

**SPECIAL COURT FOR SIERRA LEONE**  
OFFICE OF THE PROSECUTOR  
FREETOWN - SIERRA LEONE

**TRIAL CHAMBER II**

Before: Hon. Justice Richard Lussick, Presiding  
Hon. Justice Teresa Doherty  
Hon. Justice Julia Sebutinde

Registrar: Mr. Lovemore G. Munlo SC

Date filed: 24 April 2006

**THE PROSECUTOR**

Against

**CHARLES GHANKAY TAYLOR**

Case No. SCSL - 03 - 01 - PT

**PUBLIC**

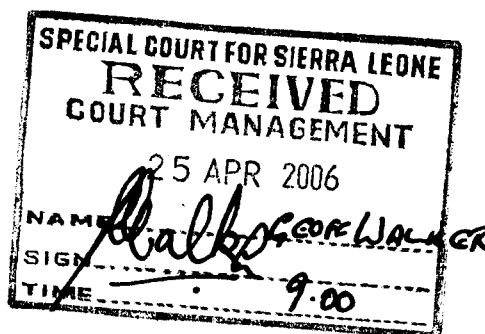
**PROSECUTION RESPONSE TO TAYLOR URGENT MOTION AGAINST CHANGE OF VENUE**

**Office of the Prosecutor**

Mr. Desmond de Silva QC  
Mr. Christopher Staker  
Mr. James C. Johnson  
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**Counsel for Charles Taylor**

Mr. Karim A. A. Khan



## I. INTRODUCTION

1. The Prosecution files this response to the motion filed by the Defence for Charles Taylor on 6 April 2006 (Registry page nos. 3254-3262) (“**Defence Motion**”)<sup>1</sup>.
2. The Defence Motion requests:
  - (a) that the Trial Chamber order that no change of venue for the proposed trial of Charles Taylor (“**Accused**”) be made without first giving the Defence an opportunity to be heard on the issue;
  - (b) that the Trial Chamber request the President of the Special Court to withdraw the requests reportedly made on behalf of the Special Court to the Government of the Netherlands and the President of the International Criminal Court (“**ICC**”) to allow the trial of the Accused at premises of the ICC in the Netherlands; or alternatively
  - (c) clarification that such requests have not been issued by the President of the Special Court and that a decision to transfer the Accused to the Netherlands has not already been made by the Special Court.
3. The Prosecution submits that the Defence Motion must be dismissed for the following reasons:
  - (a) the request for judicial relief is misplaced. The decision to authorize a Judge or Trial Chamber to exercise their functions away from the seat of the Special Court is an administrative function of the President of the Special Court. The power under Rule 4 of the Rules of Procedure and Evidence of the Special Court (“**Rules**”) is expressly conferred on the President of the Special Court, not a Trial Chamber or Judge, and is consistent with the administrative responsibilities of the President set forth in Rule 19(A);
  - (b) the Defence Motion is unfounded in that the Defence has made no showing that a change of venue has been ordered, or that the Accused has been denied any right guaranteed by Article 17 of the Statute of the Special Court (“**Statute**”);

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<sup>1</sup> *Prosecutor v. Taylor*, SCSL-03-01-PT-91.

- (c) the Special Court Agreement (“**Agreement**”), Statute, and Rules contain no requirement that the parties be heard before a decision is made to change the venue of a trial;
- (d) the Agreement, Statute, and Rules contain no requirement that it be determined that the “interests of justice” require a change of venue;
- (e) the Agreement, Statute, and Rules contain no requirement that a finding of “good cause” be made before a change of venue can be authorized; and
- (f) the Defence Motion’s reliance on the ICC procedures is misplaced.

## II. APPLICABLE RULES

4. The Defence Motion states that “The Requests purportedly made by the President of the Special Court to the Government of the Kingdom of the Netherlands and the President of the ICC were apparently based upon Rule 4 of the Rules of Procedure and Evidence.”<sup>1</sup>

5. Rule 4 provides that:

“A Chamber or a Judge may exercise their functions away from the Seat of the Special Court, if so authorized by the President”.

6. Rule 19(A) provides, in relevant part, that:

“The President shall ... coordinate the work of the Chambers...as well as exercise all other functions conferred on him by the Agreement, the Statute and the Rules.”

