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Confronting Blood Diamonds in Sierra Leone: The Trial of Charles Taylor

BY IRYNA MARCHUK

From its idyllic sand beaches on the West African coast to the majestic mountains of the northeast, Sierra Leone is one of the most stunning places in the world. Unfortunately though, Sierra Leone is not known for its magnificent natural scenery. Rather, it is associated with the gross human rights abuses that took place during a decade of horrific civil war (1991-2002) that claimed thousands of innocent lives. In the late 1990s the world media exposed the atrocities committed in Sierra Leone: rebels were involved in chopping off arms, hands, legs and other parts of a human body. Girls and women were enslaved, gang raped and sexually abused; children, both boys and girls, were forcibly recruited as child soldiers and made to commit crimes while intoxicated with drugs and alcohol. The causes of civil war that lasted over eleven long years were rooted in poor governance, extreme poverty, endemic corruption and denial of human rights, thus making the conflict unavoidable.¹

Despite its abundant natural resources, Sierra Leone experienced economic decline throughout the 1980s, due in large part to rampant corruption. Rich diamond mining areas fueled the conflict between various groups and individuals. The exploitation of diamond resources escalated to such extent that the diamonds became known as 'blood diamonds'. Why did the exploitation of diamond resources lead to the escalation of Sierra Leonean civil war? This article will examine the issues surrounding the conflict and their relevance for the current UN backed Special Court for Sierra Leone established to address the crimes committed in Sierra Leone.

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Blood Diamonds

The interchangeable terms ‘conflict diamonds’ and ‘blood diamonds’ were originally used in connection with the civil war in Angola.² The link between exploitation of diamond resources and extensive human rights abuses was brought to international attention by a UN Security Council Expert Panel dealing with Angola. Nevertheless, the term ‘blood diamonds’ did not appear in

any official UN document; instead it was a media creation that successfully and succinctly communicated the horror of the conflict.

THE POSSESSION OF ARMS AND AMMUNITION BY REBEL GROUPS GAVE THEM POWER TO CONTROL VAST TERRITORIES OF THE COUNTRY, ENSLAVE CIVILIANS AND EXPLOIT THEM IN THE DIAMOND MINES.

The Truth and Reconciliation Commission for Sierra Leone,³ established in the aftermath of the conflict (2002), acknowledged that diamonds were highly coveted because they yielded tremendous revenues, which would enable the armed factions to procure additional weapons and ammunition.⁴ Throughout the armed conflict, the RUF used diamonds to buy ammunition,

arms, medicine and food.⁵ The possession of arms and ammunition by rebel groups gave them power to control vast territories of the country, enslave civilians and exploit them in the diamond mines. The desire to expand ‘controlled areas’ into parts of the country ripe for economic exploitation gradually became the main motivating factor for all the armed groups and many local commanders, which triggered further conflict.⁶

Why did fighting over Sierra Leonean diamond resources prompt such bloodshed? One should keep in mind that Sierra Leone is home to some of the most high quality diamonds in the world. Extensive alluvial and kimberlitic diamond deposits are found in the east and the south of Sierra Leone. World diamond experts believe that diamonds from Sierra Leone are mainly gemstones, the clear and colourless stones used in jewellery. As such, they are the most valuable stones in the world diamond market.⁷

How did neighbouring Liberia, which has its own diamonds, become implicated in the exploitation of Sierra Leonean diamond resources? Diamonds from Liberia are normally categorized as industrial diamonds, imperfect stones normally used in drills and other tools, but of a relatively insignificant value in the world diamond market.⁸ The differences between Liberia’s industrial diamonds and Sierra Leone’s gemstones are striking and easily spotted by experts.

