

The Cost of Impunity for Liberian Ex-Leader ^[1]

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By Eric Witte in Luxembourg (Africa Reports No 44, 17-Oct-05)

Gillen is a "pa" - as Sierra Leoneans respectfully call men fortunate to survive long enough to have grey hair - and a fixture at the war crimes tribunal. A polio victim, he hobbles on crutches up and down a steep hill in the capital Freetown to observe three joint trials of nine warlords accused of bearing the greatest responsibility for war crimes and crimes against humanity during the country's long and sadistic conflict.

One of the many benefits of having the court located in the same country where the atrocities were committed is that local people can readily exchange views with court representatives. Gillen and other Sierra Leoneans are demanding to know what we, the staff of the special court, have been doing to get former Liberian president Charles Taylor out of the luxury villas in Nigeria where he lives in exile, and into a courtroom to answer for his alleged crimes both in his own country and in neighbouring Sierra Leone.

That question is on the lips of people right across West Africa, because Taylor's fate has come to be identified with the ultimate health of the entire region.

The Special court, a hybrid created by agreement between the Sierra Leone government and the UN, indicted Taylor in 2003 for his central role in orchestrating the rampages of Sierra Leone's rebel Revolutionary United Front, RUF, including "Operation No Living Thing" and "Operation Cut Hand".

Taylor's pursuit of Sierra Leone's diamond wealth in the Nineties left many thousands dead, raped, and maimed. The overwhelming majority of survivors live in deep and desperate squalor, and now they want justice. The 17-count indictment in Sierra Leone charges Taylor with mass murder, rape and the extensive use of child soldiers.

The prospects for bringing Taylor to trial looked good until the middle of this year: an intense campaign was mounted, coordinated by the special court and involving governments and human rights and intergovernmental organisations around the world. In February, the European parliament unanimously passed a resolution calling on Nigeria to surrender Taylor, and the House of Representatives followed suit a day before Nigerian president Olusegun Obasanjo's May 5 visit to Washington.

Congressional pressure placed the Taylor issue at the top of the agenda for Obasanjo's meeting with Secretary of State Condoleeza Rice. The issue even earned a helpful mention from President George Bush.

This represented real progress. The Africa Bureau of the State Department and Bush's Africa advisor at the National Security Council had previously been fighting the efforts of the Special Court for Sierra Leone to bring Taylor to trial. Their objectives were short-term stability in Africa, and maintaining the strategic partnership with West Africa's regional leader, Obasanjo, given Nigeria's vast oil wealth - with scant concern for the views of people in the region or their desire for justice and good governance.

In August 2003, two months after the Taylor's indictment was unveiled, the continuing war in Liberia - a country born of American slavery and the abolition movement - brought pressure for US military intervention. The Bush government, Britain's Tony Blair, the UN, the African Union, and the Economic Community of West African States prevailed upon Obasanjo to offer Taylor asylum.

Though offering asylum to indicted war criminals clearly contravenes Nigerian and international law, the

offer finally removed Taylor from power - but it also took Liberia off the American headlines. Faced with an international consensus that traded justice for an interim peace among warlords, the court's chances of apprehending Taylor began to look bleak.

Taylor's exile, however, came with strings attached. He promised Nigeria that he would refrain from interfering in Liberian or regional affairs and from media communications.

His alleged violations of these terms included retaining control of Liberia's embassy in Nigeria, establishing businesses there to funnel proceeds to his supporters and insurgents throughout West Africa and deep involvement in Liberian party politics ahead of the October 11 presidential and legislative elections.

Through his irrepressible thirst for power, Taylor unwittingly played into the Special Court's hands. He broke his pledge to Obasanjo, who warned him on at least three occasions that he had violated his asylum terms. The court also took heart from broad Nigerian public opposition to his exile and the appeals of human rights organisations throughout West Africa, Europe and the United States, as well as the mounting pressure from official quarters in Europe and Washington.

