Communicating War Crime Trials

The Gibril Massaquoi Case

Rebecca-Paris Senior

Communication for Development

One-year master

15 Credits

2022

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Abstract

This thesis will explore the relationship between war crimes trials and communication for development by utilising the Gibril Massaquoi trial as a case study. Mr Massaquoi, a Sierra Leonean national accused of committing war crimes and crimes against humanity allegedly committed during the Second Liberian Civil War, was residing in Finland, and therefore tried by Finnish authorities under universal jurisdiction. The growing importance of universal jurisdiction - the practice that allows States to prosecute individuals accused of international

crimes independently from nationality and the location where the crimes were committed – raises important questions of process ownership, localisation, and social change.

Universal jurisdiction cases are often prosecuted in temporally and geographically distant countries from where the alleged crimes were committed. Whilst they are extensively debated in legal studies, this thesis will analyse the matter through a communication development lens.

With a focus on those few selected journalists that had the opportunity to witness the trial for its Liberian stretch, I will use their experiences to draw lessons learned and future avenues to explore for cases of this nature from a communication for development approach.

Key words: Liberia, Outreach, communication for development, universal jurisdiction, journalism, war crimes.

Acknowledgments

This has been a long time in the making. It was 2019 when I first started this degree. Personal and professional hurdles made my journey difficult, but nevertheless enriching. My first thought goes to my mother, who has never questioned my judgement (for once!) and respected my time. To my friends, who, instead, always harassed me about when I was finishing this master. To those that are not with me anymore, but somehow still are, very much so. And to Tobias, who has always been kind and patient with all of my questions.

Introduction

The aim of the study is to frame war crime trials as development practices, and what could we learn from applying a communication for development (hereinafter comdev) lens to universal jurisdiction cases. Not much research has been dedicated to this particular intersection of fields, and this thesis will argue that whilst outreach of international courts has been examined and critiqued, the same cannot be said for domestic courts practicing international law, especially with a focus on comdev.

Using the Gibril Massaquoi case, former Revolutionary United Front (RUF) spokesman and commander accused of war crimes and crimes against humanity allegedly committed in Liberia during the second civil war, I will analyse how war crime trials are far more than just legal avenues confined to courtrooms: rather, these are processes through which populations that survived atrocities should be included, in order to advocate for social change.

In Liberia, because no real accountability mechanism has been established after the civil conflicts, war crime trials are very politically charged events. When the Finnish authorities decided to hear some of the witnesses in Liberia, civil society and journalists alike considered it to be a great opportunity to advance the popular, yet controversial, need to establish a war crimes court.

The trial, which has not been accessible to many, was attended by selected Liberian media representatives. In order to analyse the challenges faced, and how the trial was perceived, I decided to interview as many journalists that were present during the trial as I could. The interviews are not representative of the entire Liberian population, but they were,

nevertheless, useful to analyse obstacles encountered by local media. Limitations - such as physical access, issues in translation, problems in understanding local culture and language - directly affected the advocacy potential of the trial.

The research questions that will inform this thesis are:

- RQ1: Could war crime trials be framed as development?
    - RQ2: What lessons can be drawn from the Gibril Massaquoi case for future communication for development endeavours?

Whilst all of the people I spoke to agreed that, despite the fact that Gibril Massaquoi was acquitted for reasonable doubt, the trial was a great step for the overall fight against impunity in Liberia, it still presented challenges worth analysing. The first research question will be discussed in chapter one of the analysis, as I will attempt to frame war crime trials as comdev practices; the second research question will be addressed in the following chapters, as I will divide in specific subsections the issues presented by the journalists I interviewed and discuss them with relevant theory.

Not much literature places war crime trials in the wider context of development, and this thesis wants to be an attempt to spur discourse and debate.

Literature review

The lack of literature on the relationship between comdev and social change, armed conflict and peace-building (Viso in Wilkins *et al,* 2014) has left me with little guidance, but with a lot

of parallels to draw. Taking advantage of my previous studies in peace and conflict resolution, my recent studies for this master's, and my profession, I chose to have an interdisciplinary approach. Who is at the centre of these trials, and what lessons can be drawn, in terms of comdev and social change, from the Gibril Massaquoi case? Can war crime trials bring about social change?

With so many variations of the definition of comdev, I sought one that would inform my research. Therefore, this thesis understands comdev as "*the nurturing of knowledge aimed at creating a consensus for action that takes into account the interests, needs and capacities of all concerned. It is thus a social process, which has as its ultimate objective sustainable development/change at distinct levels of society*." (Servaes, 2020 p.12).

I then proceeded to analyse the purpose of war crime trials, especially in the context of universal jurisdiction. War crimes, crimes against humanity, genocide, and international crimes in general are considered to be so grave that mechanisms and legal tools to prosecute them often exist across borders, across cultures and languages. The very exceptionality of these crimes, and the lengths at which the international community goes to prosecute them, points to the fact that these cannot be tried without additional thought at who is prosecuting, who is defending, and who is the injured party.

With a focus on the constituents of the trial, this thesis will concentrate on the importance of journalism and its potential role for social change and its relationship to the trial itself. Besides witnesses, journalists were the only ones that had access to the proceedings, and those who have committed themselves to utilise the trial to inform and shape public perception. This raised important questions which required exploration of the topic of advocacy and social change, which is generally more concerned with the overall society

rather than targeting individual behaviour (Wilkins *et al, 2014).* The intent of advocacy is to support policies that would address a specific issue (Servaes, Malikhao, 2012). Within this understanding, media – and in particularly journalism – refuses the 'top-down' approach, and it is seen as a practice through which the expression of community needs is facilitated (Scott, 2014).

The media is a space for information, debate, and cooperation: this, however, can be highly political. Media thus becomes "*a space for mediating potential conflicts between state and society*" (Beckett, Syrke-Smith 2007, p. 63) and in this instance, between the lack of political will to establish a possible war crimes court, and people's interest and request for justice.

Furthermore, the role of journalism is also closely interconnected with the role of memory. Besides personal memory, we can all share social memory through which our understandings of the past are filtered and built through social interactions (Kitch in Vos, 2018). Moreover, social memory is an expression of shared identity (which can exist in many forms), and therefore journalism – which constructs social memory, also participates to the creation and strengthening of shared identity (ibid).

All of these affirmations are evident in the work of the Liberian journalists at trial: through their exclusive work, they created the only space available to those people who wanted to be informed about the trial, but could not be there. They mediated between the request of information on the one hand, and the lack of political or judicial will to advertise or allow the trial to be accessible on the other. Despite the fact that the reporting done by New Narratives was not the trial itself, it became the main shared memory of the event. The faces and/or the voices of the journalists will always represent this specific trial; for those that had the opportunity to cover more than one trial of this nature - which is the case for one or two

New Narrative fellows - they can become associated with reporting on universal jurisdiction cases related to the conflicts in Liberia.

Throughout this thesis, these themes will be further analysed, and some will have their own focused section. In the conclusion, I will run-through the elements presented in the paper, and there will be a final section with possible future questions to explore for research purposes.

Theoretical Framework

The central question raised by this thesis "*could war crimes trials be framed as development?*" requires to focus on what is meant by development, and how can comdev reveal interesting aspects to universal jurisdiction that have yet to be explored in depth.

For the dominant paradigm of development, which sees poverty as the key component of 'underdevelopment', economic growth is the only panacea that can improve the lives of those who live in 'the third world'. The notion of development is indeed shaped and understood in Western terms, the Global North, the most 'developed' countries. The financial interventions of said countries to shape and 'fix' those who experience underdevelopment often make the recipient even more dependent, and traditionalism – local customs and local solutions - is seen as the antithesis of modernity, of which countries of the Global North are champions of (Rogers, 1976). Despite Rogers's defining development as a participatory process for social change, it still focused on the diffusion of innovations and it has been criticised for its top-down method; this dominant paradigm, however, is still

the mainstream approach of many institutions and governments that engage in development practices (Ninan Thomas in Wilkins et al, 2020). This model does not encourage social change and does not support behavioural changes (Servaes, 2008). Okigbo (2021) further elaborates that development is '*an expression of societal wellbeing*' which does not automatically entail technology advancements, nor does it imply political systems homologated to those of western democracies (p. 195). In fact, all countries in the world are developing, and each country must address problems and obstacles that can be universal, but are often very context specific.