## III. CHANGE OF VENUE AS AN ADMINISTRATIVE FUNCTION OF THE PRESIDENT

7. The Defence request for judicial relief is misplaced. The Prosecution submits that the decision to order a change of venue is administrative, not judicial, in nature, and lies with the President of the Special Court, not with a Trial Chamber or Judge. Rule 4 gives the President the authority to determine whether a Trial Chamber or Judge may exercise their functions away from the seat of the Court. The authority conferred on the President by Rule 4 is consistent with the administrative responsibilities assigned to the President by Rule 19, in particular, Rule 19(A). Contrary to what is suggested in paragraphs 2 and 3 of the Defence Motion, there is no requirement in the Agreement, Statute or Rules that there

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<sup>1</sup> Defence Motion, para. 9.

be a *judicial* determination that a change of venue is necessary before the President makes requests of the kind referred to in paragraph 2(b) above, or before the President issues an authorization under Rule 4.

8. In addition, the Prosecution submits that, properly interpreted, Rule 4 enables the President to order that an entire trial or case be conducted by the Special Court at a location away from its seat. The Defence Motion does not appear to dispute this.<sup>2</sup>
9. Rule 4 gives effect to Article 10 of the Agreement, which provides that:

“The Special Court shall have its seat in Sierra Leone. The Court may meet away from its seat if it considers it necessary for the efficient exercise of its functions, and may be relocated outside Sierra Leone, if circumstances so require, and subject to the conclusion of a Headquarters Agreement between the Secretary-General of the United Nations and the Government of Sierra Leone, on the one hand, and the Government of the alternative seat, on the other.”

The phrase “The Court may meet away from its seat if it considers it necessary for the efficient exercise of its functions” enables the Court to conduct a trial elsewhere than at its seat. Contrary to what is suggested in paragraph 7 of the Defence Motion, this phrase is not confined, for instance, to meetings of the plenary or the hearing of a single witness away from the seat of the Court. Conducting trials is one of the “functions” of the Special Court within the meaning of Article 10 of the Agreement. On a related note, the Prosecution submits that, contrary to the Defence position, nothing in the Agreement, Statute or Rules requires the President, when acting under Rule 4, to give preference to a particular location, for example, in this case, a location in West Africa.<sup>3</sup>

#### IV. THE DEFENCE MOTION IS UNFOUNDED

10. The Defence Motion is unfounded. It makes no showing that a change of venue has been ordered, or that the Accused has been denied any right guaranteed by Article 17 of the Statute. Rather, the Defence motion requests that the Trial Chamber rely on speculation to take pre-emptive action prohibiting the President from exercising the authority given to him by Rule 4, and the functions required of him by Rule 19(A).

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<sup>2</sup> See, for instance, paragraphs 14ff of the Defence Motion.

<sup>3</sup> Defence Motion, para. 12.

11. The relief requested by the Defence referred to in paragraphs 2(a) and (b) above would accordingly be tantamount to the Trial Chamber issuing an order:

- (a) prohibiting the President from exercising his power under Rule 4 until further order of the Trial Chamber; and
- (b) of certiorari, quashing the action of the President in making the requests to the ICC and the Government of the Netherlands.

The Defence Motion nowhere addresses the jurisdiction of a Trial Chamber to issue such orders against the President of the Special Court.

12. The Prosecution does not dispute that the Trial Chamber has a duty to ensure that the rights of the Accused are respected.<sup>4</sup> However, such a duty does not mean that a Trial Chamber has an absolute power to do anything at all to protect the rights of an Accused. In particular, the Trial Chamber does not have the power to rewrite the Rules, or to give itself jurisdiction to issue orders of prohibition and certiorari to the President in order to prevent him from exercising his power under Rule 4 until the Trial Chamber has issued a judicial determination after hearing the parties. A Trial Chamber must act always within the limits of its powers and jurisdiction.

13. Furthermore, the Defence has made no showing that any action is required of the Trial Chamber to ensure the Accused's Article 17 rights are met.

- (a) The Defence Motion suggests that there would be "an appearance of unfairness" if the President made a decision unilaterally without the benefit of argument by the Accused.<sup>5</sup> However, as discussed below, there is no requirement that the parties be heard before the President can exercise his power under Rule 4.
- (b) Paragraph 11 of the Defence Motion argues that if the trial occurs in the Netherlands, the Accused will be farther from witnesses. This circumstance of itself cannot render a trial unfair. Both *ad hoc* international tribunals hear their cases outside the countries where the alleged crimes were committed, and away from the countries in which many of the prosecution and defence witnesses reside.

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<sup>4</sup> See Defence Motion, para. 13.

<sup>5</sup> Defence Motion, para. 18.

