Taylor Verdict is a Warning to Others

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The landmark verdict on April 26th against the former Liberian President, Charles Taylor, is an important warning for those who perpetrate war crimes. Finding Taylor guilty of war-time atrocities during the war in Sierra Leone between 1991 and 2002, shows that no-one can be above the law.

The ruling in The Hague at a UN-backed Special Court, sees the first former Head of State convicted by a court since the Nuremburg Trials following the Second World War. This sends a powerful message to those within the hierarchy of African states that they cannot hide behind the inadequacies of African judicial systems. Taylor was a warlord during the 1980s and 90s, and operated largely in Liberia and part of Sierra Leone – modestly calling it 'Taylorland' – whilst much of Sierra Leone came to be controlled by his close ally Foday Sankoh. Taylor himself was elected Head of State of Liberia for six years, following a peace agreement in 1997, before entering exile in Nigeria following a second conflict, then violating the terms of his exile and being moved on to the Special Court in 2006.

The verdict stated that Taylor was guilty of eleven counts of war crimes and crimes against humanity including rape, terrorism, murder, and conscription of child soldiers. Judge Lussick went on to state that the Liberian Taylor had provided 'sustained and significant' support to the rebels in Sierra Leone, known as the Revolutionary United Front (RUF), and that this movement was guilty of widespread war crimes. At the same time, the judge also made it clear that the court felt that they could not establish that Taylor had exercised effective command and control over the rebels, and that he could not be held responsible for all of the war crimes during the war. Taylor is likely to serve his sentence in a British jail since the Dutch conditions for hosting the Special Court included his incarceration in a country other than the Netherlands.

The Special Court for Sierra Leone has tried and convicted eight perpetrators of war crimes, and has created history in convicting Taylor and also, in 2007, convicting three members of a temporary junta, the Armed Forces Revolutionary Council, for the recruitment of child soldiers. The indictment of Taylor created a precedent that led to the further indictments by the International Criminal Court (ICC) of the President of Sudan, Omar al- Bashir, Laurent Gbagbo of the Ivory Coast, and the pending trial of Jean-Pierre Bemba of the Congo. In many ways, the sight of Taylor facing conviction in an international court of law may be held up against the examples of Saddam Hussein and Muammar Gaddafi as an example of how international law can work.

However, there are a set of significant issues that arise from the conviction of Taylor, and the operation of both the Special Court and also the ICC. Firstly, it has taken more than five years to convict Taylor, and even then he was found not guilty of some of the offences. This is as much testament to the difficulty of compiling witnesses and evidence as anything else, but it may also be a function of the nature of command in this type of war. Taylor and Sankoh operated a loose command structure based on violence and intimidation, rather than command and control. Their system resembled feudalism rather than a modern army. As such, there are questions as to how much they were in control of the violence they unleashed.

Secondly, only eight people have been convicted of crimes against humanity in a war where, out of a total population of around 6 million, some 50,000 people were estimated to have been killed, around 500,000 had become refugees, and around 500,000 were classified as internally displaced. At the same time, the war led to an international outcry as around 90% of victims were civilian, and most of these were subject to brutal torture and the amputation of limbs, or bits of limbs, including young children and babies. When the Government tried to hold an election in the late 1990s with the slogan 'The future is in your hands', the RUF responded by hacking the hands off of anyone found voting. This was an extraordinarily brutal war in which there were far more than eight perpetrators. Whilst Sierra Leoneans must be relieved at the guilty verdict, there are still concerns that many perpetrators are unlikely to be brought to justice.

Thirdly, there are questions about the ICC's focus on Africa. Whist this is positive in that African leaders can no longer be immune from prosecution, the fact that the international community has become involved reflects badly on African judicial systems. What it also does is make it less likely that other potential defendants– Robert Mugabe, Joseph Kony – will succumb to handing themselves in if they know they can be prosecuted. One may also ask, where are the trials of Chechens, Russians, Syrians or Iraqis, or is the ICC designed to prosecute Africans?

Lastly, Taylor is Liberian, not Sierra Leonean. Whilst he may have been a close confederate of Sankoh, he was not the commander in chief and he perpetrated most of his criminal activity and violence within Liberia rather than Sierra Leone. There must be mixed feelings in Liberia over the verdict, given that he has been found guilty of war crimes in Sierra Leone when he ruled Liberia under a reign of terror. It must be up to Liberians, in conjunction with the ICC, to bring Taylor to justice for that rather long set of war crimes, for which he still needs to answer.

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