



THE PRESIDENT

# REPUBLIC OF LIBERIA

## EXECUTIVE ORDER NO. 131

### ESTABLISHING THE OFFICE OF A WAR AND ECONOMIC CRIMES COURT FOR LIBERIA

**WHEREAS**, the Republic of Liberia underwent fourteen years of civil war, during the course of which numerous atrocities, including murder, genocide, rape, destruction of properties, and looting of the natural and other resources of the nation were committed by various warring factions and individuals;

**WHEREAS**, protracted and intractable peace processes undertaken by Liberians and the international community, culminated into the execution of the Comprehensive Accra Peace Agreement (CPA) in 2003 which led to the creation in 2005 of a Truth and Reconciliation Commission (TRC), with the mandate to investigate the circumstances attending the Liberian civil war and to make recommendations in respect thereto, and as consequence of which a Final Comprehensive Report was presented to the Government of Liberia in 2010;

**WHEREAS**, the TRC Report cataloged, some of the war and economic crimes committed during the Liberian civil war and listed certain organizations and individuals who engaged in or were otherwise complacent in the perpetration of war crimes, as well as others who allegedly committed economic crimes against the Republic and the people of Liberia, and predicated thereon, recommended the establishment of an Extraordinary Criminal Court for Liberia to prosecute those responsible for the commission of the enumerated war crimes, as the term is defined internationally;

**WHEREAS**, the failure of successive Legislatures and Executive to attend to the recommendations of the TRC and to actualize the setting up of a court to address the issues of war crimes and a court to deal with issues of economic crimes committed against the Republic, or take action to address the war crimes allegations levied in the Report or the atrocities said to have been carried out, left a painful void in the nation and amongst its people, and hampered the quest for national unity;



**WHEREAS**, the House of Representatives of the Fifty-Fifth Legislature of Liberia passed a Resolution, number 001/2024, on April 8, 2024, advocating its approval for the setting up of a war and economic crimes court; and which Resolution was concurred with by the Liberian Senate, carrying the title "**THE MECHANISMS FOR THE ESTABLISHMENT OF AN EXTRAORDINARY CRIMINAL COURT AND DOMESTIC CORRUPTION COURT FOR WAR AND ECONOMIC CRIME**";

**WHEREAS**, the Resolution, relying on Article 34 (e) (b) (j) (i), and Chapter 2, Article 5(c) of the 1986 Constitution of Liberia, implored the Executive Branch of Government to use its executive powers to issue an Executive Order setting out a mechanism which shall study and recommend the machinery and process relative to the establishment of a **SPECIAL WAR CRIMES COURT FOR LIBERIA**, with the aim that such Court will prosecute persons and organizations identified as responsible for war crimes and crimes against humanity committed during the Liberian civil war between the periods 1979 and 2003, as well as the mechanism for the establishment of an **ANTI-CORRUPTION COURT**, subject to domestic jurisdiction and operating and guided by domestic jurisprudence, with power to adjudicate matters involving acts of corruption committed between 1979 to the present;

**WHEREAS**, the current Executive Government, under my leadership, being mindful of the atrocities committed in the course of the Liberian civil war and the enormous sufferings to which the Liberian people have been subjected, and recognizing the need for accountability and healing of the wounds growing out of the war, is committed to ensuring the enforcement of justice for war crime victims, as part of its rule of law initiative, and has determined that it is in the best interest of the Liberian people that the implementation of the TRC Report, which calls for the establishment of an Extraordinary Criminal Tribunal for Liberia that will prosecute people who committed war crimes and, crimes against humanity, of whatever nature, during the course of the Liberian civil war, be pursued not only to address the impunities and atrocities that attended the Liberian civil war but also to serve as a deterrence for similar events in the future;

**WHEREAS**, although the Liberian Penal Law does not define or provide for the prosecution of war crimes, the said acts being within the international sphere and defined by international law, and Liberian law prohibits the prosecution of crimes which at the time of their commission were not stated or categorized as crimes under the Liberian Penal Law, yet by virtue of the Constitution of Liberia which authorizes the State to enter into international treaties, conventions, agreements protocols, etc., a number of treaties and other international instruments were signed and ratified by Liberia, inclusive of treaties defining war crimes and crimes against humanity, stipulating acts constituting war crimes and crimes against humanity, and providing the penalties therefor, thus making them a part of the Liberian domesticated law;