However, there has been no finding that the trials conducted by these tribunals have been unfair as a result of this reality. In addition, an accused before the Special Court enjoys the same protection of Article 17, regardless of the physical location of the trial. The fact that a trial may be held elsewhere than Freetown does not affect the application of Article 17, and thus, does not affect the fairness of the trial. Article 17(4)(b) and (e) of the Statute give an accused the right to have adequate time and facilities for the preparation of his defence, and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him, wherever the trial is held. While the distance of an accused from witnesses may be a factor in determining what is “adequate” in any given case, and what is required to obtain the attendance of witnesses on his behalf, this factor does not *per se* deprive the Accused of any right afforded him by Article 17.

- (c) The Defence Motion further argues that an exercise of the President’s power under Rule 4 would be *prima facie* discriminatory “absent a showing” why the Accused should be treated differently.<sup>6</sup> This is simply another aspect of the Defence argument that “good cause” must be shown before a change of venue can be ordered. For the reasons given below, this argument is not correct.<sup>7</sup> In addition, the President’s requests to the ICC and the Government of the Netherlands refer to concerns about regional stability if the Accused is tried in Freetown. There is no *prima facie* evidence that the President is motivated by ulterior discriminatory considerations.

## V. NO REQUIREMENT TO HEAR THE PARTIES

14. None of the documents referred to in paragraphs 4-7 of the Defence Motion can alter the ordinary meaning to be given to the terms of Article 10 of the Agreement and Rule 4 of the Rules in their context and in the light of their object and purpose.<sup>8</sup> In particular, there

<sup>6</sup> Defence Motion, para. 11.

<sup>7</sup> See Section VII of this Response.

<sup>8</sup> See Vienna Convention on the Law of Treaties, Article 31(1); Convention on the Law of Treaties Between States and International Organizations or Between International Organizations, Article 31(1). The Special Court Agreement is a treaty. The Special Court Statute was annexed to the Agreement, and is an integral part thereof (Agreement, Article 1(2)). The Rules are made pursuant to the Statute.

is nothing in the Agreement, Statute or Rules of the Special Court to suggest that a decision to exercise powers under Rule 4 can only be taken after fully hearing the parties.

15. It is the common practice of the Special Court for authorizations of the President under Rule 4 to be issued without the parties being heard.<sup>9</sup> There is certainly no requirement for the parties to be heard before the President makes requests of the kind referred to in paragraph 2(b) above.

#### **VI. NO REQUIREMENT FOR A FINDING THAT A CHANGE OF VENUE BE NECESSARY “IN THE INTERESTS OF JUSTICE”**

16. There is no requirement in the Agreement, Statute or Rules that there be a finding that a change of venue is necessary “*in the interests of justice*”. The Defence Motion notes that the “interests of justice” is the criterion specified in Rule 100 of the Rules of Procedure and Evidence of the ICC (“**ICC Rules**”) for determining whether the ICC can sit in a State other than its host State.<sup>10</sup> However, this criterion is not included in either the Statute or Rules of the Special Court. Rather, Rule 4 imposes no limitation on the exercise of the power of the President to change the venue of the trial. While Article 10 of the Agreement states that the Special Court may meet away from its seat if it considers it “necessary for the efficient exercise of its functions”, the function of determining whether this criterion has been met is one that is reposed, by virtue of Rule 4, in the President and is consistent with the responsibilities imposed on him under Rule 19(A).

#### **VII. NO REQUIREMENT THAT THERE BE A SHOWING OF “GOOD CAUSE”**

17. The Defence Motion suggests that there must be a showing of “good cause” before the Special Court can sit away from its seat.<sup>11</sup> However, contrary to what the Defence Motion suggests, there is no provision in the Agreement, Statute or Rules of the Special Court that would require any showing of “good cause” before the President makes requests of the kind referred to in paragraph 2(b) above, or before the President issues an authorization under Rule 4. In addition, it is important to note that the Defence Motion is unclear as to who is: (i) required to make a showing of “good cause” (whether it be the

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<sup>9</sup> For instance, the parties were not heard on the President’s order dated 5 April 2006, referred to in footnote 2 above.

<sup>10</sup> Defence Motion, para. 15.

<sup>11</sup> Defence Motion, para. 11.

President, or the Prosecutor, or the Registrar, or some other person or organ); or (ii) to determine whether there is “good cause”, but implies that it is the Trial Chamber.

