Liberia is a nation defined by its ironies. Though former slaves first colonized the country, Liberia’s settlers rapidly enslaved the indigenous population and established a plantation agricultural system. While Liberia has the first African female head of state, Ellen Johnson Sirleaf, systemic rape and sexual assault is ever-present. And even though it is one of the most Christian countries in the world, criminals walk unpunished for their crimes against humanity. Since the end of the Liberian Civil War in October 2003, the rebel warlords who once committed guerilla slaughter, conducted mass systemic rape, ate human flesh, and sacrificed small children have been allowed to roam free. Some warlords even returned as social and religious leaders in the community. Only one Liberian leader—former president Charles Taylor—has been charged for war crimes.

A proponent of a legalistic-moralist perspective might question how a country can hope to provide stability when it cannot enforce laws against mass genocide. A rational human being might question how people could live their entire lives knowing their neighbor killed their family and has yet to (and likely never will) be punished in a court of law. In most countries, these questions wouldn’t have to be asked, but Liberia seems to evade simple definitions of justice as it struggles to come up with answers. In an attempt to provide a better understanding of Liberia’s post-conflict complexities and challenges, I will begin with a brief history of the country’s founding and civil war, and subsequently posit why the Liberian government’s choice to implement a weak “Truth and Reconciliation Commission” (TRC), as opposed to a standard criminal court, was the most strategic policy to bring stability to the Liberian people.

The Rising Storm: Historical Seeds of the Liberian Civil War

From the very beginning, Liberia has struggled with oppression, conflict and instability. The country started as a Back-to-Africa colony for freed slaves and was funded by the American Colonization Society (ACS). The capital of Liberia was named after the fifth president of the United States, James Monroe. Ironically enough, these recently freed settlers treated the local population the same way their former masters treated them in the United States and Caribbean, limiting their rights and imposing their western value system on the natives. Furthermore, while the initial settlers were a small minority in comparison to the native Africans, they established
a “democratic” government under which control was centralized in favor of the settling freed slave population.\(^2\)

In 1847, Liberia declared independence from the ACS and, except for two territorial wars against the native population, remained relatively stable for around 130 years. This period of peace lasted until 1980, when Master Sergeant Samuel K. Doe overthrew the settler-government and became the first native African to lead the country. Doe’s rise to power marked the start of Liberia’s contemporary political instability.\(^3\)

While Doe proved successful at overthrowing the government, he was ineffective at running it. Doe grew increasingly paranoid, eliminating council members who expressed dissent, favoring members of his own ethnic group, and oppressing other ethnic minorities in the country. These factors, coupled with an economic collapse, prompted American-born rebel leader Charles Taylor and his National Patriotic Liberation Front (NPFL) to launch an outright rebellion. A year later Doe was executed by the NPFL and rebel groups fought amongst themselves for control of the government. A peace agreement was eventually reached, and in 1997, Taylor and his newly formed National Patriotic Party (NPP) took control of the new transitional government.\(^4\)

Like Doe, Taylor proved ineffective as a leader, as he couldn’t consolidate his power and prevent infighting among the various rebel factions. Yet another Civil War broke out in the north of the country.\(^5\)

During the Civil War, various rebel groups took control of Liberian provinces through guerilla warfare and the use of child soldiers.\(^6\) Liberia fell into complete societal collapse: both government and rebel forces massacred civilian populations, women of all ages were raped,\(^7\) warlords ritually sacrificed young children before battle,\(^8\) and journalists reported stories of cannibalism.\(^9\) Perhaps the most well known product of the Liberian Civil War is the variety of creatively coined warlord titles, like General Rambo, General Butt Naked, and General Tupac.\(^10\) In sum, approximately 250,000 people were killed and 1.5 million displaced by the end of the conflict.\(^11\)

Eventually, a ceasefire and peace agreement was signed in Accra, Ghana on August 18, 2003 between the government, rebel groups and political parties. A new government was established in 2005 headed by newly elected Ellen Johnson-Sirleaf,\(^12\) and Taylor was sentenced to 50 years in prison by the International Criminal Court (ICC) for war crimes.\(^13\)

**The Devil’s Compromise: The Liberian TRC**

With the Civil War over and stability temporarily returned, eyes turned to the perpetrators of the conflict. In order to establish political legitimacy, the reformist Liberian government had to somehow address the conflict and war crimes from which it was born. In 2005, the Liberian government established a Truth and Reconciliation Commission (TRC) to investigate the crimes committed during the First and Second Liberian Civil Wars between 1979 and 2003. This commission’s role was to clarify
what exactly happened during the Civil War (primarily by interviewing the victims and the perpetrators of the crimes) and make policy recommendations to the Liberian government. While the TRC Act states that TRC recommendations should be binding, it was well known that the government would have no constitutional obligation to implement the recommendations due to separation of powers. None of the TRC’s recommendations for a criminal tribunal or the banishment of certain government individuals had to be implemented by the government. In fact, the TRC recommended that President Sirleaf be banished from office for gross human rights violations, yet she was re-elected in 2011. The Liberian TRC was a symbol of resolution, able to reveal the story of human rights violations, but unable to actually provide justice. It is therefore unfortunate that this symbol of justice was the best the Liberian government could do under the circumstances it faced.