According to the diamond import data of the Ministry of Economic Affairs in

Antwerp (Belgium), Liberian diamond exports between 1990 and 1999 were equal to around five million carats per annum; however, from 1991 onward, diamond exports from Liberia shot up to 200,000 carats per annum. Such high figures were surprising for a country that is relatively poor in diamond resources. In fact, most of the 'Liberian' diamonds originated next door in Sierra Leone.⁹

Charles Taylor is a former president of Liberia (1997-2003) who currently stands trial before the Special Court for Sierra Leone for his involvement in crimes committed in Sierra Leone. He allegedly backed the RUF by giving orders, providing assistance and supplying arms and ammunition in exchange for diamonds. Taylor required significant resources to stage the war in Liberia prior to his presidency in 1997. Although he received some financial and logistical support from Libya, it was not enough to conduct continuous military operations led by the National Patriotic Front of Liberia (NPFL), which sought to oust then-Liberian president, Samuel Doe (1980-1990). Prior to July 1997, Taylor's NPFL was itself a rebel organisation and did not represent the Republic of Liberia.¹⁰

Charles Taylor had a strategic interest in controlling diamond resources in Sierra Leone to finance his own rebel group. A further element of the criminal plan was to destabilize the political situation in the country and weaken the West African peacekeeping force (hereafter ECOMOG), which had been stationed in Sierra Leone with the permission of the Sierra Leonean government. ECOMOG was the major military opposition to Taylor's force in Liberia. Even though he continuously denied his intentions to destroy ECOMOG, their burgeoning presence close to the Liberian border immensely irritated Taylor. One of the early 'rebel' captives testified before the Truth and Reconciliation Commission exposing Taylor's 'true intentions' with regards to the invasion of Sierra Leone in early 1991:

CHARLES TAYLOR HAD A STRATEGIC INTEREST IN CONTROLLING DIAMOND RESOURCES IN SIERRA LEONE TO FINANCE HIS OWN REBEL GROUP.

"I have decided to tell Sierra Leoneans the truth about this invasion. I am making a voluntary statement. I have decided to expose Charles Taylor because he lied over the radio that he knows nothing about our invasion... We are here [because] he ordered us to come and destabilise Sierra Leone because it is the ECOMOG base."¹¹

Taylor was closely linked to the leadership of the RUF. The NPFL provided important military and logistical resources to the RUF, thereby creating an intimate link between the civil wars in Liberia and Sierra Leone.¹² There were also

strong connections between Taylor and Foday Sankoh, a former corporal in the Republic of Sierra Leone Military Forces, who emerged as the leader of the RUF in the 1980s. Several core members of the RUF, including Foday Sankoh, were trained in Libya¹³ alongside other West African revolutionary leaders, including Charles Taylor and Blaise Campaoré.¹⁴ The fighters who were trained in Libya were called the Special Forces and held the highest status within the movement.¹⁵ In 1990 and 1991, the RUF were trained at Camp Naama in Liberia.¹⁶ Those trained at Camp Naama were called Vanguarders, and held the second highest status within the RUF.¹⁷ The RUF worked side by side with Charles Taylor and his NPFL.¹⁸

In March 1991 rebel fighters under the leadership of a former-corporal, Foday Sankoh, crossed the Liberian border into the eastern Sierra Leonean town of Bomaru. The attack was orchestrated by RUF leadership together with Charles Taylor. The overwhelming bulk of fighters in the initial incursion were affiliated with Taylor's NPFL rebel group. Of the approximately two thousand insurgents that entered Sierra Leone, over four fifths of them belonged to the NPFL.¹⁹

There were no strong links between the RUF and Charles Taylor from 1992 to 1996. In the absence of external supplies of arms and ammunition RUF rebels were pushed into guerrilla warfare. In 1997, the RUF entered into an alliance with the Armed Forces Revolutionary Council (AFRC) that was led by Major Johnny Paul Koroma. The AFRC overthrew President Kabbah on May 25, 1997 and invited the RUF to join the government. Thus until March 1998, Koroma was not only the Chairman of the AFRC, but also the Commander in Chief of the People's Army, including the RUF. High ranking AFRC and RUF members shared a common plan to take any action necessary to gain political power and control over Sierra Leone, with particular emphasis on the diamond mining areas.²⁰

Charles Taylor sent messages recognizing the AFRC/RUF partnership. In 1997 Charles Taylor enacted his criminal plan to take over control of Sierra Leone on the AFRC/RUF leadership, thus profiting from said alliance. Furthermore, Taylor ordered the AFRC/RUF fighters to capture Kono and to construct an airstrip where arms and ammunition were to be delivered.²¹ As early as August 1997, the AFRC/RUF Junta forced civilians to conduct alluvial diamond mining throughout the Kono District. Later the AFRC/RUF Junta relied on Kono diamonds to finance their administration and war efforts.²²

