A Time for Justice:
Why the International Community, UN Security Council and Nigeria should help facilitate Charles Taylor’s immediate extradition to the Special Court for Sierra Leone

A Global Witness Briefing Document

June 2005
Recommendations

The Governments of the United States, United Kingdom and others with information on Charles Taylor’s ongoing activities should:

- Make available that evidence which demonstrates Charles Taylor’s violation of UN sanctions, international law and his exile agreement with Nigeria to the Nigerian government, Interpol, the United Nations Panel of Experts for Liberia, Special Court for Sierra Leone and all relevant law enforcement authorities.

The Government of Nigeria should:

- In the interest of consolidating regional peace and preventing further insecurity, revoke Charles Taylor’s exile agreement and allow him to be extradited to the Special Court for Sierra Leone.
- Follow up on existing evidence and conduct its own investigation into violations of Charles Taylor’s exile agreement.

The African Union and Economic Community of West African States (ECOWAS) should:

- Take a strong stance in favour of accountability and respect for international law by encouraging and facilitating Charles Taylor’s extradition to the Special Court.
- Ensure that their members’ border control and immigration authorities do not allow Taylor to enter or otherwise transit through their countries in order to seek asylum or assume fugitive status.

The International Community should:

- Use its overt and covert intelligence capacity to maintain heightened awareness of the activities and movements of Charles Taylor and his close associates.
- More effectively enforce the UN Travel Ban and Asset Freeze lists.

UN Security Council should:

- Publicly call for Charles Taylor to be handed over for trial in Sierra Leone and publicly renew its support for the Special Court for Sierra Leone.
- Thank the Republic of Nigeria and President Obasanjo for taking in Taylor as a means to help the peace process in West Africa, and request that, in the interests of regional peace, Nigeria facilitate Taylor’s extradition to the Special Court.
- Grant Chapter 7 authority to the UN Mission in Liberia (UNMIL), UN Mission in Sierra Leone (UNAMSIL) and the UN Operation in Côte d’Ivoire (UNOCI) to arrest Charles Taylor should he return to Liberian, Sierra Leonean or Ivorian territory, respectively.
- Delay the withdrawal of UNAMSIL peacekeeping troops until at least December 2005, and consider extending their deployment after an analysis of regional security, to prevent unrest stemming from a Taylor extradition and any potential cross-border violence related to the Liberian elections scheduled for October.
- Increase the level of UNMIL troop deployment as requested for the period surrounding the elections.
Introduction

Former Liberian President Charles Taylor has been at the centre of West Africa’s instability and conflict for the last 15 years, having brought civil war and despotic governance to Liberia and fuelled bloody rebel insurrections in Sierra Leone and Côte d’Ivoire. Taylor’s actions have cost the residents of West Africa hundreds of thousands of lives, and the international community has spent billions of dollars through numerous peacekeeping missions and aid programmes in an attempt to return peace and stability to the region. The Special Court for Sierra Leone was established to help bring to justice those who bear the greatest responsibility for atrocities committee in Sierra Leone after 30 November 1996, and has indicted Charles Taylor on 17 counts of war crimes and crimes against humanity, including unlawful killings, sexual violence, forced conscription of child soldiers, forced labour and attacks on UN peacekeeping personnel.

In August 2003, facing extreme pressure from both encroaching rebel forces and his own weakened war machine, Taylor left for exile in Calabar, Nigeria. Despite the terms of his exile and the UN asset freezes and travel bans against both him and his associates, Taylor maintains political, economic and military influence over current activities in West Africa and continues to pose a significant destabilising threat to the entire region. Various governments, including the Americans and British, possess evidence of such violations. However, for whatever political reasons they have not been forthcoming with this information to the Nigerian authorities, and as such are guilty of failing to help protect regional security and must be held accountable for Charles Taylor’s ongoing activities and any consequences thereof.

