



# **The Case of Prosecutor v. Charles Ghankay Taylor at the Special Court for Sierra Leone (SCSL)**

Questions and Answers  
April 2012

## **I. The Trial of Charles Taylor at the Special Court**

### **1. Who is Charles Taylor?**

Charles Taylor is the former president of Liberia. From 1989 to 1997, Taylor led a rebel group, the National Patriotic Front of Liberia (NPFL), which sought to unseat Liberia's then-president, Samuel K. Doe, and to take control of the country. The conflict ended on August 2, 1997, when Taylor was sworn in as president after elections that were part of a peace agreement brokered by the regional body ECOWAS.

Taylor's presidency, which lasted until 2003, was characterized by intolerance of dissent and harassment of the press, civil society, and the political opposition. Forces under Taylor's command also were implicated in supporting and participating in armed conflicts, cross-border raids, and human rights abuses in neighboring countries, including Sierra Leone, Guinea, and Côte d'Ivoire. There was near-total impunity for these and other human rights abuses.

Taylor's repression of the Liberian people fueled a rebellion to unseat him, which began in 1999. Following rebel incursions into Monrovia, the Liberian capital, and the unsealing of Taylor's indictment by the Special Court for Sierra Leone (SCSL) for crimes committed in Sierra Leone, Taylor stepped down as president in August 2003. He was offered safe haven in Nigeria, where he stayed until his surrender to the Special Court in March 2006.

## **2. Why are the Taylor trial and the upcoming judgment significant?**

The Taylor judgment will be a watershed moment for efforts to hold the highest-level leaders to account through a credible judicial process. The Taylor judgment will be the first since Nuremberg of a former head of state in an international or hybrid international-national court on charges of serious crimes committed in violation of international law. Before Taylor, Slobodan Milosevic, president of the former Yugoslavia, was tried by an international tribunal, but he died before a judgment was issued. Karl Doenitz, who was a German naval commander and president of Germany for approximately one week at the end of World War II, was convicted by the International Military Tribunal of Nuremberg.

The judgment in the Taylor case comes approximately five months after Laurent Gbagbo, the former president of neighboring Côte d'Ivoire, became the first former head of state to appear at the International Criminal Court (ICC) on charges of crimes against humanity. The Taylor judgment is also a milestone for the Special Court for Sierra Leone. Upon the conclusion of this case, the SCSL is set to become the first international tribunal to complete its work and to close down its operations.

Taylor's trial has immense significance for people in the West African sub-region who suffered as a consequence of the violence and instability he allegedly fomented in Sierra Leone, Liberia, Guinea, and Côte d'Ivoire. For decades, so-called "big men"—people who either led armed groups or wielded significant political power—have been allowed to carry out abuses, seemingly with no fear of being investigated or held accountable by a credible judicial body.

In this trial, for the first time, such a "big man" was taken into custody and forced to answer for his alleged crimes. Sierra Leonean civil society members consistently told Human Rights Watch that Taylor's trial was essential to overall efforts to ensure justice for crimes in Sierra Leone. Liberian civil society members expressed disappointment that Taylor has not been held to account for crimes in Liberia.

## **3. What are the charges against Taylor?**

The Special Court indicted Taylor on March 7, 2003 on 17 counts of war crimes, crimes against humanity, and other serious violations of international law for his role in supporting Sierra Leonean rebel groups during that country's armed conflict. The abuses

took place both while Taylor was head of the NPFL and while he was president of Liberia. The indictment was amended and reduced to 11 counts on March 16, 2006. The specific charges against Taylor are:

- **Five counts of war crimes:** terrorizing civilians, murder, outrages on personal dignity, cruel treatment, and looting;
- **Five counts of crimes against humanity:** murder, rape, sexual slavery, mutilating and beating, and enslavement; and
- **One count of other serious violations of international humanitarian law:** recruiting and using child soldiers.