The AFRC/RUF were ousted by the ECOMOG and Civil Defence Force (CDF) forces on February 14, 1998 during an operation commonly referred as the 'intervention'.²³ Junta fighters were compelled to flee Freetown. While fighters were chaotically retreating and looting civilians' property on the way from Freetown to Masiaka, the leadership of the RUF/AFRC was preoccupied with regaining

control in Kono District, the heart of diamond mining in Sierra Leone.²⁴ The plot to carry out a criminal campaign of terror to pillage resources and forcibly control the population and territory of Sierra Leone reached its apogee of brutality during the Freetown invasion on January 6, 1999. When the AFRC/RUF fighters entered Freetown, they waged a campaign of terror against the civilian population. They mutilated the elderly and children, gang raped girls as young as 8-9 years old, shot civilians, looted civilians' property, set houses on fire and burnt civilians alive in their homes.²⁵ The international community was genuinely appalled by the cruelty of atrocities perpetrated by rebels during the Freetown invasion. Then-president of Sierra Leone, Ahmad Tejan Kabbah, decided to enter into peace negotiations with the RUF leadership to end the bloodshed on the Sierra Leonean soil.

Warring parties in the Sierra Leonean civil war were called to sign a peace accord in Lome, the capital of Togo.²⁶ President Ahmad Tejan Kabbah, then-president of Sierra Leone, signed the peace accord with Sankoh, granting the RUF leader a position in the transitional government as well as amnesty for him and all his combatants.

Conflict began to simmer in Sierra Leone following the adoption of the Lome Peace Accord. Violence continued on Sierra Leonean soil until 2002. The intervention of the international community became inevitable. The government of Sierra Leone and the international community took the initiative to establish a Special Court for Sierra Leone on January 16, 2002.

The Special Court and Charles Taylor

The Special Court for Sierra Leone was established jointly by the Government of Sierra Leone and the United Nations in the aftermath of the civil war. One unique feature of the war was the cruelty of atrocities committed by various warring factions, particularly the RUF, AFRC, the Sierra Leone Army (SLA) and the CDF. Abuses such as amputations, extreme forms of sexual violence and forced cannibalism became a signature of factions involved in the struggle for control over the natural and mineral resources of the country. Most of the crimes were committed by Sierra Leoneans against fellow Sierra Leoneans. Civilians were targeted by warring factions throughout the entire period of the conflict and continue living with the bleak consequences of the war.

The Special Court for Sierra Leone is mandated to try those who hold the great-

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est responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in Sierra Leone since November 30, 1996.²⁷ Eleven persons associated with three warring factions (RUF, AFRC and CDF) were indicted by the Office of the Prosecutor. Because the conflict in Sierra Leone was also sparked by the NPFL under the command of Charles Taylor, the Special Court for Sierra Leone exercises its jurisdiction over the trial of Charles Taylor, who is charged by the Office of The Prosecutor with crimes against humanity and war crimes committed in the territory of Sierra Leone.

Taylor was indicted on March 7, 2003 on a 17-count indictment²⁸ for crimes against humanity, violations of Article 3 common to the Geneva Conventions²⁹ and of Additional Protocol II³⁰ (commonly known as war crimes), and other serious violations of international humanitarian law. The Prosecutor unsealed the indictment on June 4, 2003 while Taylor was attending peace talks in Ghana on armed conflict in Liberia. Taylor immediately left Ghana and returned to Liberia; however, he was forced to step down as the president and leave the country. Then Nigerian president, Olusegun Obasanjo, offered safe haven in his home country where Taylor remained for three years in exile. The newly elected president, Ellen Johnson-Sirleaf, requested that Obasanjo surrender Taylor into the hands of the Special Court for Sierra Leone. Although Obasanjo refused to extradite Taylor, he banished him from Nigeria. On March 29, 2006, justice triumphed and Taylor was apprehended at the Nigeria-Cameroon border. He was immediately transported to Liberia, where he was taken into UN custody and transferred to the Special Court for Sierra Leone based in Freetown.

