



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

Wednesday, 16 May 2012
09.30 a.m
SENTENCING HEARING

TRIAL CHAMBER II

Before the Judges:

Justice Richard Lussick, Presiding
Justice Teresa Doherty
Justice Julia Sebutinde

For Chambers:

Ms Doreen Kiggundu
Ms Diana Goff
Ms Helen Worsnop
Ms Yael Rothschild
Ms Elizabeth Budnitz
Ms Rebecca Browning

For the Registry:

Ms Fidelma Donlon
Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr James C Johnson
Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Nina Tavakoli
Ms Ruth Mary Hackler
Ms Leigh Lawrie
Mr Christopher Santora
Ms Kathryn Howarth
Ms Ula Nathai-Lutchman
Mr James Pace
Mr Corman Kenny
Ms Danielle Fritz

For the accused Charles Ghankay Taylor:

Mr Courtenay Griffiths, QC
Mr Terry Munday
Mr Morris Anyah
Ms Logan Hambriek
Ms Alexandra Popov
Mr Michael Herz
Ms Szilvia Csevar
Ms Habi batou Gani
Ms Carly Lenhoff
Mr James Kamara

Office of the Principal Defender:

Ms Claire Carlton-Hanciles

1 Wednesday, 16 May 2012

2 [Sentencing Hearing]

3 [Open Session]

4 [Accused Present]

09:31:52 5 THE REGISTRAR: The Special Court for Sierra Leone is
6 sitting in an open session for Sentencing Hearing in the case of
7 the Prosecutor versus Charles Ghankay Taylor, Justice Richard
8 Lussick presiding.

9 PRESIDING JUDGE: Good morning. We will take appearances
09:32:36 10 first, please.

11 MS HOLLIS: Good morning, Mr President, Your Honours,
12 opposing counsel.

13 For the Prosecution today, Brenda J. Hollis,
14 Nicholas Koumjian, Mohamed A. Bangura, James C. Johnson,
09:32:55 15 Ruth Mary Hackler, Leigh Lawrie, Nina Tavakoli,
16 Christopher Santora, Kathryn Howarth, Ula Nathai-Lutchman, James
17 Pace, Cóman Kenny, and our intern, Danielle Fritz.

18 PRESIDING JUDGE: Thank you.

19 MR GRIFFITHS: Good morning, Your Honours, counsel
09:33:19 20 opposite.

21 For the Defence today, myself, Courtenay Griffiths, Queen's
22 Counsel. With me, Mr Terry Munyard, Mr Morris Anyah, Ms Logan
23 Hambriek, co-counsel. We are also joined by Ms Claire
24 Carlton-Hanciles, who is the Principal Defender, and also our
09:33:43 25 legal assistants Michael Herz, Szilvia Csevar, Alexandra Popov,
26 Habi batou Gani, and also Carly Lenhoff, our intern, and finally
27 James Kamara, our team administrator.

28 PRESIDING JUDGE: Thank you.

29 Well, we have two preliminary matters to mention. The

1 first matter is the delivery of the full judgement, which is a
2 huge judgement. The Trial Chamber had aimed at having it
3 published last Monday. However, the technicians who were
4 formatting the judgement for publication have had challenges due
09:34:31 5 to the voluminous size of the judgement, and they was not able to
6 meet the Monday dead-line.

7 However, they have guaranteed that the judgement will be
8 ready for publication before close of business this Friday.

9 Now, the second matter is as follows: Before proceeding
09:34:58 10 today, it gives us no pleasure to have to place on record some
11 explanation for the extraordinary situation which occurred at the
12 end of the previous sitting of the Trial Chamber on 26th of
13 April, 2012, on which date the Trial Chamber delivered its
14 summary judgement.

09:35:25 15 On that date, at the conclusion of the proceedings, the
16 Alternate Judge, without any notice to the Trial Chamber,
17 proceeded to deliver his own opinions from the bench on the
18 judgement that had just been delivered on these proceedings and
19 on the Special Court itself. What the Alternate Judge did was in
09:35:56 20 contravention of the agreement, the Statute, and the Rules which
21 govern this Court and amounted to misconduct.

22 The purpose of attaching an Alternate Judge to a Trial
23 Chamber is that he can be designated to replace a sitting Judge
24 if that Judge is unable to continue sitting. See Article 12 of
09:36:23 25 the Statute. No such designation has been made in the present
26 case. Further, during the proceedings, the Alternate Judge may
27 pose questions through the Presiding Judge, but there is no other
28 entitlement for an Alternate Judge to speak during court
29 proceedings. See Rule 16 bis (B). Moreover, an Alternate Judge

1 does not have any say in decisions of the Trial Chamber. He is
2 obliged to be present during deliberations off the Trial Chamber,
3 but he is not entitled a vote thereat. See Rule 16 bis (C). It
4 follows that it was wrong for the Alternate Judge, who has not
09:37:15 5 been designated to replace a sitting Judge, to offer an opinion,
6 whether dissenting or concurring, on a judgement of Trial
7 Chamber.

8 The behaviour of Judge Sow was referred by the Council of
9 Judges to a plenary meeting of the Judges of the Special Court.
09:37:34 10 We three Trial Chamber Judges abstained from voting at that
11 plenary.

12 I will now read onto the record the resolution of the
13 plenary.

14 Resolution on complaint by Trial Chamber II against Justice
09:37:57 15 Malick Sow. The Judges of the Special Court for Sierra Leone
16 sitting on the 7th and 10th of May, 2012, in the 17th plenary of
17 Judges, pursuant to Rule 15 bis (B) of the Rules of Procedure of
18 Evidence of the Special Court which mandates the Council of
19 Judges who refer an allegation of unfitness of a Judge to sit to
09:38:27 20 the plenary if it determines that, one, the allegation is of a
21 serious nature, and two, that there appears to be a substantial
22 basis for same.

23 Pursuant also to Rule 24(iii) of the Rules, which provides
24 that the Judges shall meet in plenary to decide upon matters
09:38:53 25 relating to the internal functioning of the Chambers and the
26 Special Court, seized of the complaint by the Judges of Trial
27 Chamber II, dated 26th of April, 2012, against Justice Malick
28 Sow, Alternate Judge, considering the response of Justice Malick
29 Sow, dated the 1st of May, 2012, to the complaint, having also

1 considered the views and recommendations of the Judges on the
2 matter and the response of Justice Malick Sow to those views
3 pursuant to Rule 15 bis (C) have reached the following
4 conclusions:

09:39:39

5 1. The plenary declares that Justice Malick Sow's
6 behaviour in court on the 26th of April, 2012, amounts to
7 misconduct rendering him unfit to sit as an Alternate Judge of
8 the Special Court.

09:40:03

9 2. The plenary recommends to the appointing authority
10 pursuant to Rule 15 bis (B) to decide upon the further status of
11 Justice Malick Sow.

12 3. Pursuant to Rule 24(iii), the plenary directs Justice
13 Malick Sow to refrain from further sitting in the proceedings
14 pending a decision from the appointing authority.

09:40:28

15 Done in Freetown, Sierra Leone, this 10th day of May, 2012,
16 for and on behalf of the plenary, signed by the President Justice
17 Jon Kamanda.

18 Now, Ms Hollis, you have one hour to address the Court and
19 that will start from now which will bring you up to 20 to 11.00
20 you must complete your address.

09:41:05

21 MS HOLLIS: Thank you, Mr President. May it please the
22 Court. In arriving at a sentence --

23 PRESIDING JUDGE: I'm sorry. I didn't see you standing
24 there.

09:41:13

25 MR GRIFFITHS: I apologise to my learned friend. Your
26 Honour, can I ask -- raise two matters, preliminary matters,
27 regarding the timing of the proceedings today. I don't know
28 whether Your Honours were considering have a mid-morning break at
29 some stage, but it would perhaps assist us if that were to be

1 taken after my learned friend had concluded her submissions.

2 And the second request is that Mr Taylor, when he makes his
3 statement, be allowed to make that statement from the witness
4 table.

09:41:54 5 PRESIDING JUDGE: Well, we -- actually, Mr Griffiths, we
6 were not thinking of having a mid-morning break, but you're
7 saying you need it for some particular purpose?

8 MR GRIFFITHS: Well, it would be useful to have a
9 discussion with Mr Taylor before he commences.

09:42:30 10 PRESIDING JUDGE: We don't have any problem with a break,
11 Mr Griffiths, but were you thinking of have it before you
12 actually address or before Mr Taylor has something to say?

13 MR GRIFFITHS: Well, We'd prefer it -- we would prefer it,
14 Your Honours, before I addressed the Court.

09:42:48 15 PRESIDING JUDGE: And are you asking for -- we had in mind
16 something like 15 minutes.