As part of his exile arrangements, Nigeria forbade Taylor from ‘engaging in active communication with anyone engaged in political, illegal or governmental activities in Liberia. But despite being admonished by Nigeria for previous violations, he has been able to bribe Nigerian state security forces and continues to meet in person and have telephone contact with various individuals related to his political and economic interests and former members of his military and political regime. Taylor has been directly accused by the Special Court of helping orchestrate an assassination attempt against Guinean President Lansana Conte on 19 January 2005, and diplomatic sources indicate his involvement. Moreover, by his own admission Taylor wants to return to Liberia, and Global Witness investigations indicate that semi-autonomous groups of Taylor loyalists are stationed throughout the sub-region, including Liberia, Sierra Leone, Guinea, Côte d’Ivoire, Ghana and
Nigeria, with the ability to mobilise if necessary for strategic economic, political or military goals.9

The current threat posed by Charles Taylor is real and credible, and is set against the background of the Special Court’s limited timeframe, the impending drawdown of UN Mission in Sierra Leone (UNAMSIL) peacekeeping forces, the potential for instability during the upcoming Liberian elections and the increasingly tenuous stability in Guinea and Côte d’Ivoire. All countries in the sub-region have suffered the negative effects of Taylor’s influence, whether through armed conflict, the destabilising influx of refugees, or the cross-border trafficking of weapons and mercenaries. Time is running out for the international community to safely transport and try Taylor at the Special Court and allow him to face a fair trial.

There are essentially two options that the international community can take on the threat posed by Charles Taylor: maintain the status quo or move forward with the sharing of intelligence and the immediate extradition of Taylor. Continuing with the status quo will lead to renewed conflict in West Africa, as not moving Taylor to the Special Court now will leave him as a potent force in an unstable region with fewer UN troops and less international attention or capability to prevent or respond to any disturbances he and his associates may cause. The high numbers of un-reintegrated ex-combatants in the region, as well as continued access to stocks of weapons, present a volatile situation which Taylor has successfully exploited before and is currently working to do again. Taylor’s continued exile and his violation of its terms, despite the pleas of the Special Court and Liberian, Sierra Leonean and international civil society to bring Taylor to justice, will also jeopardise the possibility of Taylor ever facing a fair trial. There is a real possibility that Taylor may try to flee again to the bush of West Africa, and if returned to Liberia the justice system there is non-functioning, internal security systems are inadequate, and both will take years to rehabilitate. Moreover, with Taylor reportedly funding or even controlling nine of the parties contesting the elections 10, the likelihood of a pro-Taylor party winning control of the government is very real. Any subsequent trial of Taylor in Liberia, following a request to Nigeria for his return, is unlikely to be fair and indeed there is a very real possibility that Taylor would be freed following the collapse of the trial, possibly to reassume power.

Now is the critical time for the international community—especially members of the African Union, ECOWAS and the UN Security Council—to show that it is serious about promoting international justice and safeguarding peace and security in West Africa. Failing to hand over key evidence and hold to account the person most responsible for the war crimes committed in West Africa during the last decade would not only be a major security risk but also set an unacceptable precedent of letting the culture of impunity continue. Given the limited timescale of the Special Court and regional security concerns, as well as larger issues of national and regional reconciliation, Global Witness also urges the Security Council to pass a new resolution detailing the constructive and positive role that the Government of Nigeria has played in maintaining peace and security in the region, and further calling on Taylor to be moved to the Special Court. The resolution should also grant the authority to UNMIL, UNAMSIL, and UNOCI peacekeeping missions to arrest Taylor should he return to Liberia, Sierra Leone or Côte d’Ivoire, respectively. The international community and its key actors should meanwhile take whatever other steps are necessary to ensure Taylor is removed quickly, safely, and with minimal impact on regional security. Such efforts would help ensure that a significant threat to regional security is further removed from operation and that the peace and stability the international community and the UN have been working toward are no longer left in jeopardy.
Part 1: Taylor’s continued threat to Liberia and regional security

Charles Taylor has wrought havoc on the people of West Africa over the last 15 years. Worryingly, he still maintains extensive contact with and influence over his associates located throughout the region\(^{11}\), affecting the internal security of West African states, influencing Liberian politics and the upcoming elections, and maintaining a network of supporters across the region, including the possible creation of a small loyalist military force\(^{12}\). Such activities are not only in violation of the terms of his exile agreement with Nigeria, but constitute a significant security threat that must be addressed by the Security Council.