On March 16, 2006 the indictment was amended and the number of counts was reduced to eleven. In the amended indictment the Prosecutor of the Special Court for Sierra Leone, under the Article 15 of Statute of the Court, charged Charles Taylor with eleven crimes against humanity, violations of Article 3 common to Geneva Conventions and of Additional Protocol II and other serious violations of international humanitarian law in violation of Articles 2, 3 and 4 of the Statute. By his acts or omissions, the accused, pursuant to Article 6.1 and, or alternatively, Article 6.3 of the Statute, is allegedly individually responsible for war crimes and crimes against humanity.³¹ Crimes such as acts of terrorism, violence to life, health and physical or mental well-being of persons (in particular, murder), outrages upon personal dignity, violence to life, health and physical or mental well-being of persons (in particular, cruel treatment), conscripting or enlisting children under the age of fifteen into armed forces or groups, or using them to participate actively in hostilities, and pillage are war crimes that the accused is charged with in the indictment. The accused is allegedly individually responsible for murder, rape, sexual slavery, enslavement, and other inhumane acts as crimes against humanity. The Court is exercising its temporal jurisdiction in regards to war crimes and crimes against humanity that occurred in Sierra Leone between November 30, 1996 and January 18, 2002.³² Although some

crimes were charged both as crimes against humanity and war crimes, it was not necessarily applicable to all crimes, for some crimes were charged solely as war crimes due to the existing nexus to the armed conflict, whereas others were charged as crimes against humanity because they were committed as part of a widespread or systematic attack against the civilian population.

The amended indictment enumerates specific areas in Sierra Leone where the above crimes were committed, including diamond rich areas (Kono and Kenema districts) that became the scene of the most brutal atrocities during the conflict. The indictment goes even further by enlisting not only districts of the country, but specific locations within these districts. One could argue that it was not a very smart position taken by the Prosecution to link crimes to specific locations within areas, as it put an even heavier burden of proof on the prosecution team. Problems arose during numerous witnesses' testimonies, for example, when the same locations were spelled differently on the record. Hence, the Defence Counsel for Charles Taylor in its oral submission of no case to answer pursuant Rule 98 argued that no evidence was introduced by the Prosecution for certain locations enumerated in the indictment. The Defence Counsel asked the Court to strike off certain locations due to the lack of evidence presented before the Court.³³

The Trial Chamber in its Rule 98 decision dismissed the Defence arguments and pronounced that it was inappropriate to strike out the names of the above locations taking into consideration a variety of languages and dialects spoken in Sierra Leone and illiteracy of some witnesses. Moreover, the Trial Chamber clarified that the names of locations mentioned by Prosecution witnesses that were similar but not identical to the names of locations that appeared in the indictment might refer to the same location.³⁴ One should keep in mind that the nature of the Rule 98 in international criminal procedure is to finalize criminal proceedings in respect to a count in the indictment, for which there is no capable evidence for supporting a conviction on the said count, rather than to terminate prematurely cases where the evidence is merely weak or appear to be ambiguous. The evidence in relation to the inconsistencies and misspellings of various geographical connotations will be evaluated by judges at the final stage of the trial.

The Prosecution argued that the planning and preparation of crimes charged in indictment began long before 1996 and that critical acts which furthered the plan and led to the crimes often occurred far from the borders of Sierra Leone. During the Prosecution phase of the trial, the Prosecution intended to present the evidence that would show that Taylor's plan was to control the territory of Sierra Leone through a campaign of terror that began at least as early as 1991, when forces supported by him, including many of his own Liberian fighters of his NPFL force, first invaded Sierra Leone in March of that year.³⁵

The prosecutorial position during the trial was that the access to Sierra Leone's abundant mineral resources was one of Taylor's primary objectives and that Sierra Leone served as a substantial source of manpower to supplement Taylor's own forces. In his opening statement, the Prosecutor emphasized that the evidence to be heard in the court was to prove that the accused was responsible for the development and execution of a plan that caused death and destruction

MOST OF THE CRIME BASE WITNESSES CALLED BY THE PROSECUTION WERE NOT CROSS-EXAMINED BY THE DEFENCE.

in Sierra Leone. That plan, formulated by the accused and others, was to take political and physical control of Sierra Leone in order to exploit its abundant natural resources and to establish a friendly or subordinate government there to facilitate that exploitation.³⁶

The Prosecution took up the task to prove Taylor's criminal responsibility for war crimes and crimes against humanity as

charged in the indictment in conjunction with all modes of individual criminal responsibility. The evidence presented in the Court was to prove Taylor's involvement in the crimes alleged in the indictment, along with a variety of forms of individual criminal responsibility, in particular committing acts, planning, instigating, ordering, aiding and abetting, and otherwise participating in the execution of a common plan, design or purpose, commonly referred as a joint criminal enterprise. Additionally, the Prosecution claimed that the accused was responsible for crimes committed by persons under his effective control, thus pleading his command responsibility for war crimes and crimes against humanity.