The indictment cites a multitude of locations where crimes were committed in Sierra Leone, covering 6 of Sierra Leone's 13 districts. The indictment alleges that Taylor can be held individually criminally responsible for the crimes based on three legal principles:

- **Individual Criminal Responsibility:** Taylor planned, instigated, ordered, committed, or aided and abetted planning, preparation, and execution of the alleged crimes.
- **Joint Criminal Enterprise:** Taylor participated in a common plan, design, or purpose that consisted of or involved the commission of the alleged crimes, or those crimes were reasonably foreseeable consequences of the common plan, design, or purpose.
- **Command Responsibility:** Taylor held positions of superior responsibility and exercised command and control over subordinate members of the Revolutionary United Front (RUF), RUF/Armed Forces Revolutionary Council (AFRC) alliance, and Liberian fighters. Taylor knew or had reason to know that subordinates, responsible to him, were about to commit the alleged crimes or had done so and he failed to take necessary and reasonable measures to prevent such acts or punish those responsible.

The prosecution does not allege that Taylor entered Sierra Leone during the time in question, but that "from the outside he was responsible for those crimes through his participation, involvement, concerted action with and command over the criminal conduct of his proxy armies," the rebel RUF and later the RUF/AFRC alliance.

The prosecution contends that Taylor's support of the RUF and RUF/AFRC alliance took many forms, including providing strategic instruction, direction, and guidance; providing arms, ammunition, and manpower; training fighters; creating and maintaining a communications network; and providing a safe haven for fighters and financial and medical support.

Taylor pled not guilty to all counts.

#### **4. How did the Special Court for Sierra Leone come about?**

Following the end of the conflict in Sierra Leone, the domestic justice system lacked the capacity to hold those responsible for serious crimes committed during the conflict accountable. Prompted by a request from President Ahmad Tejan Kabbah to the United Nations, the Special Court for Sierra Leone was established in 2002 by an agreement between the Sierra Leone government and the United Nations to prosecute serious crimes committed during the second half of the war based on "international standards of justice, fairness, and due process of law."

The court is the first stand-alone "hybrid" or "mixed" international-national war crimes tribunal that is not a part of a domestic justice system. The hybrid court differs from earlier established international war crimes tribunals in that it is staffed by international staff members and Sierra Leoneans, rather than by an entirely international staff, and its statute includes both domestic and international crimes, instead of only international crimes. Also, its headquarters are in the country where the crimes occurred and all of the trials except Taylor's have been held in Sierra Leone. The SCSL relies solely on voluntary contributions from the international community.

#### **5. What is the mandate of the Special Court?**

The Special Court has jurisdiction over "serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996." This mandate notably excludes crimes committed during the first five years of Sierra Leone's 11-year civil war. Its mandate is also limited to prosecuting those who "bear the greatest responsibility" for the crimes.

## **6. How did the trial of Charles Taylor come about?**

On June 4, 2003, the Special Court unsealed its indictment against Taylor, still president of Liberia, while he was attending peace talks in Ghana to end the conflict in Liberia. The unsealing of the indictment during peace talks generated controversy and Ghana provided him with a presidential plane to return to Liberia instead of arresting him.

In August 2003, as rebels opened an offensive against the Liberian capital, Taylor stepped down as president and accepted an offer of safe haven in Nigeria. In May 2005, the then-president of Nigeria, Olusegun Obasanjo, indicated that he would consider supporting Taylor's extradition to Liberia if a formal request was made by a duly elected Liberian government. In March 2006, President Ellen Johnson-Sirleaf made the request.

On March 25, 2006, President Obasanjo indicated that Liberia was "free to take former President Charles Taylor into its custody," although Nigeria did not arrest Taylor. Within 48 hours, Taylor disappeared, but on March 29, he was detained by Nigerian police near Nigeria's border with Cameroon. He was then sent back to Liberia, where he was taken into UN custody and transferred to the Special Court in Freetown, Sierra Leone's capital.