#### VIII. RELIANCE ON ICC PROCEDURES MISPLACED

18. Paragraphs 14-17 of the Defence Motion refer to the procedures that apply at the ICC for determining whether the ICC should sit in a State other than the host State. It must be noted at the outset that the relevant wording of the Rome Statute of the ICC (“**Rome Statute**”) and ICC Rules differs significantly from the wording of the Special Court Agreement, Statute and Rules. Accordingly, there is no similarity which would support a conclusion that the Special Court should follow the procedures that would apply at the ICC.
19. In addition and more importantly, it is submitted that the analysis of the ICC’s procedures set out in the Defence Motion is not entirely correct, and that the analogy with the ICC’s procedures does not assist the Defence’s argument. Rather, the ICC’s procedures support the Prosecution’s arguments.
20. Article 62 of the Rome Statute consists of a single sentence that states “Unless otherwise decided, the place of the trial shall be the seat of the Court”. The Rome Statute does not elaborate, and by its brevity certainly does not suggest, that a decision to sit elsewhere than the seat of the Court raises fundamental fair trial issues or that a decision to sit elsewhere must be taken judicially, after hearing the parties, or that the decision must be taken in accordance with any particular criteria. The Rome Statute considers the criteria and procedure to be matters of detail, to be dealt with in Rule 100 of the ICC Rules.
21. The Defence Motion, and the author cited in paragraph 17 of the Defence Motion, appear to misunderstand the procedure under Rule 100 of the ICC Rules, since both appear to assume erroneously that the procedure involves a decision of a Trial Chamber.<sup>12</sup> Further, the Defence Motion quotes only the first two paragraphs of Rule 100 of the ICC Rules and omits the third paragraph. Therefore, a full consideration of the ICC procedure is not given.

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<sup>12</sup> It should, however, be noted that the author in question may have been writing before the ICC Rules had been adopted, and may have been expressing views based on the text of Article 62 of the Rome Statute alone.



22. Under Rule 100(2), an application or recommendation for the Court to sit elsewhere may be made *to the Presidency* by either (1) the Prosecution, (2) the Defence or (3) a majority of the Judges *of the Court* (not a majority of the Judges *of the Trial Chamber seized of the case*).<sup>13</sup> Furthermore, such an application or recommendation may be made to the Presidency directly by the Prosecution or the Defence, without the other party or the Trial Chamber being involved at that point.
23. Once the Presidency of the ICC receives such an application or recommendation, the Presidency is required to ascertain the views of the relevant Chamber (Rule 100(2)) and the views of the State in which it is proposed to conduct the trial (Rule 100(3)). There is no requirement that the Presidency ascertain the views of *the parties*.<sup>14</sup> In any event, the Presidency of the ICC is an administrative, not judicial, body and its decisions are administrative.<sup>15</sup> Even if the Presidency were to hear the parties, it would not be by way of judicial hearing, but by way of consultation in the course of taking an administrative action. Rule 100(3) of the ICC Rules then makes it clear that the final decision whether the ICC is to sit away from its seat is one that is taken by all of the Judges of the Court, in plenary session, by a two-thirds majority. Again, the plenary session (the “**Plenary**”) is not a judicial body, and its decisions are not judicial decisions.<sup>16</sup> Furthermore, there is no requirement in this Rule that the Plenary hear the parties before making its decision.

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<sup>13</sup> Where such an application or recommendation is made to the Presidency by a majority of the Judges of the Court, there is no requirement for all of the Judges of the Court to hear the parties before making the recommendation, and indeed, it is difficult to see how this could be done.

<sup>14</sup> The author cited in paragraph 17 of the Defence Motion states that it would be “at least advisable ... in cases of doubt” for the Presidency to give the parties a hearing, but nowhere suggests that this is necessary.

<sup>15</sup> Under Article 38 of the Rome Statute, the Presidency of the ICC consists of the President and the First and Second Vice-Presidents. The functions of the Presidency consist of “The proper administration of the Court, with the exception of the Office of the Prosecutor” and other functions conferred upon it in accordance with the Statute (Rome Statute, Article 38(3)). These other functions include, for instance, deciding when judges shall discharge their duties on a full-time basis (Rome Statute, Article 35(2)); proposing an increase in the number of judges composing the Court (Rome Statute, Article 36(2)(a)); proposing a reduction in that number (Rome Statute, Article 36(2)(c)(ii)); provisional assignment of a judge of the Trial Chamber to the Pre-Trial Chamber (Rome Statute, Article 39(4)); excusing a judge from his functions (Rome Statute, Article 42(1)); and, in agreement with the Registrar and the Prosecutor, proposing the Statute of their Staff (Rome Statute, Article 44(3)).

<sup>16</sup> The other functions of the Plenary include the election of the President of the Court and the Vice-Presidents, the assignment of Judges to Chambers (Rule 4(1) of the ICC Rules), the adoption of the Regulations of the Court (Rule 4(5) of the ICC Rules), the election of the Registrar and Deputy Registrar (Rule 12 of the ICC Rules), the removal of a Registrar or Deputy Registrar, and the making of recommendations for the removal of a Judge (Rule 29 of the ICC Rules).