In the course of Rule 98 submissions, the Defence Counsel for Charles Taylor argued that the evidence presented by the Prosecution was not sufficient to support convictions in regards to all counts. The Defence team has never denied crimes in Sierra Leone, which are overwhelming and well-documented. Most of the crime base witnesses called by the Prosecution were not cross-examined by the Defence. The Defence was primarily challenging linkage evidence, thus focusing on the cross-examination of insider witnesses.

With regard to no answer submissions, the Defense emphasized the lack of evidence in support of each mode of liability applicable under the Statute (Art. 6.1 and Art. 6.3) and customary international law (joint criminal enterprise).³⁷ In its Decision, the Trial Chamber concurred with the Prosecution arguments that it was not necessary for the purposes of the Rule 98 to evaluate the sufficiency of the evidence in relation to each mode of liability, for it was sufficient if there was evidence capable of supporting a conviction on the basis of one of those modes.³⁸

The Trial Chamber quashed most of Defence arguments thus dismissing in its entirety a Motion for Judgement of Acquittal brought under the Rule 98 by the Defence Counsel for Taylor. Hence, Charles Taylor has a case to answer on all eleven counts of war crimes and crimes against humanity charged by the Prosecution in the indictment. Following the proclamation of the Rule 98 Decision by the Presiding Judge in the public session of the trial on May 4, 2009, the Lead Defence Counsel for Charles Taylor sought an additional time for the preparation of the Defence case, however, the judges found such an extension of time unjustified and set up June 29, 2009 as the start date of the Defence case.³⁹

In the BBC broadcast 'Diamonds and Justice', Lead Defence Counsel for Charles Taylor, Mr. Griffiths, claimed that it would be a sad day for Africa if Charles Taylor were convicted. The reasoning behind his position is his strong belief that western leaders are trying to threaten African leaders if latter step out of line. The Defence team believes that the entire trial is a testament to the hypocrisy of the United States, which exempts its own citizens from the International Criminal Court.⁴⁰

An interesting legal discussion regarding proper pleading of joint criminal enterprise arose in the Taylor trial.⁴¹ The Defence submitted that the Prosecution's description of the "common plan, design or purpose" of the joint criminal enterprise in the amended case summary, specifically, "to carry out a criminal campaign of terror [...] in order to pillage the resources of Sierra Leone, in particular the diamonds, and to forcibly control the population and territory of Sierra Leone,"⁴² was "ill-defined at best" and "not legally sufficient".⁴³ The Defence submitted that the Prosecution had not pleaded a crime within the jurisdiction of the Special Court as the "common purpose" of the joint criminal enterprise in the second amended indictment and that that mode of liability was therefore fatally defective.⁴⁴ The Taylor Trial Chamber took nearly a year to elaborate on the applicability of the joint criminal enterprise in the case. Eventually judges followed the position of judges taken in the AFRC Appeal Judgement and the RUF Trial Judgement and dismissed Defence arguments. Reading the Indictment as a whole the Trial Chamber was satisfied that the Prosecution had adequately fulfilled the pleading requirements of the alleged joint criminal enterprise in the indictment, and that it has provided sufficient details to put the Accused on notice of the case against him. The Defence sought the leave for appeal and the Appeals Chamber Decision on the aforesaid matter is still pending.⁴⁵

The Defence Counsel challenged evidence presented by the Prosecution in regards to the Freetown invasion arguing that none of the senior RUF commanders were involved in the invasion operation and thus the discussion of Taylor's involvement into the planning and designing of the operation was unjustified.⁴⁶ The Prosecution strongly disputed the position of the Defence on the aforesaid issue by stating that both AFRC and RUF fighters were involved in the strategic

movements to Freetown from various axes. The prosecution suggested that even if RUF rebels had not been among those who entered Freetown, the criminal liability would have been in place on the grounds of the continuing alliance of the participants in the joint criminal enterprise, including the AFRC, the RUF and Charles Taylor.⁴⁷ The Trial Chamber did not elaborate much on the Freetown invasion episode and the proper legal assessment of Taylor's involvement into directing the attack on Freetown is expected to be seen in the judgement at the very end of the trial.⁴⁸

