

Charles Taylor's conviction for war crimes

Events: In April 2012, Charles Taylor, the former president of Liberia, was convicted on 11 charges of war crimes and crimes against humanity by the Special Court for Sierra Leone. The following month, he was sentenced to fifty years in jail. Taylor had been president of Liberia from 1997 until 2003, when he went into exile in Nigeria. However, his crimes relate to the part he played in the bloody civil war in neighbouring Sierra Leone, 1991–2002. Although the Court rejected the claim that Taylor had ordered atrocities, it found that he had given 'sustained and significant support' to the rebel Revolutionary United Front (RUF), which had committed serious violations of international humanitarian law. These included the crimes against humanity of murder, rape, sexual slavery, enslavement and other inhumane acts, as well as the war crimes of murdering civilians, hacking off civilians' limbs with machetes, and conscripting (and drugging) child soldiers. In return for assisting the RUF, Taylor had received a steady stream of what became known as 'blood diamonds'.

Significance: As he was the first head of state to be convicted of war crimes since the Nuremberg trials after WWII, the verdict against Charles Taylor was historic. However, it was also part of a larger trend favouring the prosecution of political leaders for crimes committed while they were in power. Between 1990 and 2009, some 65 former heads of state or government were prosecuted for serious human rights or financial crimes, high-profile examples including Augusto Pinochet (Chile), Alberto Fujimori (Peru), Slobodan Milosević (former Yugoslavia) and Saddam Hussein (Iraq). The conviction of Taylor thereby highlighted a major development in the enforcement of international humanitarian law. The key justification for Taylor's prosecution, as well as the larger trend, is that they serve as a warning to despots and dictators across the globe. By demonstrating that political leaders



are not above the law, such examples are intended to deter those currently in office from engaging in war crimes and crimes against humanity. Enforcing the rule of humanitarian law in such a public way should therefore reduce the number and severity of atrocities carried out worldwide. International courts and tribunals may thus prevent tyranny and abuse in circumstances where institutional checks and balances and forms of public accountability do not operate.

Such developments have, nevertheless, also been criticized. For one thing, there is the danger that if the rationale for such prosecutions is to 'make an example' of prominent figures, less prominent, but, perhaps, equally culpable figures may receive less attention. In the case of the civil war in Sierra Leone, some have suggested that Foday Sankoh, the RUF leader (who died in 2003, while awaiting trial), was significantly more culpable for the atrocities than was Charles Taylor. Furthermore, Taylor's prosecution has been seen as an form of neo-colonialism, an accusation that has also been levelled at international criminal tribunals and courts generally, and especially the International Criminal Court (ICC). Not only has international humanitarian law been viewed as culturally biased because it is founded on western, liberal values (notably about human rights), but international criminal tribunals and courts may also perpetuate the belief that the western world still needs to intervene to 'save' the developing world from chaos and barbarity (up to 2013, all those prosecuted by the ICC had been Africans). Finally, prosecuting heads of government or state for human rights violations may place an undue emphasis on individual culpability and the role of political leadership, ignoring other, maybe deeper, explanations. For example, the origins of the Sierra Leone civil war include widespread corruption and mismanagement, the spread of routine violence and the collapse of the educational system, which date back at least to the 1960s and may have their roots in the colonial period, to say nothing of the 'resource curse' of diamonds (see p. 416).