apply for amnesty

- **Institutional Reform:** (political and governance institutions, security institutions (DDRR and SSR, traditional institutions (chieftaincy etc): reforms in legislation, policies, and institutions. These are described as broad reforms targeting public institutions that have been perceived or known to be the causal factors of the conflict. Particular sectors that are targeted such as the security, judiciary, and financial sectors as well. The TRC is mandated to make recommendations on institutional reforms but its policy guidelines have not indicated how it is going to do this. It should however be noted that in the ongoing peace process the security sector including the military and police are undergoing reforms ranging from restructuring to establishment of new institutions. Under various initiatives supported by government and donors there are also different reforms going on in the judicial and civil service sectors.
- **Memories and memorialization:** revealing, remembering, and confronting the truth about community and individual experiences during the conflict. Memorialization is the process by which societies remember their past as a means of fostering unity, collective history and peace building. As opposed to most thinkers who regard memorialization as basically symbolic, memorialization programs that target democracy dialogues at sites can significantly aid the psychological development of young citizens which is far more physical than symbolic. People must look beyond memorialization as more than just

memorial days but inclusive of renaming public spaces, building cultural traditions and writing history. Broadly speaking the TRC may make recommendations on how Liberians can remember the past but as of the time of the consultations there was no articulated policy put in place. It is not very clear how the TRC hopes to handle memories and memorialisation but communities like Samay in Bong County and Duport Road in Monrovia have tried and are trying to remember the past by undertaking initiatives such as building memorials.

- **Reconciliation:** addressing a history of past violence; creating trust, co existence, understanding between victims and perpetrators, communities and groups. Reconciliation can be defined as the process of rebuilding trust and coexistence after a period of conflict. A lot of misconceptions on the achievement of reconciliation abound. This is so because of the ubiquitous inclusion of this concept/word in the name of most truth commissions that had gone ahead to raise tensions in some contexts. Reconciliation is difficult to achieve and even more difficult to measure. It happens to be the outcome or focus of various activities over time. In this guise a TRC that is temporary in mandate is less to achieve reconciliation during its tenure. According to its mandate and practically the TRC is expected to initiate ideas and activities and make recommendations around reconciliation. During some of the public hearings in the regions especially in Kakata, Magibi County, initiatives such as acknowledgement of the sufferings and death of loved ones formed the highlights. Victims and survivors were asked to name relatives and friends who have died during the conflict – their names were written on posters and exhibited and candles were lit to commemorate their sufferings and death. This was indeed a symbolic gesture that would start the process of reconciliation.

General issues and questions:

The discussion and questions that followed the presentations were centered on the followings;

- How will the TRC determine and or arrive at the truth from the testimonies that it has documented from people. Participants claimed that some of them have heard stories during some of the public hearings that they believe are either fabricated or distorted.
- What criteria has the TRC used to select individuals who appeared and testified before it?
- How would perpetrators who live in the counties apply for amnesty? This was raised against the background that the TRC policy guidelines especially the one dealing with amnesty and how to apply for it have not widely circulated and disseminated.
- Is amnesty the same as forgiveness?
- If perpetrators are not amnestied would they be prosecuted? Which law will be used to prosecute them? Where will they be prosecuted? Is it possible for Charles Taylor, the former Head of State who is being tried in the Hague by the Special Court for Sierra Leone for him to be recommended for further prosecution?
- What if someone refuses to testify to the commission? What powers has the commission got force him or her to appear?
- What if a perpetrator cooperates with the TRC and confesses to crimes against humanity and IHL will the TRC recommend amnesty for such person
- How will the TRC know that a perpetrator is genuinely remorseful?
- What if a victim refuses to accept the “remorse” of a perpetrator will the TRC still recommend amnesty for the perpetrator?

- What protection mechanisms has the TRC got to offer to individuals who may be exposed to risk should they give information to the TRC?
- Will the TRC provide reparation for every victim? Former ex combatants have all ready been given demobilization and reintegration packages – why should victims not just be given packages as well? Will government have the resources to provide reparation?
- What are the benefits of implementing a memorialization program and
- Can true reconciliation ever be achieved in the face of the heinous crimes that have been committed against individuals?
- What specific attention is given to women and children in the TRC process? How is this going to impact on their lives given that they suffered some of the worse violations during the conflict?

C. Generating Recommendations on the Issues

Against the backdrop of the presentations, discussions and concerns and questions raised during the plenary and group meetings the following points seem to have formed the consensus views of the consultations.

