



“JOINT RESOLUTION #001/2024 OF THE LIBERIAN SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA ON THE MECHANISMS FOR THE ESTABLISHMENT OF AN EXTRAORDINARY CRIMINAL COURT AND DOMESTIC CORRUPTION COURT FOR WAR AND ECONOMIC CRIMES RESPECTIVELY”

APPROVED: APRIL 25, 2024

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MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA**

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The Liberian Senate
CAPITOL BUILDING, CAPITOL HILL, MONROVIA, LIBERIA
WEST AFRICA

-2024-

FIRST SESSION OF THE FIFTY-FIFTH LEGISLATURE OF THE REPUBLIC OF LIBERIA

SCHEDULE OF SENATE ENROLLED JR #001/2024 ENTITLED:

JOINT RESOLUTION #001/2024 OF THE LIBERIAN SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA ON THE MECHANISMS FOR THE ESTABLISHMENT OF AN EXTRAORDINARY CRIMINAL COURT AND DOMESTIC CORRUPTION COURT FOR WAR AND ECONOMIC CRIMES RESPECTIVELY.”

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR EXECUTIVE APPROVAL

APPROVED THIS: 25th DAY OF April A.D.
2024

AT THE HOUR OF 2:36 PM



THE PRESIDENT OF THE REPUBLIC OF LIBERIA

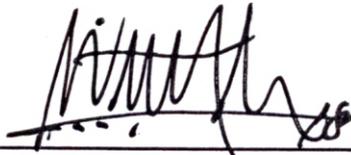
-2024-

ATTESTATION

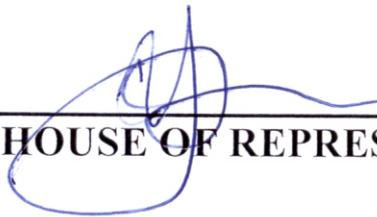
“JOINT RESOLUTION #001/2024 OF THE LIBERIAN SENATE AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA ON THE MECHANISMS FOR THE ESTABLISHMENT OF AN EXTRAORDINARY CRIMINAL COURT AND DOMESTIC CORRUPTION COURT FOR WAR AND ECONOMIC CRIMES RESPECTIVELY.”



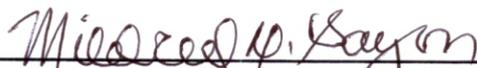
PRESIDENT OF THE SENATE/ VICE PRESIDENT OF THE
REPUBLIC OF LIBERIA



SECRETARY OF THE SENATE, R.L



SPEAKER, HOUSE OF REPRESENTATIVES, R. L.



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

LIBERIAN LEGISLATURE

JOINT RESOLUTION #JR-001/2024

OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF LIBERIA ON THE MECHANISMS FOR THE ESTABLISHMENT OF AN EXTRAORDINARY CRIMINAL COURT AND A DOMESTIC CORRUPTION COURT FOR WAR AND ECONOMIC CRIMES, RESPECTIVELY.

WHEREAS, the various phases of the Liberian civil wars from 1989 to 2003 resulted in deaths of innocent civilians and destruction across Liberia, including the displacement of nearly half of the population, horrific abuses, including summary executions, massacres, mutilation, torture, rape and other forms of sexual violence, and forced conscription and use of child combatants; and,

WHEREAS, Chapter I, Article I of the 1986 Constitution of Liberia vests power in the people of Liberia to institute by their authority and for their benefit the right to alter and reform their government when their safety and happiness so require; and,

WHEREAS, for the safety and happiness of the people, the Government of Liberia, pursuant to Article 57 of the 1986 Constitution, has signed all United Nations Conventions on human rights, treaties, protocols and agreements, including but not limited to the Rome Statute of 1998, and

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thereafter, the Legislature, consistent with Article 34(f) has ratified all of the international treaties, human rights conventions, protocols and agreements, including the Rome Statute of the International Criminal Court (ICC) to form part of the domestic laws of the Republic of Liberia; and,

WHEREAS, Article 34(j) of the 1986 Constitution vests in the Legislature the power and authority to establish various categories of courts for criminal offenses and provide for the punishment thereof and the creation of specialized courts, including the Extraordinary Criminal Court is intended for the security of the state as in keeping with Article 34(b), and the Legislature is also empowered under Article 34(l) to make other laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Republic, or in any department or officer thereof; and,

