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## **The Charles Taylor War Crimes Trial**

### **A Global Witness briefing on a dictator, blood diamonds and timber, and two countries in recovery**

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On 26 April 2012 the Special Court for Sierra Leone found former Liberian President and warlord Charles Taylor guilty of 11 counts of war crimes and crimes against humanity. He will be sentenced on 30 May. The Court, which sits in The Hague for this case, found that Taylor played an instrumental role in Sierra Leone's bloody 11 year civil war.

The verdict is an historic one, sending a strong message to those in power bent on terrorising their people that they will be held to account. Taylor's trial has focused attention on the pivotal role he played in Sierra Leone's bloody diamond trade and has highlighted how natural resource looting finances armed conflict and human rights abuses internationally.

#### **The trial and the verdict**

The Special Court for Sierra Leone is a hybrid international-Sierra Leonean tribunal established to bring to justice those holding greatest responsibility for crimes committed during the country's 1999-2002 civil war. In 2003, whilst Taylor was still Liberia's head of state, the Court's prosecutor filed an 11 count indictment against Taylor, accusing him of war crimes, crimes against humanity and other serious violations of international humanitarian law, including pillage, murder, rape and the use of child soldiers.<sup>i</sup>

On 26 April 2012, the Special Court, sitting for this case in The Hague, found Taylor guilty on all 11 charges, stating that Taylor was criminally responsible for aiding and abetting in the commission of war crimes, crimes against humanity and other serious violations of international humanitarian law. In particular, the Special Court highlighted the role that natural resources, like Sierra Leone's diamonds, played in funding the conflict. In its verdict, the Court found that Charles Taylor had:<sup>ii</sup>

- Received diamonds in exchange for arms and ammunition and was asked to 'hold' onto diamonds for RUF leader Foday Sankoh;
- Advised RUF military commander Sam Bockarie on gaining and retaining control over Sierra Leonean diamonds mines;
- Provided practical support to the RUF's exploitation of the diamonds fields, for example through the provision of mechanical diggers and fuel; and
- Facilitated the trade in Sierra Leonean diamonds by organising for them or enabling them to be smuggled through Liberia and on to international traders.

Taylor will be sentenced by the Special Court on 30 May. If sentenced to imprisonment, he will serve his prison term in the UK.

#### **The Sierra Leone Civil War and Charles Taylor**

In 1991 the Sierra Leonean rebel group the Revolutionary United Front (RUF) invaded Sierra Leone from Liberia. The RUF, which was armed and supported by Charles Taylor,<sup>iii</sup> had the declared objective of overthrowing Sierra Leone's government, which had ruled Sierra Leone since 1968.

The RUF became notorious for its brutal tactics used to terrorise the civilian population. Its signature tactic was the amputation of limbs, but it also committed widespread sexual violence against women and children.<sup>iv</sup> The RUF also used child soldiers, many of whom were forcibly recruited, given drugs and used to commit atrocities.<sup>v</sup> Peace was eventually declared in January 2002.

According to the U.N., Taylor provided the RUF with training, weapons and related material, logistical support, staging ground for attacks and a safe haven for retreat.<sup>vi</sup> Taylor also led rebel forces in neighbouring Liberia, a country that experienced its own civil war between 1989 and 2003. Taylor was elected president of Liberia in 1997.

### **The role of diamonds**

The Taylor trial highlights the role that natural resources play in funding and fuelling conflicts. Sierra Leone's diamond fields were a principal military target for the RUF, which employed slave labour to mine diamonds for export.<sup>vii</sup> While in control of the sector, it was estimated that the RUF received annual revenues of between US\$25 and US\$125 million from diamond sales, "more than enough to sustain its military activities" according to the U.N.<sup>viii</sup>

After diamond sanctions were imposed on Sierra Leone, the gems were smuggled to international markets through neighbouring Liberia, where Taylor was president. In 1999 alone, official diamond exports from Liberia amounted to only US\$900,000, yet official diamond imports into Belgium from Liberia amounted to US\$270 million.<sup>ix</sup>

According to the U.N., those smuggling diamonds were paid by Taylor and those at the highest levels of the Liberian Government were aware of the trade.<sup>x</sup> Prosecution witnesses testifying at the Special Court gave evidence that Taylor personally received millions of dollars in Sierra Leonean diamonds.<sup>xi</sup> In proceedings that were widely reported internationally Carole White – former agent to supermodel Naomi Campbell – testified that Campbell talked to Taylor at a 1997 dinner party in South Africa and that Taylor personally promised the supermodel a gift of diamonds. Campbell herself testified to receiving a few "dirty pebbles" the night after the dinner party, but said she did not know the source of the gift.<sup>xii</sup>

In 2001 in an effort to halt the smuggling, the U.N. imposed sanctions upon the export of diamonds from Liberia.