24. Thus, contrary to what the Defence Motion appears to suggest, at no stage of the Rule 100 procedure is there a *judicial* determination or a hearing of the parties in judicial proceedings. The entire process is an administrative one. The reference in the Defence Motion to the practice of the ICC simply does not support the Defence's argument.

#### IX. OTHER CONCERNS


25. The Prosecution is compelled to raise a concern that the Accused has not acted in good faith in instructing his counsel in this matter. Prior to his transfer to the Special Court, individuals allegedly speaking on behalf of the Accused stated that the Accused wanted to be tried elsewhere than Sierra Leone, specifically in the Hague (see Annex A). Since the Accused's transfer, there has been speculation that the trial will be held outside Sierra Leone, and now the Accused has apparently instructed counsel to submit a motion requesting that his trial be held in Sierra Leone. Given the prior pronouncements allegedly made by the Accused or on his behalf, the Prosecution is concerned this instruction to counsel may be in bad faith and made with the sole aim of using the processes of the Special Court for political purposes.

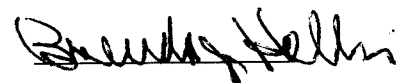
#### X. CONCLUSION

26. For the reasons given above, the Defence Motion should be dismissed.

Filed in Freetown,  
24 April 2006

For the Prosecution,

  
James C. Johnson  
Chief of Prosecutions

  
Brenda J. Hollis  
Senior Trial Attorney

**INDEX OF AUTHORITIES**

1. *Prosecutor v Taylor*, SCSL-03-01-PT-91, “Order Pursuant to Rule 4”, 5 April 2006;
2. Rules of Procedure and Evidence of the Special Court for Sierra Leone as amended the 14 May 2005;
3. Statute of the Special Court for Sierra Leone, 16 January 2002;
4. Vienna Convention on the Law of Treaties, 1969, Article 31(1);
5. Vienna Convention on the Law of Treaties Between States and International Organizations or Between International Organizations, 1986, Article 31(1);
6. Rome Statute of the International Criminal Court, 1998, Articles 35, 36, 38, 39, 42, 44 & 62;
7. Rules of Procedure and Evidence of the International Criminal Court, 1998, Rules 4, 12, 29 & 100.

## INDEX OF ATTACHMENTS

### A. Media Articles

- (i) Njanji, Susan, "Concern over Taylor trial," *Business in Africa online*, 5 April 2006.  
([http://www.businessinafrica.net/news\\_in\\_brief/all/184148.htm](http://www.businessinafrica.net/news_in_brief/all/184148.htm))
- (ii) Njanji, Susan, "Liberia's Taylor pleads not guilty to crimes against humanity," *Middle East Times Online*, 4 April 2006.  
(<http://www.metimes.com/print.php?StoryID=20060404-101031-2978r>)
- (iii) Rice, Xan, "Liberia's former leader vanishes days before extradition," *The Guardian*, 29 March 2006.  
(<http://www.guardian.co.uk/international/story/0,,1741667,00.html>)
- (iv) "Liberian warlord agrees to trial in The Hague," [www.businessghana.com](http://www.businessghana.com), 29 March 2006.  
(<http://www.businessghana.com/portal/news/index.php?op=getNews&id=40115>)
- (v) Winter, Joseph, "Taylor trial may be out of Africa," *BBC News website*, 30 March 2006.  
(<http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/africa/4345120.stm>)



## Concern over Taylor trial

'05-APR-06 05:07'

By Susan Njanji

FREETOWN - Rights groups in Sierra Leone said they feared former Liberian president and warlord Charles Taylor, on trial for crimes against humanity, could undermine - or even escape - international justice.

Taylor pleaded not guilty during his first appearance at a United Nations-backed court to charges including murder, mutilation, sexual slavery and use of child soldiers during a decade of atrocities in Sierra Leone.

But what is concerning some associations and victims? groups is whether he will be tried, as he wants, in the country that bore the brunt of a civil war he is accused of sponsoring.

The special court, with the backing of the US and Liberian governments, has asked to relocate the trial to The Hague, in the Netherlands, fearing it could otherwise destabilise the fragile peace in West Africa.

Rights groups fear Taylor - who had originally campaigned for a trial in Europe - has an ulterior motive for now wanting it in Sierra Leone.

"He is a sly character, I believe he is not sincere in any way," said Festus Minah, head of a 150-strong Civil Society Movement of Sierra Leone.

"I know he wants to get an opportunity to maintain contact with his groups in Liberia and Sierra Leone," Minah said.