17 MR GRIFFITHS: That would be more than adequate,
18 Your Honour.

19 PRESIDING JUDGE: All right. Any problems with that,
09:43:11 20 Ms Hollis?

21 MS HOLLIS: Not all, Mr President.

22 PRESIDING JUDGE: All right, thank you. Well, we have
23 noted the time and we'll give you one hour from now.

24 MS HOLLIS: Thank you, Mr President. May it please the
09:43:24 25 Court.

26 In arriving at a sentence in this case, we agree with the
27 Defence that Your Honours should look at the gravity of the
28 crimes and the specific conduct of the accused in relation to
29 those crimes, and we suggest the recommended sentences are

1 properly reflective of both of these factors.

2 In relation to an assessment of the gravity of crimes of
3 which Mr Taylor has been convicted, we agree with the Defence
4 that such assessment should include the, in our view, massive
09:43:56 5 scale and, in our view, extreme brutality of these crimes, the
6 vulnerability of the victims, and of course the impact on the
7 victims and their relatives, both then and now.

8 The sentence in this case, we suggest, should not give
9 Mr Taylor a volume discount for these crimes committed on a
09:44:21 10 massive scale but must be reflective of that scale. We are here
11 not because there was a war in Sierra Leone, not because there
12 was an invasion of Sierra Leone, but because of the crimes
13 committed during that war and crimes committed as part of a
14 widespread and, in this case, systemic attack against the
09:44:43 15 civilian population of Sierra Leone.

16 It is entirely proper then, as Your Honours have made
17 clear, that the gravity of the crime is the primary
18 consideration, the litmus test, in determining an appropriate
19 sentence. That litmus test, in this case, we suggest, supports
09:45:03 20 the sentences recommended by the Prosecution.

21 Given the unimaginable scale and brutality of the crimes
22 planned and facilitated by Mr Taylor, it is perfectly
23 understandable that the Defence would choose to ignore or
24 downplay the gravity of these crimes, ignore the victims, but
09:45:27 25 Your Honours do not have that luxury. It is instead your
26 obligation to consider the impact of these crimes on those who
27 have suffered from them.

28 Those who were murdered cannot speak. We have only the
29 survivors who bore witness before you. Some of these brave

1 survivors came to this Court and recounted the nightmare that
2 they and others have lived through. Unforgettable testimony of
3 unspeakable horror. Brave people like the Reverend Tamba Teh,
4 who told us about seeing a group of over 50 bodies decapitated by
09:46:06 5 child soldiers on the orders of an RUF commander. We can only
6 imagine the terror of those in Freetown in January of 1999 during
7 the attack on that city and also those in Freetown and the
8 surrounding area during the retreat from that city which was the
9 successful culmination of the offensive Mr Taylor planned with
09:46:28 10 Sam Bockarie.

11 But we heard of the terror from survivors and perpetrators
12 who spoke to you of the wave of terror, the burning, the killing,
13 the amputating, and the raping. The gravity, including the
14 scope, brutality, and severe and ongoing impact of these crimes
09:46:48 15 on the multitude of victims and their relatives more than
16 justifies the sentences the Prosecution has recommended.

17 In regarding to your assessment of Mr Taylor's specific
18 conduct in relation to the crimes of which he has been convicted,
19 the Defence submissions ignore or dispute many of your key
09:47:09 20 findings, findings which fully justify the recommended sentence.

21 First, in regard to Mr Taylor's role in the attacks in
22 Kono, Makeni, and Freetown, in an Operation most aptly named
23 Operation No Living Thing. Now, of course Mr Taylor's sentence
24 must be considered in light of the gravity, scale and nature of
09:47:36 25 this operation, an offensive which included crimes not only in
26 the city of Freetown but also leading into and out of the
27 capital, including the Western Area, Makeni, and of course, Kono.

28 In its entirety, this operation was the largest single
29 offensive within the Court's temporal jurisdiction. Mr Taylor's

1 role in the operation and his crimes was direct. Not only did he
2 provide the means for the operation to happen, it was his and Sam
3 Bockarie's planning that allowed it to happen, and the crimes
4 flowed directly from that plan.

09:48:16 5 In regard to Mr Taylor's role in this operation, the
6 Defence ignores or disputes the following key findings.
7 Your Honours found that the plan for this offensive, for these
8 attacks on Kono, Makeni, and Freetown, was made in Monrovia by
9 Charles Taylor and Sam Bockarie. The Defence, however, rejects
09:48:40 10 that finding and argues to you that the plan originated with Sam
11 Bockarie before he left for Monrovia. Your Honours found that it
12 was Charles Taylor who told Sam Bockarie to make this operation
13 fearful. The Defence, however, ignore this finding, instead
14 arguing that they - meaning both Charles Taylor and Sam Bockarie
09:49:03 15 - designed the operation to be fearful.

16 The Defence arguments at paragraphs 68 et seq that
17 Charles Taylor is less culpable for the planning of Freetown than
18 is Sam Bockarie not only ignore or dispute the findings that
19 Mr Taylor was a co-author of the plan and that it was he who told
09:49:25 20 Sam Bockarie to make the plan fearful and to use all means to get
21 to Freetown, the arguments also ignore or dispute your finding
22 that at the time of this plan, Charles Taylor was well aware of
23 the crimes committed by the AFRC/RUF forces in the course of
24 their military operations and aware that their war strategy was
09:49:45 25 explicitly based on a widespread or systematic campaign of crimes
26 against civilians.

27 They also ignore your finding that by his instruction to
28 make the operation fearful, which was repeated many times by
29 Sam Bockarie during the course of the Freetown invasion, and by

1 his instruction to use all means, the accused demonstrated his
2 awareness of the substantial likelihood that crimes would be
3 committed in the execution of the plan.

4 This awareness of the brutal crimes being committed by the
09:50:25 5 AFRC/RUF makes Mr Taylor's co-authorship of the plan and his
6 imperative that it be fearful and to use all means even more
7 egregious. The Defence argument that planning this operation
8 does not warrant punishment for all crimes committed subsequent
9 to the plan, ignores or disputes your finding that the crimes
09:50:43 10 committed during the execution of this plan, including during the
11 retreat from Freetown, resulted directly from the Bockarie/Taylor
12 plan.

13 Not only does the Defence attempt to downplay your findings
14 in regards to Taylor's role as a planner of that offensive, they
09:51:05 15 also attempt to downplay his role in support of that operation.
16 Your Honours found that Charles Taylor's support was
17 indispensable to the acquisition and transport of materials which
18 was used during this operation, and that this material was
19 critical to the perpetrator's ability to carry out this
09:51:23 20 operation, this most horrific chapter in the ongoing horrific
21 campaign of atrocities.

22 In addition, as you pointed out, Mr Taylor stayed engaged
23 in the operation as it was carried out. You found that Mr Taylor
24 gave advice to Sam Bockarie and received updates in relation to
09:51:43 25 the progress of the operations in Kono and Freetown and the
26 implementation of their plan. You found that Bockarie was in
27 frequent contact by a radio or satellite phone with Taylor,
28 either directly or through Benjamin Yeaten. You also found that
29 Taylor's subordinates transmitted "448 messages" during the

1 operation. Such was the specific conduct of Charles Taylor in
2 relation to the operation aptly named Operation No Living Thing,
3 specific conduct which warrants the recommended sentences.

4 Excuse me, Your Honours.

09:52:24 5 But this was not Mr Taylor's only criminal involvement in
6 the crimes of which he has been convicted. He also played the
7 role of aider and abettor. Mr Taylor's specific conduct in
8 providing indispensable, critical support to the perpetrators of
9 the crimes also warrants the recommended sentences.

09:52:46 10 The cases cited by the Defence are distinguishable on their
11 facts, including dealing with much shorter periods of criminal
12 involvement and conviction of fewer counts. Interesting to note,
13 the Defence make no similar analysis of sentencing for planning
14 and operation, such as Operation No Living Thing.

09:53:12 15 This form of liability, aiding and abetting, includes many
16 different levels of involvement and importance to the commission
17 of crimes. So, contrary to the Defence argument, one cannot look
18 only at the broad characterisation of this mode of liability, but
19 we must look at the specific conduct of Charles Taylor, at the
09:53:32 20 unique circumstances of his criminal conduct as aider and

21 abettor. Such an assessment is necessary to fashion an
22 individualised assessment in this case. A review of Mr Taylor's
23 conduct as aider and abettor makes clear his central role in the
24 ability of the perpetrators to commit the crimes charged over
09:53:55 25 such a long period of time on such a scale and throughout
26 Sierra Leone.

27 We have discussed Mr Taylor's role as aider and abettor in
28 Operation No Living Thing. You found that Mr Taylor aided and
29 abetted the perpetrators in a myriad of ways. It is, perhaps,

1 particularly helpful to look at this broader aiding and abetting,
2 one form of it, the provision of arms and ammunition.

3 And in that regard you found that the RUF/AFRC, in fact,
4 heavily and frequently relied on the materiel supplied and
09:54:41 5 facilitated by the accused. You found that arms and ammunition
6 provided by or through Mr Taylor were indispensable to the
7 AFRC/RUF military offensives, and that materiel was critical in
8 enabling the operational strategy of the AFRC/RUF.

