



Belgium/Liberia: War Crimes Arrest Major Step for Justice

Publisher [Human Rights Watch](#)

Publication Date 19 September 2014

Cite as Human Rights Watch, *Belgium/Liberia: War Crimes Arrest Major Step for Justice*, 19 September 2014, available at: <http://www.refworld.org/docid/54226e514.html> [accessed 5 January 2015]

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The Belgian authorities' arrest of a Liberian for alleged war crimes and crimes against humanity during Liberia's first civil war is a major advance for justice. It is the first arrest for crimes that violate international law committed during the conflict in Liberia from 1989 to 1996, which left tens of thousands dead.

On September 17, 2014, Belgian police arrested Martina Johnson, a former commander of the rebel National Patriotic Front of Liberia (NPFL). Johnson, who has been living in Belgium, is expected to appear on September 19 before a Belgian judge, who will determine the conditions of her detention.

"The rebel forces for which Martina Johnson was a commander committed horrific abuses against civilians during Liberia's first civil war, but not one person has ever been held to account for the crimes," said Elise Keppler, associate international justice director at Human Rights Watch.

"Johnson's indictment in Belgium is a major step to ensure justice is done for the abuses against Liberian civilians."

The case resulted from a criminal complaint filed in Belgium on behalf of three Liberian victims in 2012. Two nongovernmental organizations, Civitas Maxima and the Monrovia-based Global Justice and Research Project, had extensively documented crimes committed during the conflict and pursued options to ensure justice. The groups said in a news release on September 18 that Johnson is alleged to have "participated directly in mutilation and mass killing in late 1992 during an NPFL offensive known as 'Operation Octopus.'"

The rebel group had sought to unseat Liberia's then-president, Samuel K. Doe, and take control of the country. The fighting ended in 1996 following a peace agreement brokered by the regional body Economic Community of West African States. The head of the rebel group, Charles Taylor, was sworn in as president after elections in 1997. All warring factions including the NPFL were responsible for numerous serious abuses against civilians, including massacres, sexual violence, torture, and the use and recruitment of child soldiers.

Belgian courts have jurisdiction over the Johnson case under the long-established international legal principle of universal jurisdiction. Under that principle, national courts may try grave international crimes such as war crimes, crimes against humanity, and torture even if the crimes were committed abroad by foreigners and against foreigners.

Cases involving atrocities committed abroad are complex to investigate and try, but universal jurisdiction is sometimes the only available means to bring those responsible for grave human rights violations to justice. A September 17 Human Rights Watch report highlights the importance of specialized war crimes units to investigate and prosecute these cases effectively. Belgium is one of about 13 countries that have created such war crimes units to fight impunity for the most serious crimes under international law.

There have been two high-profile trials of Liberians for serious crimes outside Liberia in recent years. Charles Taylor was tried and convicted in 2012 by the United Nations-backed Special Court for Sierra Leone, but only in relation to serious crimes committed during Sierra Leone's civil conflict. Charles Taylor's son, Charles "Chuckie" Taylor, Jr. was charged and convicted by a US court for torture committed in Liberia between 1997 and 2003, while he headed Liberia's notorious Anti-Terrorist Unit during his father's presidency.

The Liberian government has made no effort to criminally investigate and prosecute the many serious crimes in violation of international law committed during its two civil wars despite a recommendation by the Liberian Truth and Reconciliation Commission (TRC) to do so. In its final report in December 2009, the commission highlighted problems in the Liberian justice system and called for the establishment of a hybrid international-national tribunal with Liberian and foreign judges to try past crimes. No existing international tribunals have the mandate to prosecute past crimes in Liberia.

A hybrid tribunal for Liberia with a majority of internationally appointed judges would advance justice efforts, but some elements of the commission's proposal raise concerns that would need to be addressed, Human Rights Watch said.

"In 2009, Liberia's Truth and Reconciliation Commission recommended a hybrid tribunal for atrocities committed during Liberia's conflicts, but five years later, there's been no progress in prosecuting these crimes," Keppler said. "Belgium's action is important, but the victims deserve more. The Liberian authorities should invigorate plans for trials of civil-wars-era crimes."

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