



Making  
Human Rights  
a Reality

## Charles Taylor Verdict: Victory or Setback for International Criminal Justice?

03-05-2012

### **Charles Taylor Verdict: Victory or Setback for International Criminal Justice?**

On 26 April 2012, Trial Chamber II of the Special Court for Sierra Leone (SCSL), sitting in The Hague, delivered the Charles Taylor Verdict. Contrary to popular opinion, the Court rejected the Prosecution's main theory that Taylor was the mastermind behind the Sierra Leone conflict. Rather, the Court found Charles Ghankay Taylor guilty of aiding and abetting 11 crimes, including murder, rape and sexual slavery. In addition, the Trial Chamber convicted him of planning the commission of various crimes in the attacks on Kono and Makeni as well as the capital Freetown. The sentencing is scheduled for 30th May. Taylor, who will probably appeal the verdict, is planned to serve his prison term in the UK.



Taylor's conviction has been applauded by many. Prosecutor Brenda Hollis spoke of a historic conviction. UN High Commissioner for Human Rights, Navi Pillay, said it is an immensely significant verdict, which constitutes a stark warning to other Heads of State who are committing similar crimes, or contemplating doing so. NGO's, like Human Rights Watch and Amnesty International, all reacted in the same vein. The Taylor conviction has generally been hailed as justice being done for the many thousands of victims of the atrocities committed in Sierra Leone.



Reactions from Taylor's defence team were of course quite different. Taylor's lead counsel, Courtenay Griffiths, spoke of an unwelcome precedent. He expressed concerns about the fact that the Court's full written judgement is not yet available. The Court's Statute and Rules provide that the verdict "shall be accompanied by a reasoned opinion in writing". In the Lubanga case, for example, the first verdict of the ICC, the full judgement and a summary of judgement were released on the day of the verdict. The same holds true for other cases before the SCSL. The Court has not indicated when the full written judgement in the Taylor case will be made available. How can there be a summary judgement without a judgement, one might ask? How can the parties be expected to properly submit their submissions before the sentencing hearing without the full judgement being available? This lapse is unprecedented in international criminal justice and raises questions of due process and fair trial.

Africa Legal Aid's observer, who was present for the reading of the verdict, said the Court's session ended on a dramatic note. After the verdict, Alternate Judge, Justice El Hadji Malick Sow, proceeded to make a statement. While he did so, the three other judges rose and left the courtroom. Sow's microphone was

immediately turned off, and a curtain was drawn across the public gallery. At the press conference after the verdict however, Justice Sow's statement was made public by Taylor's defense team. It reads as follows:

“The only moment where a Judge can express his opinion is during the deliberations or in the courtroom and pursuant to the Rules, when there are no deliberations, the only place left for me is in the courtroom. I won't get--because I think we have been sitting for too long but for me I have my dissenting opinion and I disagree with the findings and conclusions of the other Judges, standard of proof of the guilt of the accused from the evidence provided in this trial is not proved beyond reasonable doubt by the Prosecution. And my only worry is that the whole system is not consistent with all the principles we know and love, and the system is not consistent with all the values of international criminal justice, and I'm afraid the whole system is in grave danger of just losing all credibility, and I'm afraid this whole thing is headed for failure”.



This, as Griffiths put it, is quite a condemnation. Yet, what are we to make of this statement? It is notable that a judge who may lack the formal power to deliver a

dissenting opinion, publicly expresses his disagreement with the other judges.

Yet, if there were no deliberations in the Taylor case, as Judge Sow opines, how did the Court come up with the verdict? If there were no deliberations, and when there still is no judgment, how did the Court come to the conclusion that Taylor is guilty? We probably will never find out whether or not the judges have actually been under political pressure as suggested by many. But Judge Sow's statement does cast serious doubt.

More questions arise. The Trial ended more than a year ago, the verdict was initially planned for September 2011. What caused this long delay, and why is there still no full judgement? Why did the SCSL, in its own Press Release, boast that Taylor was convicted on all counts of the indictment without mentioning that the Trial Chamber did not find Taylor guilty of having had effective command and control over RUF members and other 'subordinates' and of having participated in a common plan to commit crimes?

We may never know what did or did not happen behind the closed doors of the Trial Chamber. Yet, what we are entitled to is a full judgement that reveals and precisely states the basis of what evidence the Trial Chamber based its conclusions. The summary of the judgement does not reveal this. The SCSL has not yet accounted for the verdict of Charles Taylor. It is hoped that it will do so very soon and persuasively, otherwise the perception of a politically motivated trial in which basic fair trial rules have been disrespected might not disappear.

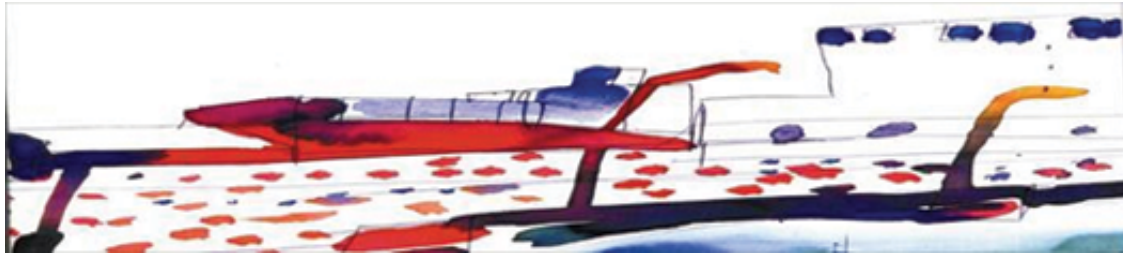
Click here to comment <http://www.afla.nl/contact> select email

Please visit our [webshop](#) to buy AFLA's current and previous publications, the Human Rights on Canvas collection and support AFLA's activities through your purchase.

Additionally, become a fan of Africa Legal Aid on [Facebook](#) and invite your friends to join AFLA and its worldwide community of supporters.

---

[back to top](#)



ACCRA - P.O. BOX: P.M.B., TUC ACCRA, GHANA  
THE HAGUE - ZEESTRAAT 100, 2518 AD, THE HAGUE, THE NETHERLANDS  
PRETORIA - 287 SKINNER ST. PRETORIA, TSHWANE. METRO CITY. P.O. BOX 392. UNISA 0003  
[Unsubscribe for the Newsletter](#)