9 And what was the operational strategy for which Mr Taylor
09:55:03 10 provided critical support? What did you find in regard to the
11 military offensives for which Mr Taylor provided indispensable
12 support?

13 Your Honours found that throughout the indictment period,
14 the operational strategy was characterised by a campaign of
09:55:19 15 crimes against the Sierra Leonean civilian population, including
16 all the crimes charged in the indictment against Mr Taylor. You
17 also found that these crimes were inextricably linked to how the
18 RUF and AFRC achieved their political and military objectives.

19 And as discussed above, Mr Taylor gave all of this
09:55:46 20 indispensable, critical support with full awareness of this
21 campaign of terror, campaign of atrocities being carried out by
22 those he was supporting. You found that as early as 1997,
23 Charles Taylor was informed in detail of the crimes committed
24 during the junta period. And as of August 1997, when he assumed
09:56:10 25 the presidency, he knew of the crimes being committed by those he
26 was supporting. This was Charles Taylor knowing, key, and
27 continual role in the crimes of which he stands convicted -
28 planner of the bloodiest and most vicious chapter of the campaign
29 of atrocity, provider of critical ongoing and diverse support to

1 the perpetrators of that campaign.

2 As one of the chiefs said in Sierra Leone, "If the roots of
3 a mango tree are cut, the tree will die." Mr Taylor was the root
4 which fed and maintained the RUF and AFRC/RUF alliance. Without
09:56:52 5 him the rebel movement with its attendant crimes would have
6 suffered an earlier death. Mr Taylor's specific conduct warrants
7 the recommended sentences.

8 In arriving at a sentence, of course, we are all fully
9 aware that the Special Court's Statute requires that a
09:57:14 10 quantitative sentence be adjudged, not a qualitative one; thus,
11 the Trial Chamber must adjudge a specified number of years of
12 imprisonment. However, there is no limitation placed on the
13 number of years of imprisonment that may be imposed. That is for
14 Your Honours to decide, taking into account the factors listed in
09:57:38 15 Article 19 of the Statute and the factors listed in the Court
16 Rules.

17 It is helpful to recall that the Statute gives a Trial
18 Chamber the discretion to consider, as it determines appropriate,
19 the sentencing practices of the ICTR and the national courts of
09:58:00 20 Sierra Leone. The Special Court allows this as a matter of
21 discretion of the Trial Chamber, and this is the framework in
22 which the Prosecution submitted its sentencing recommendations.

23 There is no mathematical scheme of punishment established
24 for the Special Court, but you may, of course, look to other
09:58:21 25 sentences that have been adjudged in the Special Court. And we
26 suggest to you that the recommended sentences in this case are
27 appropriate because Charles Taylor's involvement in the criminal
28 campaign in Sierra Leone was more pervasive than that of the most
29 senior leaders of the AFRC and RUF whose convictions and

1 sentences are now final.

2 In this regard, it is appropriate to look for a moment at
3 the Defence arguments that all the weight for the atrocities in
4 Sierra Leone is being put solely on Mr Taylor's shoulders and
09:58:56 5 that Prosecution is providing the people of Sierra Leone with an
6 external bogeyman. These arguments are without merit. They
7 ignore the trials, convictions, and sentences adjudged against
8 the Sierra Leonean leaders of the three main Sierra Leonean
9 factions: The CDF, the RUF, and the AFRC. They also ignore the
09:59:23 10 reality that those convicted in those trials were sentenced to a
11 total of 297 years in prison.

12 Sierra Leoneans know well who in their country bear
13 greatest responsibility for the crimes against them, just as they
14 know that Mr Taylor is among those who bear greatest
09:59:40 15 responsibility for those crimes.

16 Issa Sesay was rightly sentenced to 52 years for his role
17 in the horrific campaign of atrocities waged against the people
18 of Sierra Leone. He was not convicted of any crimes arising from
19 the attack on Freetown and the Western Area in January 1999, nor
10:00:04 20 the crimes arising from the retreat from that attack. He was not
21 found to have planned that attack. He was not found to have
22 given the imperative that the attack be fearful or to use all
23 means to get to Freetown.

24 Alex Tamba Brima was rightly sentenced to 50 years for his
10:00:29 25 role in the campaign of atrocities. Brima's convictions for
26 crimes in Freetown and the Western Area fall squarely within the
27 Bockarie/Taylor plan which he adopted after he took command, a
28 plan which resulted directly in the commission of the charged
29 crimes. The orders that he gave for the vicious crimes committed

1 in Freetown and the Western Area were consistent with the
2 Bockarie/Taylor plan and with the imperatives Charles Taylor gave
3 to make the operation fearful and to use all means to get to
4 Freetown.

10:01:00 5 Mr Taylor's broader criminal involvement in the ongoing
6 campaign of atrocities in Sierra Leone, his critical role in the
7 entire campaign of atrocities committed against the civilian
8 population of Sierra Leone, is deserving of a lengthier
9 punishment.

10:01:17 10 It would also be appropriate for Your Honours to consider
11 the possibility that Mr Taylor may be granted early release when
12 you determine what constitutes an appropriate sentence in this
13 case.

14 The Defence have erroneously cited to the Nikolic case, an
10:01:38 15 ICTY case, as support for their argument that it would be
16 improper for you to take this into account, but the Nikolic case
17 establishes just the opposite. It establishes that you may take
18 this possibility into account. The Nikolic case simply states
19 that you may not give undue weight to this possibility. The
10:02:02 20 Nikolic case also establishes that Your Honours may determine
21 what you consider to be the minimum term of imprisonment
22 Mr Taylor should serve when adjudging an appropriate sentence.
23 And other Chambers have also held it is legitimate for a Trial
24 Chamber to recommend a minimum sentence to be served by an
10:02:20 25 accused before any commutation or reduction of sentence is
26 considered.

27 The Prosecution agrees that the time served by Mr Taylor
28 in detention after his transfer to the custody of the
29 Special Court would count toward any sentence of imprisonment

1 that might be adjudged. However, Mr Taylor is not entitled to
2 nor should he receive credit for any of the time spent in
3 Calabar, Nigeria.

4 Evidence of the accused himself and other evidence
10:02:53 5 contradicts the current Defence claim that Mr Taylor was under
6 de facto house arrest in Nigeria. At paragraph 3 of Annex U
7 attached to the Defence sentencing brief, Mr Taylor makes plain
8 that in Calabar he was not under house arrest. This is
9 consistent with his testimony before Your Honours. When he told
10:03:20 10 you that President Obasanjo said that he, Mr Taylor, could go to
11 where he wanted to go, that he not in prison, that he was
12 permitted to visit friends. And, of course, we cannot forget
13 that, by his testimony, Mr Taylor was arrested in March of 2006
14 after driving across the breadth of Nigeria supposedly on the way
10:03:42 15 to a weekend visit in another country. These are not the actions
16 of a man under house arrest. The Defence has not established
17 that there was a de facto house arrest, and even had they
18 established such a status, it was not at the order or request of
19 this Court and should not be considered by Your Honours.

10:04:02 20 The Defence has submitted several alleged mitigating
21 factors, none of them warrant reduction in sentence. As
22 discussed in our sentencing submissions, even were the alleged
23 mitigating circumstances to be proven by a balance of
24 probabilities, Mr Taylor would not be automatically entitled to
10:04:22 25 credit and you could impose a severe sentence where we suggest,
26 as here, the gravity of the offences so require.

27 In addition, were any mitigation proven, the aggravating
28 circumstances in this case negate any mitigating circumstances.
29 However, we suggest to you that the Defence has not met the

1 burden to establish any mitigating factors by a balance of
2 probabilities.

3 The first mitigation factor, Mr Taylor's supposed
4 contribution to peace in Sierra Leone, is without merit. The
10:05:01 5 Defence argument that the Prosecution is downplaying Mr Taylor's
6 role in the peace process ignores or disputes your findings that
7 Mr Taylor acted as a two-headed Janus, publicly espousing peace
8 while clandestinely undermining it by secretly fueling
9 hostilities in Sierra Leone by urging the rebels not to disarm
10:05:23 10 and actively providing them with arms and ammunition. The
11 argument also ignores your finding that while publicly promoting
12 peace in Lome, he was privately providing arms and ammunition to
13 the RUF, again fundamentally undermining the peace process
14 itself.

10:05:41 15 Mr Taylor should be given no credit for acting as a
16 two-headed Janus.

17 Mr Taylor's alleged voluntary resignation from office and
18 his departure from Liberia in order to foster peace is worthy of
19 no mitigation. Again, the Defence have not met their burden
10:06:08 20 here. The balance of probabilities on the evidence is that
21 Charles Taylor stepped down for several reasons, none of them to
22 foster peace.