Coup attempt(s) and instability in Guinea

On 19 January 2005, a group of armed men attacked the convoy of Guinean President Lansana Conte in an apparent coup attempt; this followed an aborted attempt on 2 October 2004. According to the Special Court and internal diplomatic traffic\(^{13}\), the action was orchestrated at the behest of Taylor and carried out by loyal associates and Guinean dissidents who stood to gain from Conte’s death. While the effort was unsuccessful, the Special Court stresses that follow up attempts are being planned\(^{14}\). The recent armed jailbreak in Conakry by dozens of civilian and military inmates, including some linked to a previous coup attempt in 2003, raises questions of Guinean internal security and the likelihood of future attacks against the president and his government\(^{15}\).

The recruiting of a small military force and creation of loyalist support structures

The recruitment of ex-combatants in the region continues unabated as the region is flush with former fighters who have not been properly disarmed or reintegrated\(^{16}\). Taylor and his associates have a long history of recruiting fighters in the region, having created the NPFL rebel movement in the 1980s, aided the brutal RUF in Sierra Leone, and helped facilitate the creation of the MPIGO\(^{17}\) and MJP\(^{18}\) rebel groups in Western Côte d’Ivoire in early 2000s\(^{19}\). According to the Coalition for International Justice, Taylor appears to be exploiting the current situation by funding, training and arming a small military force organised by his former commanders\(^{20}\).

While it is not clear that the two are the related, the Guinean government has expressed particular concern about the recruitment of ex-combatants from Liberia ‘intent on destabilizing Guinea’\(^{21}\), and Human Rights Watch reports that many of those engaged in recruiting to destabilise Guinea have been former generals or otherwise strong supporters of Taylor\(^{22}\).

Also worrying are reports of Taylor and his associates having established semi-autonomous loyalist groups in a number of West African countries\(^{23}\). As many as 36 such groups are reported to be operating in countries including Liberia, Sierra Leone, Guinea, Côte d’Ivoire, Ghana and Nigeria\(^{24}\), in addition to those Taylor supporters that maintain positions of influence in Liberia’s economic and political scenes. Such groups operate businesses while maintaining their links to Taylor and understanding that they may be mobilised for political or military purposes if necessary.

Communications with and support from Liberia

Taylor has been violating the terms of his exile agreement with virtual impunity since his time in Nigeria began in August 2003\(^{25}\). The Nigerian government has previously rebuked Taylor for his continued meddling in Liberian internal affairs\(^{26}\), but his lines of communication remain strong through the use of mobile phones, satellite phones and
the personal visits of business associates, relatives and friends acting as couriers. Taylor remains a potent force in Liberian politics, and maintains close communication with advisers and associates at all levels, including senior government officials. Jacques Klein, the former head of the UN Mission in Liberia (UNMIL), has called Taylor ‘a psychopath’ and ‘still very much involved…intrusive in Liberian politics’, and David Crane, the prosecutor of the Special Court, has noted that ‘unless and until Charles Taylor is brought to justice, there will be no peace.

Taylor has also received and continues to receive financial support from his contacts throughout the region. He holds at least two bank accounts with the Banque International du Burkina (BIB) and the Central Bank of West African States (BCEAO) in Burkina Faso, established in the early 1990s to handle revenue from resource sales while heading the NPFL rebel movement, which are held under the alias of Jean Paul Somé. Global Witness investigations have uncovered other documents related to possible Taylor business interests, including one unsigned document dated 18 August 2003 detailing discussions amongst lawyers in Calabar, Nigeria to establish five new companies from which Taylor could earn an income. Not including any new business interests, research by the Coalition for International Justice puts his estimated assets upon entering exile in August 2003 at $150-210 million. Moreover, while the UN Panel of Experts has previously noted Taylor’s diversion of revenues and assets of the Government of Liberia and the Security Council has already placed a number of close Taylor associates on its assets freeze list to prevent them from supporting Taylor, the international community and especially Liberia’s transitional government have failed to enforce the asset freeze and travel ban. This means that those indicated by the Security Council as posing a risk to regional peace through their support of Taylor maintain access to their finances and the logistics with which to move money around.

Continued travel

There are also reports that Taylor has been travelling to Burkina Faso and Chad to meet with key associates to plan operations and receive financial support. One such trip reportedly took place on the 26th of February 2005. Such activities are a clear breach of Taylor’s publicly agreed exile conditions, demonstrate his dangerous ability to circumvent international law, and are yet another argument for moving him from Nigeria to face trial at the Special Court as soon as possible.

