

LIBERIA IS NOT JUST A MAN THING:

Transitional Justice Lessons for Women, Peace and Security

Karen Campbell-Nelson, Ed.D.

September 2008



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AUTHOR PROFILE

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Karen Campbell-Nelson has lived in West Timor, Indonesia since 1983. For the past ten years, she has documented women's accounts of the human rights violations they have experienced. She was coordinator of an investigation team that monitored violence against East Timorese women in West Timor refugee camps and later worked as the Coordinator of the Women's Research Team for the Commission of Reception, Truth, and Reconciliation of Timor Leste. She has also provided documentation support to the Indonesian National Commission to Eliminate Violence Against Women. Karen served as a Gender Advisor with the Truth and Reconciliation Commission of Liberia for six weeks in 2006–2007, and also with a government-to-government development programme in eastern Indonesia in 2007–2008. She now works with the International Center for Transitional Justice in Indonesia.

ACKNOWLEDGEMENTS

The author would like to thank the many people in Liberia who, despite pressing demands and constant visitors, were still willing to grant interviews. Special thanks go to Caroline Bowah, an adept and patient research assistant, and to the Liberian Women's Media Action Committee (LIWOMAC) for facilitating key interviews and a focus group discussion on behalf of this research, as well as offering critical insights. The author also thanks members of ICTJ's Gender Program and staff members in Monrovia who provided excellent information, support, and encouragement for this research, and the Initiative for Peacebuilding (IfP) and the European Commission for their generous support.

EXECUTIVE SUMMARY

This report examines the role of women in the implementation of international peace and security instruments through a case study of transitional justice mechanisms in the Liberian context. The experiences of Liberian women have much to teach the world about women's role in peacebuilding—not only were women strategic in influencing Liberia's 2003 Comprehensive Peace Agreement (CPA), but Liberia also boasts the first elected woman head of state on the African continent. Women's groups who crafted the Golden Tulip Declaration of 2003 articulating women's demands for peace made direct reference to Security Council Resolution (SCR) 1325. While Liberian women have seen much progress in terms of their representation in the public realm, questions remain over how to utilise SCR 1325 to address the gross human rights violations committed during the country's 14-year civil war. Between 1989 and 2003, some 250,000 Liberians were killed, up to one-third of the population was displaced, and as many as 75 percent of women and girls were subject to sexual and gender-based violence (SGBV).

Transitional justice, understood as a range of mechanisms designed to address the impact of gross human rights violations, when reviewed from a gender perspective and in a particular historical context, provides specific meaning and form for the implementation of SCR 1325. Liberia's CPA committed the country to undertake transitional justice mechanisms most obviously in the form of a Truth and Reconciliation Commission (TRC). Other transitional justice mechanisms reviewed in this paper include legal accountability, reparations, security sector reform, and memorialisation.

A number of questions regarding gender in Liberia guide this study. To what extent have women participated in and benefited from transitional justice processes that establish the truth about past human rights violations, demand accountability for them, and support reforms to ensure such violations are not repeated? What do women have to say about these mechanisms and do they satisfy women's sense of justice?

Recommendations include support for personnel working for Liberia's Truth and Reconciliation Commission (TRC), the development of an urgent reparation programme, support for the development of community-based schemes for women's protection, and strengthening the criminal justice system to enable it to address past human rights abuses. Support is needed to assist the TRC in supporting community-based reconciliation processes, and for civil society organisations to take the lead in the design and implementation of security sector budget reviews, in developing recommendations for the memorialisation of women, and in inviting open discussions about the narration of Liberia's armed conflict in the schools. It is further recommended that international organisations improve inter-organisational coordination, help to make valuable information accessible to partners in the field, and conduct research more collaboratively with local women.

Keywords: Truth-seeking, Prosecution, Reparations, Security Sector Reform, Economic Justice, Memorialisation

ACRONYMS

AFELL	Association of Female Lawyers of Liberia
AFL	Armed Forces of Liberia
AI	Amnesty International
CPA	Comprehensive Peace Agreement (refers to Accra Accord, August 2003)
CSO	Civil society organisation
DCAF	Geneva Centre for the Democratic Control of Armed Forces
DDRR	Disarmament, Demobilisation, Rehabilitation and Reintegration
DPKO	Department of Peacekeeping Operations
ECOMOG	Economic Community of West African Monitoring Group
ECOWAS	Economic Community of West African States
ESDP	European Security and Defence Policy
EU	European Union
FOHRD	Foundation for Human Rights and Democracy
GOL	Government of Liberia
GBV	Gender-based violence
GRC	Governance Reform Commission
ICTJ	International Center for Transitional Justice
IRCL	Inter-Religious Council of Liberia
ITAC	International Technical Advisory Committee (for the TRC)
JPC	Justice and Peace Commission (Catholic Church)
LCC	Liberian Council of Churches
LINLEA	Liberia National Law Enforcement Association
LIWOMAC	Liberian Women's Media Action Committee
LNP	Liberian National Police
LURD	Liberians United for Reconciliation and Development
MARWOPNET	Mano River Women's Peace Network
MODEL	Movement for Democracy in Liberia
NEC	National Elections Commission
NGO	Non-government organisation
NHRCL	National Human Rights Centre of Liberia
NPFL	National Patriotic Front of Liberia
NTGL	National Transitional Government of Liberia
NTLA	National Transitional Legislative Assembly
ODIHR	Office for Democratic Institutions and Human Rights
OGA	Office of the Gender Advisor
OSCE	Organisation for Security and Cooperation in Europe
OSI	Open Society Institute
PAE	Pacific Architects and Engineering
SCR	Security Council Resolution
SGBV	Sexual and gender-based violence
SIDA	Swedish International Development Cooperation Agency
TRC	Truth and Reconciliation Commission
UNDP	United Nations Development Programme
UN-INSTRAW	United Nations International Research and Training Institute for the Advancement of Women
UNMIL	United Nations Mission in Liberia
USAID	United States Agency for International Development
USIP	United States Institute of Peace
VAW	Violence against women
WIPNET	Women's Peace Network
WOCHIRRC	Women & Children's Rehabilitation & Resource Center

I think that they should give women preference when it comes to the TRC [Truth and Reconciliation Commission] hearings [and] . . . the entire process of the TRC. I believe that women, as victims, suffered a whole lot during the war . . . When the men were not there to support the family, the women took up responsibilities, it was like overnight. And in taking up the responsibilities of the family they experienced a whole lot of problems during the conflict. And then as perpetrators, women also saw some gruesome sights. So if the TRC can give women preference when it comes to the process there would be genuine reconciliation. Because if the women all come up to talk about the things that happened to them, and the things that they did during the conflict [there would be genuine reconciliation]. I don't think Liberia is just a man thing. We are talking about Liberia; we are talking about genuine peace and reconciliation for Liberia.¹

Naomi Saydee, Liberian Women's Media Action Committee (LIWOMAC)

FOCUS ON TRANSITIONAL JUSTICE

Liberia provides an interesting case study of the role women have played in peacebuilding in the West African context. Liberian women played an integral role in bringing an end to armed conflict in the country with women's organisations releasing the Golden Tulip Declaration² just days before the Comprehensive Peace Agreement (CPA)³ was signed in August 2003. This declaration articulates women's demands for peace and makes direct reference to Security Council Resolution (SCR) 1325. Since the end of the civil war, Liberia has ensured the increased representation of women at decision-making levels as called for by SCR 1325. The Office of the Gender Advisor (OGA) of the United Nations Mission in Liberia (UNMIL) also has an explicit mandate to mainstream gender in all work of the Mission. This mandate is to be guided by:

UNSCR 1325 (2000) on 'women, peace and security', which is included in UNSCR 1509 (2003) that established the peace keeping [sic] mission in Liberia. In addition, the work of OGA is guided by the DPKO gender policy on gender equality in peace keeping [sic] missions.⁴

The experiences of Liberian women have much to teach the world about women's role in peacebuilding.⁵ The purpose of this study is to provide a transitional justice framework for the implementation of SCR 1325 and is, therefore, addressed to those who seek to strengthen its implementation. SCR 1325 firmly commits the international community to address human rights violations committed against women through:

Reaffirming . . . the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts . . . [and emphasising] the responsibility of all States to put an end to impunity and to prosecute those responsible for war crimes including those relating to sexual and other violence against women and girls.

Transitional justice, understood as a range of mechanisms designed to address the impact of gross human rights violations, when reviewed from a gender perspective and in a particular historical context, provides specific meaning and form for the implementation of SCR 1325. Liberia's CPA committed the country to undertake transitional justice mechanisms most obviously in the form of a Truth and Reconciliation Commission (TRC). Other transitional justice mechanisms reviewed in this paper include legal accountability, reparations, security sector reform, and memorialisation. SCR 1325 calls for women's rights and particular needs to be included in national training programmes for military and civilian police personnel (point 6); this paper critiques aspects of Liberia's security sector reform from a gender perspective. As already outlined, SCR 1325 calls for an end to impunity; this paper considers the calls for accountability of perpetrators (prosecution) and of the state (through reparations), and also obstacles to the realisation of these.

In this paper the term 'gender' is used broadly to refer to a commitment to women's rights and sensitivity to women's needs. It is important to review transitional justice mechanisms in Liberia from a gender perspective to reveal how they may fail to acknowledge and respond to women's varied needs or the negative impacts they may have on women in order to improve the mechanisms and, in turn, better serve the implementation of SCR 1325. This gender review of transitional justice mechanisms will seek to answer several questions. To what extent have women participated in and benefited from transitional justice mechanisms that establish the truth about past massive human rights violations, demand accountability for them, and support reforms to ensure such violations are not repeated? What do women have to say about these mechanisms and do they satisfy women's sense of justice? The implications of this review for the implementation of SCR 1325 will form the basis for recommendations for policy-makers and practitioners.

RESEARCH METHODS

The information and qualitative analysis in this report are based on primary data gathered during two trips to Liberia most recently in May 2008 and supplemented by secondary data collected while in Liberia, from work conducted by the International Center for Transitional Justice (ICTJ) office in Liberia and from online sources. The author served as a gender advisor with the Liberian TRC for six weeks from December 2006 to January 2007 and returned to Liberia for two weeks in May–June 2008 specifically to do research for this study. The first consultancy was supported by the ICTJ. This current study carried out in collaboration with the ICTJ was conducted with the generous support of the Initiative for Peacebuilding (IfP) funded by the European Commission. The annex provides a detailed explanation of the research methodology.

HISTORICAL CONTEXT⁶

Between 1989 and 2003, Liberia suffered a brutal civil war, during which it is estimated over 250,000 people were killed, up to one-third of the population was displaced, and as many as 75 percent of women and girls were subject to sexual and gender-based violence (SGBV). All three parties involved in the conflict have been shown to be involved in SGBV, and women and children are thought to have comprised up to 38 percent of Liberian combatants.