WHEREAS, Article XIII of the Liberian Comprehensive Peace Agreement signed on August 18, 2003, provided for the establishment of a Truth and Reconciliation Commission (TRC) to provide a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to get a clear picture of the past to facilitate genuine healing and reconciliation; and,

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WHEREAS, the Liberian Legislature enacted the Act to Establish the Truth and Reconciliation Commission of Liberia (TRC Act) in 2005, formally creating the TRC with a mandate to promote national peace, security, unity, and reconciliation by investigating gross human rights violations and violations of humanitarian law, sexual violations, economic crimes that occurred between January 1979 and October 2003; and,

WHEREAS, the Liberian TRC submitted its final report to the Legislature on December 19, 2009, recommending the establishment of an Extraordinary Criminal Court of Liberia, an international domestic court with authority to prosecute individuals accused of gross human rights violations, serious humanitarian laws violations, and certain domestic crimes, and,

WHEREAS, Section 48 of the TRC Act provides that “The Head of State shall report to the Legislature within three months of receipt of the report of the TRC, and on a quarterly basis thereafter as to the implementation of the Commission’s recommendations,” and “Where the implementation of any recommendation has not been complied with, the Legislature shall require the Head of State to show cause for such non-compliance,” and,

WHEREAS, Successive Governments of Liberia have not fully implemented the recommendations of the Truth and Reconciliation Commission to date, including the establishment of an Extraordinary Criminal Court for Liberia, due to many technical, legal and constitutional

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issues arising from the TRC Report and controversy on the actual intent of the TRC as contemplated by the warring factions, African Governments, and the civil society, who negotiated the Accra Comprehensive Peace Accord; and,

WHEREAS, the United Nations (UN) and other international partners have experience with the creation and functioning of war crimes courts, including courts with international and domestic participation and expertise; and,

WHEREAS, the Legislature notes that certain constitutional and legal prohibitions have to be considered in the establishment of an extraordinary criminal tribunal for war crimes on Liberian soil and several processes and broad consultations have to take place to derive the best product for the prosecution of war crimes; and,

WHEREAS, the Legislature also notes that economic crimes, including corruption, committed between the period 1979 and 2023 and beyond, are cognizable under domestic criminal jurisprudence and in domestic criminal courts; and,

WHEREAS, the final report of the TRC contains other recommendations besides the issue of war and economic crimes which are yet to be implemented; and,

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WHEREAS, the UN Human Rights Commission in July 2018, expressed, with regard to Liberia, “concerns that none of the alleged perpetrators of gross human rights violations and other crimes mentioned in the TRC report has been brought to justice” and urged Liberia to establish a process to bring about accountability for past crimes and report back on the issue of impunity and accountability for civil wars-era crimes by 2020; and,

WHEREAS, up to 2024, no such report by the Government of Liberia in fulfillment of its international obligations has been produced and provided by the Government of Liberia to the UN Human Rights Commission;

NOW, THEREFORE, it is resolved by the Senate and the House of Representatives of the Republic of Liberia in Legislature assembled:

(1) That justice should prevail and there should be no impunity for those who bear the greatest responsibility for war crimes, crimes against humanity, other violations of international humanitarian law and other domestic crimes which occurred during the Liberian civil crisis;

(2) That pursuant to Chapter 1, Article 1 of the 1986 Constitution which vests in the people of Liberia the right to alter and reform their government when their safety and happiness so require, and the Executive consistent with Article 57 has signed all United Nations Conventions on human rights, treaties, protocols and agreements, including, but not limited to, the Rome Statute of 1998, all of which the

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Legislature has ratified under Article 34(f); the Legislature supports the full implementation of the Truth and Reconciliation Commission recommendations including the timely establishment of an Extraordinary Criminal Court for Liberia to be known as UN backed “Special War Crimes Court for Liberia (SWACCOL)” to prosecute those who bear the greatest responsibility for war crimes and crimes against humanity committed between the period 1979 and 2003;