Quebral (2002) describes comdev as "*the art and science of human communication linked to a society's planned transformation, from a state of poverty to one of dynamic socio-economic growth, that makes for greater equity and the larger unfolding of individual potential*" (p.16). Comdev is, therefore, defined as a tool for social and political transformation. Here, a focus on people, participation, and especially an understanding of structural inequality which prevents individuals from achieving changes they themselves shape, differs greatly from the dominant paradigm, which accepts that information and education coming from the 'top' as the only viable way to development (Manyozo, 2012). Human beings become interpreters of their own environment, and each situation, and context is recognised as unique (Servaes, 2020). Development should be seen as culturally specific and locally led, and the role of comdev as to facilitate the inclusion of the understanding and involvement of local needs (Scott, 2014).

Through the decades, development and comdev as concepts have been constantly debated and challenged: this is also due to the multidisciplinary nature of the subject. Even the name of the discipline has changed over time: some call it comdev, others development

communications, some communication for social change. Whilst Tufte and Tacchi (2020) point out that there are still epistemological differences between the different names, Servaes (2020) identifies underlying common values across all subdisciplines: culture is at the core of social change processes, and therefore an imperative viewpoint for communication; people are the interpreters of their own environment and therefore each situation and context is different from the other, and this perspective must be central in processes of communication; qualitative methods are generally preferred to quantitative methods, whilst still maintaining the importance of evidence-based methodologies; and last, but not least, mutual understanding through dialogue, training, intercultural studies, and research sits at the very essence of comdev.

Whilst comdev is often associated with the thematic disciplines of health, agriculture, and environment, little attention has been given to the relationship between comdev and the field of international law, and in particular war crimes trials. International law has been analysed in a multidisciplinary manner across varied fields; however, this thesis argues that the comdev lens has not been applied enough, and there is large room for intersections and analysis. This is particularly true for cases tried by domestic courts.

In fact, based on Servaes' (2020) very definition, the prosecution of war crimes should be seen as development efforts, and as such, comdev could offer interesting and useful insights, which could then be used for future deliberations and change of current practices. Indeed, because of the very nature of these trials, they tend to a) be tried remotely from the places where the alleged crimes were committed and; b) be prosecuted by entities that are foreign to those very people who have experienced the crimes and; c) underline that the relationships are not estranged from the dynamic of 'otherness' and finally; d) stress that the

impact of these trials go beyond the courtroom. This is especially true for war crime trials in contexts where there have been no effective post-conflict accountability mechanisms: these trials can and should be seen as efforts towards development of local accountability processes.

Social change is understood as the necessity to allow for social transformations to address inequalities that permeate societies (Dutta, 2011). For this thesis, I have interviewed journalists who attended the trial in order to grasp their professional challenges when communicating about the trial, and their general impressions as Liberians.

Media's role in advocacy can be twofold: on the one hand it can disseminate messages to the population in order to support a determined cause, or provide information for the population to make informed decisions, whilst on the other it can provide politicians and decision-makers with information and a sense of public perception (Servaes, 2011). Message-based communication for social change focuses on key information that, when delivered, has impact on audiences. Communities relate to cultural and context frameworks and engage with existing structures (Dutta, 2011). Change comes from the meeting of '*improbable processes and people*' (Viso in Wilkins, *et al,* 2014, p. 273), and this trial potentially could have sparked discussions on local accountability. Communication is not just meant to communicate, and inform. Communication is a practice through which humans engage, and listen, and improve their lives.

Comdev is at the very core a participatory process: legal outreach, or comdev in a legal setting, is no different. Beneficiaries of war crime trials are seen as an abstract collective, and as long as the trial is fair (or even 'better', if the proceedings find the defendant 'guilty') 'justice is done'. This closely reminds the 'take it or leave it' attitude of the dominant

paradigm of development, and in fact, current domestic universal jurisdiction cases all could be defined practicing mere (and often barely) diffusion of information.

Whilst the Finnish authorities attempted to include a larger audience in the proceedings with the request of broadcasting the trial – their choice of engagement was largely still imprinted on a hierarchical diffusion of information, a top-down approach. There have been no efforts to engage in a participatory manner with the local population. Whilst critiquing this stance, it is not solely an issue faced by the Finnish courts, but rather a more global attitude to universal jurisdiction cases.

Methodology

Interviews

In order to assess what difficulties and perceptions people who followed the Massaquoi case had, I decided to interview Liberian journalists who had been involved in the reporting, and who had access to the trial. Differently from mundane conversations, interviews with the intent of research are conducted to obtain specific knowledge (Brinkmann in Given, 2008). I opted for a qualitative semi-structed open-ended interview approach which allowed participants more freedom in their answers. In some cases, this led the interviewee to recount and share information that was not initially requested, which prompted me to ask a few questions that had not originally been planned, but that were nevertheless useful to listen to.

The questions were prepared in advance, and divided in three themes: logistics, context, and professional. The reason why I did so was because I wanted to make sure I covered all of the most important aspects I address in thesis, or that would have helped me assess properly my argument. For the logistics category it was mostly on choices that were not dependent from the journalists themselves, but I was curious to know how they were affected by them. For the context theme, I asked them about the relationship with the Finnish authorities with the country that hosted them. Finally, for the professional theme, I asked them questions directly related to their vocations and their work on the trial. The questions were 10 in total.

Not many were granted access to the media room, and I managed to speak to mostly all of them. Seven agreed to be interviewed. The participants were all between 20 and 50 years of age. All of them were male, but one participant. They are all Liberian nationals, who work and live in Liberia, and in Monrovia in the specific.

Driedger (in Given, 2008) states how sampling for interviews should be heterogeneous, as to have the most variety when speaking to people. Scheyvens and Storey (2003) elaborate that when selecting a group this needs to be representative of the category we are aiming to analyse, however this is not always possible, and that this sample should then not used to generalise.

Most of these journalists are fellows of New Narratives, a non-profit organisation that collaborates with local journalists from across media (radio, print, video) to '*arm(s) citizens with the power to keep leaders accountable, build inclusive societies, and drive change*' (New Narrative's website). New Narratives supports local news media, but are not a publisher themselves. They have been following war crimes trials related to Liberia in various countries, and whilst the journalists all belong to different news stations and publishers,

most of them were able to follow the trial because of New Narratives. This homologation was only due to the fact that, according to several interviewees, the only Liberian journalists allowed access to the 'courtroom' were fellows from New Narratives. Whilst the journalists belonged to a heterogeneous outlet group, the majority all worked for New Narratives. Some of them had reported on war crimes trials before, and for others, this was the first time covering such thematic.

To my knowledge, besides New Narratives, two or three foreign journalists from Finland, Germany, and France, visited and reported on the trial from the Liberia.

Ethical issues should always be considered whilst interviewing people (Brinkmann in Given, 2008). I explained my research purpose and I asked all of the interviewees for their consent to record the conversation, and I only started recording only after I received this consent. I assured the participants that anonymity was guaranteed, including not disclosing the recording file, as some of them work for video publishing channels and radio stations and are therefore also recognisable by their voices. Because of the gender imbalance, an additional measure to protect their anonymity, I have chosen not to use gendered pronouns in this thesis, as to not single out the only woman whom I interviewed.

Moreover, I stated that they were not under any obligation to answer all of my questions, but only what they felt comfortable answering, and that we could have stopped anytime they liked. I then gave a code name to all of the participants, deciding on 'J' - which unoriginally stands for 'journalist', and a number that followed the interview order, so: *J1*, *J2*, *J3*, etc. All interviews were recorded in July 2022. The shortest interview lasted 12 minutes whilst the longest lasted 90 minutes, for an average of 42 minutes.