The region of West Africa which later became Liberia was inhabited from the twelfth century and in 1822 was established as an outpost for returning freed slaves from the Americas. It became an independent country in 1847 with the help of the American Colonisation Society. Descendants of the freed slaves, generally known as Americo-Liberians, comprise between five to ten percent of the population. They maintained social and political control over the indigenous population of the country until 1980 and this unequal distribution of power lay beneath the country's recent conflicts. Following a military coup in 1980, Samuel Doe assumed power and became an important ally to the Americans in the midst of the global power politics of the Cold War. In 1989, members of the National Patriotic Front of Liberia (NPFL) led by the Libyan-trained Charles Taylor invaded Liberia from Côte d'Ivoire precipitating 14 years of civil war.

The entire West African sub-region became embroiled in the conflict—Sierra Leone, Nigeria, and Guinea—under the guise of the Economic Community of West African States Monitoring Group (ECOMOG) as well as Côte d'Ivoire and Burkina Faso through their support for Taylor's NPFL. Women and girls were not only victims of killings, torture, and rape, but they also participated in fighting forces as combatants and as auxiliary support. Fighting continued in Liberia until a ceasefire in 1997 when Taylor was elected Liberia's third president. In July 2000, an armed opposition group, Liberians United for Reconciliation and Democracy (LURD), invaded from the north prompting a further round of civil war which culminated in Taylor's exile and the signing of the Comprehensive Peace Agreement (CPA) in August 2003.⁷ Following a transitional government, Ellen Johnson Sirleaf was elected president of Liberia in 2006, becoming the first woman elected head of state in Africa.

The 2003 Golden Tulip Declaration marked the culmination of more than a decade of struggle by women's organisations to gain recognition in formal peace processes and to influence male-dominated peace accords.⁸ The Declaration outlines women's demands for their inclusion into all structures and institutions both during

the transition and as part of a post-conflict society. Liberian women's contributions to peacemaking have been internationally acclaimed with the United Nations Prize for Human Rights being awarded to the Mano River Women's Peace Network (MARWOPNET) in 2003 and the UN 1325 Award to Etweda Cooper, a Liberian peace activist, in 2005.

Since the end of the armed conflict, Ellen Sirleaf's election has been mirrored by a broader visibility of Liberian women in public positions: women currently hold senior positions such as ministers of Gender and Development, Justice, and Youth and Sport;⁹ as Inspector General of the National Police; and as commissioners of the Truth and Reconciliation Commission. Quotas have been established in a number of public areas in order to secure women's participation such as 20 percent women's membership for the Armed Forces of Liberia (AFL)¹⁰ and Liberian National Police (LNP),¹¹ and 30 percent representation in parliament.¹² Many women's previous experience in community mobilisation and political networking for peace has provided a springboard for activism over legislative reform, social outreach, and economic reconstruction.

The new government continues to face numerous challenges in the country's reconstruction such as re-establishing the rule of law, reducing poverty, and stemming the high rates of SGBV. Although for some the 'honeymoon' with President Sirleaf may be over, she remains widely popular both at home and abroad. There is currently widespread support of her presidency and she represents a shift towards the greater participation of women in Liberian politics and positions of leadership. According to a male pastor affiliated with the Liberian Council of Churches:

There have been many changes since women have come to power. And in order for them to be seen and heard, there must be some discrimination against men. This country was run by men for over 133 years with no significant results. Two years ago, a woman took over as president . . . and we see some change.¹³

TRUTH-SEEKING

Liberia's Truth and Reconciliation Commission (TRC) was a provision of the August 2003 Comprehensive Peace Agreement (CPA)¹⁴ and was established by a gender-sensitive Act of the National Transitional Legislative Assembly in 2005.¹⁵ As with TRCs in other countries, the Liberian TRC is not a court with punitive powers. Its mandate is to investigate gross human rights violations and violations of international humanitarian law covering the period 1st January 1979 to 14th October 2003 in order to identify the root causes of the conflict and establish the truth about the past. The TRC Act is explicit in its call for the participation and inclusion of women. It:

- reaffirms the commitment of the Liberian people to 'international conventions and protocols relating to the rights and protections of women and children', (Preamble, paragraph 12);
- calls for the Commission to adopt specific measures to address the experiences of women, children, and vulnerable groups (Article IV, Section 4e);
- stipulates that no fewer than four of the nine commissioners be women (Article V, Section 7);
- explicitly states that the TRC shall be sensitive to issues of gender and gender-based violence (Article VI, Section 24 and Article VII, Section 26f);
- calls for special programmes to enable women and children to provide testimony (Article VII, Section 26o); and
- calls for the provision of witness protection for children and women who may experience trauma, stigmatisation, or threats if they tell their stories (Article VII, Section 26n).

Since its inception, the TRC has taken a number of steps to fulfil its gender mandates. With technical assistance provided by ICTJ, a gender workshop was held in January 2006 to provide civil society women's groups a platform to strategise regarding the best ways to ensure women's full participation in the process. In December of that year, Commissioner Maasa Washington, head of the TRC's Committee on Women's Affairs, along with other women commissioners and trainers, led a series of zonal workshops and town hall meetings across the country to assist the mobilisation of women for their participation in the TRC process.

In these workshops, team members provided information about women's human rights, shared experiences of women in TRC processes in other countries for comparison, and began to identify specific concerns women may have over speaking about violence they experienced during the armed conflict, particularly sexual violence.

A special session on gender was provided to TRC statement-takers during their initial training in January 2007, the same month that a draft gender policy and work plan were drawn up, again with technical assistance. An ICTJ training on public hearings held for commissioners in February 2007 included discussions about the special needs of women and children giving testimony.

Public hearings began in January 2008 and by June had been held in 14 of Liberia's 15 counties. As of July 2008, nearly 40 percent of those giving testimony in public hearings have been women.¹⁶ One commissioner explained that women have been adamant in their desire to speak in public: '[W]omen say, 'I've lost everything already. What's stopping me? They took everything from me; they took my dignity away. So what's stopping me from letting the public know that . . . these things happened and we need to fight against it?''¹⁷

In June 2008, the commissioners held hearings among the Liberian diaspora in the United States—the first time a truth commission has received organised testimony from members of its diaspora community. County hearings are due to be followed by a series of national thematic hearings, including a women's thematic hearing. Even prior to the TRC's special thematic hearings for women, a number of women have come forward in public to speak about rape and other forms of sexual violence they experienced during the conflict.

Despite the TRC's relative success in terms of outreach to women and the favourable gender statistics related to its work, criticisms abound. Despite the formulation of a gender policy and work plan for the TRC, this lay dormant for over year. Women hired to identify and accompany women to speak at public hearings expressed confusion and disappointment that some women whom they brought to the TRC were denied the opportunity, not only to speak in public, but to give a statement. Currently there is no mechanism to receive and redress the complaints of those women who were turned away.¹⁸ Several observers commented on the lack of a strong witness protection programme, something of particular importance for women who testify about crimes committed against them.¹⁹ To monitor threats or harm that witnesses may encounter, the TRC has a staff member remain in each location where public hearings have been held for up to two weeks. To date there have been no reports of attacks against witnesses.

Many civil society leaders interviewed expressed disappointment about the TRC process in general. Complaints include:

- a lack of transparency in the Commission's process;
- the dissolution of the TRC's legally-mandated International Technical Advisory Committee (ITAC);
- poor outreach—many people at the grassroots level remain unaware of what the TRC process is about;
- the TRC's inability to bring forward high-level, key actors in the conflict to speak at public hearings;
- commissioners' lack of full engagement with witnesses at public hearings;
- commissioners' inability to work well with international advisors; and
- public in-fighting between commissioners.

One human rights activist commented, 'Signals coming from interaction [among] . . . commissioners does not offer well for the reconciliation process. If you have a body that is supposed to champion reconciliation, that body itself should be seen . . . as reconciling among itself.'²⁰ Another observer noted that Liberians, in particular the TRC commissioners, 'are not honest to the process.'²¹

Many of the problems that plague the Liberian TRC are familiar to observers of TRCs in other contexts. It is not unusual that more time, effort, and energy are invested in truth-seeking instead of reconciliation. Genuine reconciliation depends on full and accurate disclosure of violations committed, and therefore the process must usually be sequential; truth-seeking precedes reconciliation. However, time and funds are often exhausted in the effort to establish an accurate historical record, so that reconciliation aspects of the process are often neglected. Also, the TRC process inevitably takes a heavy toll on its commissioners

and staff. Broad mandates that demand continual engagement with horrible details of gross human rights violations must be collectively accomplished in a relatively short time. The investigation of SGBV can be especially traumatic for women statement-takers, researchers, and commissioners. How the toll of such work manifests itself, and how the actors involved respond, will vary with different contexts, but seldom is time or money committed to address the impacts of a TRC process on those who must implement it. Seeking explanation for some of the Liberian TRC's problems may assist in the development of recommendations.

Commissioners, ITAC members, and the TRC's operational staff were in place and functioning at least one year before an Executive Secretary and Program Manager were hired. This contributed to imbalances along many lines—institutional development and memory, networking, and ownership of the process to name a few. It may also explain, in part, why funding for the TRC was more irregular and weak at the beginning of the process. Lack of commissioners' engagement with the initial gender policy and work plan could be due both to lack of commitment to gender equality, but also to the fact that this policy and work plan resulted more from an outside consultant than from a collective process. This, in turn, relates to ambivalence about the presence of technical advisors and experts. On one hand, acknowledgement of limited capacity and experience opens doors to outside expertise; on the other, national pride that imagines a TRC process of, by, and for Liberians may make it difficult to trust and learn from such expertise.

By failing to fully engage with Liberian civil society, the TRC lost a golden opportunity to mobilise civil society's potential to expand awareness of and involvement in all aspects of the process from statement-taking and participation in public hearings to efforts at reconciliation, witness protection, and alternative adjudication. Time and again, leaders of faith communities and NGOs commented on how high hopes to participate institutionally were dashed when they felt ignored by the TRC. Marginalisation from the process accounts for much of the disappointment. If TRC commissioners felt disenfranchised by international advisors, civil society organisations felt excluded by the TRC, coming to view it as a process controlled rather than led by commissioners. Yet even Liberians who express grave disappointment about the process often indicate they remain hopeful that the TRC process will still result in high-profile perpetrators making public amends and that the commissioners will issue a comprehensive report with strong recommendations.