1. Truth

Although there was a general consensus that the TRC has gathered much information/truth in terms of statements and testimonies given by victims, witnesses, survivors and perpetrators, participants still believed that many more people should have been afforded the opportunity to talk about their experiences to the TRC, a situation rendered difficult or impossible due to various reasons, including inadequate information and education on the TRC process, especially in leeward areas, fear of reprisals from perpetrators who continue to wield influence in the same communities as those giving testimonies, and the belief by many that talking about the past will engender uncomfortable memories and therefore more injuries. Some participants advocated for amnesia – “let us not revisit the past; let forget and forgive”.

There were also doubts expressed about the “trueness” or “truthfulness” of some of the stories given to the TRC. Questions about the TRC verification and substantiation processes of testimonies were raised. This issue was raised against the background that some media reports have asserted that the TRC has been involved in giving incentives to witnesses so that they can testify. Many believed that other initiatives around seeking more truth through the use of community, religious and traditional methods should be explored further as this will give many more people chance to talk and therefore engage in the reconciliation and healing process. Some also expressed the need for testimonies to focus not only on “bad events and incidents” but also on good and heroic deeds of some people/individuals amidst the difficult period.

Notwithstanding there was a call for initiatives that would enhance future unofficial truth telling projects by civil society organizations and CBOs even as the TRC completes it work. This will serve a therapeutical essence for those will be given the opportunity and also document the experiences of those who did not have the opportunity to talk to the TRC.

2. Amnesty

Like prosecution, a similar divide was noticed on the issue of amnesty. Those who supported prosecution also opposed any form of amnesty for perpetrators. On the other hand those who supported “forgiveness and forgetfulness” equally supported amnesty. What however cut across the participants was that they all seemed not to quite grasp the fact the TRC is only empowered to recommend and not grant amnesty. Almost all of the participants were unaware of the fact that amnesty was to be applied for. This will not be far removed from the fact the TRC has done little or no outreach on its policy on, and method of application for amnesty. It should be noted that even with limited knowledge on amnesty; many perpetrators have still come out to tell stories of atrocities they perpetrated. The question many participants were concerned about is what could have been the motivation behind the perpetrators talking to the TRC?

3. Prosecution and justice

The issue of prosecution presented one of the areas that witnessed complete divide and contention among participants. While almost half of the participants were vehemently opposed to any kind of reconciliation without prosecution, justice and accountability, an equal number were in favor of “let bygones be bygones”. The former gave arguments such as letting the culture of impunity being a thing of the past, as well as discouraging the recurrence of similar atrocities in future. This group seems less cognizant of the practicalities and some legal questions should be answered in the face of having an all out prosecution for the bulk of the people that the TRC may find wanting for many of the crimes that may have been committed. Questions around statute of limitations, the strengths and capacity of the domestic judicial and court systems, and whether or not the TRC itself will have enough information that could inform recommendations along those prosecutions were among some of practical and legal issues. The later argued that Liberians are a “forgiving and forgetting” people by nature. They also argue that the recommendation of prosecution may undermine the peace process and also put a burden on the already limited resources that the state has to undertake rebuilding and development. They also suggested the use of religious and traditional mechanisms to address some of the crimes especially those crimes that were committed by children who were forcibly recruited in the various rebel movements and militias. All the participants however agreed on the point that there are a number of challenges with the national justice system and some rights violations are still not being addressed and redressed, especially in the leeward counties where courts and the police systems are yet far from being reestablished.

4. Reparation:

It is interesting to note that the general view was focused on community reparation such as rebuilding of community buildings, schools, and clinics, rather than monetary/direct individual compensations. A possible reason for this may be the fact that most of the participants were not direct victims themselves of the war, although many acknowledged the victimhood of every Liberian in one way or the other. Only few of the participants in all the consultations were direct victims and one of them has participated in the TRC public hearings process.

5. Memories and memorialisation

In as much as many participants believed that “forgetfulness and forgiveness’ is part of the “virtue” of the Liberia society, they however shared common understanding and desire to remember many of the incidents and events of the war. Many would like to remember personal sufferings especially the killings of close relatives and friends and as well massacres and destruction of community and national properties. One controversial point was the question of remembering some one who may be considered a hero by one community and considered a villain or human rights violator by the other. They specially made mention of individuals who stood their grounds to defend members of targeted ethnic groups, including Manos, Gios, Krahns, and Mandingoes.