23 First of all, he stepped down to avoid arrest, as the
24 Defence discusses in paragraph 142 of their brief. Also he only
10:06:25 25 stepped down after his attempt to import a final shipment of arms
26 and ammunition failed. In addition, he left to avoid capture,
27 torture, and death. The LURD was at his door. He knew what had
28 happened to President Tolbert, to Master Sergeant Doe, and he did
29 not want to face a similar fate. And finally, he left because

1 African leaders took the initiative to convince him to resign, as
2 stated by then president of Ghana, John Kufuor. And that is
3 found at Exhibit D408, page 13.

4 Mr Taylor's alleged lengthy public service to his country
10:07:07 5 is also not worthy of mitigation. Their argument relies on the
6 case Renzaho and that case is distinguishable. Here, Mr Taylor's
7 convictions are for crimes committed against civilians in
8 Sierra Leone, not in Liberia where he lived and served and worked
9 as president. Thus, his alleged acts of good character and
10:07:32 10 lengthy leadership in Liberia, even if true, bear no relevance
11 and have no positive impact on the lives of his victims in Sierra
12 Leone. On this basis alone, this alleged mitigation should be
13 rejected.

14 But these arguments also ignore that Mr Taylor used
10:07:53 15 Liberian security forces as conduits in his links with the RUF
16 and AFRC forces, using them to take arms back and forth and to
17 bring diamonds to him. It also ignores that Mr Taylor provided
18 the RUF with a guesthouse, providing communications equipment,
19 security, and domestic staff in Monrovia, a guesthouse from which
10:08:15 20 he sent arms and ammunition to Sierra Leone and that he used to
21 obtain diamonds from Sierra Leone.

22 These assertions also ignore evidence of Mr Taylor's
23 exploitive and despotic rule in Liberia, including Prosecution
24 Exhibits 449 and 450, showing that the Carter Centre closed its
10:08:38 25 office in Monrovia, publicly criticizing Mr Taylor's government
26 for no longer sharing the goals of a democratic society, citing
27 to reports of serious human rights abuses, the use of funds for
28 extra budgetary purposes, the intimidation of journalists and
29 others in Liberia, and criticizing Liberia's role in the

1 sub-region as a destructive one.

2 The assertion that Mr Taylor and his Defence counsel's
3 co-operation with the Prosecution and the Court, even if
4 marginal, should be considered as mitigation is similarly without
10:09:14 5 merit. Rule 101(b) addresses the substantial, not marginal,
6 co-operation of an accused with the Prosecutor, and certainly no
7 such co-operation was present in this case. There was no
8 co-operation that significantly shortened the trial proceedings
9 in this case. And the argument also ignores the boycotts of the
10:09:39 10 proceedings, the outburst in court by Defence counsel. All of
11 these delaying the proceedings and disrupting them.

12 The Defence also asks for a reduced sentence for the
13 alleged sincere sympathy expressed toward the victims of crimes.
14 But what the Defence argument really shows is that Mr Taylor's
10:09:59 15 only real regret is that Your Honours saw through his
16 well-practiced denials and efforts to portray himself as a
17 peacemaker concerned with those in the conflagration, when, in
18 truth, he was the person continually fueling the fire.

19 Mr Taylor's lack of a prior criminal record is of little
10:10:23 20 significance or weight considering the gravity of the crimes
21 committed. And you must also ask yourself, as leader of the
22 NPFL, who was in a real position of authority and power to
23 prosecute Mr Taylor for crimes? When he was the president of
24 Liberia, who was in a real position of power or authority to
10:10:44 25 prosecute Mr Taylor for crimes? And we must remember that just
26 before Mr Taylor left office in August of 2003, his Legislature
27 granted amnesty from civil and criminal proceedings to all
28 parties that fought in Liberia's civil wars, covering acts all
29 the way back to December 1989, thus shielding Mr Taylor from

1 prosecution.

2 His lack of a proper -- of a prior criminal record, even if
3 established, does not mitigate his guilt or the appropriate
4 sentence.

10:11:21 5 The claim of extraordinarily good behaviour in detention
6 ignores that he misused his privileged telephone communications
7 while in detention, and that on a number of occasions he refused
8 to leave his cell because he did not like conditions of detention
9 or conditions of transport, resulting in adjournments and lost
10:11:41 10 trial time.

11 In relation to age and ill health. The age of an accused
12 in no way bars the imposition of a very high sentence. In fact,
13 the Cambodian Court supreme Court Chamber recently quashed the
14 35-year term imposed by the Trial Chamber on accused Duch and
10:12:08 15 sentenced Duch to life imprisonment. This despite the fact Duch
16 was older than Mr Taylor at the time of sentencing.

17 This and other courts have considered ill health in
18 mitigation only in exceptional circumstances and there is no
19 proof of such exceptional circumstances here. There is no proof
10:12:27 20 that Mr Taylor is in a physical condition that may be determined
21 overall as ill health. Certainly the Prosecution has seen no
22 medical report that would substantiate this alleged ill health.

23 Similarly, if we look at the alleged mitigating factors
24 that Mr Taylor is married, with children, and look at his social,
10:12:55 25 professional, and family background, these factors warrant no
26 reduction in sentence. Chambers have declined to consider an
27 accused's family situation or the fact that he is the father of
28 young children in mitigation, or have given it limited or no
29 weight in view of the gravity of the offences.

1 Similarly, the Trial Chamber should not give Mr Taylor any
2 discount in sentence on account of his social, professional, and
3 family background. If anything, Mr Taylor's social and
4 professional background aggravates rather than mitigates, and
10:13:32 5 supports the imposition of the recommended punishment.

6 Mr Taylor is a mature, well-educated, intelligent man, to
7 whom life has gifted many opportunities. Instead of using those
8 opportunities for good, he chose of his own volition to follow a
9 path of abject greed and criminality. There should also be no
10:13:56 10 mitigation given on the speculation as to where Mr Taylor would
11 serve any imprisonment.

12 As Judge Itoe noted during the RUF sentencing hearing,
13 where an accused is to serve a sentence is speculation and not
14 appropriate for argument during a sentencing proceedings. Also,
10:14:12 15 the Defence argument ignores the fact that Mr Taylor has lived
16 and travelled extensively abroad and that he is fluent in
17 English, which is the language of the United Kingdom, should he
18 be imprisoned there. It also ignores that there is no showing
19 that his family are all located in Liberia. Indeed, the opposite
10:14:34 20 is more likely true. Nor is there any showing that he and his
21 family do not have the means for visits to him regardless of
22 where he might be imprisoned should there be a sentence of
23 imprisonment adjudged.

24 There is no mitigation in this case to warrant a reduced
10:14:53 25 sentence.

26 The alleged prejudicial Prosecution strategy is without
27 merit and warrants no reduction in sentence. The arguments
28 advanced by the Defence are deserving of no weight. The
29 allegation that the indictment was unsubstantiated and

1 overreaching ignores that Mr Taylor was convicted of all
2 11 counts in the indictment, and it also ignores that the
3 original and amended indictments were reviewed and approved by a
4 Judge of the Special Court, and that again, on subsequent review
10:15:33 5 pursuant to Rule 98, no part of the indictment was dismissed.

6 Your Honour's findings that the Prosecution failed to prove
7 some elements of some modes of liability does not equate to an
8 overreaching, unsubstantiated indictment. There is no support
9 for the allegations of ill motive on the part of the Prosecution.
10:15:55 10 There is nothing improper in taking actions to lawfully transfer
11 an indictee to the custody of the Special Court.

12 In regard to these and other accusations in the Defence
13 brief, it is most unfortunate that the Defence has once again
14 resorted to emotive attacks on the professionalism and integrity
10:16:14 15 of the Prosecution team.

16 The sentencing process would have been better served if the
17 Defence had instead focussed its attention on accurately
18 reflecting the findings and facts of this case. But just to be
19 absolutely clear, the Prosecution objects and denies all of these
10:16:31 20 Defence attacks. They are unfounded attempts to redirect
21 attention from the findings of the Trial Chamber and to
22 relitigate matters that were fully before Your Honours.

23 The arguments of the Defence regarding the alleged
24 sentiments of the Liberian people are also worthy of no
10:16:53 25 consideration. The victims of the crimes of which Mr Taylor were
26 convicted are Sierra Leoneans, not Liberians. Also, there is no
27 way to judge how reflective these supposed sentiments are of the
28 Liberian population as a whole or in general. No way to judge
29 whether the Defence submissions are only those of people who

1 benefitted from Charles Taylor financially, politically, by being
2 able to take who and what they wanted and behave as they wished
3 while he was their leader.

10:17:32 4 In regard to the information in the Defence annexes, the
5 Trial Chamber, of course, is free to consider character
6 references if they are worthy of credibility, but we suggest that
7 any of the Defence submissions that go to the acts and conduct of
8 the accused are inappropriate for consideration at this time, and
9 we suggest in that regard that Your Honours look very carefully
10:17:49 10 at the information provided in Annexes G, J, and U.