Witnesses' rights have often been grossly neglected in the trial. The Trial Chamber produced numerous inconsistent decisions by denying witness protective measures in many cases.⁴⁹ It caused irreparable damage to the construction of the Prosecution case. Both crime-base witnesses and insider witnesses were threatened and intimidated in Sierra Leone and Liberia. They felt 'betrayed' by Prosecution lawyers when they were flown to The Hague and promised certain protective measures to be rendered during the trial, only to have those protective

WITNESSES' RIGHTS HAVE OFTEN BEEN GROSSLY NEGLECTED IN THE TRIAL.

measures denied. Prosecution lawyers were put under extreme professional and moral pressure by asking those witnesses to testify openly. Most witnesses were afraid for the lives of their families and loved ones while testifying thousand miles away in The Hague. Some witnesses never testified because

they were not satisfied with the proffered safety measures. One should keep in mind that Charles Taylor is still very popular in the area, thus making witnesses 'petrified' to testify (for many of them) against their former 'boss'. Many crime base witnesses live in small communities and their sudden 'disappearance' or a UN car parked next to their house is often an indicator that a person is giving testimony in the court.

Conclusion

Sierra Leone and Liberia are unique societies where victims and their perpetrators continue living side by side. Achieving justice is an arduous task in societies struggling to overcome bitter consequences of strife and war. Protection of vulnerable witnesses in international criminal proceedings deserves the utmost attention of academicians and practitioners. The courtroom should not be solely considered as the battlefield of legal arguments; it is a place where justice is given to those who suffered greatly during the course of conflicts worldwide.

The trial of Charles Taylor is an undisputed milestone in international criminal justice. Some years back nobody would have imagined that Milosevic, Taylor, Karadzic and many other high ranked officials would answer for the wrongdoing.

ings of their dictatorships. Moreover, the trial of Charles Taylor has significant larger implications for future prosecution of dictators responsible for international crimes before the International Criminal Court and other internationalized criminal tribunals. Prosecution probes into atrocities perpetrated by such criminals are often hindered in the countries that suffered from human rights abuses. Nevertheless, the world has been witnessing positive developments in the pursuit of the international criminal justice since the trial of Slobodan Milosevic up until the most recent trial of Charles Taylor. Even though Mladic, Al-Bashir and many others are still on the world's most-wanted criminals list, there is reason for hope that they will answer for wrongdoings of their dictatorships in this evolving age of accountability for international crimes. The fact that leaders of most developed countries are less prone to criminal responsibility because they represent the civilized and leading powers cannot be used as an argument for impunity. The age of ultimate criminal responsibility is yet to be seen at the international level.

Even though it is still too early to elaborate on the outcome of the trial, there is cause for optimism that in the future, justice may be delivered regardless of rank or social position. Sierra Leone is the perfect illustration of boundless human greed for diamonds. As the name 'blood diamonds' suggests, these gemstones became a symbol of thousands of ruined human lives. The magnificent legacy of the work of the Special Court for Sierra Leone stands in stark contrast to the people of Sierra Leone who suffered from some of the most heinous and brutal crimes in the history of mankind. The people of Liberia who suffered gross human rights abuses deserve justice as well. They feel that it is not fair that Charles Taylor stands trial for crimes committed in Sierra Leone, with impunity for crimes committed in Liberia. The question of whether Charles Taylor will ever answer for crimes committed in Liberia remains unresolved but should not be neglected, for delivery of justice to the people of Liberia is as relevant and necessary as in the case of Sierra Leone. ■

**SIERRA LEONE AND LIBERIA
ARE UNIQUE SOCIETIES
WHERE VICTIMS AND THEIR
PERPETRATORS CONTINUE
LIVING SIDE BY SIDE.**

-Chansonetta Cummings served as lead editor for this article.

NOTES

¹ For more detailed information see: 'Witness to Truth', Report of the Sierra Leone Truth and Reconciliation Commission, Volume 3a: Chapter 4: Nature of the Conflict, <<http://trcsierraleone.org/drwebsite/publish/v3b-c1.shtml>>, retrieved on April 10, 2009.