6. Institutional Reforms

Participants believed that political, legal, security and traditional institutions were responsible for the underlining causes of the conflict. Many suggested that the executive branch of government failed to make decisions in the interest of ordinary Liberians and those who occupied positions used such positions to enrich themselves rather than serve the people. Failure to interpret the laws of land impartially was also seen as another institutional cause of the conflict. Additionally, security institutions were misused and converted to the protection of particular ethnic and tribal groups, rather than for the national interest of all Liberians. Many still believe the present institutional reforms being undertaken are not adequate enough to address the problems of the past. For instance, participants believed that many Liberians in the leeward areas still did not have the opportunity to enlist in the new army and police as awareness about recruitment was less than national in scope. Centralization of governance is still seen by many as a problem. Governance and services still stop only at the level of county capitals and some key districts, leaving behind many more people in remote parts of the country.

7. Reconciliation

Reconciliation meant different things to different participants. While many of the participants regarded it as unity, togetherness, co existence etc the generally accepted notion among them was explained as thus;

At individual level

“.....my problem becomes his problem and his problem becomes my problem....’

At community level

“.....the community problem becomes the individual’s and vice versa”

And at national level

“.....the national problem becomes the community and individual problem and verse versa

The participants agreed that the reverse of the above notions caused the war and was the order of the day during the conflict. For most of the participants reconciliation could be achieved through the use of the deep religious believes and traditional structures among Liberians. Many however believed that some of these traditional practices have been either desecrated or abandoned. There was therefore the need to reactivate some of these traditional mechanisms. There was also an understanding that some of these traditional practices may be harmful practices so there will be the need to bring the harmful aspects in line with human rights practice.

Annex 1

**Generating Recommendations for the Liberian Truth and Reconciliation Commission:
Civil Society Regional Consultations**

Participants' List – Central Liberia

NO.	Name	Institution	Contact Details
1	Uriah Dolokelen	Gbarpolu Youth	06-475874
2	Allen Paulono	BUSA	06-448707
3	Marcus Kolley	Salala Youth Federation	06-734808
4	Joseph Coleman	JPC-Bong	06-539680
5	Michael Biddle	JPC-Bong County	06-423495
6	Randall Makor	BONSU	06-823613
7	Saidu Musa	National Teachers Association	06-980268
8	Prince Simpson	Liberian TRC	06-459386
9	Flomo Mulbah	Zorzor Youth	06-468426
10	Ruth Menpen	Solesa/ Nimba County	06-401595
11	Sam Kpai	Gbapolu Youth	06-613764
12	Victor Flomo	Bong Student Union	06-468416
13	Lawrence Plator	Prison Assistance Program	06-440827
14	Sam Borbor	Lofa Youth Chairman	06-458192
15	Winston Kerkula	Rural Human Rights	06-453746
16	Sunny Hayes	BUSA	06-614269
17	Jerry Siakor	Radio Gbarnga	06-458636
18	Aaron Juakollie	FIND	
19	Amos Gbenyan	FIND	
20	Fred Yeegebeh	Radio Kerghemahn/Nimba	

21	Aaron Dayee	Ears of the Massses/Nimba	
----	-------------	---------------------------	--

Participants' List Southeastern Region, Grand Gedeh County

NO	Name	County	Organization
1	Harry Blayee	Grand GEDEH	Internal Affairs
2	Peter Garwo	Sinoe	NTC
3	Madeline Clarke	Sinoe	MGOD
4	Jerome Kayo	Grand Gedeh	Zwedru Multilateral
5	Algev Doe	Sinoe	ACI
6	Havel Weah	River Gee	Women Group
7	Daniel Foiyoe	River Gee	Internal Affairs
8	David Bardy	River Gee	FLY
9	Thomas Billy	Grand Gedeh	YOUTH
10	Peter Harris	Maryland	YOUTH
11	George Doe	Grand Kru	YOUTH
12	Reagan Williams	Grand Kru	YOUTH
13	Hezekiah Bah	Grand Kru	YOUTH
14	Jamesetta Pennoh	Grand Gedeh	Women GROUP
15	Daniel Tugbah	Maryland	DDC
16	Betty Tarwo	Maryland	IRCL
17	Elizabeth Barh	Maryland	DDC
18	Victoria Dweh	Grand Gedeh	DDC
19	Mcarthur Walker	Grand Gedeh	IRCL
20	Amos Tarley	Grand Gedeh	Konobo Youth
21	Mariah Tweh	Maryland	LDI
22	Otis Joho	Grand Kru	LRRRC
23	Dominic Touldee	Grand Gedeh	LRRRC
24	Stephen Wisseh	Sinoe	youth
25	Eric Barnes	River Gee	JPC
26	Cephas Tally	River Gee	JPC
27	Edith Kudah	Grand Kru	Baptist Seminary
28	Jenkins Goannue	Sinoe	MDGD
29	Mayorine Hoto	Sinoe	BJHS
30	William Quiwea	Sinoe	BJHS
31	Edith Kulah	Grand Gedeh	TRC
32	George Sharpe	Grand Gedeh	Smile FM