11 We also ask Your Honours to consider that this is untested
12 information. There has been no opportunity to cross-examine
13 untruthfulness or accuracy. For example, were the materials
14 submitted by individuals prepared before the Defence even talked
10:18:13 15 to the person, as was the case with DCT-213, where the Defence
16 had already drawn up the Affidavit and had it ready to sign
17 before they even contacted her.

18 Further, in regard to the letter from Victoria
19 "Mother" Young regarding orphans, we've had no opportunity to ask
10:18:37 20 her if these orphans were simply held for Mr Taylor's use as
21 child soldiers or as forced labour, to explore with her whether
22 these children were actually held for child trafficking. The
23 untested information in the Defence annexes is deserving of
24 little or no weight.

10:18:53 25 Excuse me.

26 The Prosecution's recommendations as to sentence are
27 appropriate for the two primary goals or objectives of sentencing
28 in international criminal tribunals. These two goals were
29 recognised by this Court's Appeals Chamber in the CDF Appeals

1 Judgement at paragraph 532: The primary goals must be
2 retribution and deterrence. As Your Honours stated at
3 paragraph 17 of your AFRC Sentencing Judgement: International
4 criminal tribunals have noted that rehabilitation cannot be
10:19:38 5 considered as a predominant consideration in determining a
6 sentence in international criminal courts. To the extent
7 rehabilitation is a goal of sentencing in this Court, albeit not
8 a predominant one, Mr Taylor is not a candidate.

9 At the time of his planning and aiding and abetting these
10:19:56 10 horrific crimes, Mr Taylor was a mature, highly educated man who
11 had been in positions of leadership and influence for most of his
12 professional life, and a man with this background chose to play a
13 critical role in the commission of the crimes of which he has
14 been convicted. A man with this background who chose to act the
10:20:17 15 two-headed Janus, to fuel the flames of conflict. A man with
16 this background who knowingly planned the attacks against Kono,
17 Makeni, and Freetown, who knowingly provided sustained and
18 significant support for the horrific campaign of atrocities
19 against the civilian population of Sierra Leone.

10:20:40 20 In conclusion, Your Honours, the Prosecution's recommended
21 sentences are consistent with the primary sentencing goals in
22 international courts. They are properly reflective of the
23 extreme gravity of these crimes and of Mr Taylor's specific
24 conduct in regard to these crimes, his central and vital role in
10:21:00 25 the entire campaign of atrocities, in particular in the most
26 vicious episode of this ongoing campaign, the late 1998 and early
27 1999 operation against Kono, Makeni, and Freetown.

28 The recommendations are also reflective of the absence of
29 any mitigating factors that would warrant any significant

1 reduction of sentence.

2 And the Prosecution recommendations would truly promote an
3 end to impunity and would bring true reconciliation by giving a
4 measure of justice and accountability to the victims of the
10:21:40 5 multitude of crimes committed against them.

6 Thank you, Your Honours.

7 PRESIDING JUDGE: Thank you, Ms Hollis.

8 JUDGE DOHERTY: Ms Hollis, I've heard your address
9 concerning the submission of the Defence that time spent in exile
10:22:01 10 in Calabar should be taken into account, the two years and
11 several months. It's at paragraph 213 of the Defence brief.

12 There are two matters that are raised in that Defence brief, one
13 is drawing a parallel between the legal provisions of the
14 United Kingdom Criminal Justice Act, and the other is a factual
10:22:25 15 one, that the offer was related - I quote here from paragraph
16 214:

17 "... is directly related to the Special Court Indictment
18 that had been unsealed ..."

19 In other words, there appears to be an emphasis on the
10:22:40 20 Special Court's role. Could you comment on those two
21 submissions.

22 MS HOLLIS: Certainly.

23 The only evidence that his fleeing to Nigeria might be
24 related to the Special Court is that he was then aware of an
10:22:56 25 indictment, so he was becoming, in effect, a fugitive from
26 justice. That warrants no reduction in sentence.

27 And as to provisions in the United Kingdom, first of all,
28 it's unclear whether the -- any actions by the international
29 courts would actually have any weight or that the

1 United Kingdom's rules would actually apply in the international
2 criminal courts. But beyond that, and more significantly, in the
3 United Kingdom, a person being given bail of any sort with any
4 sort of monitoring provisions is a person who is being released
10:23:33 5 from the custody of the court in front of whom his case is being
6 tried.

7 That's not true of Nigeria. This case did not order
8 Nigeria, which it had no authority to do, or even ask or request
9 Nigeria to hold Mr Taylor in de facto arrest because there was a
10:23:52 10 case before it. It's totally different in the United Kingdom.
11 The United Kingdom does not at all speak of a situation where a
12 person flees to a third country and allegedly has some sort of
13 restrictions on his movement. It's for the United Kingdom where
14 a person is released from the custody of the court in front of
10:24:14 15 whom his case is being heard, and that's not at all the case
16 here.

17 And we reiterate that in our view, the evidence is totally
18 the contrary. It's now simply a good argument for them to make,
19 but the accused himself contradicts that argument. He was not
10:24:28 20 under any de facto house arrest in Nigeria, and even if he was,
21 because it was not a result of the actions of this Court by order
22 or request, then it should be given no weight.

23 JUDGE DOHERTY: Thank you, Ms Hollis. That was my only
24 question.

10:24:49 25 PRESIDING JUDGE: Yes, thank you, Ms Hollis.

26 We'll take that break you wanted now, Mr Griffiths. And
27 just to answer your second application, we have no objection if
28 Mr Taylor would like to give his address from the witness-stand.

29 MR GRIFFITHS: I am most grateful for that indication,

1 Mr President.

2 PRESIDING JUDGE: Now, we'll adjourn and we'll come back at
3 15 minutes from now. Say at 25 minutes to 11.00.

4 [Break taken at 10.25 a.m.]

10:42:59 5 [Upon resuming at 10.43 a.m.]

6 PRESIDING JUDGE: Please go ahead, Mr Griffiths.

7 MR GRIFFITHS: May it please Your Honours.

8 Again can I express my gratitude for the time allowed to
9 consult with Mr Taylor. Equally, we are grateful for

10:43:14 10 Your Honours' s indication this morning as to when the final
11 written judgement will become available. Although it's still a
12 matter of concern to us that we are here at this sentencing
13 hearing without the benefit of Your Honours' written reasons.

14 For this reason -- for example, during the course of my
10:43:38 15 I learned friend's Ms Hollis's address this morning, in effect a
16 factual issue was raised as to the evidence supporting the
17 finding of planning in relation to the Freetown invasion, and
18 without the assistance of the final written brief, of course,
19 that creates difficulties for all the parties in our submission.

10:43:59 20 But in any event, we submit that what emerges from Your
21 Honours' summary judgement is a more modest vision of Mr Taylor's
22 involvement in the Sierra Leonean conflict than that originally
23 suggested by this Prosecution. We need to remind ourselves that
24 as recently as April of last year, David Crane, once Chief
10:44:39 25 Prosecutor of this Court, was still maintaining, and I quote:

26 "The civil war in Sierra Leone ripped apart an entire
27 region of West Africa, spawned by the president of Libya, Colonel
28 Muammar Gaddafi, and supported by President Blaise Compaoré of
29 Burkina Faso, and Charles Taylor of Liberia. This take-over of

1 an entire country for their own personal criminal gain was a rare
2 event in conflict not seen since the Middle Ages. "

3 The West African joint criminal enterprise was designed to
4 support the geopolitical take-over of West Africa by Gaddafi ,
10:45:25 5 where surrogates such as Compaoré and Taylor, amongst others,
6 would control the region on his behalf.

7 Now we need to remind ourselves that that was the paranoid
8 mindset which created the indictment in this case. This
9 overblown claim has been rightly rejected by this court. What
10:45:52 10 this Court has found - and for which Charles Taylor is to be
11 sentenced - is that he was assisting combatants, combatant
12 factions, in the foreknowledge that they was perpetrating
13 atrocities in another country.

14 Now, a distinguished professor of law, and one of the
10:46:14 15 commissioners on the Sierra Leonean Truth and Reconciliation
16 Commission, has remarked as follows in respect of this Court's
17 finding - that's Professor William Shabas:

18 "The conclusion of the Trial Chamber in Charles Taylor
19 seems based on uncontroversial principles. He or she who
10:46:38 20 provides significant assistance to a participant in a conflict,
21 knowing that the participant is perpetrating atrocities against
22 civilians, is guilty of aiding and abetting such crimes. This is
23 straightforward, and it leads in an interesting direction. "

24 Atrocities were perpetrated on all sides in the Sierra
10:47:06 25 Leone conflict. This emerges from the case law of the
26 Special Court as well as from the report of the Truth and
27 Reconciliation Commission. It was notorious at the time in 1998
28 and 1999. So what are we to make of those who supported the
29 other side in the conflict? For example, the Blair in the

1 United Kingdom provided assistance and support to the
2 pro-government forces. The pro-government forces had their own
3 sinister militia involved in rapes, recruitment of child
4 soldiers, amputations, cannibalism, and other atrocities. Two of
10:47:51 5 those involved were convicted by the Court, and a third, who was
6 a minister in the government supported by the United Kingdom,
7 died before the trial completed. What is the difference between
8 Blair and Taylor in this respect?

