

Sierra Leone Ruling Seen as Landmark for Justice

Author: [Danielle Cohen Henriquez](#)
[Casper van Gemert](#)

Experts say handling of Charles Taylor case has far-reaching implications.

The decision by appeals judges to uphold the war crimes conviction of former Liberian president Charles Taylor has been welcomed as a milestone for international justice, and one that might set a precedent for other courts.

Despite a ruling seen as a success, advocates of justice and people who suffered directly from the widespread atrocities committed in Sierra Leone's 11-year war say more still needs to be done to heal the wounds.

On September 26, **judges confirmed the 50-year sentence** handed to Taylor in May 2012 by the Special Court for Sierra Leone (SCSL) for aiding and abetting five counts of war crimes and six counts of crimes against humanity during the civil war. He was convicted of crimes of terrorism, murder, mutilation, rape, sexual slavery, pillage, enslavement and the use of child soldiers between 1996 and 2002.

As Liberian leader, Taylor was found to have supported to the rebel Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC) in neighbouring Sierra Leone. Appeals judges agreed with the trial judgement which found that Taylor supplied the rebels with weapons and ammunition, military personnel, and sustained operational support. It was established that members of the two groups systematically killed, raped and mutilated tens of thousands of people, and recruited thousands of children to be used as soldiers, often forcing them to carry out killings.

Judges said that Taylor's actions amounted to "some of the most heinous and brutal crimes recorded in human history".

On October 15, he was transferred to a prison in Britain where he will serve his sentence.

The SCSL was established in 2002 after Sierra Leone's government asked the United Nations to help hold to account those responsible for atrocities committed during the war.

The court was run jointly by the government and the UN, and it prosecuted those responsible for grave breaches of both international humanitarian law and Sierra Leone's own legislation. It functioned in the capital Freetown, but a decision was taken to hold the Taylor trial in The Hague because of security concerns in west Africa.

The court has convicted 16 people to date, including RUF commander Issa Sesay, and Brima Bazzy Kamara of the AFRC. They were sentenced to 52 and 46 years in jail, respectively.

One of those indicted by the SCSL, Johnny Paul Koroma, has yet to be captured and tried. It is not clear whether he is still alive.

For victims, the Taylor ruling has provided some sense of justice.

Abu Fofanah was 17 when rebels broke into his house and shot his father dead before his eyes. Abu Fofanah was in the public gallery of the courtroom in The Hague on September 26 to see judges confirm Taylor's 50-year sentence.

"When his sentence was pronounced, this was a very emotional moment," he told IWPR. "Finally, after such hard times, someone who's directly responsible was put behind bars. And everyone in Sierra Leone agrees that a place behind bars is the only place for him."

Human rights groups, too, hailed Taylor's conviction.

Stephanie Barbour, head of Amnesty International's Centre for International Justice, told IWPR that the verdict was particularly significant as Taylor was the first ex-head of state convicted by an international court since the Nuremberg trials that followed the Second World War.

"It shows that no one is above the law," Barbour said. "The fact that his position of authority didn't provide him any immunity from being investigated, prosecuted and held accountable for these very serious crimes is a sign of how important the Special Court has been in the landscape of international criminal justice, and in developing a legacy of accountability for Sierra Leone."

But while the judgement was welcomed by supporters of international justice, some experts also point to

the SCSL's limitations – it cannot try the many lower-level perpetrators, and it does not award compensation to victims.

As with most international courts, prosecutors at the Special Court targeted those in positions of leadership who they felt bore the greatest responsibility for the crimes concerned. While those who planned operations were brought to trial, those who actually carried out attacks on civilians were never prosecuted.

The 1999 Lomé Peace Accord signed by Sierra Leone's government and the RUF granted amnesty to all those who committed war crimes during the conflict. Only the SCSL had powers to overrule domestic amnesties, but it has not been able to prosecute more than a few perpetrators due to constraints of jurisdiction and restricted resources.

With the trials now over, the SCSL will be scaling down its staff in the coming months, and will focus on issues of witness protection, archives, and any reviews of sentences.

"Certainly, I think that there would have been great public support for many more cases," Barbour said. "But the Special Court could only bring in people who were bearing the greatest responsibility, and the prosecution adopted the strategy to look at the very top of leadership of the organisations in question. So to this day, many perpetrators of the crimes still enjoy impunity due to the amnesties granted under the Lomé Peace Accord."

According to Ibrahim Tommy, executive director of the Centre for Accountability and Rule of Law in Freetown, between 500 and 1,000 individuals still enjoy immunity from prosecution.

"Even if only 20 per cent of them would be held accountable for their crimes, it would really send a signal that this country is ready to move forward in justice and accountability," he said.

Barbour believes there would have been great public support for bringing many more cases at SCSL. In the absence of further prosecutions, she said, "Sierra Leone should consider repealing the amnesty law now, and prosecuting the very large number of lower-level and mid-level perpetrators who are still enjoying impunity for the war crimes and the crimes against humanity they committed."

By contrast, the International Criminal Court in The Hague does have a reparations programme to accompany the judicial process.

Tommy said that while the verdict delivered against Taylor had been welcomed in Sierra Leone, an award of damages would have helped those affected by his crimes to rebuild their lives and move on from the conflict.

"Most people I've spoken to are glad to see justice done," Tommy said. "As much as we're happy to see Taylor being brought to justice, a lot more needs to be done to alleviate what's happened during the war. Economic justice is needed. But most people are not optimistic that any meaningful help will be provided before they die. They see the verdict as purely judicial justice."

Abu Fofanah shared Tommy's concerns, arguing that compensation would have genuine practical meaning for the many who were injured in the war.

"We had expected that with the conviction of Charles Taylor, people would also receive some form of reparations," he said. "People who've lost everything, people who've lost an arm or a foot, they can use reparations. But in my case, of course, that could never bring my father back. Because of Charles Taylor, I've lost half my youth."

Despite these limitations, the Special Court still enjoys widespread support in Sierra Leone, which has been attributed to the court's communication strategy and its success in making its work accessible to the general population.

This proved critical in not only bringing a sense of justice to victims of the civil war but also developing an understanding of who was behind the conflict and what exactly happened. According to Tommy, whose own organisation was set up in 2004 to inform the public about the work being done by the SCSL, outreach work also helped overcome early opposition to the justice process.

"Taylor was seen as a hero in the south of the country, so the court had to really explain itself," he said. "But the court was in some ways very fortunate to have begun in the country where the crimes occurred. This was a very unique position, and it took full advantage of that in terms of outreach. Public information was provided through the use of radio stations. We would also have discussion sessions after each screening [of court proceedings]. Members of the public could thereby meet people involved in the court and ask them questions."

Barbour believes that the SCSL should serve as a model for other international tribunals.

"If people don't have the opportunity to see the proceedings, engage with judges, prosecutors and defence

lawyers, and to hear them explain their work, then they're unlikely to trust the outcome," she said. "And that trust is very much dependent on understanding whether the process was fair in the first place. So outreach is absolutely critical. We often say that justice delayed is justice denied, but I believe that justice invisible is justice denied."

Abu Fofanah said he regretted that fact that the men who killed his father will probably never be brought to justice. But he is hopeful that the impact of the Taylor case will stretch beyond Sierra Leone.

"I wish that the fighting that I have seen will never ever happen again in any country in the world," he said. "I hope that all leaders, especially those in Africa, will look at the prison sentence of Taylor and see it as a lesson. You cannot do the things he did."

Danielle Cohen Henriquez and Casper van Gemert attended a recent IWPR master class in journalism in The Hague.

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