Why was a TRC the most appropriate means for resolution available to Liberia in 2005? Three factors should be considered in understanding why Liberian warlords should not be prosecuted and why the Liberian government had to create a TRC: 1) the mass proliferation of violent acts during the Civil War, 2) the security concerns of the Liberian transitionary government, and 3) the important cultural role of Christian morality in Liberia.

First, to try warlords in Liberia, one would have to allot blame for the over 250,000 deaths caused during the civil war. Warlords committed many crimes, but so too did their soldiers. Many average Liberians participated in murder, rape and perhaps even cannibalism during the chaos of the civil war. When there was so much violence caused by so many individuals, it is convenient but not moral to attribute crimes to a select few. To enforce justice in such a manner would require prosecuting and imprisoning a large part of the Liberian male population for their wartime crimes. Liberia, as a post-conflict developing nation, simply does not have the resources to institute such a policy. Charging only the men who led rebel groups, a massive task in itself, could also hardly be considered justice as it ignores all those other crimes not directly committed by them. Historically, the judges for the Nuremberg trials have been criticized for trying to apply conventional domestic attribution of guilt to the mass international crimes of the Holocaust. According all guilt to these Nazi leaders distracted Germany from a societal recognition of guilt. Additionally, given the complexity of political hierarchies, it is impossible to prove that all crimes can be directly attributed to these leaders. This same historical precedent holds true for the analogous post-civil war Liberia. Unfortunately, there is no feasible path to justice for the inhumanity of the civil war.

Second, the security situation of the transitionary Liberian government made the prospect of a criminal court impossible. The primary reason why a TRC was used in Liberia was because the transitionary government was sharing its power with several warring rebel factions. The TRC was a compromise, essentially assuring rebel factions that they would not be tried for their war crimes in exchange for ending the civil war. To provide justice with a criminal court, Liberia would severely destabilize
its security situation. Many of these warlords have reintegrated back into Liberian societies. Some—most notably Joshua Blahey (formerly known as General “Butt Naked”)—have created community programs in their former territories. These killers are no longer killing. However, it is safe to assume that not all warlords have honestly repented for their crimes. While Blahey has stated that if some future criminal court chooses to punish him he would accept the sentence wholeheartedly,20 other former warlords would not welcome the possibility of prison or execution. If the Liberian government were to establish a traditional criminal court, these warlords who ended the civil war partially to avoid punishment would have large incentive to reignite the civil war. If justice now only proliferates more slaughter that requires more trials and self-destructive correction, then that justice is self-defeating. Liberia must move forward, and to do that it must leave the civil war in the past, not start another one.

Finally, and perhaps the most peculiar reason why Liberia chose not to and should not punish ex-rebels, is the intersection of these inhuman crimes with the Christian spirit of Liberia. Over 85 percent of the Liberian population identifies as Christian.21 Perhaps a result of American colonization or from hundreds of years of oppression, instability, and inhumanity, the Liberian people are immensely faithful. Many warlords, whether seeking protection from revenge or truly feeling regret, have “repented” for their crimes. Blahey, who openly admits to sacrificing children and consuming their blood, is now a pastor who freely admits to congregations of his crimes, expresses his regret, and proselytizes the value of forgiveness and reconciliation.22 Liberia survives despite internal pressures to its sovereignty, and Liberians are willing to forgive and sacrifice justice for stability. The TRC commission “forgiving” these warlords, as it did with over thirty individuals, reaffirms the deeply held Christian beliefs on love and humanity instead of re-inflicting wounds and denouncing trails through punishment.

Whatever the reason, Liberia has strategically chosen to forgo the pursuit of justice for the promise of stability and rehabilitative security. Although the Liberian TRC was plagued with low funding, implementation errors and administrative incompetency,23 on principle, its promotion of discourse over punishment prevented the country from being ripped apart by conflict once more. The Liberian government’s choice to establish a TRC has allowed individuals considered devils by many to live unpunished. This “Devil’s Compromise” has given Liberia one less irony; it is most certainly, as its name suggests, the “Land of the Free.”

Notes

2. Ibid., 191-192.
3. Ibid., 192.


12. Ibid., 193-194.


15. Ibid., 201-208.


20. Ibid., “ex-rebel says.”


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