As a government institution that has received international support and regular media coverage, the TRC has a high public profile.²² It is important to note, however, that although the TRC may be the most publicly recognised institution for establishing the truth about past violations, it is not the only one. Other Liberian organisations that have documented human rights violations include faith-based groups such as the Justice and Peace Commission of the Catholic Archdiocese of Liberia²³ and the Human Rights Monitor of the Peace with Justice Program of the Methodist Conference of Liberia,²⁴ and also community service organisations (CSOs) such as the National Human Rights Center of Liberia.²⁵ There are also several studies that provide specific documentation about SGBV during the conflict. Notable among these are a study of violence against women from 1989–1994,²⁶ a World Health Organisation assessment of SGBV and health facility needs,²⁷ several Amnesty International (AI) reports,²⁸ and a report on girl combatants in Liberia that includes a section on gender-based violence.²⁹ None of these efforts were comprehensive; neither did any seek to establish an accurate historical record of Liberia's conflict. However, taken collectively, this documentation makes an important contribution to the truth regarding human rights violations that ideally would be broadly acknowledged and integrated into the TRC process.

LEGAL ACCOUNTABILITY

The estimated figures of the extent of war crimes and crimes against humanity committed during the armed conflict in Liberia are staggering: there were at least 25 massacres in which at least 100 people were killed at a time, between 60 and 70 percent of women suffered some form of sexual violence, and at least 21,000 conscripted child soldiers—boys and girls—were forced to participate in torture, killings, and sexual violence.³⁰ Many argue that mechanisms beyond truth-seeking such as the prosecution of perpetrators of human rights violations are needed for Liberia to recover from its violent past. Caroline Bowah, from the Foundation for Human Rights and Democracy (FOHRD) argues that,

The peace . . . we now experience is a negative peace, and clear actions must be taken for people to see the needs of the people, how they are going to be addressed. After 20 years of fighting and killing each other, [we need to act so] that we do not have a relapse . . . if we do not go back to repair and to address the causes of this conflict in all of this nation-building process . . . that would be a mistake we'd be making. . . . The people of this country must be reconciled, yes it's true. But again, you cannot reconcile if those who bear the greatest responsibility for this conflict, if you don't hold them accountable.³¹

Accountability for Liberia's armed conflict has created a variety of concerns. Some see prosecution of perpetrators as a necessary precondition for full reconciliation and as paramount for the elimination of a culture of impunity in order to prevent future human rights violations. According to analysts from the international policy network Heinrich Böll Foundation:³²

To establish security following a violent conflict, the culture of violence must be thoroughly transformed in light of gender-specific and feminist perspectives. . . Two of the greatest challenges in conflict management are to disempower violent actors and to restore a functioning rule of law. These objectives are particularly important for women due to the fact that sexualised violence also increases in violent contexts. It is thus in women's interests to restore the state's legitimate monopoly on force and to penalise each individual act of violence.³³

Many Liberians interviewed during this study voiced opposition to amnesty for perpetrators of serious human rights violations. They are glad for a process which allows victims to forgive perpetrators, but emphasise the need for justice. According to Caroline Bowah:

[S]ome people are saying that Charles Taylor is the only boogeyman; he's not . . . there are many boogeymen . . . in this country. And for it to be **fair**—we're talking about justice—for it to be **fair**, then it means that all of those who took part—whether they provided funding, whether they took guns and went to the field, or whether they gave [arms to] others, or however they are implicated in this conflict, they must be held accountable. So for us, the first step is the truth, is to go to the TRC and say what [happened] . . . so that we don't have a contradiction in our history. . . . so that we know exactly what happened . . . And after that part of it, will come the justice. So going to the TRC to testify is not sufficient; that's just one step.³⁴

Many respondents are disgruntled about Charles Taylor's trial being held by the International Criminal Court in the Hague, not because they believe him to be innocent, but because they feel his trial for crimes committed in Sierra Leone does little to eliminate impunity in Liberia. Several people say that unless other war criminals that still hold positions of influence in Liberia are also brought to trial, Charles Taylor should be freed.³⁵

Shortly after the signing of the CPA in August 2003, Gyude Bryant, who at that time chaired Liberia's transitional government,³⁶ announced there were no plans to conduct war crimes tribunals. In a message to the media, Bryant noted that: 'the warring factions made it very clear during the talks that had we insisted on a war crimes tribunal at this time, there would have been no peace agreement'.³⁷ However, by 2006 a group began to campaign for Liberia to have its own war crimes tribunal working alongside the TRC,³⁸ although it seems the two bodies never met. Yav Katshung Joseph (17 March 2008), a human rights lawyer and lecturer at the Faculty of Law, University of Lubumbashi, Democratic Republic of Congo, writes: '[T]here are always tensions between the requirements of the criminal justice system and those of non-punitive approaches to gross and systematic human rights violations'.³⁹ By 2008, this tension surfaced in Liberia with the public denunciation of the TRC by the same group that, two years earlier, had hoped a war crimes tribunal would work alongside it. They called the TRC hearings a 'charade' and claimed that the TRC merely provides 'a smoke screen for impunity'.⁴⁰ In July 2008, one of the first high-level calls for a war crimes tribunal for Liberia came from the Apostolic Administrator of Monrovia.⁴¹

Not all Liberians are demanding prosecution, but difference in attitudes seems to have more to do with personal welfare than with gender. It may be easier for a victim who has some economic security, good prospects for the future, and whose children are in school to forgive a perpetrator than someone who does not. For example, a woman testified at a public hearing in Margibi County about how her family was robbed and she was raped during the conflict. When she had finished testifying, one commissioner asked the woman

if she would have anything to say to the perpetrator if she saw him. 'Nothing'. The commissioner asked further, 'Why? Have you forgiven him?' 'Yes'.⁴² In an interview with a different commissioner, it was asked whether this woman's response represented what other women victims had been saying in testimony to the TRC.

No. . . . We try to avoid asking the victims that question. We allow them to speak freely. It's a difficult thing for a victim to understand, to be asked, and who [then] say misleading things and [gives the] impression that victims do not want prosecution, do not want justice. In that state it is not very appropriate, so we don't ask that question. [Some] . . . want justice for perpetrators. They think that some measure of justice should be meted out to avoid future recurrence of what we have experienced. Today this lady seems to be so upbeat about it. She's working, she's . . . settled, so I think that's why the commissioner felt she'd put [the question about the perpetrator] to her. [She's] unlike most of them [who] are very disadvantaged women who were raped under the most gruesome of circumstances; we couldn't ask [them] that kind of question. So this is a case of a woman who—yes, it's exceptional.⁴³

In private interviews, Liberians are often ardent in their calls for accountability for crimes committed during the civil war. Both male and female witnesses testifying in the TRC public hearings have called for prosecutions of perpetrators of violence.⁴⁴ These findings echo those of Amnesty International that reported a wide range of actors expected the government to address past violations, including prosecution of suspected perpetrators.⁴⁵ With such a broad-based desire for judicially mediated accountability, how then are we to understand such limited institutional advocacy for the issue?

In a 2007 report, Priscilla Hayner noted that most long-standing Liberian human rights activists have prioritised the TRC process and feel it premature to raise questions about prosecutions.⁴⁶ Many Liberians who spoke of prosecution continue to place their hopes on recommendations from the TRC process. Yet the TRC recommendations for prosecution, if forthcoming, may simply lead to more recommendations. According to the TRC Act (Article X, Section 46): 'The Independent National Human Rights Commission shall be seized with the responsibility to ensure that all the recommendations contained in the Report of the TRC are implemented and that civil society organisations and moral guarantors of the CPA shall be seized of the responsibility to monitor, and campaign for the scrupulous implementation of all recommendations contained in the report'. This Human Rights Commission, created by an Act in March 2005 to operate under the Sirleaf administration can only recommend prosecution for those crimes committed during the civil war [Article III, 3.(c)]. Unfortunately, unlike the TRC it has no set quota for women commissioners.⁴⁷ To date, establishment of this commission has been stymied by an amendment to its Act and by debate regarding the eleven nominees—only one a woman—to fill seven commissioner positions.⁴⁸ There are Liberian institutions that exist to investigate, but not yet to prosecute gross human rights violations of the past.

Considering the impact of the armed conflict on women, the dearth of women's open discussion and debate on prosecution for past crimes, particularly SGBV, is surprising. For years, Liberian women activists joined forces to end armed conflict and their singleness of purpose bore fruit. But once disarmament and demobilisation were assured, women followed different paths in response to a plethora of needs and opportunities. Depending on the level of women's participation and opportunities to realise gender equality, such fragmentation of advocacy is not necessarily negative. And there is evidence that women can still be mobilised to come together on key issues. Liberian women are rightfully proud of progress made with amendments to the rape law and the inheritance law that give women greater protection and rights. It is hoped that a fast-track gender court to address cases of sexual violence will begin to operate before the end of this year.⁴⁹ Such institutional reforms are important to prevent the recurrence of gender-based discrimination and violence. Unfortunately, however, mobilisation of women around these reforms has not been linked to accountability for past violations.

In October 2006, a high-level meeting was organised by Partners for Gender Justice in cooperation with the Ministry of Gender and Development and the Ministry of Justice. Priority requirements and assistance needed were identified according to five categories, but even this document remains silent regarding prosecution for past violations. The second category sounds promising: 'Ending Impunity for Crimes Against Women and Creating an Environment of Accountability, Reconciliation and Tolerance: Establishment of More Gender-Sensitive Justice and Transitional Justice Mechanisms and Provisions of Reparation and Rehabilitation Services to Victims'. However, its concrete recommendations focus only on mechanisms for addressing current cases of violence,

while the TRC alone is recognised as the body dealing with past violations. 'The trade-off between a tribunal and a TRC [that] seems to have been explicit in everyone's minds⁵⁰ at the time of the Accra peace accord in 2003 seems to be the legacy women's organisations quietly accept five years later. Women's advocacy for judicial reforms has discouraged discussion about prosecution for past crimes against women by ignoring the issue.

A compelling reason for the absence of strong national or international political will in this matter is that international tribunals are protracted and expensive. Special domestic courts present a similar problem. According to ICTJ's Liberia office, the expense of Sierra Leone's special court is a major deterrent to development of a similar court in Liberia.