Charles Caulker, of the Forum of Conscience, said a trial in Sierra Leone would have huge security implications.

"He is a wealthy man, don't mind him claiming he is broke and that he can't afford legal fees," he said.

"He was aware the court was looking for him and he had enough time to put in place a fallback option." Taylor was hauled to Freetown last week after being caught trying to flee from his sanctuary in Nigeria, and has a previous record of escaping from a US jail.

Minah said people were "apprehensive about his ability to stage another escape. He has too many networks."

Like other suspects here, Taylor is expected to enjoy all rights including visitors, and an official said the Special Court did not monitor conversations between detainees and their visitors.

Corine Dufka, of the Dakar-based regional office of the rights group Human Rights Watch, said there may be a plan to swing him out of the tightly guarded complex where he is detained.

"It is possible there is an attack against the court," said Dufka.

A Western diplomat in Freetown said Taylor wanted to maintain his presence close to Liberia where he represented "a real political threat".

In contrast, some civic organisations and victims pushing for a trial in Sierra Leone say Taylor's change of heart is typical.

"That's not a surprise to some of us, Charles Taylor is like a chameleon, he will keep changing," said Charles Mambu of the Coalition of Civil Society and Human Rights.

He dismissed the security fears, saying Taylor's "backbone has been broken" by the political upheavals in West Africa.

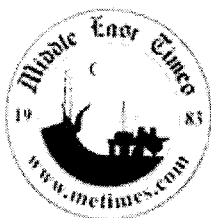
"Even if he is freed today, Taylor will not be able to do anything, there is totally no possibility," said Mambu.

"All he is doing now is like a dying horse."

Caulker compared Taylor's dismissal of the court's jurisdiction to try him as typical of the flamboyant ex-leader.

"It was like watching another Saddam Hussein," he added.

*Sapa-AFP*



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GREEK PROMOTION

## Liberia's Taylor pleads not guilty to crimes against humanity

Susan Njanji  
AFP  
April 4, 2006

**FREETOWN --** Liberian former president Charles Taylor, once one of Africa's most feared men, pleaded not guilty on Monday to charges of crimes against humanity during years of atrocities in Sierra Leone.

He was remanded in custody to a date yet to be fixed. He did not apply for bail during the landmark hearing but said he preferred to be tried in Sierra Leone.

"Most definitely, I'm not guilty," Taylor told Judge Richard Lussick at the UN-backed Special Court for Sierra Leone. "Most definitely, I did not and could not have committed these acts against the sister republic of Sierra Leone," he insisted, after Krystal Thompson, the court's manager, read out the 11-count indictment against Taylor related to murder, sexual slavery, use of child soldiers and mutilation.

It was the first court appearance of the ex-warlord, and a landmark one making him the first former African president to answer charges of crimes against humanity.

"I think this is an attempt to continue to divide and rule the people of Liberia and Sierra Leone," said Taylor after he questioned the authority of the court to try him.

The former strongman questioned the jurisdiction of the court but later said he preferred the trial to take place in Sierra Leone. The Special Court has sought to have the trial moved to The Hague due to security concerns.

"I do not recognize the jurisdiction of this court... its right to exercise jurisdiction over me as the 21st president of the republic of Liberia," said Taylor.

Taylor was last month reportedly in favor of facing trial in The Hague. His victims said they would like to see him tried here "to face the bitterness of the war" in Sierra Leone.

Principal court defender Vincent Nmehielle said Taylor preferred to have the "domestically-based trial" take place in the region for ease of logistics. "He wants to be tried in Sierra Leone and



**SPECTACLE:** Family members of former warlord and ex-Liberian president Charles Taylor and spectators watch through a window as Taylor pleads not guilty to charges of crimes against humanity and challenges the court's authority.

(REUTERS)

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nowhere else," to facilitate his witnesses and family from Liberia to attend, said Nmehielle.

Nmehielle, a Nigerian, later told journalists he was not clear what the next step would be with regards to the request to have The Hague host the high profile trial.

Taylor also expressed reservations about the way he was brought to Sierra Leone as his par stalwarts announced in Monrovia they were considering legal action against Liberia and Nige over Taylor's arrest.

The National Patriotic Party said on Monday it viewed Taylor's deportation from Nigeria to Lit and his subsequent transfer to Sierra Leone "as not only illegal, but a flagrant violation of cardinal constitutional rights of a Liberian citizen, and especially a breach of the Liberian constitution as it relates to a former president who was never charged with any crime[s] while serving as president".

Taylor, 58, who is considered the single most powerful figure behind a series of civil wars in Liberia and neighbouring Sierra Leone between 1989 and 2003, which between them left arc 400,000 people dead, said he feared for his life in detention.