Part 2: Moving forward: Why Taylor must be brought to trial as soon as possible

Charles Taylor has been an active threat to security in West Africa for many years, violating UN arms embargoes and fuelling violent insurrections in neighbouring states that have led to the deaths of thousands of innocent civilians. The Special Court has indicted Taylor on 17 counts of war crimes, and the importance of ending the culture of impunity and ensuring a fair trial for the war crimes of which he has been accused cannot be underestimated. The urgent case to bring Taylor to trial at the Special Court is further strengthened by significant security concerns.

To ensure adequate security for Sierra Leone

There are recent reports of recruiting ex-combatants from upcountry Sierra Leone to fight in Côte d’Ivoire, and while the British government has given Sierra Leone an ‘over the horizon’ security guarantee, the threat of instability from along the country’s porous borders with Guinea and Liberia, and its proximity to Côte d’Ivoire, remains significant. Waiting to bring Taylor to trial until after the final 3,000 UNAMSIL troops have been withdrawn, despite whatever residual force may remain at the Special
Court compound itself, would be taking a significant risk. The Sierra Leone Army (RSLAF) has not been sufficiently reformed and cannot as yet ensure the security of the country. The DDR process in Sierra Leone failed to present many ex-combatants with long-term alternative livelihoods, and as the Liberian elections hold the possibility of violence, the situation could easily deteriorate. It is unclear whether the British and other militaries, given their engagements elsewhere, could adequately prevent a wider breakdown in the regional security from engulfing Sierra Leone or rectify the situation in a timely manner should it occur.

For these and other reasons Taylor should be sent to the Special Court while the UN’s presence in Sierra Leone is at its highest. The combination of planned UN troop withdrawals and slowly mounting social tensions over commodity prices, unemployment and government corruption means that sooner, rather than later, is the optimum time to bring Taylor to trial in Sierra Leone. The country has enjoyed a relative peace for the last three years and has been deemed a successful intervention, and the international community should not take any steps that could jeopardise the progress made thus far. UNAMSIL’s current troop levels should be maintained until at least December 2005, with a re-evaluation contingent on a full security assessment that takes into account the results of any Taylor extradition, the Liberian elections in October and the status of Guinea and Côte d’Ivoire. The UN will be better placed at that point to make a determination on the status of UNMIL, RSLAF re-training programmes, and the impact of a full UNAMSIL troop withdrawal on Sierra Leonean and regional security.

To ensure Taylor receives a fair trial

The Special Court was founded specifically to try those most responsible for the crimes committed during Sierra Leone’s civil war, and to help end the culture of impunity that pervaded the conflict and continues to the present day. Failing to bring Taylor to account before the Special Court on his 17 charges of war crimes would send a message that those who are suspected of, let alone charged with, committing or facilitating grave abuses of human rights can outlast the political will of the international community and escape justice. As the Security Council has done in the case of other indicted war criminals from Yugoslavia and Rwanda, it should call for Charles Taylor to be handed over to the Special Court to face justice.

The alternative to Taylor’s extradition to the Special Court is for him to remain in exile in Nigeria, where he will continue to influence Liberia and the region and pose a security threat, as the likelihood of him facing a fair trial in another venue diminishes. While the Nigerian government has said that it would hand Taylor over to a democratically elected Liberian government that asks for his return, Liberia’s judicial system is non-functioning and it is impossible to conceive that a fair trial would be held at all, let alone securely and in a timely fashion. Even if Taylor were to be found guilty, the Liberian prison system would not be able to detain him or handle the resultant logistical and security concerns.