About US\$120 million or above [has been spent] to try just about nine people in the Sierra Leone Special Court. . . . It is experimental, and they felt it would be a model for future trials. It doesn't have the Chapter 7 mandate which the Rwanda Tribunal had. Chapter 7 is the United Nations provision which says [the Security Council] has the power and the responsibility . . . to fund it and to empower it. But the Special Court is funded by voluntary contributions by member states of the UN. So the intention was this would be a lot faster, a lot less unwieldy, and a lot cheaper, but in fact it has proven to be quite expensive. Trials are very slow, some of the key culprits have died in detention, and it has not satisfied the people. It is not a good model.⁵¹

This awareness seems to inform Amnesty International's suggestion that Liberia's domestic judicial system takes responsibility: 'With the right training, technical and financial support, the Liberian judicial system would be the appropriate mechanism to try the alleged perpetrators.'⁵² However, the Liberian judicial system is unlikely to have the capacity for this for at least the next ten years. If and when the judicial system is capable, legislation would still be needed to push forward a mechanism for prosecution, something difficult to realise as long as any who would be tried holds positions of power in the government. '[W]ho wants to rock the boat in Liberia now? That's not in anybody's interest!'⁵³

A contributing factor adding weight to the burden of prosecution relates to the sheer number of perpetrators. It is commonly accepted that all parties to the armed conflict—not primarily one—committed war crimes and crimes against humanity. A rare proponent of full amnesty for perpetrators who apologise said, 'Do we go with restorative or retributive justice? Restorative should take precedence because, as Gandhi says, if you take the position of an eye for an eye and a tooth for a tooth, we would all soon be blind and toothless.'⁵⁴

Liberia could learn from other post-conflict situations that have used traditional justice systems to inform alternative dispute resolution mechanisms that have proved successful for both men and women. The community reconciliation programme of the Timor Leste truth commission⁵⁵ helped to reduce the burden on a hybrid court that convicted only 84 defendants over four years.⁵⁶ Women's organisations in Rwanda helped to ensure women's participation in the *gacaca* court there.⁵⁷ A community-based reconciliation process is not equivalent to prosecution, but in some cases may be akin to it in terms of satisfying victims' sense of justice. At least one TRC commissioner in Liberia was involved in community-based reconciliation efforts,⁵⁸ but these were neither well promoted nor well documented. Development of a range of dispute resolution processes to address past violations, including traditional mechanisms, should be considered for the ways they may accommodate Liberian women's demands for accountability.

I can't say there are not women [who participate in customary law], because you know we have women who are traditional leaders also and they have been handling cases from time immemorial. So yes, there are women handling that. If you went to the Ministry of Internal Affairs, you'd see that disputes are handled; they do have mediators, they do have people that serve, and they include women.⁵⁹

REPARATIONS

In the aftermath of conflict or authoritarian rule, many deem that the state is responsible for reparations to victims whether in the form of *restitution* (restoring the victim to the original situation before the violation), *compensation* for economic damages, *rehabilitation* (medical and psychological care, legal and social services), *satisfaction* (public disclosure of the truth, public apologies, commemorations and tributes to victims), or *guarantees of non-repetition* through reform of state institutions.⁶⁰

In March 2006, the UN General Assembly adopted a resolution on the rights of victims of gross human rights violations to remedy and reparation.⁶¹ This resolution calls on member states to make remedies for harm suffered due to violations of human rights and international humanitarian law. Remedies include access to justice, relevant information concerning violations and reparation, and prompt and adequate reparation. In Liberia, the status of reparations appears similar to that of prosecutions: little, if any, public advocacy on the issue is evident, women activists have not mobilised around it, action appears to wait on the TRC, and financial constraints go some way toward explaining relative silence on the matter.

The TRC's position on reparation was indicated through a public policy bulletin:

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 [sic].⁶²

Liberia's TRC has also suggested interest in the establishment of symbolic reparation as well as a reparation fund. Plans have been suggested for teams to consult with communities throughout the country about prioritisation of the needs for collective reparation at a community level.⁶³

The ICTJ has invited the TRC to explain why it will not be recommending individual reparation and what is meant by 'extreme cases of individual need'.⁶⁴ Questions exist over the definition of 'a reasonably normal life' and who will be entrusted to determine the criteria.

At an informal consultation held in June 2008 in Monrovia, women peace activists mapped the progress Liberian women have made during the five years since Accra and considered what is still needed for women's peace and security from the perspective of transitional justice. Discussion relevant to reparation summarised in the table below reflects the women's uncertainty about the scope of reparations as their points are not always confined to damage suffered as a result of the armed conflict.

REPARATION

What's been realised	What's still needed	Recommendations
2004 <ul style="list-style-type: none"> Economic empowerment 	<ul style="list-style-type: none"> Set programmes to support women perpetrators Completion of rehabilitation and reintegration phases for women ex-combatants Policy on reparation National action towards reconciliation Women's adequate access to information, e.g., simplified versions of national health and security policies, so marginally literate women are able to make proper decisions Capability to retain girls in school 	<ul style="list-style-type: none"> Rehabilitation of mental homes to be functional A trust fund to help women follow up their cases Make the Independent National Human Rights Commission functional immediately Leadership training to help women identify and address issues Capacity building for women leaders, especially women in the House who will sit there 8–9 years Efforts to retain young women in school and implement the policy on girls' education
2005 <ul style="list-style-type: none"> Women in Peace Building Network (WIPNET) peace huts⁶⁵ Rehabilitation of ex-combatants by National Disarmament, Demobilisation, Rehabilitation and Reintegration Commission Psychosocial programmes 		
2006 <ul style="list-style-type: none"> Safe homes (Women's & Children's Protection Section–LNP) National budget allotment to county development UNDP small arms project 		
2007 <ul style="list-style-type: none"> Open letter to former President Samuel Doe's family by Senator Prince Johnson Maintenance of government buildings 		

Inadequate discussion time meant recommendations did not always correlate with identified needs and no action plans were articulated. Also, the focus on women victims of human rights violations during the conflict was lost when participants began to discuss what Liberian women in general still need for peace and security. Nevertheless, these points help capture how Liberian women in civil society understand their needs in terms of transitional justice mechanisms, including reparation. The results of this women's discussion serve to highlight gender inadequacies in the TRC's reparation policy. The TRC's commitment to women's participation and its awareness of the conflict's differential impact on men and women seen in other aspects of its work is missing from its policy on reparation, and this gender-blindness was also overlooked in ICTJ's response to this policy. In order to bring the TRC's policy on reparation in line with other more gender-sensitive aspects of the TRC process, the policy needs to explicitly reflect women's perspective and address their needs, such as the special needs of women ex-combatants, many of whom were not well served by the Disarmament, Demobilisation, Rehabilitation and Reintegration process (DDRR),⁶⁶ or the needs to information of marginalize literate victims.

Concern for the condition of female ex-combatants is noteworthy. By late 2004, approximately 22,000 women and 2,740 girls of a total 103,000 ex-combatants had been disarmed and demobilised as part of the DDRR programme run by UNMIL. Despite claims by UNMIL's Office of the Gender Advisor that gender was mainstreamed into the policies and standard operating procedures of the disarmament process,⁶⁷ investigations on the ground revealed a different picture. Little effort was made to involve women's groups in the process and in many cases, women's access to the process depended on their relationship with their commanders. Some female ex-combatants received no information or were misinformed about the programme, while others who did participate experienced harassment or felt the cantonment sites were too crowded. The process was also considered too short to deal with the range of reproductive health, sexual, and psychological concerns women had, yet no medical referrals were given for women who needed further care after leaving the cantonment site. Female ex-combatants face a double stigma as women who have often experienced sexual abuse, bearing children resulting from rape, and as women affiliated with fighting forces. This makes reintegration into their families and communities especially difficult.⁶⁸ Many women became affiliated with fighting forces in coercive contexts and were also subject to sexual violence. Female ex-combatants often have special needs for rehabilitation and reintegration. There are thus arguments for both including female ex-combatants as beneficiaries in a comprehensive approach to reparations, while at the same time lobbying for more gender-sensitive DDRR processes.

Many women interviewed work with organisations that now focus on economic empowerment. Only a handful of them used the term reparations, but this often seemed the logical terminus of their interest with micro-credit and women's economic independence. If all women are seen as victims, in one way or another, of the armed conflict, then women's economic empowerment can be understood not so much as a trade-off, but as a form of reparations itself. Some women's NGOs that offer medical, psychosocial, and other rehabilitation services are clearly in the realm of 'repair'. Usually there is no distinction between past or present 'harm', but there is a growing emphasis on future prevention.

The evolution of one women's organisation maps this shift from 'repair' to economic empowerment. From 1990–1992, members of the National Women's Commission began research on discrimination towards women embodied in legislation, for example, regarding dowry and inheritance laws. In the process of this they were confronted by many cases of sexual violence. This, in turn, led to the development of the highly successful Abused Women and Girls Project to address rape cases. This work on sexual violence, including outreach to Liberian refugees in Côte d'Ivoire, lasted several years. The project expanded both geographically to counties beyond Monrovia, and programmatically with the development of trauma counselling to build public awareness and a medical component run by Liberian women doctors and nurses. Internal tensions resulted in an organisational schism and the development of work in the distinct areas of legislative reform and skills training. The move from trauma work to skills training was explained like this: 'Once women are detraumatized but not engaged, they easily relapse. Because of women's low level of education, we wanted to impart skills.'⁶⁹ Several women implied that their work in women's economic empowerment is a justice response to sexual violence—it is complementary to the repairs of medical and psychological services.⁷⁰

According to a representative of the Ministry of Gender and Development, 'Economic empowerment of women is key to preventing and reducing exposure to GBV'⁷¹ because poverty places women in more

vulnerable situations.⁷² Economic empowerment may indeed free women from using their sexuality as a survival strategy, or reduce their vulnerability to accepting money instead of justice in cases of rape.⁷³ Economic empowerment may help to prevent the recurrence of violations towards women. Yet women's economic empowerment alone cannot be considered adequate reparation to women victims of past human rights violations for at least two reasons.

Amnesty International notes that 'failing to provide a clear system for reparations leaves victims to suffer with neither official acknowledgement of the crimes committed against them nor assistance to rebuild their lives.'⁷⁴ Economic empowerment can assist women to rebuild their lives, but it does not provide official acknowledgement of the crimes committed against them and does not necessarily address the devastating consequences of loss of dignity. The Gender Ministry's GBV Unit has no reparation mandate *per se*, but *de facto* fulfils that function, albeit on a small and sporadic basis, through providing micro-credit to women and providing support for women's training and community centres.

The other problem with economic empowerment schemes for women, many of which are managed by CSOs, is that they do not hold the state accountable for the harm caused to its female citizens. As the UN Resolution on the Right to Remedy reminds us, the scope of a state's obligation to victims includes the duty to: 'Provide . . . victims of a human rights or humanitarian law violation with equal and effective access to justice . . . irrespective of who may ultimately be the bearer of responsibility for the violation; and . . . provide effective remedies to victims, including reparation . . .'⁷⁵ As such, comprehensive reparation programmes need to make special provisions for women, including those who were affiliated with fighting forces as combatants and in other supportive roles.