Brinkmann (in Given, 2008) points how the objectivity, validity, reliability, and generalisability (p.472) of interviews can be questioned, as they might produce meaning rather than reveal elements. Indeed, I personally know four of the people I interviewed, through which I obtained the contacts of the other journalists. Of these four, I have worked with three. Personal relationships eased conversations with those I knew, and because of a snowball approach, those who I had not worked with or that I did not personally know, agreed to talk to me because of people we had in common who had told gave me their contacts, and told them I was going to reach out. Despite the fact that I clearly stated that I was not asking them these questions in my professional capacity, it would be naïve to think that the organisation I work for, which is well known to reporters and civil society, did not inform the tone of the interview.

Some people felt like sharing personal experiences during the war. Others limited themselves to stick to the questions and did not deliberate too much.

Additionally, I had the opportunity to interview Aaron Weah, Liberian scholar and a member of Liberian civil society who graciously agreed to talk with me to give me his views on the trial, which he had the opportunity to attend himself. Mr Weah has extensive experience in Liberia's struggle to accountability mechanisms, and also witnessed many TRC's hearings (Weah, 2012).

Last but not least, and very important detail, is that all the people I interviewed are in favour of a war crimes court, or some sort of war-related accountability mechanism. This obviously informs their answers to my question, and the general tone of the discussion. I unfortunately was not able to find anyone who worked in this field that was inclined differently.

Personal notes and Limitations of Research

I currently work as communication and outreach manager for Civitas Maxima, an NGO that documents and pursues justice on behalf of victims of war crimes and crimes against humanity, with a focus on West Africa. Civitas Maxima, alongside Liberian based sister-organisation the Global Justice and Research Project (GJRP), had provided the initial information to the Finnish authorities in relation to the alleged crimes committed by Gibril Massaquoi, former Revolutionary United Front (RUF) commander and spokesman. This information led to the arrest of Mr Massaquoi, and consequent investigation and trial; the latter will be used as a case study in this very thesis.

I was responsible for the trial monitoring of the case, and generally worked alongside national and international press. I myself have attended a few hearings in Monrovia, Liberia. This is one of the reasons why I picked this topic to explore in my thesis as, somehow, I had a front row seat to the 'spectacle of trial', which, in this case, has not been the privilege of many. Whilst living this professional and personal experience, I have observed a lot of dynamics and processes that inevitably one does not have the time to explore intellectually with such depth, whilst busy with work. This has been a soul-searching journey, a challenge to my own beliefs, and a reminder that things are not necessarily empirically true.

Because of all of this, I will not focus my thesis on the work and failings of NGOs. Whilst there is a lot to say about the role of NGOs in cases of the sort, it will put me in a position of academic disingenuity, constantly referring to the work I have done, do, or collaborated in doing. For this reason, I have not used any documents or referred to any material produced by the organisations.

Moreover, three colleagues had to testify at trial, and both organisations have been mentioned multiple times by the parties. This is a limit of research, as a NGOs play an important role in disseminating information during war crime trials. Someone in a position different than mine will surely dedicate research that will inform even further the dynamics between civil societies and NGO in trials of this nature prosecuted by domestic courts.

Another limit of research is that despite the fact that I was lucky enough that some journalists and monitors that had been involved in the trial have agreed to speak with me, I was not able to interact with all of them.

Another note worth mentioning is that I am not Liberian. Whilst friends and colleagues are, and I am familiar with the cultures and the history of the country, I do not claim to understand their struggles for accountability, nor do I speak on their behalf. An exchange with journalists was needed in order not to project my own believes in this thesis: someone who has never lived through a war, nor has ever lived in a post-conflict context.

Finally, this work has not been done in collaboration with either Civitas Maxima nor the GJRP, nor does it represent the organisations, nor does it speak on their behalf in any way.

Analysis

1. Framing ComDev in War Crime Trials

"It lets people know that there are still people

out there looking out for justice for those who died in the war."

- Extract from interview with J7[1]

To this date, legal scholars still need to agree upon a clear definition of international crimes: it is rather a mixture of treaties, legal policies, and United Nations' resolutions. They generally are interpreted as crimes that concern the international community as a whole, such as war crimes, genocide, and crimes against humanity. Defined as "too heinous to be left unpunished" there seems to be a moral element to them: a universal rejection of specific kind of crimes. The ethical and universality aspect is well defined in the Preamble of the Rome Statute of the International Criminal Court, the only permanent international court with jurisdiction to prosecute international crimes, affirms that "[…] *the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured* [...]" and that "[…] *during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity* […]" (ICC, 1998). This philosophical approach and statement of universalism has, however, been criticised (Rajagopal, 2003).

The accusations that these systems of justice are products of Western ideology and perpetuate dynamic of otherness are further execrated by the use of language: "*common discourse that consists in "bringing justice" to exotic, "barbaric" places artificially and deceptively creates and maintains boundaries between "us" and "them"*" (Kastner, 2015 p. 50). War crimes are not only allegedly committed by 'distant others' – however, it is mostly people from the Global South that are prosecuted. Of the total 31 cases tried or being tried by the ICC since its inauguration – the only permanent international court - all of them

[1] July, 2021

concern African citizens (ICC, 2022). The recent decision from the Chief ICC Prosecutor Karim Khan to drop the investigations on the alleged crimes committed by the United States in Afghanistan, has done nothing but foment criticisms and anger (Speri, 2021). Political pressures, economic interests, and financial constraints challenge the universality principle of international courts more often than not.

Generally, the competence to prosecute international crimes lies within the state, and therefore these crimes should be prosecuted by national courts. However, this is not always possible, and for this very reason, during these past decades, many institutions have been established to investigate and try these very crimes. International tribunals, such as the International Criminal Tribunal for the former Yugoslavia (ICTY), hybrid tribunals, such as the Special Court for Sierra Leone (SCSL), and the ICC - with the principle of 'complementarity' - were set up to prosecute international crimes when not possible by states. Whilst these courts have a specific mandate for specific crimes, temporal and geographic limitations, there is also another avenue to prosecute international crimes: universal jurisdiction.

Universal jurisdiction is a tool with which national courts of states that have adopted legislation that recognises relevant crimes, have the option and the duty to prosecute international crimes. Just like international crimes, the definition of universal jurisdiction varies, and not all countries practice universal jurisdiction in the same manner. In the case of Finland, this principle can be applied to those who reside within the country, independently as to where they committed the crimes they are accused of. Mr Massaquoi was residing in Finland, and therefore the state had the right and duty to prosecute him, even if he had been accused of crimes he allegedly committed in a different country.

This thesis will not focus on the shortcomings and legal arguments of universal jurisdiction, international justice, nor the legal proceedings of the Massaquoi case, but rather on the relationship between war crimes trial and communication for development, or – as it is mostly known in legal lingo, *outreach*. Outreach has been part of international justice curriculum since the first international tribunals, the ICTY and the International Criminal Tribunal for Rwanda (ICTR), were established in the early 1990, and with them, outreach programmes included as core components of their work (Demir, 2021). Whilst outreach mostly consisted of top-down diffusion of information practices, the SCSL was the first international court to implement community-based outreach efforts, using a mix of modern and traditional approaches to listen to concerns, share information about the court's mandate, and answer questions and doubts. Besides appointed officers, members of the court also partook in certain outreach activities (RSCSL, no date). Participatory efforts were the key to involve the population in the doings of the Special Court, far away from the courtroom and the robes.

Whilst this thesis will not deal with the outreach activities of said courts, they inevitably were a backbone of the preliminary research: all courts and tribunals discussed above dealt with different forms of outreach to different degrees of success. Outreach is now considered a core component of the work of international tribunals "*the ICC is not on the doorstep of those most affected by the cases it hears. The Court therefore strives to bridge the distance between the Court and these communities and to make its proceedings accessible to them*" (ICC Website). It is thus not far-fetched to explore the possibility of national courts who deal with universal jurisdiction cases to include outreach within their scope. The increase of universal jurisdiction cases prosecuted by national authorities, rather than international

courts, requires that more attention is dedicated to the repercussion of trying crimes of such nature in the countries where the crimes were committed, and the local populations.