² S/2000/83, 3 February 2000.

³ One of the main objectives of the Commission was to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone. The Parliament of Sierra Leone recognized that such a record would form the basis for the task of preventing the recurrence of violence. Several of the themes focused on by the Commission comprise the historical record of the conflict. The Commission does not claim to have produced the complete or exhaustive historical record of the conflict. For more detailed information see: <<http://trcsierraleone.org/drwebsite/publish/intro.shtml>>, retrieved on April 10, 2009.

⁴ *Supra* note 1, Volume 3b: Chapter 1: Mineral Resources, their Use and their Impact on the Conflict and the Country, para.6.

⁵ Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, Case No SCSL-04-15-T, Transcript of 21 January 2005, TF1-071, p. 114.

⁶ *Supra* note 1, Volume 3b: Chapter 1: Mineral Resources, their Use and their Impact on the Conflict and the Country, para. 6.

⁷ The Prosecutor against Charles Taylor, Case No 03-01-T, Exhibit P-19, Ian Smillie, Diamonds, the RUF and the Liberian Connection, a report for the Office of the Prosecutor, Special Court for Sierra Leone, April 21, 2007, p.4.

⁸ *Ibid*, p. 9.

⁹ *Ibid*, p. 10.

¹⁰ Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, Case No SCSL-04-15-T, Trial Judgement, 2 March 2009, para. 976.

¹¹ *Supra* note 1, Volume 3a: Chapter 3: The Military and Political History of the Conflict, para. 115, <<http://trcsierraleone.org/drwebsite/publish/v3a-c3.shtml?page=17>>, retrieved April 10, 2009.

¹² Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, Case No SCSL-04-15-T, Exhibit 35, Salute Report of Sam Bockarie, p. 2359-2372; Transcript of 4 October 2004, John Tarnue, pp. 104-105; Transcript of 20 July 2006, TF1-371, pp. 34-36; Transcript of 24 July 2006, TF1-371, pp. 57-66.

¹³ Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, Case No SCSL-04-15-T, Exhibit 146, Human Rights Watch, We will kill you if you cry, p. 10.

¹⁴ *Ibid*, Transcript of 4 October 2004, John Tarnue, pp. 61, 79.

¹⁵ *Ibid*, Transcript of 18 July 2005, TF1-361, p. 119 (CS); Transcript of 8 November 2005, TF1-366, p. 84 (CS); Transcript of 3 May 2007, Issa Sesay, p. 57.

¹⁶ *Ibid*, Transcript of 20 July 2006, TF1-371, p. 20 (CS); Transcript of 3 May 2007, Issa Sesay, p. 44.

¹⁷ *Ibid*, Transcript of 25 April 2005, TF1-362, p. 49 (CS); Transcript of 12 July 2005, TF1-361, p. 12 (CS); Transcript of 8 Transcript of 25 April 2005, TF1-362, p. 49 (CS); Transcript of 12 July 2005, TF1-361, p. 12 (CS); Transcript of 8 November 2005, TF1-366, p. 84 (CS); Transcript of 3 May 2007, Issa Sesay, p. 57.

¹⁸ *Ibid*, Transcript of 24 January 2005, TF1-071, pp. 21-22; Transcript of 25 April 2005, TF1-362, p. 49 (CS); Transcript of 27 July 2005, TF1-036, pp. 28-29 (CS); Transcript of 31 March 2006, TF1-168, pp. 44-45 (CS); Transcript of 20 July 2006, TF1-371, p. 22 (CS); Transcript of 3 May 2007, Issa Sesay, pp. 44-45; Transcript of 18 April 2008, Morris Kallon, p. 2.

¹⁹ *Supra* note 1, Volume 3a: Chapter 3: The Military and Political History of the Conflict, para. 126, <<http://trcsierraleone.org/drwebsite/publish/v3a-c3.shtml?page=17>>, retrieved April 10, 2009.

²⁰ *Supra* note 12, para. 1985.

²¹ The Prosecutor against Charles Taylor, Case No 03-01-T, Prosecution oral submissions on a Motion for Judgment of Acquittal (Rule 98), April 9, 2009.

²² *Supra* note 12, para. 1240

²³ *Supra* note 12, para. 28.

