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Liberia: Will those investigated by the Truth and Reconciliation Commission ever be prosecuted?

On 30 November 2008 the Truth and Reconciliation Commission of Liberia (TRC) published a list of 198 names of individuals who are suspected of perpetrating war crimes and other serious human rights violations committed between 1979 and 2003. The TRC is calling on these individuals to appear before it to respond to the allegations.

Ending impunity in Liberia

The list of 198 individuals, compiled by the TRC on the basis of victims' statements and its own investigations, demonstrates the important role the Commission is playing in investigating past crimes. The large number highlights the scale and the gravity of the crimes committed in Liberia in the past two decades.

The government of Liberia is under a legal obligation to investigate and prosecute all persons reasonably suspected of serious human rights violations, including war crimes, crimes against humanity, torture, extrajudicial executions and enforced disappearances. However, in the five years since the conflict ended, Liberian authorities have not yet taken any measure to concrete step to ensure the prosecution of serious human rights violations committed during the conflict. Liberia has not enacted the necessary legislation defining war crimes, crimes against humanity, torture, extrajudicial executions and enforced disappearances as crimes under Liberian law. No victim and witness protection unit has been established.

The Liberian government, with support from international organizations and donors, including the International Contact Group-Liberia (ICGL), should immediately begin to design an action plan to ensure investigations and prosecution of all individuals allegedly responsible for serious human rights violations. In particular, such an action plan should take into account any recommendation for prosecution that the TRC may formulate in its final report.

Protecting the right to presumption of innocence

Amnesty International welcomes that the TRC is taking steps officially to invite individuals who have been accused of crimes during its inquiry to defend themselves and reply to these allegations.

The TRC is not a judicial body and its investigations do not determine guilt or innocence. The Commission should make clear that the individuals named in the list have the right to be presumed innocent until proven guilty according to law in separate fair criminal proceedings.

Background

The Truth and Reconciliation Commission of Liberia was appointed in February 2006. It is mandated to investigate gross human rights violations and violations of international humanitarian law as well as abuses that occurred during the period from January 1979 to 14 October 2003. Although the TRC is not a judicial body, it has an important role to play to contribute to justice through investigating past crimes and recommending individuals for prosecution.

For further information see: *Liberia: Towards the final phase of the Truth and Reconciliation Commission*, AI Index: AFR 34/002/2008, 29 July 2008
<http://www.amnesty.org/en/library/info/AFR34/002/2008/en>.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: press@amnesty.org

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org

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