The philosophy of universalism, and that international justice is a matter of public concern, do somehow decontextualise offences that have localised dynamics (Mégret in Vos *et al*, 2015). Adhering to the noble cause of fighting heinous crimes that shock and disturb all of humanity is not enough: international justice must, therefore, go hand in hand with local needs and demands.

At the present date, there has been no Liberian-led legal process of accountability for past crimes, and therefore – for the foreseeable future - universal jurisdiction and other legal avenues are the only form of justice Liberians have access to. It is clear then that war crimes trials are a delicate affair, in any circumstance. It is even more so, when so little justice has been obtained, and so far away from home.

Because of the very nature of these crimes, legal proceedings go beyond the witness-defendant binary: war crimes and crimes against humanity have a deep effect on a country as a whole, and their legacy linger even when a conflict ends - both psychologically, and in terms of infrastructure and economic destruction. Victims are just one constituency in these trials: independently from whom is being tried, affected communities are directly impacted by the legal proceedings. Hellman (2015) refers to this as 'mass victimisation': when the entire population is affected, in one way or another, people might perceive that even if they were not directly involved in the trial, this is somehow directly involve them. Hellman further elaborates that: "*Another phenomenon illustrating the tensions between criminal and mass victimisation is the tendency to project collective traumas onto the trial of one, or a handful*

of, accused – especially if the communities perceive the trial as the first significant measure of justice for the crimes." (p. 261).

In international law, victims are often seen as a traumatised collective, as an abstract or a collective identity, rather than people with high interests in any justice process (Stahn, 2020). Trials of this nature also have societal effects and thus cannot and do not exist in a vacuum. In this context, the legal framework itself is not as important as the message intended by said legal processes (Glasius, 2015).

International law practitioners tend to see development within its dominant paradigm, rather than examining the deep connections and implication international law has on development itself (Rajagopal, 2003). Boyle and Kobayashi (2015) argue that international law is conceptually Western, and that it might not be adequate to perform '*justice for distant others'* (p. 698).

Global North, in this case Finland, is bearing the responsibility of prosecuting a Sierra Leonean citizen for what he allegedly did in Liberia, without really taking into account of its ethical repercussions (Massey, 2004), and as this thesis argue, of the main constituents of war crimes trials: Liberians. The relationship dynamic is not those of equals, based on mutuality, but rather one of extraction, represented by the witnesses, to satisfy a domestic legal need, rather than a Liberian one. We still lack a 'global sense of place' (Massey, 1991) through which hegemonic places understand their responsibility within the world, and actually work towards peaceful and enriching relations based on actual needs, and not extensions of power.

It is therefore imperative, when engaging in this peculiar legal field, for judicial institutions to understand that their work goes beyond ensuring a fair trial: these proceedings affect communities as a whole, and as such are shaped by media and national rhetoric.

With only a handful of cases tried and even less currently ongoing, only a very limited amount of people will be able to testify and recount their stories and hope for some sort of retribution or peace.

The magnitude of war crime trials is not only built by the sheer horrifying facts that are detailed within the cases, but also by whether society is paying attention, and whether or not the intended message is understood (Glasius, 2015). Trial themselves become more than a punishment for specific individual acts: they could have the potential of becoming a vehicle through which local communities can encourage social change. The proximity of the Gibril Massaquoi trial to its constituents could have allowed for greater dissemination of information, and more involvement of the Liberian population.

These dynamics echo the very core foundations of comdev: how can development be done ethically, if it is not localised? Here, universal jurisdiction, which stems from the noble and 'universal' principle of no safe haven for impunity, really only is a legal tool to prosecute an alleged criminal, and it feels like a 'Eurocentric gesture' (Boyle and Kobayashi, 2015, p.709) rather than a tool for social change.

"*There should be certain minimum standard, in my view, before a decision is finally reached to go into, take on a particular case. In a context where there is an official record on the investigation of patterns of violence. That the case should be chosen based on what the official record says. Based on what? the community is saying. Based on what? The colors of the country. And also think. so there has to be this checklist of all right. (…) Are we getting a*

contest? Right? What does the official record say about this? What does the community say about this?" Told me Aaron Weah[2].

2. Historical Context

"I lost nine of my cousins. I was a bit little. We crossed the border to Guinea. The Guineans were working alongside the rebel group ULIMO. They said men can't cross the border, only women and children. So even my dad (...) he had to take another route. So, my cousins were all traveling together, nine of them from three sisters. They pull all of them back into the back of the Guinean soldier pick up. It's a very short, I think, battling pick up. They pull them through, carry them across the bridge. Somebody came from there and said they beheaded all of them. So, I got the bitter part of it. So, I understand exactly what it is. So, when I was listening to the testimony, some of them was just coming like a flash."

- Extracts from interview with J3[3]

In a hotel just outside of Monrovia, where the trial against Gibril Massaquoi was taking place for its Liberian stretch, you could hear three things: the *tic-tac* of the air conditioning system, the furious tapping of keys on laptops, and the alternation of Kolokwa, a Liberian pidgin, Finnish, and 'standard' English. The hotel's conference room makeshift in a Finnish court had curtains at the windows, and was adjacent to a media room, where only a few journalists at the time were granted access. The benches, disposed in some sort of square, reminded

[2] Interview to the author, July 2022
[3] Interview with the author, July, 2022

those of a classroom. Three district judges sat on one end, facing the entire room: opposing each other were the defence and prosecution. Directly facing the judges were the translators and an empty chair, occupied in turn by different witnesses. On the very corner there were 4 spots, either occupied by trial monitors, or a foreign journalist. On a table, a grey computer with a dark screen, connected to Tampere.

Gibril Massaquoi, former RUF spokesman and commander, was not only a well-known exponent of the armed group, but was also well-known to the SCSL's prosecutors, as he had been a key witness against three former Armed Forces Revolutionary Council (AFRC) leaders, allied with the RUF during the Sierra Leonean Civil War (1991-2002). Because he testified in open session, he was then relocated to Finland, where he started a new life – including as a speaker for peace and conflict seminars at the university of Tampere (Cruvellier, 2020).

The complex case of Gibril Massaquoi could have many starting points. One could begin from that very hotel room, if anything for its historical importance: it was the first time a war crime trial was held on Liberian territory, 19 years after the end of the Second Liberian Civil War. One could also begin from a cold day of March in 2020, in Tampere, Finland, when the police arrested a Sierra Leonean man accused of war crimes and crimes against humanity allegedly committed in Liberia, between 1999 and 2003 (Poliisi, 2020).

Or we could commence from Liberia again, but not back in that hotel room: we could travel back in time to those very dates written on the police's press release. More than 8000 KMs away from Tampere, and almost two decades in the past, Liberia was at war.

Between 1997 and 2003, Liberia was going through its second civil conflict, which was a continuation of the first: in many books they are merged into one, as the warlord who started the first war continued the second as President.

In 1989, Charles Taylor, who a few years prior been a minister for the government, entered Monrovia with his armed forces, the National Patriotic Front of Liberia (NPFL), in order to topple the then President Samuel Doe, who also had gained power through violence in 1980.

Initially, the NPFL found plenty of support in the Gio and Mano tribes, which had been ostracised throughout the Doe regime. There were soon internal disputes within the NPFL, which caused the creation of the Independent National Patriotic Front of Liberia (INPFL), led by Prince Johnson, who captured, tortured and killed President Doe. In 1990 several peace-making attempts failed, and the deployment of Economic Community of West African States Monitoring Group (ECOMOG) troops did not obtain the desired result (Ellis, 2006).