Participants' Listing Western Region/ Montserrado County

NO	Name	County	Organization
1	Blama Goll	Bomi	PYGD
2	Agnes Jallah	Bomi	PYGD
3	Shirk Sonii	Cape Mount	Mesila Youth
4	Janet Vincent	Cape Mount	Robertsport Youth

5	Edward Teah	Montserratado	LEAD
6	Duwana Kingsley	Montserratado	NHRCL
7	Mefuin Nyanway	Montserratado	INHCR
8	Aaron Weah-Weah	Montserratado	NAYMOTE
9	James Benson	Margibi	Smile Africa
10	Vaply Zawa Davis	Margibi	Charity International
11	Francis Kollie	Montserratado	Prison Fellowship
12	Bennetta Walker	Montserratado	Prison Fellowship
13	Herbert Johnson	Montserratado	WIPNET
14	Jerry Tarbolo	Montserratado	FLY
15	Raphael Gray	Montserratado	FOHRD
16	Kanio Gbala	Montserratado	Civic Initiative
17	Richmond Anderson	Montserratado	TRC
18	Joseph Kennedy	Montserratado	TJWG
19	Emmanuel Jones	Grand Bassa	DDC
20	Joe Sekpeh	Grand Bassa	DDC
21	Andrew Jeejuah	Rivercess	DDC
22	Richard Noah	Montserratado	LDI
23	Cosme Pulano	Montserratado	LMC
24	Dixon Gblah	Montserratado	FIND
25	Augustine Toe	Montserratado	JPC
26	Murphy Tally	Rivercess	Christian Faith Assoc.
27	Edith Kudah	Rivercess	DDC
28	Jenkins Dahn	Grand Bassa	FLY
29	Joseph Cheeseman	Montserratado	Search for Common Ground

Annex 2

Transitional Justice Working Group (TJWG)
Catholic Justice and Peace Commission (JPC)



**Regional consultative meetings on generating recommendations
on key issues in the
Truth and reconciliation process**

June 20-21, July 3-4 and July 18-19, 2008

**In
Southeast (ZWEDRU), Western
(MONROVIA) and Central Liberia (GBARNGA) Respectively**

Agenda

Day one

1. Introduction and opening Courtesies—9:00—9:30a.m.
 - a) Registration of participants
 - b) Welcome remarks City Mayor/County Superintendent
 - c) Purpose of Consultations Dixon Gblah, Regional Director. FIND

2. Overview of the TRC Processes in Liberia—Background, and future prospects. 9:30—11:15 a.m

Presenter: Representative from TRC

Followed by questions, discussions and answers

Moderator: Joseph Cheeseman, Search for Common Ground, Talking Drum Studio

Tea Break (15 minutes) Tea Break (15 minutes) Tea Break

3. What are we consulting about – Defining the issues (I) 11:30 - 1:00 p.m.
 - a) Truth
 - b) Reparation
 - c) Amnesty
 - d) Prosecution and Justice

Presenter: Paul James-Allen, ICTJ, Liberia Program

Followed by questions, discussions and answers

Moderator: Kanio Bai Gbala, TJWG

Lunch Lunch Lunch Lunch Lunch

4. Generating recommendations on the issues (To be facilitated by JPC, TJWG and FIND) - 2:00—3:30 p.m.

Three groups to discuss key questions and construct key recommendations on each issue

5. Presentation and discussion of group findings - 3:30—4:00p.m.

Close of Day 1

Day two

6. Registration and recap of day one —9:00—10:00: a.m.

7. What are we consulting about – Defining the issues (II) 10:a.m—
11:45 a.m

- a. Institutional reforms
- b. Reconciliation
- c. Memories and memorialisation

Presenter: Kanio Gbala, TJWG/Samuel Toe, Volunteer, ICTJ

Followed by questions, discussions and answers

Moderator: Dixon Gblah, FIND

Tea Break (15 minutes) Tea Break (15 minutes) Tea Break

8. Generating recommendations on the issues (To be facilitated by ICTJ, JPC and Search for Common Ground) - 12:00—1:30 p.m.

Three groups to discuss key questions and construct key recommendations on each issue

Presentation and discussion of group findings

Lunch (1 Hr.) Lunch (1Hr.) Lunch (1Hr.)

9. Presentation and discussions of group work—2:30—3:00.m.

10. Rounding up and closing remarks – 3:00-3:30

END