## **7. Why was the trial held in The Hague?**

The same day Taylor was transferred to the SCSL, its president submitted requests to the Netherlands and the International Criminal Court (ICC) to relocate Taylor's trial to The Hague, citing concerns about the stability of the West African sub-region if Taylor was tried in Freetown. Sources involved with Taylor's surrender have indicated that President Johnson-Sirleaf was only willing to request Taylor's surrender on the condition that he be tried outside of West Africa.

Taylor was transferred to The Hague on June 30, 2006 after UN Security Council Resolution 1688 provided the legal basis to transfer the trial, the ICC consented to the use of its facilities, and the United Kingdom agreed to provide detention facilities for Taylor if he was convicted. On May 17, 2010, Taylor's trial was relocated from the ICC premises to the Special Tribunal for Lebanon premises in Leidschendam, in the outskirts of The Hague.

## **8. Why isn't Taylor facing charges for crimes in Liberia?**

The Special Court does not have the authority to hear cases involving crimes committed in Liberia. The Liberian government has made no progress in ensuring the prosecution of those responsible for war crimes committed during Liberia's armed conflicts.

## **II. Upcoming Judgment in the Taylor Case and Next Steps**

### **9. When will the judgment be issued and what is the process for appeal?**

The judgment is scheduled to be delivered at 11 a.m. April 26, 2012 in the courtroom belonging to the Special Tribunal for Lebanon in Leidschendam, in the outskirts of The Hague.

If Taylor is found guilty on any counts, he has 14 days from the receipt of the full judgment to file a written notice of appeal with the registrar. If he is found not guilty on any counts, the prosecution also has 14 days from the receipt of the full judgment to file a written notice of appeal. If Taylor is acquitted on all counts, the Trial Chamber may issue an order for his continued detention pending the determination of any appeals.

The Appeals Chamber of the Special Court, consisting of five judges, will hear any appeals. Its decision will be final.

If the Appeals Chamber determines that Taylor is not guilty, he may walk out of the court a free man, and no other judicial body will have the power to put Taylor on trial for the crimes for which he has already been prosecuted. However, such exclusion applies only to the charges in the indictment, which relate solely to the conflict in Sierra Leone.

### **10. If Taylor is found guilty, what would his sentence be and where would that sentence be served?**

If Taylor is found guilty on any of the 11 counts, the Trial Chamber will schedule sentencing proceedings. The statute of the Special Court for Sierra Leone provides that sentences should be "imprisonment for a specified number of years." Sentences may also include forfeiture of any "property, proceeds and any assets acquired unlawfully or by criminal conduct."

The prosecution has seven days after a conviction is entered to submit to the Trial Chamber any information that it deems relevant in determining an appropriate sentence. The defense has seven days after the prosecution's filing to submit any information it deems relevant to sentencing.

If either the prosecution or defense wishes to appeal the sentence handed down by the Trial Chamber, it has 14 days from the receipt of the sentence to file a written notice of appeal with the registrar setting forth the grounds.

Taylor would serve any sentence in the United Kingdom based on an agreement with the Netherlands.

### **III. Important Features of the Taylor Trial**

#### **11. What outreach efforts were made to ensure relevance to Sierra Leoneans and Liberians?**

The Special Court conducted a robust outreach and public information program, which meaningfully contributed to ensuring those most affected by the crimes had adequate information about proceedings. This program increased the impact of the work of the Special Court in general and the Taylor trial in particular.

In May 2007 the court opened a sub-office in The Hague. From both The Hague and the Freetown offices, staff worked with local and international media, civil society, and human rights groups, among others, to disseminate information about the Taylor proceedings to the public. The Office of Public Affairs (OPA) created audio and video summaries of the trial that were played on the radio in West Africa and screened at outreach events. The office also facilitated monitoring visits to The Hague by civil society members from Sierra Leone and Liberia, who in turn disseminated their impressions of the proceedings to their communities.