In June 1991, the United Liberation Movement of Liberia for Democracy (ULIMO) was formed by former government official forces, and Doe's supporters. ULIMO fought against the NPFL and the Revolutionary United Front (RUF), a rebel Sierra Leonean militia which, at the time, was a precious ally of Charles Taylor. The fighting was particularly intense in the border areas with Sierra Leone, such as Lofa. Soon, ULIMO split in to two factions, ULIMO-J, mostly composed by people from the Khran ethnic group, and ULIMO-K, composed by Mandingo people.

As the conflict progressed, many more militias were created, shifting more and more into warlord-oriented power, rather than military groups with strong central control and defined political agendas: this further exacerbated the situation. By 1995, eight were the major fighting factions, alongside many minor ones.

In 1996, after a few years of failed peace agreements, the intervention of the United Nations Observer Mission in Liberia (UNOMIL), and a battle that destroyed most of Monrovia, the main factions at the time – the NPFL, ULIMO, and the Liberia Peace Council (LPC) – agreed to

disarmament and demobilization by 1997. In the same year, elections were held in war-torn Liberia, and Taylor and the National Patriotic Party won by vast majority with the slogan '*he killed my ma, he killed my pa, but I will vote for him'* (Ellis, 2006).

Just two years after the elections, in 1999, the Liberians United for Reconciliation and Democracy (LURD), mostly composed of militants from ULIMO-J and ULIMO-k and supported by Guinea, started fighting in northern Liberia with the motto of '*Taylor must go'*. By 2002, LURD was at Monrovia's doorstep, and the heavy fighting exacerbated even further when, in 2003, another group started fighting from the south: the Movement for Democracy in Liberia (MODEL), backed by the Sierra Leonean government, who had been fighting the RUF, allied with and supported by Charles Taylor. Taylor was surrounded and fighting with two neighbouring countries at the same time.

Ahead of the Accra Comprehensive Peace Agreement, which will be signed in August 2003 and officially end the conflict, President Taylor fled to Nigeria. He will then be tried by the SCSL a few years later on 11 counts of war crimes and crimes against humanity for the crimes he committed in Sierra Leone and his relationship with the RUF. Taylor, the first head of state to be prosecuted for war crimes, was found guilty in 2013 and he is currently serving a 50 year-long prison sentence in the UK (Bowcott, 2013).

250.000 people have been estimated to have died in the 14 years-long conflict, and many more were displaced (Bondo, 2021b).

After the peace agreement, a Truth and Reconciliation Commission (TRC) was established in order to analyse the root cause of conflict, establish the responsibility of gross human rights violations, domestic and international humanitarian and criminal law violations. Launched in 2006, the following years the TRC toured all of Liberia, visited the diaspora in the United

States, and heard over 800 testimonies, and collected over 20.000 statements (Weah, 2012). In its final report, released in 2009, it concluded that 124 people should be prosecuted for gross human rights violations, and 58 for violations of international humanitarian law. It recommended clemency for an additional 38 individuals who cooperated with the commission and shown remorse for the crimes committed, and for 49 people to be banned from public office. One of these individuals was the then president of Liberia, Ellen Johnson Sirleaf (James-Allen *et al*, 2010).

The Final report found that the major root causes of the conflict were attributable to poverty, greed, corruption, limited access to education, economic social, civil and political inequalities (TRC Volume III, 2009). "*The TRC recommends to the Government of Liberia, the full and timely implementation of all the recommendations contained in this report. The full and timely implementation of these recommendations are critical to Liberia's recovery and progress beyond the conflict and will contribute to the building of a more just and equitable society in which everyone is equal before one set of laws which guarantees equal protection and opportunity for all*." (TRC volume II, 2009, 1.5.2 p.22).

Despite the efforts - which were not devoid of criticism (James-Allen *et al*, 2010; Weah, 2012) – to this day, none of the recommendations have been implemented, and whilst former warlords and people who have been mentioned in the TRC are still in position of power, many Liberians are forced to coexist with their perpetrators (Weah, 2012).

A handful of cases of individuals involved in the Liberian conflicts have been tried, all abroad, far, far away from Liberia. Mohammed Jabbateh, former ULIMO commander, Thomas Woewiyu, former Minister for Defence of Liberia and spokesman of the NPFL, have both been tried in the United States not for the alleged crimes committed in the wars, but for

immigration related crimes. The first was sentenced to 30 years imprisonment (ICE, 2018), the latter died as he was awaiting sentencing (Roebuck, 2020). The son of former president Charles Taylor, Chucky McArther Emmanuel, a US citizen born and raised, was tried and found guilty of torture and conspiracy to commit torture during the Second Liberian Civil War: he is currently serving a 97-year sentence (Department of Justice, 2009). In 2021, in Switzerland, Alieu Kosiah, former ULIMO commander, was the first Liberian to be ever tried and sentenced for crimes committed during the wars. During the same year, in Finland, the trial of Gibril Massaquoi, former RUF commander and spokesman begins: the Finnish authorities, in an unprecedented move, decided to relocate the court to Liberia and Sierra Leone to hear the witnesses (Porkpa, 2021). Mr Massaquoi had been residing in Finland after he testified at the SCSL. Because of universal jurisdiction, Finland had the authority to try him for any alleged crimes he was accused of, regardless of where these crimes were committed.

In Liberia, because of the lack of domestic accountability - and the sparce cases regarding the wars - war crimes trials are inevitably deeply interlinked with the narrative of the establishment of a war crimes court, or any other accountability processes. The Massaquoi trial, in particular, represented a golden opportunity for Liberians to advocate for the implementation of the TRC's recommendations, and generally feel part of a legal process that, despite having at its very centre the shared collective history, always felt too remote. Advocacy, which, according to Wilkins (2014), *'engages public communication in support of a particular political cause'* (p.57), has been a central theme for the reporting on the Massaquoi trial. Accountability for past impunity has always been a very political discourse. Former president Ellen Johnson Sirleaf, in power between 2006 and 2018 and under which terms the TRC was run, was herself mentioned in the TRC Final report for allegedly funding

the NPFL and Charles Taylor (Weah, 2012). Current President George Weah, who had been an international football star and a UNICEF's Goodwill ambassador before launching himself in the complex political landscape of Liberia, had called for perpetrators to be 'brought to book' (Moses-Gray, 2004).

During his election campaign, George Weah had backed the establishment of a war crimes court (Bondo, 2021a). In 2019, during the 75th UN General Assembly High-Level General Debate, President Weah had stated his government's support in establishing a mechanism that would allow for justice and reconciliation (HRW, 2020). Prior to that, the President had written to the Legislature asking for advice on the implementation of the TRC's Final Report. However, once returned to Liberia, Weah backed down on his earlier statements.

In 2018 and in 2019, protestors marched through the streets of the capital Monrovia demanding for justice and an accountability mechanism that would bring perpetrators to justice (Boley, 2019). The latter protests were also tainted by dissatisfaction with Weah's presidency: he had not been the 'new' page Liberians craved, and instead was facing the same public discontent and corruption allegations that were moved against his predecessor, Johnson Sirleaf (Reuters, 2019).

In April 2019, the Liberia National Bar Association and the Transitional Justice Working Group – which comprehends 20 civil society organisations – backed the establishment of such a court (Yangian, 2019). A few months later, in September, the National Traditional Council, formed by elders and chiefs from across Liberia, have also announced their support for a war crimes court (FrontPage Africa, 2019). In October of the same year, the House of Representatives proposed a pro war crimes court resolution which had been signed by two-thirds of the House. However, it had been halted by the Speaker on the basis that it required

more consultation, and since then it had not been discussed anymore until 2021, when the Speaker requested a special committee to consult with the House of Representatives (Dodoo, 2021). In recent years, Weah's government has allowed foreign authorities to investigate on the ground, and has allowed for the Finnish authorities to hear many witnesses on Liberian soil.

This brief recount of the past 20 years of Liberian's history was necessary in order to understand how politically charged the issue of a war crimes court is, and how polarising the topic can be. The vast majority of Liberians are in favour of some accountability process (Pajibo, 2007), and the lack of political will seems to be one of the biggest obstacles.