(3) That consistent with Article 34(e)(b)(j)(l) of the 1986 Constitution, the Executive shall develop a legal framework and submit same to the Legislature for enactment into law for the establishment of an Anti-Corruption Court (ACC), under domestic jurisprudence, for fast-track trial of those who will be investigated and subsequently indicted for acts of corruption and other economic crimes committed from 1979 to 2003; and such crimes committed from 2004 to present constituting constitutional rule. This fast-track corruption court shall remain the primary court for the dispensation of justice for corruption and other economic crimes going forward, in line with Liberia’s Penal Code and prevailing international laws and standards;

(4) That the President shall write the UN, the EU, and the US Government expressing the Government’s intention to establish the Extraordinary Criminal Tribunal on Liberian soil and thereby request financial and other assistance; develop a financial resource mobilization

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plan and submit it to the United Nations, the EU, the US Government, and other international partners to seek financial and economic support for the establishment and operations of an Extraordinary Criminal Tribunal on Liberian soil or alternatively to a country to be designated;

(5) That the President shall report to the Legislature as to the progress made on the establishment of the two courts as well as challenges, if any, or outcome(s) of his engagements with the United Nations, the EU, the US Government, and other international partners regarding the resource mobilization plan and results, including domestic resource mobilization through the budgetary process, pursuant^{to} this Resolution;

(6) That consistent with Chapter 2, Article 5(c) of the 1986 Constitution, the President shall issue an Executive Order to establish the Office of War Crimes (OWC) within the Ministry of Justice, and appoint forthwith, a Special Envoy or Officer-In-Charge (OIC), duly certified by the International Criminal Court (ICC) in The Hague, Netherlands, or the African Court on Human and Peoples' Rights (ACtHPR) or any other International Courts and Tribunals with the relevant experience, qualification and competence in international criminal law and practice, to organize and coordinate all actions and activities regarding the Court and assist the President to mobilize resources and do all that is legally feasible, including the establishment of a secretariat, where applicable, to facilitate its operations and the successful implementation of its mandate, among others, done in

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consultation with the UN, the EU, the US, and/or other independent parties; and

(7) That to jump-start this renewed campaign of national reconciliation and healing as the final phase of Liberia's recovery process, the President shall implement the following recommendations of the TRC:

(a) Offer apology on behalf of the State to the many victims and the people of Liberia in general for its role in the conflict and for the injuries and losses sustained by individuals and communities;

(b) Work with the United Nations, the EU, the US Government, and other international partners to set up a Reparation Trust Fund (RTF) for victims and communities worst affected by the conflict, to benefit through direct financial assistance or through development programs and projects; and

(c) Continue the National Palava Hut Program and other programs for national healing, peace building and reconciliation; and

(d) Construct a national monument to commemorate the victims of the atrocities, to serve as a reminder of the war and to create a national consciousness against armed conflicts.

WHEREFORE, members of the Senate and the House of Representatives hereunto affix their signatures this 8th day of April A. D. 2024.

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4/8/24
M. S.
A.

Members of the Senate:



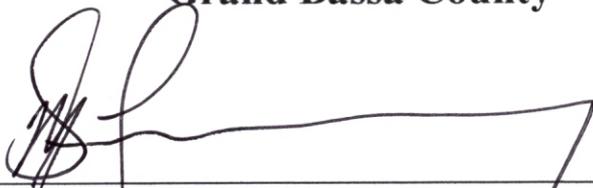
Senator Saah H. Joseph
Montserratado County



Senator Abe Darius Dillon
Montserratado County



Senator Myonblee Karnga-Lawrence
Grand Bassa County



Senator Gbehzohngar M. Findley
Grand Bassa County



Senator Cllr. Augustine S. Chea
Sinoe County

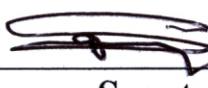


Senator Crayton O. Duncan
Sinoe County



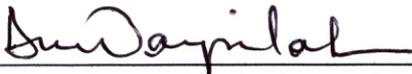
Senator J. Goleh-bo Brown
Maryland County

Senator James P. Biney
Maryland County



04/08/24

Senator Simeon B. Taylor
Grand Cape Mount County



Senator Dabah M. Varpilah
Grand Cape Mount County



04/08/24

Senator Prince K. Moye
Bong County

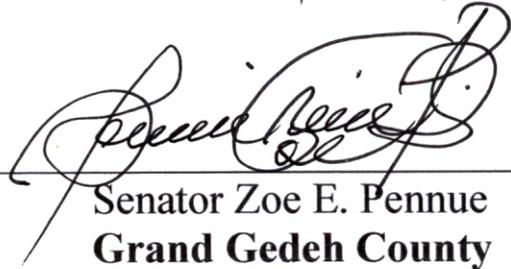


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Senator Johnny K. Kpehe
Bong County