### **The role of timber**

To compensate for the loss of diamond revenue caused by international sanctions, Taylor sold Liberia's forests to logging companies – shifting his sources of financing from blood diamonds to conflict timber. Among those who received logging concessions during this period was international arms dealer Leonid Minin who, at the time of his arrest in 2001, was planning a large arms deal for Liberia.<sup>xiii</sup> Also holding major concessions was Dutch national Gus Kouwenhoven, who ran the notorious Oriental Timber Corporation, which was involved in importing arms into Liberia and developed infrastructure that was used to transport weapons to Sierra Leone.<sup>xiv</sup>

By 2003 nearly half of all Liberia's land was allocated as logging concessions and it was estimated that the industry accounted for over 20 percent of the country's budget.<sup>xv</sup> However, Global Witness investigations estimated that in 2000 alone Liberia's logging industry was produced some US\$108 million in revenues that did not enter the country's formal budget.<sup>xvi</sup>

### **Accountability for Taylor's crimes during Liberia's wars**

Taylor's trial before the Special Court relates only to crimes he committed during Sierra Leone's war. This trial cannot look at or hold him to account for crimes he committed against the people of Liberia.

Unfortunately, no tribunals have been established to hold accountable those who, like Taylor, committed atrocities during Liberia's civil wars. Liberia's wars, which lasted from 1989 to 2003, resulted in the deaths of 250,000 people and the displacement of 1.3 million.<sup>xvii</sup> In 2009 Liberia's Truth and Reconciliation Commission (TRC) issued its final report, recommending that the country establish its own hybrid international-Liberian war crimes court. To date, this recommendation, along with many others set out by the TRC, has not been adopted by the Liberian Government.

While not a substitute for a Liberian war crimes tribunal, it is important to note that two court actions have been brought outside Liberia against individuals who were involved in the country's conflict. In 2009, a U.S. court sentenced Taylor's son, Charles 'Chuckie' Taylor, Jr. to 97 years in prison for committing torture and other atrocities in Liberia between 1999 and 2003.<sup>xviii</sup> Chuckie Taylor headed Liberia's elite government security force the Anti-Terrorist Unit during his father's presidency.

In the Netherlands, Gus Kouwenhoven is currently on trial under Dutch law facing charges of war crimes and illegal arms trading relating to his logging and arms transport operations in Liberia.

### **Restoring Charles Taylor's personal wealth to Liberians**

Charles Taylor accumulated huge personal wealth during the civil wars in Sierra Leone and Liberia and during his presidency. His fortune has been estimated at US\$375 million.<sup>xix</sup> Little of this money has been recovered, and by the time he was brought before the Special Court Taylor claimed that he had no money at all (his defence, estimated at US\$50 million, was paid for largely by the U.S. Government).<sup>xx</sup>

Much of Taylor's money is likely to have come from sales of Liberia and Sierra Leone's natural resources. Global Witness has gathered evidence that shows logging taxes being paid into Taylor's private bank account, including a US\$2 million tax advance from an affiliate of OTC in July 2000. And as discussed above, in 2000 alone, over \$100 million in logging revenue never made it to the Liberian budget.<sup>xxi</sup>

### **Accountability for companies that played a role in Liberia's wars**

On 19 February 2009 Global Witness testified before the Liberian Truth and Reconciliation Commission, describing how companies such as the Oriental Timber Corporation, Dalhoff Larsen and Horneman, the Danzer Group and others became crucial cogs in Charles Taylor's war machine.

#### ***Oriental Timber Corporation***

In 2007 businessman Guus Kouwenhoven, head of the Oriental Timber Corporation (OTC), was convicted in the Netherlands for illegally delivering arms to Liberia during the country's second civil war. OTC, known in Liberia as 'Old Taylor's Children' or 'Only Taylor Chops', was the most notorious logging company in the country and dominated the Liberian timber industry with 1.6 million hectares of concessions. UN experts and eyewitnesses interviewed by Global Witness reported that OTC was active in organising weapons shipments, and that its own security personnel blurred with Taylor's armed forces and took part in military activities for the Liberian government. OTC money facilitated arms purchases.

In 2008 the original Kouwenhoven conviction was overturned, but in 2010 the case was reopened and the Dutch Court of Appeal will now have to re-examine the case and bring a new judgment.

#### ***Dalhoff Larsen and Horneman***

In November 2009 Global Witness and Sherpa, along with Greenpeace France, Amis de la Terre, and a prominent Liberian activist, lodged a complaint before the Public Prosecutor at the Court of Nantes against Dalhoff Larsen and Horneman (DLH), one of the world's leading international timber and wood products wholesalers. The groups allege that during the second civil war in Liberia from 2000-2003 DLH bought timber from Liberian companies that provided support to Charles Taylor's brutal regime. DLH knew where the timber was coming from, and who was benefiting from the sales, and yet it carried on regardless.