The link between impunity and political corruption is very strong. "*Liberians are beginning to see the link between post-war corruption and wartime atrocities. There is a correlation between the two. The more you allow for impunity of wartime era, of atrocities, you also allow officials of government to continue the pillage and plunder of resources with the notion that 'well I didn't participate in the war. So, it's okay for me to do this*'" stated Aaron Weah[4].

In Liberia, many individuals who wreaked havoc during the conflicts, not only are currently living without repercussions, but are active members of the political scene. One of the most notorious of these cases is Prince Johnson, former leader of the INPFL who infamously tortured and killed former Liberian President Samuel Doe whilst drinking a beer and being filmed. Johnson is currently senator for one of Liberia's largest counties, Nimba. During the TRC hearings, he admitted to committing several massacres of civilians (Pajibo, 2007), and threated the panel that if prosecution was considered, '*there would be instability*' (Weah, 2012, p. 339).

[4] With an interview with the author, July 2022

For Liberians, it would have been the first time that a trial against someone who allegedly committed crimes during the wars was tried at home, even if by foreign authorities. After mass violence, criminal proceedings represent one of the most viable ways to achieve justice. However, despite their importance, they often work as a frame around public discourse on these very proceedings. Victims are at the very core of war crime trials: not only do they provide their testimony, based on which the trial is built around, but their perception of said trials and those who prosecute them are an essential part of a country's development and discourse (Hodžić, 2010).

3. Justice for whom? Challenges faced by journalists

"*The way we do it in Finland is exactly the way we do it here: the only difference is of course the setting, the culture, different kind of people (…) but otherwise, it is the same*"

- Thomas Elfgren, Head of the Finnish Investigation Team[5]

In universal jurisdiction cases, judicial authorities do not concern themselves with the effects certain trials have on the affected population. In the Gibril Massaquoi case, the proximity of the trial to people affected by war crimes, could have allowed for active involvement of civil society groups, journalists, and interested parties, which could have allowed for the development process of the trial to be more participatory.

[5] Interview with New Narratives, 8th of October 2021

Advocacy is more effective when individuals of all society are involved in the process (Servaes, Malikhao, 2012). However, in this specific case, not only was civil society barely involved, but also media access was strained and at times, problematic.

Access and diffusion of information are essential tools needed for advocacy in order for Liberians to not only promote accountability mechanisms - such as a war crimes court, but to also be at the very centre of these processes. Available sources of information are one of the most critical tools in shaping the awareness and understanding of war crimes trials (Hodžić, 2010). And whilst international courts may have the financial opportunities to engage with outreach, domestic courts have not engaged with communities the same way, and often outreach efforts on behalf of the court are left on the shoulders of media, civil society, and NGOs.

The implicit dynamic of power, institutions and development made it so that, despite the efforts of journalists, there still was a clear sense of otherness. International law is no stranger to critiques of orientalism: the West prosecutes (or helps prosecute) those who commit atrocious crimes, crimes that only take place uncivilised countries and perpetrated by 'monsters' and 'barbarians' (Kastner, 2015).

Whilst the court did relocate in Liberia - to prosecute crimes allegedly committed in Liberia and against Liberians - the process was not Liberian, nor did it have Liberians at its very heart. Domestic courts are shaped by their cultural, social, and political system in which they were created in (Sloss, Van Alstine, 2015). And even further: if we consider universal jurisdiction trials as development practices, these cannot be considered 'neutral' processes – these are all culture informed (Schech, 2014). The quote with which this chapter begins with

was carefully chosen: how can something be done the same way, even if ‘the only’ differences are the culture, the setting, and the ‘different kind of people’?

The makeshift courtroom proximity to the offended parties could have allowed for greater societal effects, however, the context and the cultural signifiers were often ignored or misunderstood. Trials of such nature should be seen as a historical and cultural object, as they will could affect future national discourse on accountability for past crimes, allowing for people to expect and demand for justice in the future (Stromseth, 2011).

Although all of the interviewees agreed that it was a good decision to hear the witnesses in Liberia, this was not without issues. They all agreed that the Gibril Massaquoi trial could pave the way for a war crimes court. Whilst most agreed that the acquittal was a detriment to the cause, others stated that the process of witnessing someone being tried fairly was good: people who might be sceptical of justice processes as inherently bias could be disproven.

The symbolic power of holding the trial on Liberian territory, even if secluded, was not amiss. Aaron Weah[6] told me: “*It was there and Liberians had a chance to sit there, on Liberian soil, that's how I would see it. I mean, in contrast to someone getting a visa to go to the west to participate, you didn't have to get in the visa, you just had to sign up to conditions set aside for that. And I think there's a big difference. There's a big difference there.*”

[6] Interview with the author, July 2022

Physical access

As mentioned earlier, the court heard the witnesses in a hotel conference room. Only a few journalists knew where the hotel was, and those who were granted access had to sign a non-disclosure agreement. A few journalists confirmed that the trial was supposed to be broadcasted in a separate location, in order to allow civil society, journalists, and people who wanted to follow the trial an opportunity to do so. Then, one or two days before the beginning of the proceedings, this plan changed, and they all had to go to an hotel. Some affirm that it is because the Finnish authorities wanted to make sure the witness' identities were protected, other journalists were convinced that it was a Liberian government's decision in order to keep the trial as low profile as possible. Gberie (2022) sustains that Attorney General and Minister of Justice, Frank Musah Dean, was the one that denied the broadcasting.

Nevertheless, the change of location for the journalists created more than one problem: first of all, the fact that not many journalists were able to physically be there at the same time. Many told me that they could only be there in pairs. Because they all worked for different news outlets, they could only really rely on what their colleagues reported on when they were not on the 'rota', and therefore recycle news. Three journalists also pointed out that, because the trial was also held in Finland and in Sierra Leone, they somehow missed bits and pieces of the proceedings.

Many have compared trials to spectacles, through which the public can learn through the value of performance and communicative value of legal languages, physical movements, tone, and language (Glasius, 2015; Stahn, 2020; Drumbl, 2007). Because only selected

people were allowed to view such a ‘spectacle’, the reporting itself became the main event: those who had interest in following, will think of the reporting, when remembering the Gibril Massaquoi trial.

“*People who have committed their lives to the fight for justice and accountability were particularly interested in [the trial]. They would have loved to have the experience of going to court and seeing the entire process unfold […] the closest the majority of Liberians have come to proceedings of that nature has been the holding of the Truth and Reconciliation public hearings*” told me Aaron Weah[7].

J2 stated that the equipment in the media room made it impossible to follow the trial properly, and that one must have been sitting in the ‘courtroom’ itself to be able to follow what the witnesses were saying. In my experience, the screen and the audio quality of the media room was, indeed, not enough for anyone to have been able to properly follow the trial.

Translations

> “*The problem is that the local language has to be translated into English, and then from English to Finnish. Are we losing something? I would say most probably we are losing something but hopefully not what the witness is saying. This is also one difficulty for us*”.
>
> - Presiding Judge Juhani Paiha[8]

[7] Interview with the author, July 2022
[8] Interview with New Narratives, 8th of October, 2021

During my interviews, many journalists had different perspectives on certain topics, but they all detailed different challenges they faced. For many, language accessibility had been a huge obstacle. Language accessibility presented one of the biggest signifiers that the main constituents of the trial were not Liberians: in fact, journalists could only understand the witness testifying, as the trial was held entirely in Finnish, and no translation was available neither to the observing parties, nor to the witnesses themselves, which were limited in hearing the questions translated. The discussion between the defence, the prosecution, and the judges was only available to the Finnish speakers. The witnesses could not understand what was being made of their testimony, further exacerbating the power dynamic between the authorities and the other, where the witnesses represented an object rather than the subject of the relationship. J5 told me that maybe, if the witnesses had understood what the parties were discussing among themselves about their testimony, they could have clarified or expanded on certain issues.