9 Moving beyond Sierra Leone, can we not blame the French
10:48:09 10 government for aiding and abetting genocide given its support for
11 the racist Rwandan regime in 1993 and 1994? The crimes of the
12 regime were well publicised, not only by an NGO commission of
13 inquiry but also by Special Rapporteurs of the United Nations,
14 and yet the French continued to provide assistance in personnel,
10:48:35 15 arms, and ammunition to the Habyarimana regime.

16 What about those who supported the various sides of the war
17 in Bosnia, or in Sri Lanka? Are American officials who backed
18 Saddam Hussein when he perpetrated atrocities in Iran during the
19 1980s also guilty of aiding and abetting in war crimes and crimes
10:48:57 20 against humanity?

21 What of those Western states that continued to bolster the
22 apartheid regime in South Africa during the 1970s and 1980s when
23 they were fully aware of the racist system that has been
24 characterised as a crime against humanity? But it doesn't end
10:49:19 25 there, because as recently as the 10th of May of this year, Human
26 Rights Watch, no great friend of Charles Taylor, published an
27 article by Reed Brody in which he said:

28 "In Taylor's case, the Court found that he knew of the
29 atrocities being committed against civilians by Sierra Leonean

1 allies and of their propensity to commit crimes. Nevertheless,
2 the Court said Taylor continued to ship arms to the rebels and
3 provide them with political and moral support and encouragement."

10:49:59 4 The principle is akin to giving more ammunition to an armed
5 man on a killing spree. It's striking that the very same legal
6 reasoning could apply to those in Washington, Moscow, or
7 elsewhere, who provide military assistance to abusive forces half
8 a world away.

9 Take, for example, the case of former US Secretary of State
10:50:24 10 Henry Kissinger and East Timor. Declassified documents revealed
11 that after the Timorese declaration of independence from Portugal
12 in 1975, Kissinger and President Gerald Ford, fearing that the
13 new country would become a communist outpost, gave Indonesian
14 President Suharto the green light to invade the island in a
10:50:46 15 Jakarta meeting the day before the invasion. The United States
16 were then supplying Indonesia's military with 90 per cent its
17 arms, and Kissinger himself described their relationship as that
18 of donor/client.

19 Now, I refer to these articles, Your Honours, for this
10:51:10 20 reason, because they remind us of the danger of telling a single
21 story. In our submission there must be a balance of stories.
22 However, the reality is that though the decision of this Court in
23 convicting Mr Taylor of aiding and abetting the conflict in
24 Sierra Leone has been trumpeted, and again this morning, are
10:51:42 25 sending a non-equivocal message to world leaders that great
26 office confers no immunity, the fact is that really two messages
27 are being sent.

28 The first message is, if you run a small, weak nation, you
29 may be subject to the full force of international law; whereas if

1 you run a powerful nation, you have nothing whatsoever to fear.
2 Thus, Staff Sergeant Robert Bales, a US soldier, premeditatedly
3 killed and burnt the bodies of 17 unarmed civilians in
4 Afghanistan, yet we have not seen one article in the newspapers
10:52:27 5 or one report in the Western media that brands this crime with
6 the condemnation it demands by labeling it either a war crime or
7 a crime against humanity.

8 This is because the fact is that acts are defined as
9 criminal because it is in the interests, or at least not against
10:52:52 10 the interests, of a ruling class to define them as such. We,
11 therefore, submit unequivocally that there is nothing universal
12 about Western states' claims to support universal human rights.
13 Rather, the claim is based on the assumption that some states are
14 more civilised than others. Thus, when the former British
10:53:22 15 Foreign Secretary, the late Robin Cook was asked on the BBC
16 shortly after the United Kingdom became a signatory to the Rome
17 Treaty whether the newly constituted ICC thereby created might
18 one day indict Western leaders for their decision to go to war in
19 Iraq for a second time, he retorted, outraged and indignant, and
10:53:49 20 I quote:

21 "If I may say so, this is not a court set up to bring to
22 book prime ministers of the United Kingdom or presidents of the
23 United States."

24 So we ask, who was it set up for, then? Who was it set up
10:54:05 25 for? We submit that the answer is plain to see because it is
26 notable that the guardians of international justice have yet to
27 find a single crime committed by a great, white, northern power
28 against people of colour. That is because in reality,
29 international criminal justice is governed by the law of gravity.

1 It always travels from top to bottom, from north to south.

2 And in this regard, we return to a point we have
3 consistently made. That is the centrality of selectivity in this
4 process, Selectivity of denunciation, selectivity of
10:54:58 5 investigation, selectivity of prosecution, and we also submit
6 selectivity of immunity. That is why we were driven to introduce
7 our closing written submissions in this case with these words
8 from which we do not for one moment seek to resign. The
9 Prosecution of Charles Taylor before the Special Court for Sierra
10:55:24 10 Leone has been irregular, selective, and vindictive from its
11 inception. Examined from any vantage point imaginable, the case
12 against Taylor has as its core political roots and motives and
13 the inexorable determination of the United States and Great
14 Britain to have Taylor removed and kept out of Liberia at any
10:55:48 15 cost.

16 Indeed, this case directly raises the question of whether
17 the judicial process can be fashioned into a political tool for
18 use by powerful nations to remove democratically elected leaders
19 of other nations that refuse to serve as their handmaidens and
10:56:14 20 footstools.

21 From the outset of these proceedings we have denounced this
22 trial as being political. We have labeled this Prosecution as
23 riddled with hypocrisy and untruth, and we are not about to stop
24 now. At each stage of these proceedings we have been consistent
10:56:31 25 and we are not about to reject any aspect of our case at this
26 point, not for one instance.

27 But it is against that background that we should view the
28 Prosecution's demand for a sentence of 80 years' imprisonment for
29 a 64-year-old man.

1 But again, there is nothing surprising here. I remind
2 myself of the contents of Defence Exhibit D481, a leaked code
3 cable attributed to the US ambassador in Liberia. However, the
4 best we can do for Liberia is to see to it that Taylor is put
10:57:18 5 away for a long time. And we cannot delay for the results of the
6 present trial to consider next steps.

7 So it seems that interests other than that of the people of
8 Sierra Leone are being served by this demand for 80 years. Throw
9 away the key.

10:57:43 10 Now, there are three matters that I would like to deal with
11 at that stage in respect of the submissions made by my learned
12 friend this morning.

13 First of all in relation to the question asked by
14 Justice Doherty, we have found an ICTY authority called Blaskic,
10:58:12 15 dated 1996, and it provides the legal basis for our submissions
16 other than the English legislation to which we have referred in
17 our written submissions. Where relevant at paragraph 17 and 18,
18 the authority provides as follows:

19 "Close scrutiny of the various national legislations shows
10:58:36 20 that states tend to uphold the same basic concept of house arrest
21 and, in addition, lay down similar preconditions for the
22 imposition of such measures."

23 By contrast, the requirements to be fulfilled by the person
24 detained under house arrest vary greatly, all the more so because
10:59:04 25 they are normally set out by individual judges for specific cases
26 and in the light of the specific circumstances of each case.

27 As for the basic concept of house arrest, there is broad
28 agreement that it covers detention in one's home or within the
29 confines of the house or place outside a prison. It is widely

1 specified in national legislation and held by courts that house
2 arrest is a form or class of detention. For all purposes,
3 including the right to impugn the legality of detention, and the
4 right to have this period spent under house arrest taken into
10:59:47 5 account for determining the penalty, credit should be given to
6 the convicted person for the period, if any, during which the
7 convicted person was detained in custody pending his surrender to
8 the Tribunal or pending trial or appeal should also apply to such
9 form of pre-trial detention.

11:00:10 10 And the final point we make in this regard is this. In a
11 customary careful way, my learned friend went through in detail
12 the submissions made by the Defence in regard to that issue of
13 house arrest in Calabar. One important omission, however, was
14 the statement by David Crane, a Prosecutor -- the Chief
11:00:45 15 Prosecutor, who himself characterised Taylor's period in Calabar
16 as house arrest.

17 The second matter that I would like to address which arises
18 from my learned friend's submission is this. The Prosecution's
19 concerns about Annexes G, J, and U as containing information
11:01:12 20 going to the acts and conducts of the accused is misplaced. The
21 rules for admission of information by the Defence at the
22 sentencing phase does not have a restriction similar to that of
23 Rule 92 bis, which deals with the admission of written evidence
24 at trial.

11:01:39 25 In any event, the information contained in the annexes does
26 not, in our submission, go to proof of the acts and conduct of
27 the accused in relation to the commission of the crimes charged,
28 and so, in our submission, should not be excluded.