### **Danzer Group**

Swiss-German timber giant Danzer was a major buyer of timber from Charles Taylor's Liberia. Under the glare of publicity resulting from Global Witness and other NGO campaigns, the names and logos of companies were removed from Liberian logs supplied by OTC and others and replaced with a code of coloured marks, which made the timber's origin easier to conceal. At the time, the Danzer Group undertook its own investigations and concluded there was no reason to stop trading. Then in 2005 the company came to the opposite conclusion and publicly stated "looking back, we can only state, that it was a mistake to do business with OTC."<sup>xxii</sup>

Both Danzer and DLH, each of which has an annual turnover greater than Liberia's national budget, profited from purchasing illegally sourced timber in Liberia until UN Security Council sanctions brought the trade to a halt, leaving the international community and the Liberian people to rebuild the country following the war the timber business helped to fund.

### **Sierra Leone's natural resource sector today**

Sierra Leone is currently at peace, but remains deeply scarred by its civil war. The country's government is comparatively stable, with elections scheduled for the end of this year. It has made some efforts to reform the country's natural resource sectors, including the diamond sector. However, despite these efforts, very few of the country's people have seen any benefit from Sierra Leone's huge natural resource wealth.

A lack of transparency has led to the allocation of contracts and concessions to questionable companies, making it unclear whether the country's natural resource exploitation will really benefit the people. A recent oil find has also led to an influx of large petroleum companies; however there are reports that oil contracts are highly disadvantageous to the government,<sup>xxiii</sup> suggesting that once again Sierra Leone's people may fail to benefit from wealth which is rightfully theirs.

### **Liberia's natural resource sector today**

Since the end of its conflict Liberia has enjoyed several years of stability, and in November 2011 Ellen Johnson Sirleaf was elected for a second term as the country's president. Under her presidency, Liberia's management of its natural resources has improved. Of particular note is the Liberian Government's introduction, in 2009, of a landmark natural resource transparency law, requiring publication of all natural resource contracts and revenues.

However, much more needs to be done if the country's resources are to become the driving force of economic growth, reconstruction and development that the government hopes for. Like Sierra Leone, Liberia has issued a number of oil concessions, and in February of this year a commercial oil find was announced. As outlined in the 2011 report [Curse or Cure](#) by Global Witness and the Liberian Oil and Gas Initiative, Liberia's oil sector has been characterised by corruption and mismanagement and is in need of reform.<sup>xxiv</sup> In recent months, the government has given positive signals that it is willing to undertake a reform programme; however it remains to be seen whether these reforms will produce the benefits needed for the Liberian people.

In the forestry sector, the Liberian government has rushed to re-start industrial logging operations. In doing so, it has broken its own forestry laws and awarded contracts to companies that do not operate and consistently fail to pay their taxes on time.<sup>xxv</sup> Additionally, it has recently come to light that the government may have quietly allocated upwards of 2 million hectares in 'Private Use Permits,' which can be used as logging licences.<sup>xxvi</sup> The combination of these opaque permits and Liberia's formal logging contracts may cover more than 3 million hectares, although the country is estimated to have only between 2.4 million and 3.4 million hectares of forest in total.<sup>xxvii</sup>

At the same time, the government has also issued massive agricultural contracts without consultation or verifying the land ownership status of the tens of thousands of people who live in the concession areas. As

this land begins to be cleared for the planting of palm oil trees, people are losing their farms and are beginning to fight back. In September 2011 people affected by a plantation owned by Malaysian oil palm giant Sime Darby protested the encroaching operations, stating that their land was being taken.<sup>xxviii</sup> However, despite briefly shutting down its operations Sime Darby has again begun clearing and planting and it remains unclear how the affected people and those living in other new, similarly massive plantations will live in the future.

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<sup>i</sup> In full, the counts brought against Charles Taylor were: Acts of terrorism, Murder; Violence to life, in particular murder; Rape; Sexual slavery; Outrages against personal dignity; Violence to life, in particular cruel treatment; Other inhumane acts; Conscripting child soldiers; Enslavement; and Pillage.

<sup>ii</sup> Special Court for Sierra Leone, "Prosecutor v. Charles Ghankay Taylor: Judgement Summary," 26 April 2012, paragraphs 100-110.

<sup>iii</sup> United Nations, "Report of the Panel of Experts appointed pursuant to Security Council resolution 1306 (2000) paragraph 19, in relation to Sierra Leone," December 2000, para. 20, 182, 193.

<sup>iv</sup> Physicians for Human Rights, "War-Related Sexual Violence in Sierra Leone: A Population-Based Assessment," June 2002, p. 2.