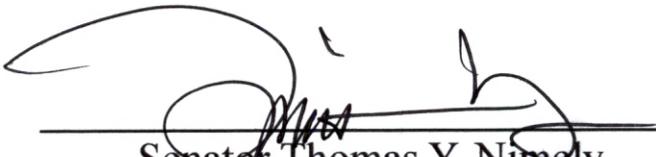


Senator Prince Y. Johnson
Nimba County



08/04/2024

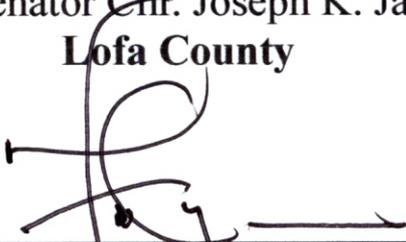
Senator Zoe E. Pennue
Grand Gedeh County



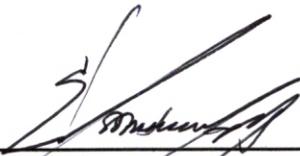
Senator Thomas Y. Nimely
Grand Gedeh County



Senator Chr. Joseph K. Jallah
Lofa County



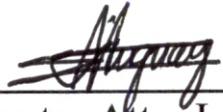
Sen. Momo T. Cyrus
Lofa County



Senator Edwin M. Snowe, Jr.
Bomi County



Senator Atty. J. Alex Tyler
Bomi County



Senator Atty. J. Emmanuel Nuquay
Margibi County

 04/08/24

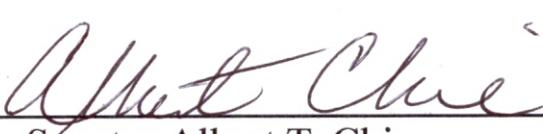
Senator Nathaniel F. McGill
Margibi County



Senator Wellington G. Smith
Rivercess County

 April 9, 2024

Senator Bill T. Twehway
Rivercess County



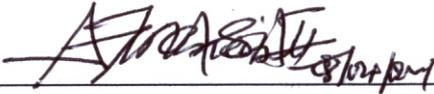
Senator Albert T. Chie
Grand Kru County



Senator Numene T. H. Bartekwa
Grand Kru County



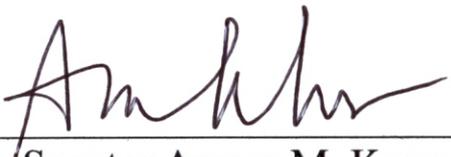
Senator Johnathan B. Sogbie
River Gee County



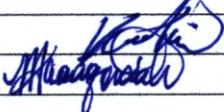
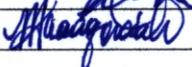
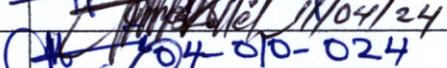
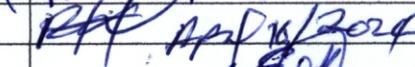
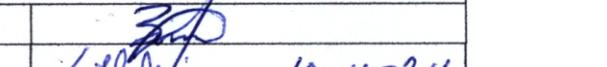
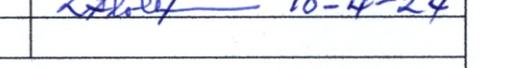
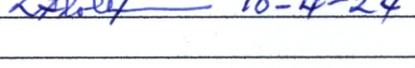
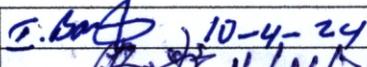
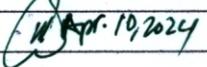
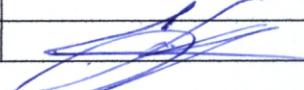
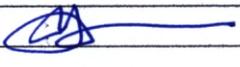
Senator Francis S. Dopoh, II
River Gee County