29 The third and final matter which arises from my learned

1 friend's submission which I would like to address is this. Now,
2 the point was made that at this stage there is no absolute
3 certainty as to the geographical location where Mr Taylor will
4 serve any sentence imposed by this Court. This consequently
11:02:30 5 leaves open this possibility: Your Honours could, we submit,
6 take on board our submissions as to the aggravating nature for an
7 African to be serving a sentence thousands of miles away on a
8 different continent. And Your Honours could take that into
9 account in, for example, providing in your sentence for
11:02:58 10 alternative sentences, so that if the sentence is to be served in
11 the United Kingdom, these considerations apply; if elsewhere,
12 then different considerations may apply. That, of course, is a
13 basic, we would submit, sentencing exercise.

14 Now, My Lord, turning now to the mitigating factors which
11:03:24 15 we have set out in detail in our written submissions, and I
16 assure Your Honours that I will not be going through all of those
17 in detail, but I do appreciate that the art of mitigation is to
18 establish here, in this court, on a balance of probabilities,
19 certain mitigating circumstances.

11:03:50 20 As I say, we have set these out clearly in our written
21 sentencing brief, and we did so whilst appreciating that
22 international sentencing law and practice is not yet defined by
23 exact norms and principles and, as yet, there is no body of
24 international principles concerning the determination of
11:04:17 25 sentence, notwithstanding the huge volume of sentencing research
26 and the extensive modern debate of sentencing principles.
27 Moreover, international judges receive very little guidance in
28 sentencing matters. This situation can lead to inconsistencies
29 and may increase the risk that similar cases will be sentenced in

1 different ways.

2 This is particularly the situation in this unique
3 situation, what is described as being an important historical
4 moment with very little precedent. There is very little guidance
11:05:06 5 for Your Honours in this unique situation.

6 But turning onto other matters beyond those principles, we
7 have, from the outset, conceded that crimes were, indeed,
8 committed in Sierra Leone. That Your Honours have found this to
9 be the case is therefore hardly surprising because the issue was
11:05:45 10 not, of course, whether the atrocities were committed but,
11 rather, the role played in them by Charles Taylor.

12 Nonetheless, for almost five years we in this trial shared
13 a collective experience. We have relived lost lives. We felt
14 the pain of lost limbs, the agony of not only rape in its
11:06:19 15 commonly understood sense, but also the rape of childhood, the
16 rape of innocence, possibly the rape of hope. We have recorded
17 the destruction of homes and communities. All the consequences
18 of war, whenever waged, whatever the countries involved, for war
19 causes men and women to lose their infancy as they become
11:06:49 20 infantrymen and women, an English word. So child soldiers is not
21 a recent phenomena, and it's not -- it's certainly not restricted
22 to Africa. It has a very long pedigree indeed.

23 So in that regard, we ask you to contrast two situations:
24 Firstly, a child soldier, forcibly recruited, enduring bitter
11:07:19 25 experiences in the denial of his or her childhood, left
26 militarised, uneducated, with few life chances, abandoned to a
27 life of rejection, pain, and possibly crime, exacerbated, no
28 doubt, by the effects of post-traumatic stress disorder. Now,
29 contrast that with a drone controlled from a bunker in Nevada

1 which fires a missile into a compound in Northern Pakistan,
2 killing entire families indiscriminately, including babies. They
3 have no time to feel pain in such clinical PlayStation-type
4 destruction.

11:08:09 5 Is there a choice between the two in terms of their
6 criminality? Are they not both crimes equally worthy of human
7 condemnation? Consequently in this sentencing exercise, we
8 should beware of applying double standards.

9 Now, for the purposes of these submissions I propose to
11:08:37 10 address four matters and four matters only. Firstly, in terms of
11 mitigation, the period of offending as set out diagrammatically
12 at Annex 4 of our sentencing brief. Secondly, Charles Taylor's
13 role in bringing peace to Sierra Leone. Thirdly, his voluntary
14 departure from office. And finally, his age. I also intend to
11:09:10 15 point to a potential pitfall in the sentencing exercise.

16 So, first of all, the period of offending. Now, My Lord,
17 I'd inquired of the Court Manager whether our Annex F, which is
18 this chart, could be put up on our screens. Yes.

19 Now these -- this diagram --

11:10:17 20 PRESIDING JUDGE: We don't have it on our screen yet,
21 Mr Griffiths.

22 THE REGISTRAR: Your Honours, if the parties and the
23 Chamber could please press the "Evidence" button, they would be
24 able to view the chart.

11:11:27 25 MR GRIFFITHS: Your Honours, to save time, could I hand out
26 three copies, because I should be able to manage without it.

27 PRESIDING JUDGE: Thank you, Mr Griffiths. I've just been
28 handed a copy, so that should do.

29 MR GRIFFITHS: Your Honours, sometimes looking at a diagram

1 helps to focus the mind more clearly as to what the true issues
2 are, and we can see here that the bulk of the offending occurs
3 within this period in the middle of the diagram, and it basically
4 covers a roughly 12-month period, that is about from March 1998
11:12:12 5 to February 1999.

6 That period of madness, triggered by the ECOMOG
7 intervention, culminating in the Freetown invasion. The only two
8 crimes for which he stands to be sentenced which endured for an
9 extended period of time during the indictment period were the
11:12:35 10 recruitment and use of child soldiers and enslavement, which are
11 these two long lines here. But you will see that the other
12 crimes are, for the most part, concentrated within that
13 time-scale.

14 Now we submit that that fact must have certain consequences
11:13:01 15 in terms of sentence.

16 Moving onto Mr Taylor's role in the peace process. We
17 boldly submit that peace would not have come to Sierra Leone but
18 for the efforts of Charles Taylor. In this regard, we point in
19 summary to four critical interventions by the president of
11:13:36 20 Liberia: His facilitation of the Lomé Peace Accord; secondly,
21 his efforts in securing the release of the captured UNAMSIL
22 personnel; thirdly, his brokering of the cessation of hostilities
23 by the West Side Boys; and finally, his role in the appointment
24 of Issa Sesay as acting leader of the RUF, thereby ensuring the
11:14:31 25 continuation of the Lomé Peace Accord.

26 These are all well documented, as highlighted in our
27 sentencing brief at paragraph 122, and were all central and
28 essential for the bringing of peace to Liberia's neighbour, which
29 Mr Taylor has oft repeated was essential for stability in his own

1 country.

2 Now, I appreciate that this Court has found that in making
3 these efforts, Mr Taylor was acting like a two-headed Janus. We,
4 of course, note the contents of paragraph 119 of the summary
11:15:22 5 judgement. However, in our view, for sentencing purposes, the
6 following factual propositions are true:

7 One, we submit that the Trial Chamber should concentrate on
8 what was objectively achieved by Mr Taylor's involvement, and we
9 do maintain that but for Mr Taylor's involvement, peace would not
11:15:54 10 have come to Sierra Leone.

11 The second proposition which we would ask Your Honours to
12 adopt is this: It should be further noted that after the retreat
13 from Freetown in early 1999, there was no further major outbreak
14 of violence in Sierra Leone so that any assistance provided were
11:16:23 15 not used to break the peace in that country.

16 Further, Mr Taylor has not been convicted of having planned
17 any actions in Sierra Leone after 1999. Thereafter, the most
18 that can be pointed to is the use of the RUF to fight against
19 LURD after their incursions into Liberia, which we would describe
11:16:55 20 as an act of self-defence.

21 Thirdly, voluntary resignation from office. His voluntary
22 resignation from office is a further matter we would seek to
23 emphasise. Contemporary events in Syria informs us that power is
24 not easily relinquished. By stepping down, Charles Taylor saved
11:17:35 25 Liberia and prevented the contagion of further warfare spilling
26 over into neighbouring countries and thereby further
27 destabilising the sub-region. There is, we say, an important
28 lesson here for which he should be given credit.

29 Finally, the age of the offender. We only have to do the

1 math. We all recognise that to sentence a 64-year-old man to
2 80 years in prison is, in effect, a guarantee that he will die in
3 prison. In fact, if not in name, what is proposed is a life
4 sentence, a sentence which cannot be imposed by this Court. Even
11:18:29 5 a sentence of 40 years would, in this case, in all likelihood
6 have the same consequence.

7 Now, we would submit that it's a basic sentencing principle
8 that the possibility that an accused person will not live to be
9 released is a matter which should have a major impact on a
11:18:56 10 sentencing decision; thus, the Court may think it would be proper
11 to adjust the sentence to do what it reasonably can -- can do to
12 avoid the possibility of Mr Taylor dying in prison.

