

Inciting violence abroad

CONFLICT & RIGHTS



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Charles Taylor, the former Liberian President, is considered Africa's most notorious war crime suspect. An infamous actor of the Liberian civil war, Charles was also a leading player of Sierra Leonean conflict.

Charles is now finally transferred from Nigeria to the United Nations-backed war crimes court in Sierra Leone is an enormous step toward ensuring justice for atrocities that he had spearheaded or supported in West Africa.

With this transfer, Charles Taylor is set to become the first former head of state in Africa to face trial in a war crimes court. The Special Court for Sierra Leone has already "unsealed" its eleven indictments against Charles Taylor for his role in supporting Sierra Leone's rebel forces during 1991-2002 civil war.

Charles is accused of providing training to the rebels of Revolutionary United Front (RUF) in preparation for its armed action in Sierra Leone and during the subsequent armed conflict there. He is also accused of financing their movement; giving them necessary support and protection. It is also alleged that Charles acted in tandem with members of the rebel alliance of the RUF and the Armed Forces Revolutionary Council, who are accused of horrific crimes in the context of the civil war.

These charges against Charles were formalized in March 2003, when he was still president of Liberia, with an indictment that he backed and traded diamonds with Sierra Leone's ruthless rebel movement, whose signature tactic was the hacking off of civilians' arms and legs. He is charged as one of those "bearing the greatest responsibility" for war crimes (murder, taking hostages); crimes against humanity (extermination, rape, mur-

der, sexual slavery); and other serious violations of international humanitarian law (use of child soldiers) in Sierra Leone.

Charles had left Liberia for Nigeria in 2003, where he was offered asylum, and had since then been living there. He had disappeared from the villa where he was living before Nigeria's announcement that it was effectively ending his asylum status. He was quickly apprehended and then transported immediately back to Monrovia, Liberia, read his rights as an accused and handcuffed and flown to Freetown Sierra Leone, where he is in the UN custody and about to stand trial.

Created in 2002 through an agreement between the United Nations and the Sierra Leonean government, the Special Court is charged with bringing to justice those who bear the greatest responsibility for grave crimes committed since November 1996, including war crimes, crimes against humanity, other serious violations of international humanitarian law and of Sierra Leonean law.

The Special Court -- which is staffed by international and Sierra Leonean professionals and includes elements of international and Sierra Leonean law -- represents a significant new model of international justice often referred to as a "mixed" or "hybrid" tribunal. The International Criminal Court, which is independent from the United Nations, would have no mandate to try Charles because its jurisdiction began on July 1, 2002, while Charles' charges date from the 1990s. Moreover, the government of Sierra Leone has asked the International Criminal Court in the Netherlands to provide a venue for Charles Taylor's trial on these long-standing war crimes charges. The request involved the use of a courtroom at the newly created International Criminal Court and space in a Dutch jail.

As Charles has many loyalists in the region, his presence is considered as a potential threat to the fragile peace that exists in Sierra Leone and Liberia. There is a fear that a trial in Sierra Leone could lead to instability and pose a threat to peace.

The United Nations Security Council members agree that the war crimes trial of Charles Taylor should be moved from Sierra Leone to the Netherlands and could adopt a resolution this week to allow the transfer. The Security Council is still debating several issues, including who should pay the costs. The draft resolution states that the costs of trying Charles in the Netherlands "are expenses of the Special Court" in Sierra Leone, which is funded by voluntary contributions. It reiterates an appeal to UN member states "to contribute generously" to the court.

A UN appeal for \$25 million to fund the Special Court for Sierra Leone this year has so far received only \$9 million in pledges and \$6 million in funding, which is expected to run out soon. Secretary-General Kofi Annan has already written to the foreign ministers of the 191 UN member-



states seeking \$14.4 million for the court this year.

As expected, Charles has pleaded not guilty before the war crimes court. There is a very strong possibility that he could now try to show that his support for the rebels was a matter of politics and that other leaders also supported the rebel group, and he was not alone. There are some governments that are already afraid of the civil war stories that might come out.

Possible ties between Charles and the foreign security agencies operating locally have been a matter of speculation for years. This is perhaps long due for these stories to come out and be documented.

(The writer is a lawyer)