SECURITY SECTOR REFORM

[T]he security sector itself has a lot of stakeholders, and one group of stakeholders that . . . have been left out, and are still being left out in force, is women. And I think we need to participate more. They should have our initiatives for inclusive security. They should see how we define security, and not only look at security in terms of external threat to the country, as state security, but human security. So we think there's a need for us to participate more fully so that we all—if we must have peace, all stakeholders can participate, for then we have sustainable peace and development. That's my opinion.⁷⁶

Liberia has inherited an array of security agencies, some with overlapping duties, that often lack coherence and people's trust due to their role in the past. These agencies were established at different times by different governments, often as part of a political rather than a security agenda. They were often corrupt and violated human rights. A major task of reform, therefore, is to rid the forces of this legacy and restore people's trust in them. The Security Sector Reform (SSR) process since 2004 has focused on reform of the police (LNP), the army (AFL), and the Special Security Services that protect the President (SSS).⁷⁷ UNMIL had initially held responsibility for police reform, but lacked adequate funds to implement it. With a half million dollars from the US followed by support of other donors, a new force of more than 3,500 officers graduated in August 2007.⁷⁸ Although special provisions have been made to encourage women's recruitment in the LNP, the target of 20 percent women has not yet been realised. According to Beatrice Munah Sieh, Liberia National Police Inspector General:

It has been very difficult [to recruit females.] . . . We are able to recruit a lot of males because they have the opportunity of going to school, while the females stay at home caring for the young. . . . Now we have . . . tutorial classes for females who are interested in enrolling into the LNP. They will be recruited, tutored, and exams will be given by the Board of Education through the normal standard to everybody. . . . The curriculum will be very intense. When they have absorbed the curriculum, the Ministry of Education will give the test.⁷⁹

Although hampered by lack of essential equipment such as fingerprinting equipment and a laboratory, speed detection equipment, handcuffs, and computers, the police have still managed to establish a Women and Children Protection Section (WACPS) to help provide special protection for women and children.⁸⁰

Whereas the LNP has been deployed throughout the country and is functioning, albeit with limitations, the AFL is not yet operational. The United States, with responsibility for reform of the AFL, has contracted two private security agencies, DynCorp and PAE, to dissolve the old army and train a new one. The recruitment and training process has been very slow, in part because of an intensive process in which a vetting council interviews candidates and then travels to candidates' communities to cross-check information from the interviews and distribute pictures of candidates. Community members are encouraged to anonymously report any reason a candidate should not be accepted in the army. In this way, about 75 percent of the candidates for the AFL were rejected compared to about 10 percent who were rejected by the LNP.⁸¹ As with the LNP, the 20 percent target for women has not been realised. This is not surprising given that the greatest concern has been to achieve regional and ethnic balance, not gender balance.

Not only must women AFL recruits struggle with dominant social norms that keep them out of the army, they are also vulnerable to dismissal for failing to meet physical fitness standards.⁸² Some women have protested:

'[Let's say] I want to join the military, but I do not need to climb a six-foot wall to be included into the military because I'm a professional accountant and social worker. My skills as accountant and social worker can be utilised in the military, can be utilised in the police. But I don't need to climb a six-foot wall. So we in civil society are saying the criteria are too stiff. At some point we have to be flexible to have women included into the security sector . . .'⁸³

According to the SSR analyst Vanessa Farr, raising gender awareness through careful training of security forces is certainly as important as integrating women into them:

The mere inclusion of women workers into security sector jobs is unlikely to produce a sea-change, although there is evidence from peacekeeping missions that a core of women operating in a mission can produce a fairly dramatic change in a unit's approach to its tasks. In the end, however, awareness-raising through careful training and monitoring and evaluation of those (women and men) who have participated in such training will remain an essential part of the process of changing the psychology of security sector workers. This is why women peace activists continue to fight for the rights of women to be heard whenever and wherever security-related decision-making takes place.⁸⁴

Initially, there was reason to hope that this kind of careful training would contribute to a deep transformation of the AFL, for it was a civic education component DynCorp proposed that helped it to win the AFL training contract. In discussing the curriculum, a trainer on the civic education team noted:

[We gave] theoretical training on the history of the armed forces, civil-military relations, human rights issues, women and children's rights, ethics, and other subjects that I collaborated with others to bring into the military training. It was on international humanitarian law, law of war with emphasis on the thought that soldiers should learn not to take illegal orders and not to give illegal orders, and should feel a responsibility to protect women and children in difficult circumstances, particularly during warfare. The idea was to infuse some amount of civic education in the military training so that at least civil-military relations could be improved, and that the quality of the army would become more professional compared to the past times when the unprofessional character of the army led to a breakdown of society and poor relations with the civilian population. We also taught rule of law. We thought this was important in the sense that when we outline constitutional provisions that relate to the military, the idea was to demonstrate that the people are the owners of this country and create government. The government creates the army, so the army becomes an extension of the people, and the army, in that regard, as the constituent element of the state must protect the people.⁸⁵

After only about one year, this component was dropped.

The Government of Liberia has decided that the new AFL will be trained according to U.S. Army doctrine because this had been the basis of the training of the old AFL. Every soldier, irrespective of ultimate branch, is first trained as an infantry rifleman during basic training, i.e., the Initial Entry Training (IET) course, which was 11 weeks long for the initial intake. The period has subsequently been

reduced to eight weeks by cutting three weeks of training time initially devoted to human rights training and education in civics and civil-military relations in a democracy. These subjects have been dropped from the curriculum because of the high cost of basic training.⁸⁶

It appears to be a matter of priority. 'DynCorp has a fixed fee for every month that it is physically retained in Liberia, regardless of whether contractual work is proceeding. The combined expenses of DynCorp and PAE totalled \$18 million in the first six months of 2007.'⁸⁷ That the civic education component was, in this instance, deemed most expendable raises questions about the concept of security guiding the AFL training. This, in turn, points to one of the major problems with security sector reform in Liberia, namely that training of the LNP and AFL has preceded the establishment of a coherent and overarching national security strategy.

In 2007, the National Defence Research Institute of the Rand Corporation published a report on the transformation of Liberia's national security sector. The concept and core functions of security put forward suggests a conventional notion of security in which corrupt and politicised forces are replaced by honest, apolitical ones professionally trained to enforce the law, ensure public safety, prevent or defeat internal security threats and defend the state from external aggression.⁸⁸ In this 'law enforcement' scheme, women could hope for protection of primarily civil and political rights. A national security strategy framework produced by the Governance Reform Commission, soon to be released, points to a different notion of security. The process leading to this document involved broad consultation with government officials, community development and women's organisations, leaders of trade and transport unions, and religious and civic leaders throughout the country. 'In the security sector discussion, women were very, very vocal. In many of these places you have city mayors, many of them are women. . . . The women have been very, very sharp in articulating the issues of what they went through in the war and what they don't want to see repeated in post-war Liberia.'⁸⁹ This strategic framework embodies a new vision and mission of security, a 'human needs' scheme in which women could hope for protection of social and economic rights as well as civil and political ones.

[T]he Governance Commission has been . . . providing guidance in the SSR process . . . [and] has been very critical on the need for much more . . . open, democratic participation in the general security sector reform programme by civil society as well as . . . [introducing] a new concept about security [to include] the whole essential aspect of democratic control and effective parliamentary oversight, to demilitarise security from one of physical security to that of, if you like, human security. Essentially . . . security is all about national development, taking care of the basic needs of the people.⁹⁰

Liberian women have no trouble making the link between basic needs which provide human security and security sector reform; at one level they experience it daily:

[W]e [of the GRC] asked them, 'What is it you think that constitutes a threat to you when you get up in the morning?' . . . They talked about the lack of opportunity for women, unemployment, the fact that many of their children are not in school. They talked about when they go across the borders to buy goods to sell, [how] they encounter obstacles from security who want to extort. . . . These malpractices die hard.⁹¹

The insecurity these women experience is economic and it comes, in part, from forces that do not ensure peace and security, but exploit their position in order to act as predators. If the voices of ordinary women could guide security sector reform, the concept of security would by necessity shift in the direction of human security. However, considering that millions of dollars that have already been spent to 'reform' the LNP and the AFL in the image of those who have been contracted to do the work, an image that apparently gives low priority to civic education,⁹² the prospects for developing such a 'human security' approach seem dim.

Civil society engagement with security sector reform tends to be dominated by men. Were women to take the lead in ensuring that rhetoric regarding 'human security' is backed by clear policy and consistent action, including budget priorities, this would encourage stronger gender analysis and commitment to gender equality by all CSOs engaged with security sector reform. As Barnes and Albrecht (2008) point out, gender-budget analysis could be used for this purpose.

As defence budgets often represent a significant portion of a country's expenditure, strengthening fiscal transparency and oversight is a key role of oversight bodies, and one that CSOs can support. Money that is being spent on defence is being channelled away from other needs such as social service provision or development. Allocation of government budgets can therefore have different impacts on men, women, girls and boys who may stand to benefit more or less from certain types of spending. Gender budget analysis has emerged as a tool for analysing the gender-differentiated impact of government spending, which could be usefully applied to the security sector⁹³

In Liberia, women could lead the way in gender budget analysis to determine the proportion of funding spent nationally and internationally on security versus that spent on social and economic services and infrastructure to assess the impact on women and other marginalised groups.

Another aspect of security that relates not to reform of the security sector, but to the conditions required for sustainable peace requires reflection on economic reform. As suggested above, it is important to approach economic empowerment in the framework of reparation with some caution lest the former be seen as an adequate substitute for the latter. In discussions of women's peace and security, on the other hand, the role that economic development and empowerment have to play has not been stressed enough. At a meeting of the Liberia Working Group, an initiative of the USIP, it was stated that:

Economic development is among the most effective means for reforming the security sector. A viable economy provides the funds to pay soldiers adequately and regularly, dampening incentives for criminality. Furthermore, a strong economy in general reduces the levels of economic and social grievances, which can lead to civil conflict in the first place.⁹⁴

Another aspect of economic reform that relates to sustainable peace and security is the need to address economic disparities. During interviews, several respondents felt that discussion of transitional justice mechanisms such as memorialisation or security sector reform are of little interest to the majority of Liberians whose main concerns are 'bread and butter' issues.⁹⁵ The economic disparities between the majority of Liberians and members of the international community are extreme. Eighty-five percent of Liberians are unemployed,⁹⁶ salaries for members of the LNP and the AFL are under US\$100 a month,⁹⁷ the minimum wage of civil servants has recently increased from US\$55 to US\$70 a month,⁹⁸ and recent pay increases for magistrates brought their salaries to US\$800 a month.⁹⁹ In contrast, international salaries and contract fees, although not usually available for scrutiny, are estimated to average well over US\$2000 a month. To extend gender budget analysis beyond national budgets to look at the problems created by these global economic inequalities can also contribute to sustainable peace and security.

One of the root causes of Liberia's conflict related to economic and social disparities between the handful of Americo-Liberians who controlled most of Liberia's wealth and the majority who had no access to that wealth. It is important to ensure the process of reconstruction creates conditions for long-lasting peace, and does not allow the recreation of gross inequalities. One lesson to learn from Liberia's past is that great economic disparities that go unchecked over prolonged periods of time do not create conditions that contribute to peace and security. This is why it is important that women concerned about peace and security also advocate for the inclusion of economic justice in the economic development of post-conflict societies.