**WHEREAS**, by virtue of Liberia being a signatory to and having ratified the several treaties and protocols dealing with war crimes and crimes against humanity, Liberia is under a legal and international obligation to comply with the provisions of said treaties and protocols and to facilitate, cooperate and coordinate fully with the international community in addressing the issues of war crimes and crimes against humanity committed by citizens of Liberia and organizations formed and operating under the laws of Liberia or within the territorial confines of Liberia, including the setting of war crime structures and processes for the prosecution of persons and organizations identified as having been involved in the commission of war crimes and crimes against humanity; both in accord with Liberia's international obligations as well as the protection of the Liberian people by mechanisms which accord them access to international justice;

**NOW THEREFORE**, the Legislative Branch of the Government of Liberia having resolved and authorized the setting up of the mechanism and processes for the establishment of a war crimes court of an international nature and of an international mix, and giving Liberia's assurance of fullest cooperation in achieving the goal of establishing an international war crimes court for Liberia to prosecute persons identified as having committed in Liberia acts constituting war crimes and crimes against humanity, I, Joseph Nyuma Boakai, Sr., President of the Republic of Liberia, by the powers in me vested by the Constitution of Liberia, and in compliance with Liberia's international obligations and the will of the Liberian people to obtain justice and bring closure to the events of the civil war, do hereby establish the Office of the War and Economic Crimes Court for Liberia. The Office shall investigate, design, and prescribe the methodology, mechanisms, and the processes for the establishment of a Special War Crimes Court for Liberia as well as for the establishment of a National Anti-Corruption Court for Liberia. The following shall constitute the structure and terms of reference of the Office

1. The Office of War and Economic Crimes Court shall be headed by an Executive Director who shall be an astute lawyer of impeccable character, knowledgeable in the Liberian constitutional and criminal law, and capable of working with the international community in the formulation of the mechanisms, procedures, and processes attending the establishment of a war crimes court and an anti-corruption court for Liberia. Further, the Office of the Executive Director shall be assisted by a secretariat and a core of highly professional legal minds, with such other officers and consultants as shall be required to effectively carry out the duties and tasks assigned to the Office. The Office shall, in addition, have the following responsibilities;



- a. Conduct research and studies, and growing therefrom, and in consultation with international partners, select a model of an international tribunal for war crimes, including the jurisdiction and situs of the Special War Crimes Court for Liberia, consistent and in harmony with international models that have been used for similar trials of war crimes.
  - b. Liaise with international partners in sourcing the funding for the Special War Crimes Court for Liberia.
  - c. Draft legislation for the establishment of the Anti-Corruption Court for Liberia, taking into full consideration jurisdictional configuration which shall be separate and distinct from those ascribed to other current criminal courts in Liberia, capable of addressing all forms of corruption cases connected to and growing out of the civil war as well as corruptions committed during the governance of the Republic subsequent to the Liberian civil war and to the present.
  - d. Recommend the scope and duration of the Special War Crimes Court for Liberia, after due consultation with funding partners and other considerations necessary to the existence and operations of the court.
  - e. Recommend any other means by which the Special War Crimes Court for Liberia can be expeditiously established.
3. The mandate, duration, tenure, and operations of The Office of War and Economic Crimes Court shall come to an end and cease to function upon the full establishment, functioning, and coming into effect (operations) of the Special War Crimes Court for Liberia and the Anti-Corruption Court for Liberia.

Nothing in this Executive Order shall be interpreted to interfere with, hinder or diminish any of the rights of any citizen of the Republic of Liberia.

4. The Office of War and Economic Crimes Court shall report to the Minister of Justice and Attorney General but shall be semi-independent, divorced of any and all political influence, and guided strictly by legal considerations/

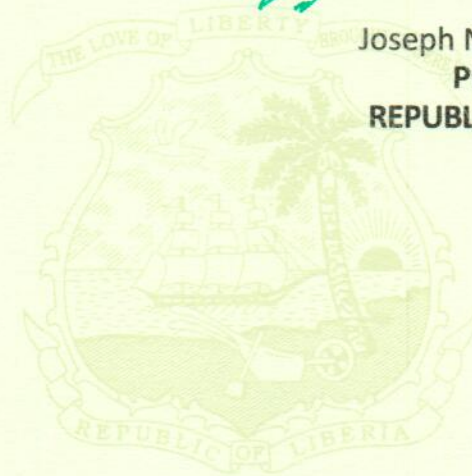


This Executive Order shall take immediate effect.

GIVEN UNDER MY HAND AND THE SEAL  
OF THE REPUBLIC THIS 2<sup>nd</sup> DAY OF May  
A. D. 2024

A handwritten signature in blue ink, written over a horizontal line.

Joseph Nyuma Boakai, Sr.  
**PRESIDENT**  
**REPUBLIC OF LIBERIA**



OFFICE of  
THE PRESIDENT  
JNB