"He fears for his life and therefore would express that as a concern: particularly, according to him, in view of the fact that Mr. Foday Sankoh [former Sierre Leonean rebel leader] died in detention while at this court, and also in view of the fact that recently Mr. [former Yugoslav president Slobodan] Milosevic died in detention and therefore he fears for his life," said Nmehielle.

Taylor's sister told AFP by telephone from Ghana that his life was their greatest worry.

"We would like as family to see that Mr. Taylor has a fair and impartial trial. We are also concerned about his safety... two people have died in the custody of these UN courts, that's biggest concern," said Thelma Taylor Saye.

Nmehielle, the court's chief defender, said Taylor, who allegedly sponsored the rebellion in Sierra Leone in exchange for so called 'blood diamonds', was unable to pay for legal representation.

"From the information contained in the declaration of means, as at present, the accused pers will require legal assistance because he could be deemed partially indigent," he said. Taylor received advice on Monday from six lawyers from the US, Liberia and Ghana.

Taylor, who appeared wearing a dark suit and brown tie, blew kisses to the public and smile broadly as he left the courtroom at the end of the first court appearance. If convicted Taylor f a lengthy prison term, but there is no death penalty, according to court officials.

The actual trial is not expected to begin for months at least, as the court has said it wants the proceedings moved to The Hague. It has also cited lack of adequate space this year at the courthouse in Freetown.



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## Liberia's former leader vanishes days before extradition

Xan Rice in Nairobi  
Wednesday March 29, 2006

Guardian

Charles Taylor, Liberia's former leader, has disappeared from his safe haven in Nigeria days before he was due to be transferred to a war crimes court.

Nigeria said yesterday that Mr Taylor had slipped his minders at his villa in the south-eastern town of Calabar on Monday night. Just 48 hours earlier Olusegun Obasanjo, Nigeria's president, had agreed to a request from Liberia to give up Mr Taylor, whom he had granted exile under a 2003 peace deal. Remi Oyo, a spokeswoman for Mr Obasanjo, said the president had set up a panel to investigate whether Mr Taylor "escaped or was abducted". "All the security people who were in charge of looking after Mr Taylor have been arrested," she said.

Mr Taylor's disappearance confirmed the worst fears of human rights groups and prosecutors who had warned that Mr Taylor could escape if he was not detained by the Nigerian authorities.

Journalists who visited Mr Taylor's riverside villa last week reported that there was little security. But despite requests from the US and the UN-backed special court in Sierra Leone, which has indicted Mr Taylor for fuelling a war there, Nigeria refused to arrest him and maintained that it was up to Liberia to "take him into custody".

Mr Taylor's escape is embarrassing for Mr Obasanjo, who is due to visit the US tomorrow. The US is understood to have pressured Liberia's president, Ellen Johnson-Sirleaf, into requesting Mr Taylor's extradition. Nigeria's acquiescence took many observers by surprise as it sent a dangerous message to some other African leaders that they could no longer take life in exile for granted.

News of Mr Taylor's disappearance will be greeted with dismay in Liberia, which is struggling to restore normality after a 14-year civil war. Mr Taylor is known to have supporters there who have threatened a return to the chaos that marked his rule. Kilari Anand Paul, an Indian-American evangelist who describes himself as Mr Taylor's "spiritual adviser", told AFP yesterday that Mr Taylor had agreed to stand trial in The Hague.

"He has also agreed to go to Liberia, but he has totally refused to go to Sierra Leone and face charges there," said Mr Paul. He said that Mr Taylor had submitted political asylum requests to Syria, Libya, Venezuela and Ethiopia.

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## Liberian warlord agrees to trial in The Hague- Aide

**News Date:** 29th March 2006

Fugitive Liberian warlord Charles Taylor has "agreed" to stand trial at the international tribunal in the Hague, but not in Sierra Leone where he faces an indictment for alleged crimes against humanity, his spiritual counsellor said.

Hindu-born, Houston-based evangelist Kilari Anand Paul said he was looking for political asylum for the former Liberian leader, who has disappeared from the Nigerian villa in which he was living in exile.

"Charles Taylor has agreed to go to The Hague to face charges. He has also agreed to go to Liberia, but he has totally refused to go to Sierra Leone and face charges there," Paul, 42, told AFP during a visit to Addis Ababa.

"Our first priority is to find political asylum for him to stabilize the situation. I made a big mistake to take him to Nigeria," he added.

Paul said a country, which he refused to name, had agreed to give Taylor political asylum, but four others are yet to state their position.