MEMORIALISATION

Memorialisation relates to establishing the place of past human rights violations in the collective memory through means such as public memorials, monuments, and ceremonies of commemoration. To date, only limited attention has been given to memorialisation in Liberia. The TRC has dedicated a web page to Memorials,¹⁰⁰ but links to photo, video, and audio 'galleries,' as well as to maps are all empty. However, at the TRC Public Hearing in Margibi County in June 2008, a prepared list of victims' names posted on the wall with a lighted candle on a table below it served as an invitation to those attending the hearing to create their own list of victims whom they wanted to remember in this simple yet meaningful way.

Research was conducted by the ICTJ in Liberia on the 'memoryscape' in Monrovia in order to prepare recommendations for the Ministry of Information regarding post-conflict memorialisation. The inventory includes a list of recognised historical sites, some of which emerged during the armed conflict, some of which precede it. Other sites mentioned have not yet been formally recognised, but are commonly known as places where human rights violations occurred on a significant scale during the conflict. Names of prominent Liberian men and women in the past are also included in this inventory. People also take their own initiative to remember the past. For example, a tattered signboard commemorating the dead was discovered at a small local palm wine kiosk on the edge of Monrovia.¹⁰¹

The practice of naming public places after Liberia's 'rich and famous' may contribute to the underdevelopment of memorialisation. One woman interviewed complained about the recent opening of a new law college at the Temple of Justice by Liberia's Chief Justice, not only because this is not a function of the judiciary, but also because the college was to be named after a prominent male government figure. She felt there are many other public servants who deserve to have something built in their honour. Another example comes from President Sirleaf's Market Women's Fund, a fund designed to support market women's livelihoods through the rehabilitation of dilapidated markets. A fund-raising dinner for the Market Women's Fund is called Adopt-a-Market 'Friendraiser'. A leaflet describes the impact of a contribution: a contribution of US\$50 will help to purchase nursery school materials and pay for one side balcony seat at the dinner; US\$250 is enough for a micro loan and one mezzanine seat; a contribution of US\$2,500 provides water for the market, and gives the donor access to the VIP reception and a prime programme seat; contributions in the amount of US\$10,000, US\$25,000, US\$50,000, and US\$100,000 all allow the name of the donor to be memorialised somewhere in the market—on the market nursery school, the market clinic, or the rural market structure that is built with their funds. These opportunities to discuss and develop memorialisation are currently being bypassed.

Another very important aspect of memorialisation that to date has not yet received attention in Liberia has to do with how the memory of the conflict, including the gross violation of human rights, will be publicly represented and reproduced in subsequent generations. How will this history be written into school books, how will the various experiences of both men and women be represented, and how will teachers deal with this history in their classrooms? The stories Liberians tell their children will either lay the groundwork for reconciliation or reproduce the conflict in a new generation. The educational system is not the only vehicle for establishing an official version of Liberian history, but it is an important one and a logical starting point for this important aspect of memorialisation.

IMPLICATIONS FOR IMPLEMENTATION OF SCR 1325

When International Alert's research associate, Karen Barnes, addressed a conference on the implementation of SCR 1325 in European Union (EU) security and peace policy (May 2007), she said the problem was 'not just coming up with more policies', but implementing them; 'changing rhetoric into action', at the same time noting that having an action plan does not always result in action. She also stressed that the EU did not need to create new structures, but rather needed 'to build on what was already out there' (p. 8). An important aspect of what is already out there are women's organisations: 'If we don't involve these organisations, we don't tap their expertise, we're missing out, we're losing capacity. We are not seeing the full picture.'¹⁰²

In the same way that engagement with women's organisations provides access to certain kinds of knowledge and information important to the implementation of SCR 1325, engagement with transitional justice mechanisms offers a vocabulary and framework as well as particular contexts and tools that can also inform the implementation of SCR 1325. A gender approach to transitional justice mechanisms and SCR 1325 share many of the same principles and goals: both seek to increase the participation of women at decision-making levels in conflict resolution, both emphasise the state's responsibility to end impunity and prosecute perpetrators of gross human rights violations, both want to learn about and respond to the impact of armed conflict on women and girls. Several insights from a gender review of transitional justice mechanisms in the Liberian context are offered here for consideration by those who seek to improve implementation of SCR 1325.

Women victims do not forget the harm they suffered. It is important that women have the opportunity to articulate past violations they experienced via a truth-seeking process, not so they dwell in the past, but precisely to help them move beyond it through acknowledgement, reconciliation, trauma support, and reparation. However, without the important aspect of giving voice to the harm they suffered, it will be difficult to develop appropriate responses and also to confront negative community attitudes towards victims that prolong the harm they suffer. The opportunity to give witness and receive affirmation is crucial not only in high-profile public hearings, but in the villages where most Liberian women live. Transitional justice, then, gives definition to the meaning of ‘conflict resolution’ that is repeatedly mentioned in SCR 1325.

The state must address the range of women’s needs, from prosecution of perpetrators to special reparation for women. Point 11 of SCR 1325 stresses the state’s responsibility to end impunity and prosecute those responsible for gross human rights violations. Specific mention is made to sexual violence against women and girls. Transitional justice advocates share this concern and invite critical reflection and debate on how to make this possible. The perspective of transitional justice reminds us, however, that prosecution of perpetrators is not the only thing women require. As ex-combatants, victims of sexual violence, individuals suffering from severe physical and mental damage, as widows, mothers of children resulting from rape, and as illiterates due to years of lost education, women are in need of special reparation. Some women want the perpetrator of violence against them to be prosecuted; others do not. Some women have absolutely no family or social network to help them replace property or means of livelihood they lost in the conflict; others do. Some women suffer from mental disability as a result of the violence they suffered during the conflict; others do not. The state has an obligation to address the entire range of victims’ needs, including women’s special and various needs, by being ready and willing to hold perpetrators accountable for their crimes and to hold itself accountable for repairing the damage suffered by its citizens.

There can be no true reform of the security sector if it does not attend to women’s security. Transitional justice concerns with security sector reform complement point 6 of SCR 1325 that requests states to mainstream gender into national training programmes for its security forces. Yet security sector reform extends beyond training curricula to issues of recruitment and retention of women in national security forces. It also requires the monitoring of a national security strategy that claims to ‘demilitarise’ the very concept of security itself so that ‘human security’ becomes the driving force of reform. Also essential to genuine reform of the security sector is gender budget analysis that is able to determine if budget priorities support the concept of ‘human security’ and that carefully examines the impact of budget priorities (security vs. social-economic needs) on women. In the case of Liberia, there are more questions than answers regarding the role of women in security sector reform since, to date, both the sector itself and the civil society organisations monitoring it are dominated by men. More work needs to be done to link security sector reform and SGBV to encourage women activists to engage more seriously with the issues of security sector reform.

Women’s sense of justice must be understood to be satisfied. To understand women’s sense of justice, they must be listened to. Women do not all share the same sense of justice; there is not only one path to follow in restoring dignity to women victims, reforming institutions to incorporate a gender perspective, or ensuring that gross violations of women’s human rights will not recur. The mechanisms of transitional justice, however, function best when they are checked by the concerns and perspectives of ordinary women. The research informing this paper reflects this bias—far more members of civil society than government officials, political leaders, or international actors gave input. There is little recognition in SCR 1325 of the importance of engaging with local women—only the call for measures that support local women’s peace initiatives (point 8) and the need for Security Council missions to consult with local women’s groups (point 15). Other points of the resolution imply the importance of networking with local women, but those engaged in the field of transitional justice, particularly women, understand it is not enough to simply consult with local women, but that concrete, long-term responses (that move beyond gender policies and action plans) are needed as well.

RECOMMENDATIONS FOR THE EUROPEAN COMMISSION

Support for the Government of Liberia to:

- *Increase support for TRC personnel who suffer from trauma fatigue.* For commissioners who directly experienced and witnessed violence during the armed conflict, the gruelling schedule of public hearings may well contribute to their re-traumatisation. Also, other staff who must continually work with documentation related to gross violations of human rights are vulnerable to high levels of trauma and deserve support to address it. Different approaches may be needed for different individuals, especially if admission of trauma is thought to be an admission of weakness.
- *Encourage and support the development of community-based schemes for women's protection.* The immediate need is to provide some measure of protection for individuals, particularly women, who may be in danger for some time to come because of public testimony given to the TRC. The development of local responses to this possible eventuality could function equally well as measures to prevent domestic and other forms of violence against women and children.
- *Strengthen the capacity of the criminal justice system* to enable the prosecution of perpetrators of violations of women's human rights during the conflict as well as perpetrators since then. This will entail adequate investigation, an expansion of the fast-track court for sexual violence cases, and provisions for rehabilitation of those found guilty.

Support for the TRC, the Transitional Justice Working Group, and, once established, the Human Rights Commission to:

- Develop an urgent reparation programme. Gender-sensitive criteria and priorities should be developed that will allow for implementation as soon as possible.

Support for the TRC, in collaboration with civil society, particularly the Transitional Justice Working Group and faith communities to:

- *Encourage and support the development of community-based reconciliation processes that allow for women's active participation.* The processes would be designed to mediate cases of lesser violations, particularly in communities where victim/s and perpetrator/s live in fairly close proximity to each other. The processes may draw on aspects of customary law, but should not in any way discriminate against women. Depending on time and resources available, a component of this could be research on customary law and the role of women in local alternative dispute resolution mechanisms.

Support for the SSR Working Group, in collaboration with Liberian women's organisations, to:

- *Design and implement participatory gender analysis of all security sector budgets.* Because implementation of any action plan or policy, such as Liberia's National Security Strategy, will be determined by the budget, CSOs need to develop skills to implement budget analysis and invite public debate about economic justice. 'In particular, CSOs, research institutes and oversight bodies working on the security sector could establish coalitions to strengthen analysis of different aspects of government spending, and develop creative platforms to advocate for more gender-sensitive budget allocations'.¹⁰³ Useful information such as this, taken from *Civil Society Oversight of the Security Sector and Gender*, may be easily buried under hundreds of pages of the toolkit series of which it is a part. This 'tool' should move front and centre for organisations and agencies concerned with security sector reform and/or the implementation of SCR 1325. An advocacy suggestion for more gender-sensitive budget allocations is to adapt the quota system used to establish targets for participation of women in security forces, political parties, and legislative bodies. With this approach, quotas could be established on behalf of proportionate spending for social services and security forces.

Support for the Transitional Justice Working Group and women's civil society organisations to:

- *Develop recommendations regarding the memorialisation of women.* Greater attention could be drawn to the importance of memorialisation by holding discussions and consultations with women's organisations. These discussions, in turn, could provide needed gender balance to the work done so far on memorialisation.