²⁴ Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, Case No SCSL-04-15-T, Transcript of October 14, 2004, George Johnson, pp. 56-60; Transcript of November 7, 2005, TF1-174, p. 102 (CS).

²⁵ Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, Case No SCSL 04-15-T, Transcript of April 22, 2008, Alimamy Bobson Sesay.

²⁶ Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front, Lome Peace Accord, 7 July 1999, <http://www.sierra-leone.org/lomeaccord.html>, retrieved April 10, 2009.

²⁷ Statute of the Special Court for Sierra Leone, 16 January 2002, Art.1.

²⁸ The Prosecutor against Charles Taylor, Case No 03-01-PT, Prosecution Indictment, 7 March 2003.

²⁹ Geneva conventions comprise four conventions that form the basis of international humanitarian law nowadays. First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (12 August 1949), Second Geneva Convention for the Amelioration of the Condi-

tion of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (12 August 1949), Third Geneva Convention relative to the Treatment of Prisoners of War (12 August 1949), and Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (12 August 1949).

³⁰ Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977.

³¹ The Prosecutor against Charles Taylor, Case No 03-01-PT, Prosecution's Second Amended Indictment, 29 May 2007.

³² *Supra* note 25.

³³ The Prosecutor against Charles Taylor, Case No 03-01-T, Defence oral submissions on a Motion for Judgment of Acquittal (Rule 98), April 6, 2009.

³⁴ The Prosecutor against Charles Taylor, Case No 03-01-T, Decision on a Motion for Judgment of Acquittal (Rule 98), May 4, 2009, p. 24202.

³⁵ The Prosecutor against Charles Taylor, Case No 03-01-T, Prosecution Opening Statement, 4 June 2007, p. 34.

³⁶ *Ibid*, p. 30.

³⁷ *Supra* note 31.

³⁸ *Supra* note 34, p. 24205-24206.

³⁹ *Supra* note 34, p. 24220.

⁴⁰ Interview with Mr. Courtenay Griffiths QC, BBC broadcast 'Diamonds and Justice', 26 February 2008.

⁴¹ See submissions of both parties and Trial Chamber Decision. Prosecutor v. Taylor, SCSL-03-01-T-446, Public Consequential Submission in Support of Urgent Defence Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment Relating to the Pleading of JCE, 31 March 2008; Prosecutor v. Taylor, SCSL-03-01-T-463 Prosecution Response to the Defence Consequential Submission Regarding the Pleading of the JCE", 10 April 2008 and Prosecutor v. Taylor, SCSL-03-01-T-752, Decision on Public Urgent Defence Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment Relating to the Pleading of JCE, 27 February 2009.

⁴² The Prosecutor against Charles Taylor, Case No 03-01-T, Urgent Defence Motion Regarding a Fatal Defect in the Prosecution's Second Amended Indictment Relating to the Pleading of JCE", filed on 14 December 2007, para. 25.

⁴³ *Ibid*, para. 26.

⁴⁴ *Ibid*, para. 23.

⁴⁵ The Prosecutor against Charles Taylor, Case No 03-01-T-752, Decision on public urgent Defence motion regarding a fatal defect in the Prosecution's second amended indictment relating to the pleading of JCE, 27 February 2009, para. 76.

⁴⁶ The Prosecutor against Charles Taylor, Case No 03-01-T, Defence oral submissions on a Motion for Judgment of Acquittal (Rule 98), April 9, 2009, p. 24080.

⁴⁷ The Prosecutor against Charles Taylor, Case No 03-01-T, Prosecution oral submissions on a Motion for Judgment of Acquittal (Rule 98), April 9, 2009, p. 24156.

⁴⁸ Prosecutor v. Taylor SCSL-03-01-T-764, Decision on Defence application for leave to appeal the decision on urgent Defence motion regarding a fatal defect in the Prosecution's second amended indictment relating to the pleading of JCE, 18 March 2009.

⁴⁹ See, for example: Prosecutor v. Taylor SCSL-03-01-T-437 Decision on confidential Prosecution motion for additional protective measures for the trial proceedings of Witnesses TF1-515, 516, 385, 539, 567, 388 and 390, 13 March 2008 and Prosecutor v. Taylor SCSL-03-01-T-427 Decision on confidential Prosecution motions SCSL-03-01-T-372 and SCSL-03-01-T-385 for the testimonies of witnesses to be held in closed session, 27 February 2008.