Local West African news media, including newspapers and radio stations, covered the trial, and a BBC World Service Trust project provided support to Sierra Leonean and Liberian journalists to travel to The Hague to report on the trial. Media also relied on an Open

Society Justice Initiative (OSJI) website that posted summaries and analysis of the proceedings.

### **12. What kind of evidence has been offered in the case?**

The prosecution called 94 witnesses to the stand, presented written statements from 4 witnesses testifying to the crimes committed, and presented reports from 2 expert witnesses. The 94 witnesses called to the stand included 58 people who testified about crimes committed by fighting forces in Sierra Leone, 32 who testified to links between Taylor and the crimes, and 4 experts, including a medical expert and experts in West African society and politics.

The defense called 21 witnesses to the stand. These witnesses included Taylor himself and former leaders and fighters from the RUF and NPFL. Their testimony challenged the allegations that Taylor controlled, supported, or assisted the RUF or RUF/AFRC alliance.

## **IV. The Special Court for Sierra Leone (SCSL) Beyond the Taylor Trial**

### **13. Who else did the SCSL try?**

The Special Court has held 3 trials of a total of 12 people on charges of crimes against humanity, war crimes, and other serious violations of international humanitarian law committed during the Sierra Leone conflict, in addition to the Taylor trial. The suspects were grouped according to their affiliation with the three main warring factions. Four defendants have died or disappeared since their indictments. The remaining eight are serving their sentences in Rwanda under an agreement with Sierra Leone. No other indictments are expected, and the court is in the process of winding down its operations.

#### *The Armed Forces Revolutionary Council (AFRC) Trial*

Four leaders of the AFRC—Alex Tamba Brima, Ibrahim Bazy Kamara, Santigie Borbor Kanu, and Johnny Paul Koroma—were charged with war crimes, crimes against humanity, and other serious violations of international humanitarian law. Koroma fled Freetown in January 2003 and his fate and whereabouts are unknown. The AFRC trial began in March 2005, with closing arguments delivered in December 2006.



In June 2007, Trial Chamber II found Brima, Kamara, and Kanu guilty of war crimes, including acts of terrorism, murder, collective punishments, rape, and murder as a crime against humanity. These were also the first convictions by a UN-backed tribunal for recruitment and use of child soldiers. The Appeals Chamber upheld the convictions and the prison sentences, ranging from 45 to 50 years, in February 2008.

#### *The Civil Defense Forces (CDF) Trial*

The trial of three leaders of the CDF—Allieu Kondewa, Moinina Fofana, and Samuel Hinga Norman—for war crimes, crimes against humanity, and other serious violations of international humanitarian law started in June 2004, with closing arguments delivered in November 2006. In February 2007, Norman died of natural causes before a judgment was issued.

Trial Chamber I found Fofana and Kondewa guilty of murder, cruel treatment, pillage, and collective punishment as war crimes in August 2007. Fofana was also found guilty of conscripting or enlisting child soldiers. Following the Appeals Chamber judgment in May 2008, which overturned some convictions but entered new convictions on other counts, Fofana is serving 15 years and Kondewa 20 years in prison for murder and other inhumane acts as crimes against humanity.

#### *The Revolutionary United Front (RUF) Trial*

Five leaders of the rebel group the RUF—Foday Sankoh, Sam Bockarie, Issa Sesay, Morris Kallon, and Augustine Gbao—were indicted for war crimes, crimes against humanity, and other serious violations of international humanitarian law, although Sankoh and Bockarie have both since died and their indictments were withdrawn on December 8, 2003. The trial of the three remaining accused began on July 5, 2004, with closing arguments delivered on August 5, 2008.

The defendants were found guilty of war crimes, including acts of terrorism, murder, rape, sexual slavery, and crimes against humanity, including murder and enslavement, in February 2009. Sesay was also found guilty of conscripting or enlisting child soldiers and enslavement. In October 2009, the Appeals Chamber upheld most, but not all, of the

convictions, and upheld the imposed prison sentences of 52 years for Sesay, 40 years for Kallon, and 25 years for Gbao.