Moreover, the complex system of translating between Liberian English, 'standard' English, and Finnish, left many of the journalists frustrated. *"I felt that there was a loss in translation in some of the expressions in the Kolokwa English, standard English, because I understand the Kolokwa English and then I speak better English also. And as a reporter, I know exactly what this witness is trying to say, but I think the translator is saying something else, but there is nothing I can do about it. I mean in correcting it, perhaps, in my reporting. Yes, I can indicate that this is what I observed. But how does it affect the trial? They take what the translator is saying"* told me J1.

J7, who had been present to all of the sessions stated "*Say 'I know you', it can mean different things according to intonation. And it can mean different things according to the context in*

which it is spoken. The interpreter for fear of adding to the testimony, basically just give a verbal interpretation without making notes for context. So, there are cases where the witnesses could have meant another thing entirely by the intonation and by the context of the sentence. It was not understood. […] A lot of things were lost in translation".

A few journalists remembered this particular incident where the witness was saying he had been tied *tabay*, and the translation to standard English only reported that the witness had been tied. Tabay – or Tabey, or *Duck Fo' Tabe* - was a very common form of torture during the civil wars. The practice consisted of tying the victim's wrists together, and then their arms together behind their back, which caused extreme pain, to the point of losing the feeling in their limbs for days or weeks. It could sometimes lead to irreversible paralysis of the arms, and could lead to death due to respiratory problems. Translating that statement as just 'being tied' is, therefore, reductive, and completely misses the whole (and very essential) aspect of torture.

Tymoczko (2017) theorises that Western notions of translation and their function of 'carrying over' are problematic, and that no translation can truly represent the source language due to the differences in cultures. Moreover, translators need to have an understanding and knowledge of all of the contexts linked with the translation, the source culture, and the target one (Bassnett, 2014). If journalists were already dissatisfied between the translation of Kolokwa to 'standard English', there was no way for them to check if - and what – anything was lost to the Finnish translation. During an interview to New Narratives, the Head Judge stated that he mostly understood what was being translated into English, but needed the Finnish 'just in case' (8th of October, 2021). To those that pointed out issues in translation, I asked if the translator was Liberian. They all responded in the affirmative,

but nevertheless sustained that the translation was poor. Some stated that it was because they had to interrupt frequently to allow for Finnish translation, others said that it was because of time constraints, and so forth.

Culture and context

"The culture is so different and it's been really interesting to learn local culture. People are talking in a different way, I mean… it's really different, it's really different, and that is one of the difficulties in this case, how to assess their stories"

- Presiding Judge Juhani Paiha[9]

One of the key components for communication for development is having a culture sensitive approach (Servaes, 2020). The Finnish authorities were dealing with a Liberian case for the first time, and whilst the police had the opportunity to go on the ground beforehand to investigate, the same could have not been said for the judges and the parties.

Sabiescu (in Tufte 2020) speaks of 'context-responsiveness', which would place "*the analytical focus on the relationship between an agent and the environment, emphasising a dialogic dimension which can take many forms*" (p.86). Context is defined as subjective-objective construct composed of people and perceptions: context, therefore, is often shaped by culture. Engaging local communities, which form the culture, is at the very base of sustainable development. Agency, responsibility, and cultural framing are at the very

[9] Interview with New Narratives, 8th of October, 2021

essence of comdev. Context-responsiveness is also necessary when prosecuting international crimes in a country that still has to deal with its past.

Some witnesses were really nervous to testify, and required additional reassurance from the judges that their names would have not been disclosed. Multiple times, the judges reassured the witnesses that their names indeed would have not been disclosed, nor their pictures would have been taken, as they had alerted the press that any diffusion of names and pictures would have been against the non-disclosure agreement they had to sign. In April 2021, when the judgement was released, all of the witnesses had been named, next to the acronyms the police had given them to protect their identity. In relation to this, J3 stated "*they probably didn't understand the geographical context of the judicial proceedings*". This exacerbates the objectification of witnesses: their purpose is to testify, rather than being the very people the court was set to serve.

Furthermore, two journalists stated that the judges approached them to ask questions regarding certain expressions. When I had also observed this myself when given the opportunity to attend trial. During recess, a member of the judges' panel approached two journalists to enquire the meaning of a certain Liberian expression.

J4 in particular recounts how they once was invited to lunch with the judges in order to answer questions specifically related to rape. "*He knew about me. He took me, and he forced himself on me. He went with me. (…) he made me his wife for the whole time. They won't say sex, ok? (…) they had to ask me (…) why didn't people come up straight away and say sex. (…) In the Liberian culture, when older people around smaller children, they don't talk about sex. People grow up in this kind of culture, right?"*

J4 and J3 both highlighted more traditional aspects of rural Liberia which they noticed had not been understood by the Finnish authorities. "*There are certain things you say in front of the elder, and there are certain things you have to say behind him" stressed* the need for more local people within the courtroom itself. "*If we take somebody from their home, they probably would have stayed in [names of rural Liberian towns] all of their years, but then they coming to Monrovia and they are at a luxurious hotel, in a conference room structured as a court and testify to white people… the first thing is an inferiority complex, they don't feel part of that environment at that moment. So how do you bring them into that environment? By creating a comfort zone for them in having somebody they properly communicate with them.*"

Again, on not understanding the relationship between an individual and their traditional leaders: "*The Town chief, the paramount chief, the village chief, the elders... these are people who protect these people, right? When a man has the protection of his chief, his elder, he can say what he wants because he is not afraid, he has these people to protect him. But when he leaves his comfort zone and comes to a new location, you are you expecting for him to say the same things he said when he was in his comfort zone. He's afraid that whilst he is talking, somebody would take him out, he could become a target."*

The structure of society so different from what the judges were accustomed to, that they required consultation with locals in order to understand the witness' testimony is something that unsettled the journalists involved.

Gberie (2022) in his opinion piece for Justice Info – famous publication on international law, which had also sent a journalist to follow the proceedings – points out the fact that the head

of the investigation of the case had not deemed necessary consulting with experts in Liberia, nor in Sierra Leone.

"*The lack of knowledge of the context came up a bit. And why is that important? It's important because if you really understand the context and then the three-way translation (…) would have been made much easier because the context is there and every witness that comes forward to give a testimony... will be given a testimony in full knowledge of the context*." Commented Aaron Weah[10].

Liberian Interest and Diffusion

All of the journalists agreed that there was interest in the trial. Whilst some specified that the interest was really to be found in those that were more educated and followed the news more assiduously, others maintained that there was a general interest from the Liberian population in following the case, and that it attracted more attention because it was localised in Liberia.

New Narrative fellows were broadcasting live on Facebook after almost every hearing. Of the Gibril Massaquoi case reporting – at this present time, July 2022 - their most viewed video has 6.5 K views, and their least engaged with has 80 views. Internet penetration in Liberia is currently at 26%, and most of it concentrated in Monrovia (The World Bank, 2020): J2 explained that radio is still the most diffused mean to obtain information. They told me that they would prepare short snippets to have broadcasted in local and rural radio stations,

[10] Interview with the author, July 2022

and could think of at least 30 radio stations they gave their recordings to, including ECOWAS radio, which is followed across Liberia. Whilst I could access New Narratives recordings, it proved to be impossible to listen to old ECOWAS radio programmes, and therefore there was no way for me to corroborate.

Another two journalists were more pessimist, and told me that the trial could have been more reported on, and that the 'average' Liberian probably was not aware that the trial was even underway in Liberia. "*If it was on radio as much as it should have been, I would have heard a lot more people talk about it*" stated J7. Other journalists told me that they were stopped in the streets by people wanting information about the ongoing trial. Because of the homogeneity of the people I spoke to – and the likely plausibility that they might be surrounded by people that are also interested in these topics and might be in favour of a war crimes court – it is impossible to determine from interviews alone if there was a general interest in the trial.