Support for teachers' associations and the Ministry of Education to:

- *Invite discussions and public debate about the representation and narration of Liberia's armed conflict with a view toward how it will be taught in the schools.* Particular attention should be given to representations of men and women, their various roles, and the complexity of their experiences; not all men were perpetrators, and not all women were victims.

Support for ICTJ (internationally), International Alert, and other members of the international community:

- *Improve inter-organisational coordination and collaboration.* International organisations should strive to ensure that collaboration they share at one level can contribute to collaboration at another.
- *Identify valuable information and make it easily accessible to partners in the field.*
- *Reimagine and redefine divisions of labour that reduce the distance from policy-maker to advisor to practitioner to recipient, and conduct research more collaboratively with women in the field.*

ANNEX

Data collected	2006-2007 trip (six weeks)	2008 trip (two weeks)
Primary Data		
In-depth interviews with church leaders, peace and human rights activists, TRC and ICTJ staff members	Notes from interviews with: 16 women and 13 men (2 of them UN staff) TOTAL: 29 individuals	Primary Data Audio recordings from interviews with: 8 women (1 UN staff) and 11 men Notes from interviews with: 6 women (3 of them victims) and 3 men TOTAL: 28 individuals
Notes from TRC women's town hall meetings (participants from local community; Agenda: socializing TRC) Total not counted (at least 100)	1. Dentol City, Montserrado County: 12-12-06 2. Tubmanberg, Bomi County: 13-12-06 3. Kakata, Margibi County: 16-12-06 4. Harper City, Maryland County: 20-12-06	
Notes from TRC women's zonal workshops (participants from several counties gather in one place; Agenda: socialising TRC, information on women's human rights, group discussions about TRC and statement-taking) Total not counted (at least 200)	1. Monrovia: 11-12-06 2. Gbarnga, Bong County: 14-12-06 3. Buchanan, Grand Bassa County: 18-12-06 4. Harper City, Maryland County: 21-12-06	
Notes from TRC public hearings		Kakata, Margibi County: 29-05-08, 30-05-08
Notes from women's informal consultation (sponsored by ICTJ & LIWOMAC)		16 women, 1 man
Audio recording of focus group discussion		3 women
Secondary Data		
Newspaper clippings	3-4 newspapers most days	3-4 newspapers most days; also monitored <i>The Analyst</i> online
ICTJ documents	Unpublished travel notes of staff from gender programme to Liberia; notes from ICTJ women's workshop on transitional justice	Unpublished material re: ICTJ's gender initiatives in Liberia; Monrovia sitrep reports; draft on memoryscape in Monrovia; opinion for blog on public hearings; Liberia mission: rebuilding the state
TRC documents	Statement-taking forms; drafts re: public hearings; TRC Act; minutes from zonal workshops and town hall meetings; TRC and gender .ppt presentation	Compiled data on public hearings; minutes of public hearings (incomplete)
Various materials from NGOs	Human rights report and photos, simplified version of new rape law, Gender Ministry's GBV plan of action; proceedings from GBV workshop	FOHRD pamphlet on prevention of sexual violence, LINLEA report, examples of school books on human rights
Online articles, press releases, other information	Some were used for ICTJ travel report	Quite a bit were used for this report

FOOTNOTES

- 1 Naomi Saydee, mobiliser for women's participation in TRC Public Hearings and staff member of Liberian Women's Media Action Committee (LIWOMAC), statement made during a focus group discussion, Monrovia, 9th June 2008.

- 2 'Golden Tulip Declaration,' (1325 *Peacewomen E-news*, Issue 30, 5th September 2003), at <http://www.peacewomen.org/news/1325News/issue30.html#Statement>. SCR 1325 is mentioned in the preamble of this document.

- 3 For the full text of the Comprehensive Peace Agreement, see the Peace Agreements Digital Collection: Liberia of USIP, at http://www.usip.org/library/pa/liberia/liberia_08182003_cpa.html. In this document the transitional government is tasked to give particular attention to the rehabilitation of women, children and other vulnerable groups that were severely affected by the conflict (ARTICLE XXXI, 1a.). Furthermore, women are to be included in the membership of the GRC, the NEC, the NTLA, and there is to be 'gender balance in all elective and non-elective appointments within the NTGL' (ARTICLE XXVIII). Given this inclusion of women, it is interesting to note that no explicit mention is made regarding women's membership in the TRC or in the Contract and Monopolies Commission that oversees all government contracts.

- 4 UNMIL Office of the Gender Advisor, 'Gender Mainstreaming in UNMIL,' at <http://unmil.org/content.asp?ccat=gender>.

- 5 A recent and highly acclaimed tribute to Liberian women peace activists is documented in *Pray the Devil Back to Hell*, which was awarded Best Documentary Feature at the 2008 Tribeca Film Festival.

- 6 Several sources are recommended for more detailed information on Liberia's history and conflict: S. Ellis (1995). 'Liberia 1989–1994: A study of ethnic and spiritual violence', *African Affairs*, 94/375 (April 1995): 165–197; International Crisis Group (2007). 'Conflict history: Liberia', (updated April 2007), at http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=64; S. Somah (2005). 'History, migration and settlement of the Americo-Liberians', speech delivered at the Black History Lecture Series, Conference on Africa: International Trade Conference Culture, Politics, Protocol, History, Leadership, Opportunities, Dallas, Texas, 9th April 2005, at <http://www.theperspective.org/speeches/0413200501.html>; I. Specht (2006). *Red shoes: Experiences of girl combatants in Liberia*. Geneva: International Labour Office, Programme on Crisis Response and Reconstruction, at www.ilo.org/public/english/employment/crisis/download/redshoes.pdf.

- 7 For the full text of the Comprehensive Peace Agreement see the Peace Agreements Digital Collection: Liberia of USIP, at http://www.usip.org/library/pa/liberia/liberia_08182003_cpa.html. In this document, the transitional government is tasked to give particular attention to the rehabilitation of women, children and other vulnerable groups who were severely affected by the conflict (ARTICLE XXXI, 1a.). Furthermore, women are to be included in the membership of the GRC, the NEC, the NTLA, and there is to be 'gender balance in all elective and non-elective appointments within the NTGL' (ARTICLE XXVIII). Given this inclusion of women, it is interesting to note that no explicit mention is made regarding women's membership in the TRC or in the Contract and Monopolies Commission that oversees all government contracts.

- 8 An excellent history of Liberian women's struggle for peace has been documented in *Liberian women peacemakers: Fighting for the right to be seen, heard and counted* by the African Women and Peace Support Group (Africa World Press, Inc., 2004). While some may consider women's role in the Liberian process to have been pivotal, we are reminded '... that we should not reduce successful outcomes to the will of the people alone. It was the military successes of LURD and MODEL, the presence of ECOWAS troops, and the threat of US intervention in the form of troop-carrying ships visible off the coast that convinced Taylor to step down in Liberia ...'. The US had refused to become even minimally involved in efforts to forge peace in Liberia in 1990. The difference in 2003 was its concern that a 'failed state' such as Liberia could become a staging area for terrorism. M. H. Moran and M. A. Pitcher (2004). 'The "Basket Case" and the "Poster Child": Explaining the end of civil conflicts in Liberia and Mozambique,' *Third World Quarterly* 25, no. 3: 516. Outside influence notwithstanding, Liberian men were among those deeply moved by the role women played in forging a lasting peace settlement: '[D]uring the peace process I cried; the women's delegation really served as one of the main forces that brought warring factions and politicians to their consciences'. (Male staff member of the Governance Reform Commission, Monrovia, 2nd June 2008). Liberian men's recognition has arguably facilitated the transformation of gender expectations and roles in some areas.

- 9 For data on national government offices filled by women in Liberia from 1948–2007 and government positions held by women at national and county levels in Liberia in 2007, see V. Fuest (2008). "'This is the time to get in front": Changing roles and opportunities for women in Liberia', *African Affairs*, 107/427, 13th March 2008: 215.

- 10 M. Malan (2008). *Security Sector Reform in Liberia: Mixed results from humble beginnings*. US Strategic Studies Institute, March 2008, 30, at <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?PubID=855>.

- 11 Beatrice Munah Sieh, Liberia National Police Inspector General, speaking at UNMIL Weekly Press Briefing, 17th January 2007, at <http://unmil.org/article.asp?id=1958>.

- 12 A. Sawyer (2008). 'Emerging patterns in Liberia's post-conflict politics: Observations from the 2005 elections', *African Affairs*, 107/427, 7th February 2008: 187–188; G. Bardue (2008). 'Liberia: Women re-awaken 30 percent participation in government'. *The News* (Monrovia), 20 February 2008, at <http://allafrica.com/stories/200802200722.html>.

- 13 Interview with male staff member of the Liberian Council of Churches (LCC), Monrovia, 29th May 2008.

- 14 Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, PART SIX, ARTICLE XIII; at www.iss.co.za/af/regorg/unity_to_union/pdfs/ecowas/liberiapeace.pdf.

- 15 An Act To Establish The Truth And Reconciliation Commission (TRC) Of Liberia, Enacted By The National Transitional Legislative Assembly On May 12, 2005, at www.ictj.org/static/Africa/Liberia/liberiactract.eng.pdf.

- 16 As of May 2008, 189 female witnesses and 281 male witnesses had given a total of 476 testimonies in public hearings (TRC Transcribers' Matrix, 10th June 2008).

- 17 Interview with male TRC commissioner, Kakata, 29th May 2008.

- 18 Interviews with two women who were turned away by TRC, Kakata, 7th June 2008.

- 19 Interview with female staff member of WIPNET, Monrovia, 4th June 2008; interview with female staff member of Sexual-based Violence Unit, Ministry of Gender and Development, Monrovia, 5th June 2008; focus group discussion with women human rights activists (staff members with FOHRD and LIWOMAC), Monrovia, 9th June 2008.

- 20 Interview with J. Augustine Toe, National Director, Justice and Peace Commission (JPC), National Catholic Secretariat, Monrovia, 4th June 2008.

