

# Bringing an End to Impunity: Things Falling Apart for Charles Taylor

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When the Nigerian Government granted asylum to former Liberian President Charles Taylor two years ago in agreement with other African leaders, many people thought that was an escape route from facing justice for the many atrocities he is accused of having committed in Liberia and Sierra Leone. The Prosecutor of the Special Court for Sierra Leone had then just announced that Taylor had been indicted for war crimes and crimes against humanity committed against the people of Sierra Leone.

While many people saw such a step by Nigeria as a necessary evil to bring peace in the West African Sub-Region, human rights activists saw this as an affront to his numerous victims and a violation of international law standards against impunity. Taylor went to Nigeria, peace returned to Liberia and Sierra Leone, widespread allegations that he is meddling with Liberian politics continue, Nigeria has refused to hand him over to the Special Court for trial, he has been living a luxurious life in his new home, but barely two years later, things have started falling apart for him.

On November 11 2005, the United Nations Security Council adopted Resolution 1638, which requires the UN Mission in Liberia (UNMIL) “to apprehend and detain former President Taylor in the event of a return to Liberia and to transfer him or facilitate his transfer to Sierra Leone for prosecution before the Special Court for Sierra Leone”. This is a significant statement by the world’s most powerful body that Taylor would not be allowed to live in luxury while his victims continue to suffer in Sierra Leone; that he would not be allowed to play with thousands of dollars from proceeds of the diamonds he benefited from the war while the Government of Sierra Leone struggles to get money to make reparations to victims of the conflict; that people like Sam Hinga Norman, Issa Sesay and others will not be held in detention at the Special Court while the person who is the genesis of the conflict basks in comfort; and that the souls of his many victims will never rest until he is made to answer for his deeds. It is also significant that the UN resolution coincides with the arrest in Senegal of Hissene Habre, the former President of Chad to face justice in the Belgian Courts for allegedly executing and torturing thousands of people during his regime in the 1980s. We have seen numerous examples of past dictators who have enjoyed immunity for long but in the end are brought down by the claws of justice. We have seen that in the case of Slobodan Milosevic in the former Yugoslavia, in the case of Augusto Pinochet in Chile, quite recently in the case of Fujimori in Peru and if these are good examples that we should follow, then we are bound to see it in the case of Taylor soon.

Since his departure to Liberia, there have been lots of international pressures for Taylor to be brought to Justice. While human rights groups like Human Rights Watch and Amnesty International have campaigned vigorously for his extradition, other foreign bodies have also added their voices to this call. In February 2005, the European Parliament passed a resolution which called on the European Union (EU) to take immediate action on bringing Taylor to face charges before the Special Court for Sierra Leone. Immediately after the just concluded elections in Liberia, the EU has again reiterated that Taylor's non-appearance before the Special Court might have negative implications on the aid that Liberia would receive from the EU. In May this year, the US House of Representatives and Senate passed a resolution calling for Taylor's extradition to Sierra Leone. During her visit to Sierra Leone in July, the UN High Commissioner for Human Rights Louise Arbour made a similar call that Taylor must be made to face justice at the Special Court and during the same month of July, a communiqué from the Mano River Union called for a review of Taylor's asylum in Nigeria. A few weeks ago, a Federal High Court in Nigeria upheld a lawsuit by two Nigerian amputees, (who are victims of Taylor's war in Sierra Leone) to lift the asylum granted him by the Nigerian Government. There have also been cries for the African Union to make an official position on Taylor's extradition to Sierra Leone.

With such mounting pressure, it is necessary for Nigeria, which incidentally happens to have a membership on the Special Court's Management Committee and whose national judge, up to quite recently was the President of the Special Court, to honour its obligations under international law and hand Taylor over for Trial. Nigeria is a state party to many treaties, such as the Geneva Conventions of 1949, the Convention Against Torture, the Statute of the International Criminal Court, etc, which make states morally obliged to bring perpetrators of human rights violations to face justice. Based on statements made by the UN Secretary General, the General Assembly and the Security Council, it has now become customary international law that perpetrators, irrespective of their status will not enjoy amnesty or immunity for such human rights violations.

On another level, the new government in Liberia must also show its commitment to holding people accountable for atrocities committed in the Mano River Region by facilitating Taylor's extradition to face justice. President Obasanjo has asserted that Taylor's asylum in Nigeria is temporary. Ellen Johnson Sirleaf, president elect (yet to be made official) of Liberia has said that she would be consulting African Leaders on the issue but that they have no place for Taylor in Liberia. If that is the case, then the best place for him will be to go to the Special Court in Sierra Leone.

This is the time for African leaders to come together and take a common position, which would send a message to the whole world, that there is no place to hide after committing mass atrocities against innocent civilians. This will set a precedent for rebel leaders and other heads of state that human rights must be respected beyond borders. Many participants at the Victims Commemoration Conference organized by the Special Court in Sierra Leone expressed the view that the best way to evaluate the success of the court is if it is able to bring Taylor to Justice. Many people and nations have made significant effort to earn peace for Liberia and Sierra Leone. What we can do now is to bring

satisfaction to the many souls that Taylor's war massacred. A significant step in promoting peace, justice, reparations, satisfaction and non-repetition in that African Region is by bringing Taylor to face trial before the Special Court. There can be "no peace without justice".

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