"I am waiting for the green light from Syria, Libya, Venezuela and Ethiopia to give asylum. A fifth country has completely agreed to give him asylum," said the evangelist, who was in Liberia in 2003 to help persuade Taylor to step down.

"My first choice is to bring him to Ethiopia because it is the second most populous country in (Africa) and it is very stable ... Ethiopia has given positive signs about welcoming Charles Taylor," said Paul, who claimed that he met Ethiopian President Girma Wolde-Giorgis on Sunday.

(located at:

<http://www.businessghana.com/portal/news/index.php?op=getNews&id=40115>)

## Taylor trial may be out of Africa

By Joseph Winter  
BBC News website

**Liberia's former President Charles Taylor is finally in a detention centre in Sierra Leone, three years after a warrant for his arrest was first issued by a UN-backed war crimes court.**

However, for security reasons, the trial might in fact take place in The Hague, rather than in the Sierra Leone capital, Freetown.

US President George W Bush supports a change of venue and the Dutch foreign ministry says it has received a formal request from the Special Court for Sierra Leone.

Human rights groups accuse Mr Taylor of being responsible for wars and instability across West Africa in the 1990s.

They say he retains the ability to mobilise a fighting force of armed young men, as he has in the past, which could threaten the new-found peace in Sierra Leone and Liberia.

His presence in Freetown could prove a magnet for such a guerrilla army, which would have little chance of reaching The Hague.

The suggestion that Mr Taylor be tried in The Hague, though still under the jurisdiction of the Sierra Leone court, was first mentioned by the court's chief prosecutor Desmond de Silva to the BBC News website last year.

**From the evidence we have, he used our diamonds to fuel the war and cause untold hardship to our nation**

Frederick Carew  
Sierra Leone justice minister

"Mr Taylor undoubtedly still controls forces which could destabilise the region," said the British lawyer.

"A number of countries - both Western and African - take the view that perhaps the interests of peace and security could best be served by a trial outside the region."

Mr de Silva now, however, says he is satisfied with the new security arrangements in place - a contingent of UN peacekeepers is guarding the court, even though the UN peacekeeping force has officially pulled out of Sierra Leone.

A trial in The Hague might also placate the fears of some Liberians who fear Mr Taylor would not receive a fair trial in Freetown, even if the judges were international.

3282

The former Liberian leader's spiritual advisor, Kilari Anand Paul, says Mr Taylor would be happy to face a trial in The Hague.

### **Controlling forces**

The Sierra Leonean Revolutionary United Front rebel group, which Mr Taylor is accused of arming in exchange for diamonds, was guilty of horrendous atrocities: murder, rape and the systematic mutilation of tens of thousands of civilians by hacking off their feet or hands with machetes and axes.

Lamin Jusu-Jarka, chairman of Sierra Leone's War Affected Amputee Association, had both his arms hacked off during the conflict.

He says he would be happy as long as Mr Taylor faces justice, wherever that may be.

"That man is a great enemy to our country. If people see him here, they will want to kill him," said Freetown taxi-driver Gibrilla.

Sierra Leonean Justice Minister Frederick Carew is more diplomatic, but just as keen to see Mr Taylor face justice.

"From the evidence we have, he used our diamonds to fuel the war and cause untold hardship to our nation," he said.

And yet he retains considerable popularity in his home country.

James Bleetan, editor of the New Standard newspaper, says if Mr Taylor had contested the Liberian polls, he would have won easily - as he did in the previous elections in 1997.

### **Support**

None of the 22 candidates to replace Mr Taylor was eager to mention him during the campaign, not wanting to commit themselves either way for fear of alienating either the international community or potential voters.

Even the leader of what was once Mr Taylor's ruling National Patriotic Party, Roland Massaquoi, tried to keep quiet.

But his party members showed their true feelings during their rally, chanting: "Our pappy, dat dey carry, dey go bring back" - Liberian English for "Our leader, who they took away, will be brought back".

But seeing him arrested as soon as he set foot on Liberia soil and sent off to Sierra Leone in handcuffs is not what they had in mind.

After taking office in January, Liberia's President Ellen Johnson-Sirleaf said reconstruction and development were her priority, not Mr Taylor.

Yet only two months later, it emerged that she had formally asked Nigeria, where Mr Taylor had gone into exile, to extradite him.

Some suspect that she came under strong pressure from the international community, particularly the US, to answer the Taylor question once and for all.

3283

Turning him over for trial in The Hague just might be acceptable to all concerned, and allow both Liberia and Sierra Leone to concentrate on the huge task of rebuilding their shattered nations.

Story from BBC NEWS:

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/4345120.stm>

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