To acknowledge the Liberian people’s desire to see Taylor tried before the Special Court

Bringing Taylor to trial before the Special Court would be in accordance with the expressed wishes of the Liberian people. Having suffered heavily under Taylor’s rule, and having seen the brutal amputations and murders committed in Sierra Leone, the people of Liberia are looking to the international community to help provide them with the justice they and their neighbouring countries deserve.
To help ensure peace, security and free elections in Liberia

Liberia is scheduled to hold its first elections since the end of active conflict on 11 October 2005, although there have been recent moves by the Transitional Government to postpone them until mid December. Given Taylor’s continued contact with political, economic and military actors in Liberia, he is exerting worrying influence in the period leading up to the vote. Taylor has helped finance the campaigns of several of Liberia’s presidential contenders, and diplomatic sources confirm that Taylor may be funding as many as nine political parties. Removing Taylor from Nigeria and severing his ability to meddle in Liberia’s elections and the security situation leading up to the vote would help remove a significant obstacle to democratic rule in Liberia. A further recommended move is for the Security Council to approve any requested increase of peacekeeping troops or civilian police for UNMIL, to be deployed during the election period.

Conclusion

Charles Taylor has proven adept at manipulating regional insecurity for personal gain, as evidenced by his violent NPFL insurrection in 1989, his brutal regime while president of Liberia, and the role he played in fuelling the civil wars and human rights abuses seen in Sierra Leone and Côte d’Ivoire. He continues to manipulate the political process in Liberia and receive financial support despite the myriad of efforts put in place by the international community to the contrary. He is accused of working to remove President Conte of Guinea from power, and reports are that his associates will try again. Key governments have evidence of these activities and some were moving toward sharing such information with Nigeria in order to facilitate Taylor’s extradition to the Special Court. For unknown reasons, however, that diplomatic momentum has recently evaporated; Nigeria continues to signal its willingness to hand Taylor over if given evidence by other governments of the violation of his exile, but that information has not been forthcoming. Not doing everything possible to remove Taylor as a threat and bring him to justice is indefensible, and the renewed danger that countries like the United States and United Kingdom are placing West Africa’s war-weary people in is unconscionable.

Given the planned UNAMSIL troop withdrawal, instability in Côte d’Ivoire, upcoming Liberian elections and growing insecurity related to the inadequate Liberian DDRR process, extraditing Taylor to the Special Court soon would help remove him as a potent force of instability in a region that is already facing many challenges. Moreover, the mandated timeframe of the Special Court gives the international community a small window of opportunity to ensure that Taylor faces a fair trial in a secure environment. Should this opportunity be lost, Liberia’s decrepit judiciary and internal security apparatus would be unable to provide the same safeguards, and possibly result in Taylor’s return to power.

The international community and UN Security Council have made significant efforts to bring peace to the region in the face of severe obstacles, as has Nigeria, by first accepting Taylor into exile. But Nigeria now has the chance to further the cause of peace in the region by having Taylor moved to the Special Court. Moreover, the AU and ECOWAS have a critical role to play, both by ensuring their members enforce UN Security Council resolutions related to Taylor and Liberia, and that as organisations they make a clear determination that, no matter what their diplomatic status, nobody charged with committing such horrific war crimes should be allowed to escape justice. By helping facilitate the extradition and trial of Charles Taylor before the Special Court, the international community would be taking a positive step toward ending the culture of impunity which has plagued West Africa, and more immediately
fend off a serious security concern and help secure the progress made toward peace and reconciliation in the region.

1 Special Court for Sierra Leone Press Release, 3 June 2005; for a full list of the charges filed against Charles Taylor, see the Special Court for Sierra Leone website at www.sc-sl.org.
8 Global Witness interview with former western military intelligence officer, April 2005.
13 Special Court document obtained by Global Witness, 2005; confidential diplomatic correspondence dated April 2005 as seen by Global Witness.
14 Global Witness meeting with Special Court representatives, March 2005.
15 ‘Dozens stage mass jailbreak, then get captured again, in Guinea’, Agence France Presse, 15 May 2005.
17 Popular Movement of the Great Ivorian West (MPIGO).
18 Movement for Justice and Peace (MJP).
22 Ibid.
24 Ibid.
28 Ibid.
38 Special Court document dated January 2005 as obtained by Global Witness.
39 European Parliament resolution on the Special Court for Sierra Leone, March 2005; for a full list of the charges filed against Charles Taylor, see the Special Court for Sierra Leone website at www.sc-sl.org.
45 Global Witness interview with former western military intelligence officer, April 2005.

This briefing document is the copyright of Global Witness, and may not be reproduced in any form without the written permission of the organisation, except by those who wish to use it to further the protection of human rights and the environment.