

Verdict Awaited in Liberian Blood Timber Trial

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Dutch trial of a man accused of arming former Liberian leader Charles Taylor helps reinforce The Hague's status as war crimes centre.

The trial of Guus Kouwenhoven, a Dutch businessman accused of trading weapons for lucrative timber concessions in war-torn Liberia, officially closed in The Hague this week, pending a verdict from judges.

In a high-ceilinged courtroom overlooked by a large portrait of Queen Beatrix of the Netherlands, the three judges have spent the last five weeks hearing detailed evidence about the 14-year civil war that wracked Liberia, leaving some 250,000 people dead.

Kouwenhoven is accused under Dutch law of war committing war crimes and violating the United Nations arms embargo that was in place against Liberia in 2001-03.

His so-called "blood timber" trade is said to have provided weapons for militias loyal to former Liberian president Charles Taylor, who fought his way to power and presided over years of conflict. In return, Kouwenhoven allegedly received logging concessions.

Taylor, who is himself facing charges of crimes against humanity, war crimes and violations of international human rights at the Special Court for Sierra Leone, this week refused to give evidence in the Kouwenhoven trial, despite requests from both prosecution and defence.

The former president, who is currently being held in the Sierra Leonean capital Freetown after he was arrested in Nigeria last month, may yet appear in The Netherlands. The United Nations-backed Sierra Leone war crimes court has asked for his trial to be held in The Hague for security reasons.

There has been strong opposition to Taylor's transfer from his defence counsel in Freetown, and – for different reasons – from local human rights groups who fear that the local population would not be able to follow the proceedings in detail if the trial was held in Europe.

The Dutch authorities have added the condition that a third country would have to provide a jail cell for Taylor in the event that he was convicted. So far, there have been no takers.

Hosting Taylor's trial would bolster The Hague's claims to be the world's "legal capital". The city already houses the International Criminal Tribunal for the Former Yugoslavia, ICTY; the newly created permanent International Criminal Court, ICC, and the United Nations' International Court of Justice, ICJ, as well as a number of other arbitration and settlement tribunals.

Dutch domestic courts are not left out of the picture, either. Under a new law passed in 2003 – to coincide with the setting up of the ICC – genocide, crimes against humanity, war crimes and torture committed abroad can be prosecuted in Dutch national courts, as long as the suspect is arrested in the Netherlands.

In Kouwenhoven's case, his alleged crimes date from before 2003, but he has been brought to trial under

an earlier version of the law which allows Dutch citizens to face prosecution for war crimes committed abroad.

Since the national prosecutor's office set up a special team to investigate war crimes three years ago, there has been a steady stream of such cases.

"Tracking down and prosecuting international crimes such as war crimes have an understandably high priority," the Dutch prosecutor John Lucas told the court hearing Kouwenhoven's case.

Last year, the same national court in The Hague convicted two former high-ranking officers in the Soviet-era Afghan intelligence service of war crimes and torture. They each received prison terms of up to 12 years in prison.

In December, Frans van Anraat, an ex-chemicals trader, became the first Dutch national to be convicted of war crimes abroad, after he was found guilty of selling chemicals to the Saddam Hussein's regime in Iraq; the substances were used in poison gas attacks on Kurdish villages. Van Anraat got a 15-year sentence.

During the Kouwenhoven trial, the prosecution painted him as a money-grubbing wheeler-dealer who cosied up to Charles Taylor to advance his business interests.

In exchange for privileges for his companies – the Royal Timber Company and Oriental Timber Corporation – prosecutors say he smuggled weapons into Liberia for Taylor's militias.

He used his contacts "to provide infamous war criminals with weapons, clothing, food, finances and transportation and medical care when they were injured", prosecutor John Lucas said in his closing arguments. "He personally instructed merciless Taylor supporters – many young and under the influence of drugs – [and] gave them encouragement and promises of cash rewards."

Lucas concluded, "This makes him as guilty of war crimes as if he had pulled the trigger personally, and therefore he should be convicted of participation in the commission of war crimes."

Kouwenhoven, known in Liberia as "Mr Gus", was present when arms were unloaded in the Liberian port of Buchanan, said the prosecution, and he discussed military strategy with Taylor, the warlord turned president.

There were many testimonies from people who said that, while employed by Kouwenhoven's timber companies, they went to the front lines to fight as members of militias. They told horrific tales of crimes they had committed such as rape, decapitation, and burning people alive in their huts.

Witness George Moore, who worked for the Oriental Timber Corporation from 1999 onwards, testified that he was sent to fight in 2001 in Gueckedou close to the border with Guinea. There he saw people cut open and their hearts taken out and eaten. He spoke of babies whose skulls were bashed against walls until they died, and other infants thrown down wells.

Prosecutors swept aside Kouwenhoven's arguments that he was just in the wrong place at the wrong time, and that he did not want to abandon his businesses in Liberia because of the fighting.

To support their claim that he was a war profiteer, they pointed to the fact that he moved his business activities to Brazzaville after the fall of Taylor in 2003.

"He is not a businessman who was in the wrong place at the wrong time but a man whose affairs flourished in an environment of corruption, failing government and armed conflict," they said.

Throughout his trial, Kouwenhoven insisted he was innocent. He told the judges he did not hear much about the bloody civil war while it was going on around him in the Nineties, and was only aware in a general sense that atrocities were sometimes committed.

Defence lawyer Inez Weski tried to cast her client as someone who had been "crushed between the different forces working to remove the regime of Charles Taylor".

She suggested that various reports on the Liberian timber trade produced by the United Nations and non-government organisations, suggesting that Kouwenhoven's companies had exchanged guns for timber, were an attempt by opponents of Taylor to deprive him of logging concession revenues, his biggest income source.

The lawyer also pounced on the biggest apparent weakness in the prosecution case - the numerous contradictory statements by witnesses. Even the judges referred to the binder with the written transcripts of testimonies as "the big book of fairy tales" during the trial.

Kouwenhoven used his last words to profess his innocence once again.

"I never saw weapons on a ship in the port of Buchanan. I was never present when arms were handed out. I was never present at military meetings with Taylor. I never encouraged OTC [Oriental Timber Corporation] personnel to go to the front lines," he said.

Weski also alleged that the Dutch prosecutors were desperate to show the world that they could pursue war crimes cases. They were, she said, blinded by the limelight which comes with such high-profile war crimes trials, and had created a "self-fulfilling prophecy" in setting out the indictment.

The prosecution has asked for a 20-year prison sentence and a fine of 450,000 euros.

A verdict is expected on June 7.

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Location: Balkans
Iraqi Kurdistan
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Focus: International Criminal Tribunal for the former

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