



THE STORY UNDERNEATH

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THE HAGUE, Jan 18 (IPS) - After a delay of six months, the Charles Taylor case resumed at the Special Court for Sierra Leone (SCSL) on Jan. 7. The former president of Liberia is charged with crimes against humanity and war crimes during the civil war in Sierra Leone (1991-2001), including murder, rape, enslavement, acts of terrorism and the recruitment of child soldiers.

Taylor has pleaded 'not guilty' on all counts.

The prosecution, led by chief prosecutor Stephen Rapp, wishes to prove the involvement of Charles Ghankay Taylor (59) in alleged crimes of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC), two warring factions who fought for control over the country and access to diamond fields.

It is the first time that an African president is being tried before an International court.

"It is an important case in many respects," prosecutor Rapp told IPS. Taylor's arrest and transfer to the court "sent a powerful message across the world that there is no escaping justice," he said.

The Special Court for Sierra Leone (SCSL) was established in 2002 by the Sierra Leonean Government and the United Nations. It is a 'hybrid court', consisting of national and international officials, which "tries those who bear greatest responsibility for violating international humanitarian law and Sierra Leonean law in the territory of Sierra Leone since 30 November 1996." Thirteen persons have so far been indicted, ten are facing trial.

The SCSL resides in Freetown, the capital of Sierra Leone, but has relocated this case to the facilities of the International Criminal Court (ICC) in The Hague for security reasons.

When Taylor was indicted in 2003, he was offered exile in Nigeria. In 1996, newly elected president Ellen Johnson Sirleaf requested Nigeria to hand him over. Taylor immediately disappeared, but was apprehended on the Nigerian-Cameroon border on March 29, 2006. He was taken into UN Custody in Sierra Leone, and eventually transported to the Netherlands. The trial began Jun. 4, 2007.

The proceedings were delayed in June because Taylor had boycotted the case and had sent away his lawyers. Taylor's new attorney, Courtenay Griffiths, asked for more time to prepare his defence.

In the past weeks, prosecution has presented expert witnesses, such as a Canadian Ian Smillie, who is knowledgeable on so-called 'blood diamonds'. These resources, smuggled through Liberia, allegedly provided Taylor money to arm the rebels.

A Sierra Leonean pastor was called in as crime-based witness, and described in detail a horrendous massacre. A former security guard of Taylor and a former fighter of AFRC were called in as 'linkage witnesses', to testify to alleged links between Taylor and crimes committed in Sierra Leone.

"[This trial] chips away at impunity that has all too often prevailed in human rights abuses, especially in West Africa," Elise Keppler, senior counsel of the International Justice Programme of Human Rights Watch (HRW) told IPS. HRW had previously lobbied for Taylor's surrender to face trial.

HRW and other organisations are also looking at fair trial rights. "It is critically important that Taylor receive a fair trial and be given a full range of protections, accorded under international fair trial standards, including the right to be presumed innocent," Keppler said.

"The defence is not contesting that crimes were committed in Sierra Leone, it is really the question of the linkage that will be the ultimate issue in the case," Keppler said.

Dr. Tim Kelsall, senior lecturer at the University of Newcastle, whose main research focuses on the culture of accountability in Africa, said he believed that putting an end to impunity can act as a deterrent to further destabilisation, but that it was also only a small part of the solution for West Africa.

"As long as the social-economic structure of these countries remains the same, there are going to be people who have the motivation and the incentives to risk going to war," Kelsall told IPS.

The proceedings can be followed via online streaming, with a half-hour delay. Furthermore, a regularly updated blog has been set up with detailed summaries and transcripts of the trial. International justice experts supplement these with weekly reports, analyses and essays.

"We want to reach out to people in West Africa," Jennifer Maki, one of the attorneys at the international law firm Clifford Chance told IPS. CharlesTaylorTrial.org is a joint project of the firm, the Open Society Justice Initiative of the New York based Open Society Institute, and the International Senior Lawyers Project, also based in New York.

Mohamed Suma, programme director of the Sierra Leone Court Monitoring Programme, has advocated the trial be held in Sierra Leone. Although Suma said he approved of the proceedings so far, access is central to the case, he said.

"When Charles Taylor was brought in, the court in its initial hearing, here in Freetown, was filled to the brim," he said. "Everyone was pointing at him, so everyone wanted to see him tried."

According to Suma, people seem to be more disinterested right now, which he ascribes to the fact that people have little access to technology.

Abdul Rashid, a public information campaign co-coordinator for Search for Common Ground (SFCG), also said people experience difficulties in getting access. Through SFCG, a conflict resolution and conflict prevention NGO in Sierra Leone, Rashid is now reporting back to some of its 23 partner community radio stations from The Hague on a daily basis, as well as to BBC World Service Trust.

According to Rashid, people of Sierra Leone were disappointed with the lack of international attention during the war. With this trial, the international community is "at least owning up to their expectations," he told IPS.

The prosecution has said it needs eight months in court to present its case. To date "we are quite pleased with the pace and we think that we might be able to finish earlier than that," Rapp told IPS.

On Jun. 15, 2006, Britain announced it would respond to the request of the United Nations to jail Taylor in case of his conviction. This was a condition that the Dutch government demanded before agreeing to facilitate the case at the International Criminal Court in the Netherlands.

The question arises what happens if Taylor is acquitted. "I think that could be very disappointing for people in the region and also possibly destabilising," Tim Kelsall said. Kelsall said he would not be surprised if Taylor would return to West Africa. "Taylor is a man who seems to have limitless ambition and who is also extremely vengeful." (END/2008)

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