The complexity of the case – legally and logistically – the issues in accessing the trial, the lack of participatory coordinated efforts, language obstacles and inaccessibility to the documents of the proceedings all amounted to severe hinderances to the overall process.

Conclusion

"Now we can make reference to that, that yes, this trial was held here, and this is how it was done. Let's see how we can improve upon this."

- Extracts from interview with J1[11]

[11] July, 2022

Whilst many were the challenges presented by the trial, all of the interviewees agreed that it had the trial being held in Liberia was a positive step for the overall process against impunity. J4, recounting what someone had told her "*I never believed that I would have been alive to see a man like Massaquoi come to the law, been brought to the law, that he faced justice*".

All of the issues that were encountered during the Liberian stretch of the trial are opportunities to adapt and learn from future problems. Furthermore, the need for domestic courts to engage in outreach that would allow the court's work to be more accessible and context-responsive. Whilst the judicial authorities did endeavour to understand the context as much as possible, as demonstrated by a few journalists who were asked questions about language and culture, it is advisable for them to collaborate with a local cultural liaison, who would translate not only language, but also meaning and contexts. Engaging with the constituents of the country should not be seen as an extra-judicial activity, but part and parcel of universal jurisdiction efforts: rather than be perceived as an abstract concept, remote both physically and conceptually, they could have collaborated – or allowed more access to – civil society groups in order to assist and encourage concrete steps towards accountability for the country they are investigating in and for. Universal jurisdiction cases need to be grounded in the lives of those who have been directly affected by the alleged perpetrator, and generally, all of those people whose lives have been affected by the war.

The Finnish authorities managed to do something that no other country had done in universal jurisdiction cases before: they brought the trial to the victims. Whether it was because of covid-19 restrictions (which would have made the travel of all of those people to

Finland), or because of the sheer number of witnesses, it still was a huge step for the overall field, and definitely creates a precedent. The ‘Finnish model’, initially applauded and considered ground-breaking (Cruvellier, 2022) slowly appear to collapse as the trial went by.

This thesis does not claim that the Gibril Massaquoi trial should have not have relocated in Liberia and in Sierra Leone, nor that this has had negative effects on the political landscape of Liberia. Rather, it is set to point out how international law could benefit from having a more participatory approach with the populations they deem to serve. Because domestic courts never relocate to the very places where the crimes were allegedly committed, this could have been a further possibility to engage with local actors. The Massaquoi trial, *de facto*, shows that it is possible to localise universal jurisdiction cases more, but that more attention and more efforts should be spent on analysing how these kinds of trials interact with local communities. More importantly, it could have also promoted local ownership of the justice process (Jakala, Jeffrey, 2017).

It would be unfair to compare the Finnish experience with the gargantuan international law UN mechanisms and their budget, but it is safe to say that if any country wants to engage in universal jurisdiction practices, they must include local involvement and engage in responsible development practices. This could be done in several ways: if justice must be seen to be done, district courts could officially partner up with local NGOs, media outlets, and civil society groups. The overall trial against Gibril Massaquoi lasted almost a year, and costed Finnish tax-payers 2.5 million euro (Solomon, 2022): the lack of outreach is definitely not because of lack of resources.

Countries that engage in universal jurisdiction could have country officers hired for this very purpose to promote and explain the work of the court in order to avoid disillusion and

misinformation about the court's efforts. Despite the peculiarity of this case, domestic courts committed to international law should be more equipped to consider the interests of the affected population.

The need to achieve success – in this case, a fair and secure trial – may discourage further assessments and introspection which could produce a deeper analysis and therefore curb potential (Enghel, Wilkins, 2012). Jakala and Jeffrey (2017) argue that legal avenues have often been regarded as a 'measurable' result, but engagement and education of the society in which these measures are taken are not regarded as a priority, nor as a central component of the process.

A participatory approach would have allowed for Liberians to be at the very core of this trial. People should have been actively encouraged to not only learn about the trial, but also have access to safe-spaces to be able to talk among themselves about the trial, or even been able to speak directly with those that were involved in the trial, such as the Finnish authorities. Whilst the judges, the lawyers, and the head of the police investigation did agree to be interviewed by New Narrative journalists, this was only towards the end of the trial, when questions might have not been as important to answers as the very beginning, and people could have already formed the wrong ideas or misconceptions about the work of the court. Not even knowing the faces of those who are prosecuting someone who allegedly committed crimes against your people in your own country, adds a further element of distance, of remoteness.

Allowing Liberian civil society not only access the trial in greater numbers and with ease, and in a timely manner would have also allowed for local organisations and associations to

organise their own activities, decide what they wanted to take away from the process, and how to utilise this to further their own agendas of justice and accountability.

Whilst the interviews with the journalists and with Aaron Weah offered useful insights on their perception of the trial, and allowed me to learn and understand the challenges they faced, the sampling for the interviews did not allow for a deep analysis of the actual diffusion of information that spurred from the trial, and if so, what was truly understood from the legal proceedings. This is particularly true for the counties that saw the worst massacres, and a county where the defendant was accused to carry out brutal killings of civilians. The 'Finnish model' was a revolutionary step for a national court trying a universal jurisdiction case, but whether or not this radical approach will pass the test of time, and if it will be emulated, it is still unknown. However, what can be recognised to present date is that whilst the Finnish model echoed the SCSL in its proximity to the affected population, it did not include outreach as a core component of its work, despite its importance being fully recognised by all international tribunals, in one way or another (Clark, 2009). Whilst it did not actively engage in outreach, it also did not attempt basic involvement of the local population: the Massaquoi judgement, released in April 2022, is only available in Finnish (Gberie, 2022). This recalls the early years of the ICTY, where none of the legal documents were translated in the languages spoken by the affected populations. The ICTY was established in 1993, but it was only in 1999 that the tribunal established an outreach section and actively started reaching out to the main constituents of their work (ibid). Finnish authorities could have benefitted from learning from mistakes and successes of international tribunals who have done similar work.

Comdev and social change should be an integral part of these justice efforts. Each universal jurisdiction case is unique and will require different work on behalf of authorities and local actors, but there should still be synergies between the country that prosecutes, and the country where the crimes were committed. Trials are not enough. Universal jurisdiction is not possible without universal outreach. National legal practitioners must learn from international courts and integrate a functional outreach agenda that speaks with and to the constituents in a participatory manner. Only then will justice be truly done.

Further research

Both international criminal law and comdev are growing and relatively new fields, expanding and critically assessing past endeavours, successes and losses. Both disciplines would benefit in meeting and adopting in a multidisciplinary fashion. International justice, in particular, is under growing criticism and expectations (Stahn, 2020) and this thesis throws even more questions and raises expectations further expectations.

Many questions remain unexplored in this thesis. Character limitation, scope, and lack of thorough legal expertise do not allow me to delve into many other interesting queries that surfaced whilst writing this document. Whilst a few journalists expressed their disappointment in the acquittal of the defendant, I have not focused my research on the effects of legal decisions and what these might mean for those involved. If people perceive the length of the sentences proportionate to the alleged crimes, considering they might vary from country to country. In Finland, for example, life imprisonment is 14 years.

Moreover, a more extensive survey needs to be done to assess if and how the news of the Gibril Massaquoi trial reached rural parts of Liberia, and what did the locals make of it.

I hope to read compelling and interesting research about these points, and many other ways in which communication for development intertwines with international justice.

Appendix 1

Logistics	Context Themed	Professional Themed
What do you think about the fact that the trial was held in Liberia?	Do you think, despite the outcome, that the trial was an important step for the overall accountability for past crimes in Liberia?	Do you think there was interest in covering the trial?
What do you think about the fact that the trial was secluded?	Do you think the Finnish authorities knew enough about the context they were working in?	What has been your biggest challenge as a journalist reporting on this trial?
x	Do you think the efforts of the authorities were enough to convey information to the affected population?	Do you think there was interest in learning about the trial, and if so, were people aware of exactly what was happening?
x	x	How do you think should be responsible for the dissemination of information?
x	x	Was the trial reported on enough?

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