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## **The Charles Taylor Verdict**

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

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On 26 April, the Special Court for Sierra Leone (SCSL) found former Liberian President and warlord Charles Taylor guilty of 11 counts of war crimes and crimes against humanity. The Court, which sits in The Hague for this case only, 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 1991-2002 civil war. In 2003, 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>

This trial has highlighted the role that natural resources, like Sierra Leone's diamonds, play in funding conflicts. In its verdict, the Court found that Charles Taylor had:

- 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
- Facilitated the trade in Sierra Leonean diamonds by organising for them or enabling them to be smuggled through Liberia and on to international traders

On 26 April 2012, the Special Court of Sierra Leone, sitting for this case in The Hague, found Taylor guilty on all 11 charges and criminally responsible for aiding and abetting in crimes, including pillage, murder and rape committed during Sierra Leone's bloody civil war. The Court will now hold a sentencing hearing to determine the duration of Taylor's prison term, which he will serve 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>ii</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, including widespread sexual violence committed against women and children.<sup>iii</sup> The RUF also used child soldiers, many of whom were forcibly recruited, given drugs

and used to commit atrocities.<sup>iv</sup> The RUF's signature tactic was the amputation of limbs. Peace was eventually declared in January 2002.

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

### **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>vi</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 UN.<sup>vii</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>viii</sup>

According to the UN, those smuggling diamonds were paid by Taylor and those at the highest levels of the Liberian Government were aware of the trade.<sup>ix</sup> Prosecution witnesses testifying at the Special Court gave evidence that Taylor personally received millions of dollars in Sierra Leonean diamonds.<sup>x</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>xi</sup>

In 2001 in an effort to halt the smuggling, the UN 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, was planning a large arms deal for Liberia.<sup>xii</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>xiii</sup>

By 2003, nearly half of all Liberia was allocated as logging concessions and it was reported that the timber industry accounted for over 20 percent of the country's budget.<sup>xiv</sup> However, Global Witness investigations estimated that, in 2001, Liberia's logging industry was producing over US\$100 million in revenues that was not entering the country's formal budget.<sup>xv</sup>

### **Charles Taylor must be held to account for his crimes during Liberia's war**

Taylor's trial before the SCSL 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 tribunal has 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>xvi</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 US 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>xvii</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.

### **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 and 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 the oil contracts awarded are highly disadvantageous to the government<sup>xviii</sup> suggesting that once again Sierra Leone's people may fail to benefit from wealth which is rightfully theirs.

### **The current situation in Liberia's natural resource sector**

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, which requires 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 in urgent need of reform.<sup>xix</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 this 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>xx</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 concessions.<sup>xxi</sup> The combination of these opaque permits and Liberia's formal logging contracts may cover over 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>xxii</sup>

At the same time, the Government has also issued massive plantation concessions without first consulting with 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 of 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>xxiii</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> 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>iii</sup> Physicians for Human Rights, "War-Related Sexual Violence in Sierra Leone: A Population-Based Assessment," June 2002, p. 2.

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

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

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

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

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

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

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

<sup>xi</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>xii</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>xiii</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>xiv</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>xv</sup> Global Witness, 2001, p. 15.

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

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

<sup>xxii</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>xxiii</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>.