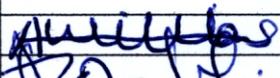
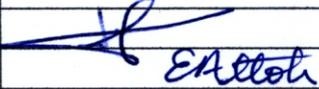
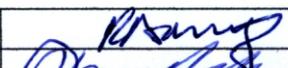
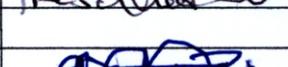
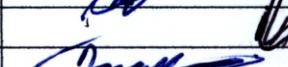
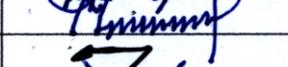
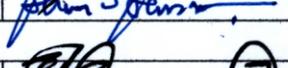
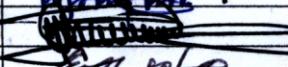
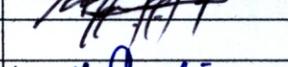
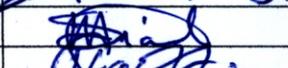
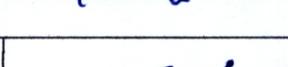
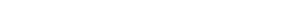


Senator Botoe Kanneh
Gbarpolu County



Senator Amara M. Konneh
Gbarpolu County

Name	District	Signature
Bomi		
Obediah J. Varney	1	
Manah B. Johnson JR	2	
Sam P. Jallah	3	
Bong		
Prince K. Koinah	1	
James M. Kolleh	2	
Josiah Marvin Cole	3	
Robert Flomo Womba	4	
Eugine J. M. Kollie	5	
Moima Briggs Mensah	6	
Foday E. Fanbulleh	7	
Gbarpolu		
Zinnah A. Norman	1	
Luther S. Collins	2	
Mustapha Waritay	3	
Grand Bassa		
Isaac G. Bannie	1	
Clarence J. Banks	2	
Matthew Joe	3	
Alfred H. Flomo	4	
Thomas A. Goshua, II	5	
Grand Cape Mount		
Bintu Massallay	1	
Mohamed Dosil	2	
Gbessie Soni Feika	3	
Grand Gedeh		
	1	
Marie Johnson	2	
Jacob C. Debee	3	
Grand Kru		
Nathaniel N. Barway, Sr.	1	
J. Fonati Koffa	2	
Lofa		
Thomas P. Fallah	1	
Fortorma Julie Wiah	2	
Siafa Momo Kpoto	3	
Gizzie K. Kollince	4	
Augustine B. Chiewolo	5	

Name	District	Signature
Maryland		
P. Mike Jurry	1	
Anthony Williams	2	
Austine Blidi Taylor	3	
Margibi		
Opee Roland Cooper	1	
Ivar K. Jones	2	
Ellen A. Attoh-Wreh	3	
Emmanuel Yarh	4	
Clarence G. Garh	5	
Montserratado		
Yatu Rugie Barry	1	
Sarafoday Sekou Kanneh	2	
Sumo K. Mulbah	3	
Michael M. Thomas	4	
Priscilla A. Cooper	5	 11/04/224
Samuel R. Enders	6	
Emmanuel Dahn	7	
Prince A. Toles	8	 11/04/2024
Frank Saah Foko	9	
Yekeh Y. Kolubah	10	
Richard Nagbe Koon	11	
Jery K. Yougboh	12	
Edward P. Flomo, Jr.	13	
Muka Kerkula Kamara	14	
Abu Bana Kamara	15	
Dixon W. Seboe	16	
Bernard Blue Benson	17	
Nimba		
Samuel N. Brown, Sr.	1	
Nyahn G. Floma	2	
Nehker E. Gaye	3	
Ernest M. Mansseah, Sr.	4	
Samuel G. Korgar	5	
Twain D. Gleekia	6	
Musa Hassan Bility	7	 11-4-24
Saye S. Manah	8	
Taa Z. Wongbe	9	
River Cess		
Alex j. Grant	1	
Steve Tequah	2	

Name	District	Signature
River Gee		
Alexander Poure	1 <i>A. Poure</i>	<i>Dist. # 1</i>
Isaac B. Choloplay Wuo	2	
Johnson S. N. Williams Sr.	3	<i>[Signature]</i>
Sinoe		
Romeo Thomas Quioh	1	<i>[Signature]</i>
Samson Q. Wiah	2	<i>[Signature]</i>
Alex S. Noah	3	<i>[Signature]</i>