<sup>v</sup> Human Rights Watch, "Sierra Leone: Landmark Convictions for Use of Child Soldiers," 20 June 2007.

<sup>vi</sup> United Nations Panel of Experts resolution 1306, para. 20, 182, 193.

<sup>vii</sup> United Nations Panel of Experts resolution 1306, para. 67, 69, 88.

<sup>viii</sup> United Nations Panel of Experts resolution 1306, para. 1.

<sup>ix</sup> United Nations Panel of Experts resolution 1306, para. 123.

<sup>x</sup> United Nations Panel of Experts resolution 1306, para. 23, 87

<sup>xi</sup> Special Court for Sierra Leone Office of the Prosecutor, "Prosecution Final Trial Brief," 8 April 2011, para. 21.

<sup>xii</sup> The Trial of Charles Taylor, defendant/Open Society Justice Initiative, "Charles Taylor Monthly Trial Report: August-September 2010," 1 December 2010, available at <http://www.charlestaylortrial.org/2010/12/01/charles-taylor-monthly-trial-report-august-september-2010/>.

<sup>xiii</sup> United Nations, "Report of the Panel of Experts pursuant to Security Council resolution 1343 (2001) paragraph 19, concerning Liberia," October 2001, para. 348.

<sup>xiv</sup> Global Witness, "Taylor-made: The Pivotal Role of Liberia's Forests and Flag of Convenience in Regional Conflict," September 2001, p. 8; United Nations Panel of Experts resolution 1306, para. 215. Kouwenhoven is currently on trial in the Netherlands facing charges of war crimes and illegal arms trading.

<sup>xv</sup> United Nations, "Report of the Panel of Experts pursuant to paragraph 25 of Security Council resolution 1478 (2003) concerning Liberia," July 2003, para. 32-33.

<sup>xvi</sup> Global Witness, 2001, p.15.

<sup>xvii</sup> United Nations Commission on Human Rights, "Report of the United Nations High Commissioner for Human Rights and Follow-Up to the World Conference on Human Rights – Situation of Human Rights and Fundamental Freedoms in Liberia," E/CN.4/2004/5.

<sup>xviii</sup> U.S. Department of Justice, "Roy Belfast Jr., A/K/A Chuckie Taylor, Sentenced on Torture Charges," 9 January 2009, available at <http://www.justice.gov/opa/pr/2009/January/09-crm-021.html>.

<sup>xix</sup> Global Witness, "Undue Diligence: How banks to business with corrupt regimes," March 2009, p. 72

<sup>xx</sup> McDougall, Dan; Pancevski, Bojan, "Hunt for war criminals' \$400m plunder falters," The Sunday Times, 29 April 2012.

<sup>xxi</sup> Global Witness, 2001, p.15.

<sup>xxii</sup> Danzer Group, "Forest Fact File: Forest Crime File Greenpeace 2<sup>nd</sup> Edition updated [www.greenpeace.org](http://www.greenpeace.org)," undated, available at [http://www.danzergroup.com/fileadmin/files\\_group/docs/Forest-Fact-File-en.pdf](http://www.danzergroup.com/fileadmin/files_group/docs/Forest-Fact-File-en.pdf).

<sup>xxiii</sup> Theophilus Sahr Gbenda, "Sierra Leone's Oil Potential and Related Governance Issues," August 2011, available at <http://theogbenda.blogspot.com/2011/08/sierra-leone-oil-sector-report-by-ajme.html>.

<sup>xxiv</sup> Global Witness, Liberian Oil and Gas Initiative, "Cure or Curse: How Oil Can Boost or Break Liberia's Post-War Recovery," September 2011, available at [www.globalwitness.org/curse\\_or\\_cure/index.html](http://www.globalwitness.org/curse_or_cure/index.html).

<sup>xxv</sup> Global Witness, "Liberian President Ellen Johnson Sirleaf must get forest and mining reforms back on track," 21 May 2010, available at <http://www.globalwitness.org/library/liberian-president-ellen-johnson-sirleaf-must-get-forest-and-mining-reforms-back-track>.

<sup>xxvi</sup> Liberian Government Forestry Development Authority, "Report of the Board of Directors on the inquiry regarding the issuance of Private Use Permits," 2012.

<sup>xxvii</sup> Bayol, Nicholas; Chevalier, Jean François, "Current State of the Forest Cover in Liberia: Forest information critical to decision making," Forest Resources Management, contracted by the World Bank, July 2004, p. 24.

<sup>xxviii</sup> Forest Peoples Programme, "Liberia: Agri-business expansion threatens forests and local communities' livelihoods," 23 April, 2012, available at <http://www.forestpeoples.org/topics/palm-oil-rspo/news/2012/04/liberia-agri-business-expansion-threatens-forests-and-local-commun>.