Yet all of this proved insufficient, and President Obasanjo remained obstinate in his refusal to deliver Taylor for trial. So in late May this year, the Special Court turned to the UN Security Council to pass a resolution that it was believed could compel Nigeria to relinquish Taylor.

The chances for getting such a resolution looked good. Britain supported it, and Denmark said it was willing to introduce the measure if Washington would agree to co-sponsor it and solicit support from the rest of the Security Council.

Because Bush and Rice had so recently pressed for Taylor's transfer, and given the strong bipartisan support in Congress, the belief grew among workers at the Special Court that Taylor would soon be arriving in Freetown to face trial. In West Africa, where the rule of law is at best fragile and where its general absence has been the major cause of brutality, misrule and corruption, accountability for the man accused of being the worst warlord of them all would have given new hope to desperate populations burdened with awful leaders.

The optimism proved premature. In June, we began receiving news from Washington that Africa hands at the National Security Council and State Department were now raising the spectre that transferring Taylor could spark renewed violence in Liberia, which would mean new pressure for American military intervention. The threat that failing to prosecute Taylor entailed for the international investment in West African peace was outweighed by the political exigency of avoiding near-term pressure for new US troop commitments, no matter how remote that scenario was.

On the day of my own recent departure from Freetown, after two years as political adviser to the chief prosecutor of the War Crimes Tribunal. I hurriedly said goodbye to Abdul Gillen. I was rushing to tie up the loose ends of my life in Sierra Leone - a time spent largely in the inevitable expatriate bubble of air-conditioned offices and cars, isolated from surrounding realities.

Many Sierra Leoneans resent this. But the real danger for them, and indeed all Africans, lies in the much larger bubble to which I returned.

Back home, I watched as Live 8 gave rise to an outburst of western concern for Africa. The humanitarian impulse prodded American and European officials to reach for their old scripts. They once again set about crafting policy to mitigate Africans' desperation, while bowing to the wishes of African elites whose misrule is the main cause of it.

Accordingly, the G-8 leaders welcomed debt relief for Nigeria this July. Amid all the rhetoric about accountability, the summit made no mention of sending Taylor to the special court. Bush and Obasanjo smiled for the cameras, safe in the knowledge that the spike of concern for Africa had been blunted before difficult questions about African governance and US policy could cause them too much discomfort.

Various miseries continue to afflict the continent unabated, but Africa is again drifting out of American and European headlines. In West Africa, President Obasanjo still shields Taylor, whose political party could emerge from the October election with substantial representation in Liberia's new parliament.

The international community intends the elections to be the culmination of the international effort at putting Liberia on its feet, and the beginning of the withdrawal of 15,000 costly peacekeepers. West Africa has seen such elections and international withdrawals before - and they have always been succeeded by renewed war.

Post-election Liberia could remain riddled by graft, largely ignored by the international community and once again preyed on by warlords, including Taylor. Indeed, Taylor has become the distorted symbol of international commitment to Liberia and all of West Africa - his continuing asylum representing either another bungled quick fix, or a mere delay in a concerted international effort to establish the rule of law in a region where sustainable peace depends on it.

Unfortunately, the Bush administration and the State Department appear content to squander the US investment in Liberian stabilisation and once again await the flare-up of conflagrations that they could instead prevent.

Ed Royce, a Californian Republican who is chairman of the Africa sub-committee of the House of Representatives in Washington, has warned President Bush that Taylor's continuing freedom threatens freedom throughout West Africa. "Unless he's brought to the bar of justice, eventually all of West Africa will be in jeopardy," said Royce. "And Nigeria won't be immune."

Chronic short-term thinking still prevails at the State Department and White House. Unless this changes, Obasanjo, Taylor, and other presidents and warlords will continue to enjoy the restful sleep that eludes ordinary Africans like Abdul Gillen, who are still waiting for international help in holding accountable their leaders and tormenters who are too often one and the same.

In the bubble of European and American prosperity, the fleeting interest in Africa's difficult realities is waning, even as West Africans watch for signs of Taylor's fate and their own.

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