- 21 Interview with male staff, IRCL, Monrovia, 10th June 2008.
- 22 TRC revenue received to date totals a little over US\$4.5 million from the Danish Government (direct programme assistance), EU (logistics and technical assistance), Government of Liberia (salaries), OSI of West Africa (direct programme and information technology support), SIDA, UNDP (direct programme assistance) and USAID. Email correspondence with Paul James-Allen, Program Associate, ICTJ Liberia Program, Monrovia, 2nd July 2008.
- 23 The JPC began in 1991. Its work includes advocacy around critical national issues, legal aid, civic education, training in conflict resolution, and human rights documentation from 1992–2006. Six of fifteen monitors doing documentation in the field were women. Interviews with male staff member, JPC, National Catholic Secretariat, Monrovia, 5th January 2007 and 4th June 2008.
- 24 With funding from the Human Rights and Democracy Unit of the US Embassy, the HR Monitor worked from December 2005–May 2006 and documented nearly 500 cases of human rights violations, including sexual violations, covering eight districts in four counties. Appendix 11 of the final report shows 16 percent of the violations reported were rape cases. *United Methodist Human Rights Monitor Human Rights Mapping Project–2005/2006* (unpublished report) and interview with male staff of Human Rights Monitor, United Methodist Church, Liberia Conference, Monrovia, 5th January 2007.
- 25 NHRCL began documenting human rights violations in 1998, but much documentation was lost when the office was vandalised in 2003. Interview with male staff member, NHRCL, Monrovia, 10th January 2007.
- 26 S. Swiss, P. J. Jennings, G. V. Aryee, G. H. Brown, R. M. Jappah-Samukai, M. S. Kamara, R. D. H. Schaack, and R. S. Turay-Kanneh (1998). 'Violence against women during the Liberian civil conflict'. *Journal of the American Medical Association*, 297/8: 625–629, 25th February 1998.
- 27 M. O. Omanyondo, *Sexual Gender-Based Violence and health facility needs assessment, Montserrado and Bong Counties* (WHO, 6–21 September 2004), at http://www.who.int/hac/crises/lbr/Liberia_GBV_2004_FINAL.pdf.
- 28 AI (2006). 'Liberia: Lack of justice for students, victims of torture including rape'. 16th October 2001, AI Index: AFR 34/010/2001, at <http://www.amnesty.org/en/library/info/AFR34/010/2001>; AI (2004). 'Liberia: No impunity for rape—A crime against humanity and a war crime'. 14th December 2004, AI Index: AFR 34/017/2004, at <http://www.amnesty.org/en/library/info/AFR34/017/2004>.
- 29 I. Specht (2006). Op. cit.
- 30 AI (2007). 'Liberia: Truth, justice, reparation for Liberia's victims'. 15th February 2007, AI Index: AFR 34/001/2007, at <http://www.amnesty.org/en/library/info/AFR34/001/2007>.
- 31 Caroline Bowah, Foundation for Human Rights and Democracy (FOHRD), focus group discussion, Monrovia, 9th June 2008.
- 32 This foundation, named after the Nobel prize-winning author, Heinrich Böll, is an international policy network that describes itself as a 'Green Think Tank' that promotes democracy, human rights, ecology, and sustainability; <http://www.boell.de/foundation/2188.html>.
- 33 Heinrich Böll Foundation (May 2006). 'Peace and security for all: A feminist critique of the current peace and security policy'. A discussion paper prepared by the Feminist Institute of the Heinrich Böll Foundation.
- 34 Caroline Bowah, FOHRD, focus group discussion, Monrovia, 9th June 2008.
- 35 Interview with a male staff member of LCC, Monrovia, 29th May 2008; interviews with long-time woman activist, Monrovia, 17th January 2007 and 2nd June 2008.
- 36 Gyude Bryant was among several former officials of the transitional government who were arrested by the Sirleaf-Johnson administration and charged with embezzlement of government funds. 'Curtain closes in, Bryant's hour nears', *New Democrat* (Monrovia), 5th January 2007; C. Winnie Saywah, 'Court denies Bryant, others bond', *The Inquirer* (Monrovia), 4th June 2008; G. J. Borteh, 'Judge releases first spank—Denies motion for Bryant, Snowe'. *The Analyst* (online), 5th June 2008, at http://www.analystliberia.com/disappeared_40ft_container_found_emptied_may16_08.html#nec.
- 37 'Liberia: Transitional government chairman rules out war crimes tribunal'. *allAfrica.com*, 28th August 2003, at <http://allafrica.com/stories/200308280225.html>.
- 38 'Liberia: Post-war justice stirs division'. IRIN, UN Office for the Coordination of Humanitarian Affairs, 2005, at <http://www.irinnews.org/InDepthMain.aspx?InDepthId=7&ReportId=59571&Country=Yes>.
- 39 Y. K. Joseph (2008). 'Truth Commissions and prosecutions: Two sides of the same coin?' Global Policy Forum, 17th March 2008, at <http://www.globalpolicy.org/intljustice/general/2008/0327samecoin.htm>.
- 40 'Fighting for justice for all Liberians'. *Voice of Liberia*, 9th January 2008, at <http://www.voiceofliberia.org/bushwarcrimesdemo.htm>.
- 41 Email from Paul James-Allen, Program Associate, ICTJ Liberia Program, Monrovia, 23rd July 2008; 'Liberia: Catholic Church seeks formation of war crimes tribunal'. *allAfrica.com*, 22nd July 2008, at <http://allafrica.com/stories/200807220948.html>.
- 42 Recording of testimony at TRC Public Hearing, Kakata, Margibi County, 29th May 2008.
- 43 Interview with male TRC commissioner, Kakata, 29th May 2008.
- 44 Day Ten of the TRC Public Hearings, Montserrado County, Wednesday, 23rd January 2008; Interview with male TRC commissioner, Kakata, 29th May 2008.
- 45 AI (2007). 'Liberia: Truth, justice, reparation for Liberia's victims: Summary'. 15th February 2007, AI Index: AFR 34/001/2007, at <http://www.amnesty.org/en/library/info/AFR34/001/2007>.
- 46 P. Hayner (2007). *Negotiating peace in Liberia: Preserving the possibility for Justice*. Henry Dunant Centre for Humanitarian Dialogue, November 2007, at <http://www.ictj.org/static/Africa/Liberia/HaynerLiberia1207.eng.pdf>.
- 47 'The composition of the [seven] commissioners thereby appointed shall reflect, to the extent possible, the pluralist nature of Liberian society in terms of sex, ethnicity, language and religion . . .' (ARTICLE IX, 6.). *An Act to Repeal the Act of 1997 Creating the Liberia Commission on Human Rights and to Create the Independent National Commission on Human Rights of Liberia*. Approved: 11th March 2005. Ministry of Foreign Affairs (Monrovia), 9th September 2005.
- 48 Caroline Bowah, FOHRD, focus group discussion, Monrovia, 9th June 2008.
- 49 Interview with a former senior legal officer for AFELL, Monrovia, 5th June 2008. See also, 'Liberia: Special court for sexual violence underway'. IRIN, 21st March 2008, at <http://www.irinnews.org/report.aspx?ReportId=77406>; 'From learning to legislation—AFELL empowers Liberia's women'. *Women News Network*, 18th April 2007, at <http://womennewsnetwork.net/2007/04/19/from-learning-to-legislation-afell-empowers-liberias-women/>.
- 50 P. Hayner (2007). *Negotiating peace in Liberia: Preserving the possibility for justice*. Henry Dunant Centre for Humanitarian Dialogue, November 2007, 15, at <http://www.ictj.org/static/Africa/Liberia/HaynerLiberia1207.eng.pdf>.

- 51 Interview with ICTJ Senior Associate in Liberia, Monrovia, 9th June 2008.
- 52 AI (2007). 'Liberia: Truth, justice, reparation for Liberia's victims: Summary' 15th February 2007, AI Index: AFR 34/001/2007, 2, at <http://www.amnesty.org/en/library/info/AFR34/001/2007>.
- 53 Interview with ICTJ Senior Associate in Liberia, Monrovia, 9th June 2008.
- 54 Interview with male ecumenical church staff member, Monrovia, 18th January 2007.
- 55 Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste, Community Reconciliation Programme, at <http://www.cavr-timorleste.org/en/reconciliation.htm>.
- 56 M. Hirst and H. Varney (2005). *Justice abandoned? An assessment of the serious crimes process in East Timor* (ICTJ, June 2005), 9, at <http://www.ictj.org/images/content/1/2/121.pdf>.
- 57 UNIFEM (October 2007), *Women building peace and preventing sexual violence in conflict-affected contexts: A review of community-based approaches*, at http://www.unifem.org/attachments/products/WomensBuildingPeaceAndPreventingSexualViolence_eng.pdf.
- 58 Interview with Samuel Toe, former TRC staff member, Monrovia, 31st May 2008: 'I remember very well that there were sub-committees on reconciliation, for instance, and I remember at various points in time Bishop Kulah had, along with his special assistant, gone out into rural communities to talk with the villagers and have ceremonies of reconciliation'.
- 59 Interview with Abla Williams, AFELL lawyer and Deputy Commissioner, Bureau of Immigration and Naturalisation, Monrovia, 9th June 2008.
- 60 For a discussion of a gendered approach to reparation as it relates to the elimination of impunity, see G. Wandita (2006). *Whose justice is it anyway? Gendered lessons in transitional justice in Timor-Leste*. Thesis for master's degree in International Human Rights Law, Oxford University.
- 61 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UNGA Res 60/147 (21st March 2006).
- 62 Policy paper on reparation, prosecution and amnesty. *TRC Public Bulletin*, No. 04.
- 63 Interview with female volunteer working on the TRC's reparation policy, Monrovia, 10th June 2008.
- 64 Memo on TRC Policy Papers (ICTJ Monrovia Office, 8th May 2008).
- 65 WIPNET (Women in Peace Building Network) is a network organisation within the parent West African network organisation, WANEP. The Liberian WIPNET chapter was started in 2002. Since the transition, WIPNET has engaged in a variety of peacebuilding efforts and is made up of 19 county groups throughout the country. 'The women's Peace Huts in Liberia are community-led peace building groups, established by WIPNET (Women in Peace Building Network) and supported by UNIFEM'. UNIFEM (October 2007). *Women building peace and preventing sexual violence in conflict-affected contexts: A review of community-based approaches*, at www.unifem.org/attachments/products/WomensBuildingPeaceAndPreventingSexualViolence_eng.pdf.
- 66 AI (2008). 'Liberia: A flawed post-war process discriminates against women and girls'. 31st March 2008, AI Index: AFR 34/004/2008, at <http://www.amnesty.org/en/library/info/AFR34/004/2008>.
- 67 UNMIL Office of the Gender Advisor, 'Gender mainstreaming in UNMIL', at <http://unmil.org/content.asp?ccat=gender>.
- 68 AI (2008). 'Liberia: A flawed post-war process discriminates against women and girls'. Op. cit.
- 69 Interview with female staff member of WOMCHIRRC, Monrovia, 16th January 2007.
- 70 Interview with female staff of international NGO providing services to victims of GBV, Monrovia, 15th January 2007; interview with female staff of women's rehabilitation centre, Monrovia, 16th January 2007.
- 71 *National Plan of Action for the Prevention and Management of Gender Based Violence in Liberia* (GBV-POA). Gender Based Violence Interagency Taskforce, Ministry of Gender and Development (November 2006), 13.
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