13 Now I mentioned earlier a possible pitfall in this
14 sentencing process. Now, we say that the Court should be mindful
11:19:28 15 of its rejection of the joint enterprises pleaded by the
16 Prosecution and also the rejection of the notion of command
17 responsibility. Conscious of those important findings, the
18 concept of planning should not be expanded into a surrogate for
19 those rejected modes of liability; that is, the limits of the
11:19:56 20 concept of planning should not be extended to encompass all the
21 underlying crimes.

22 I come, then, to conclude, Your Honours. In conclusion we
23 remind ourselves that the Statute which established this court
24 provided that this court shall have the power to prosecute
11:20:24 25 persons who bear the greatest responsibility for serious
26 violations of international humanitarian law and Sierra Leonean
27 law committed in the territory of Sierra Leone since the 30th of
28 November, 1996, including those leaders who in committing such
29 crimes have threatened the establishment of and implementation of

1 the peace process in Sierra Leone.

2 We say that by seeking a sentence so offensive to logic and
3 reason, this Prosecution endangers that peace. People in Liberia
4 quite justifiably, in our submission, are asking the question:

11:21:11 5 How can our former president be sentenced to 80 years in prison,
6 while next door, in Sierra Leone, former President Kabbah goes
7 free? Many Liberians regard this as being vindictive.

8 Did he, too, not share the greatest responsibility? We
9 submit this has the potential to increase tensions between those
11:21:40 10 two states. In short, such a sentence as demanded is, we say,
11 erroneous in principle and endangers the very peace this Court
12 was established to maintain.

13 And finally we say this. Retribution should never be the
14 sole criterion in sentencing, neither deterrent. Every accused,
11:22:11 15 in our submission, must be left with some hope, must be able to
16 see the light at the end of the tunnel, however long that tunnel
17 must be. And we submit that should be a guiding consideration in
18 this sentencing exercise.

19 Thank you.

11:22:36 20 PRESIDING JUDGE: Thank you, Mr Griffiths.

21 JUDGE DOHERTY: Mr Griffiths, I've heard your submissions
22 and also, obviously, read your submissions. Two questions.

23 In your submissions, both oral and written, you again speak
24 of the selective prosecution of Mr Taylor, notwithstanding that
11:23:01 25 the Trial Chamber stated in their decision with regard to the
26 issue of selective Prosecution, the Trial Chamber finds that the
27 accused was not singled out for selective prosecution. I
28 therefore ask if your submission is by way of relitigating, and
29 if not relitigating, how I must consider that submission as a

1 mitigating factor.

2 MR GRIFFITHS: Of course, Your Honour, we are aware of the
3 Trial Chamber's finding in that respect. We are aware of it.
4 And we are not seeking at all to relitigate that issue. But I
11:23:41 5 made it plain in introducing that particular topic that we remain
6 consistent in our approach.

7 Now, even though this is a sentencing exercise, it doesn't
8 mean that the Defence necessarily must, in order to mitigate,
9 relinquish all aspects of their case. In our submission, that is
11:24:01 10 not required. And so we may disagree with the finding of the
11 Court, but in our submission that has no moment so far as
12 sentencing is concerned.

13 JUDGE DOHERTY: My other question was to seek clarification
14 of a submission you make in your written submissions.

11:24:26 15 If I could direct you to paragraph 102, in which you draw
16 comparison to illustrate a point concerning the genocide in
17 Rwanda and the killing over ten years, I quote:

18 "... the 10-year onslaught in Afghanistan ..."

19 Again, I am not quite sure how I adopt this comparison when
11:25:05 20 considering mitigating factors that you are submitting to us.

21 MR GRIFFITHS: Well, what we are submitting there,
22 Your Honour, is the question of scale and duration, both factors
23 which I sought to address, for example, by means of the diagram
24 which we submitted before the Court. And it seems to us that
11:25:31 25 it's perfectly legitimate for a Court in this sentencing exercise
26 to look at other situations in weighing that central issue of
27 gravity.

28 JUDGE DOHERTY: Thank you. Those were my questions.

29 JUDGE SEBUTINDE: Mr Griffiths, when Ms Hollis was

1 submitting a while ago, she alluded to the sentences that were
2 imposed on Mr Sesay, the leader of the RUF, and on Mr Brima, the
3 leader of the AFRC, and she cited just these two people. Of
4 course, there are more convicts that we are all aware of.

11:26:22 5 My question is: Do you think that these the sentences
6 meted out to the leaders of the AFRC and leaders of the RUF
7 should have any bearing on our considering of the sentence to be
8 imposed on Mr Taylor?

9 MR GRIFFITHS: The short answer, Your Honour, is no. And I
11:26:40 10 say no for this reason: That Mr Taylor stands in a completely
11 different position vis-a-vis his liability for those crimes than
12 the two examples provided to the Court. They was direct
13 participants in the commission of those crimes, unlike Mr Taylor
14 who has been convicted on the basis of aiding and abetting.

11:27:07 15 We submit that there is a basis for saying that there needs
16 to be a distinction between a principal actor in the commission
17 of a crime and a secondary party such as an aider and abettor.
18 So to that extent, we would submit that the answer to -- with
19 respect to Your Honour's question is no.

11:27:30 20 JUDGE SEBUTINDE: But if you say there should be a
21 distinction, then by definition we should take them into account,
22 wouldn't you agree?

23 MR GRIFFITHS: Well --

24 JUDGE SEBUTINDE: If only to distinguish Mr Taylor's
11:27:43 25 sentence from that of the people that have gone before him.

26 MR GRIFFITHS: Well, that of course is perfectly
27 legitimate, but to use that tariff, if our submission, as, for
28 example, a starting point, we submit would be illegitimate
29 because it would not take into account the mode of liability in

1 respect of which Mr Taylor is being convicted.

2 PRESIDING JUDGE: Thank you, Mr Griffiths.

3 Now I understand Mr Taylor would like to address the Court
4 before we proceed to pass sentence, and he understands, does he
11:28:34 5 not, that he will be limited to 30 minutes.

6 MR GRIFFITHS: He does. He does, Your Honour.

7 PRESIDING JUDGE: Mr Taylor, you wanted to use the
8 witness-stand, so if you would please come forward.

9 MR GRIFFITHS: Your Honour, Mr Taylor will be reading from
11:28:52 10 a written document. I wonder if he might have the assistance of
11 the lectern.

12 PRESIDING JUDGE: If there is one handy there.

13 MR GRIFFITHS: Well, he can take mine.

14 PRESIDING JUDGE: Mr Taylor can come down to the
11:30:04 15 witness-stand.

16 THE ACCUSED: Thank you, Your Honours.

17 Mr President, Justice Lussick, Justice Sebutinde,
18 Justice Doherty, members of the Registry here, the Prosecutors
19 past and present, members of the Defence past and present, the
11:30:58 20 visiting gallery, and may I say the world's audience, the last
21 six years have been challenging years for all of us. Judges,
22 Prosecutors, Defence lawyers, victims, and their families, me and
23 my family, and the peoples of Sierra Leone and Liberia. And now
24 this process is at its end and I am grateful that this Court has
11:31:39 25 extended me the opportunity to be heard at this time.

26 The observations which I make today are deeply felt and are
27 not limited exclusively to the legal issues of this case. I am
28 aware of my rights, and without prejudice to any of those rights,
29 I hereby make the following observations.

1 It seems to me, as an economist and a layperson not a
2 lawyer, that Your Honours were dealt a difficult hand, sitting at
3 the helm of a Court whose rules allow a low threshold requirement
4 for the presentation of evidence. The presumption is that
11:32:34 5 everything is admitted into evidence regardless in about
6 98 per cent of the time.

7 Your Honours were also handicapped by not having the
8 benefit of the full contextual picture of why and how I ended up
9 before this court. That contextual matrix is uniquely political
11:33:03 10 and not legal in nature, and having ensnared Charles Taylor at
11 this time, only time will tell how many other African heads of
12 state stand to be destroyed in its continued wake.

13 These handicaps were not the fault of Your Honours, to be
14 sure, in the sense that you could not be asked to know of so much
11:33:31 15 that was never meant to ever see the light of day. Despite
16 obstacles to ascertaining the truth, what was clear beyond a
17 shadow of a doubt, as I understood the summary of the judgement,
18 was that Your Honours critically determined, in fact, that I
19 could not be held responsible for the substantial charges of
11:33:57 20 joint criminal enterprise as a pure responsibility, as had been
21 pleaded by the Prosecution.

22 Now, following the civil war in Liberia, I stood before the
23 Liberian people and apologised and expressed the deep regrets and
24 contrition for the loss of lives and limbs and the overall
11:34:24 25 effects of the civil war. I stated that no words, no matter how
26 polished and sincere, could heal the scars and pains all
27 suffered.

28 I was not alone as a leader of a faction that fought during
29 the civil war when I took it upon myself to express those

1 sentiments while aspiring for the presidency, but I did. There
2 are many like me who owed an expression of sympathy and regret
3 for what happened to the Liberian people, indeed, none other than
4 the current president of Liberia, Ellen Johnson Sirleaf, was
11:35:09 5 identified in the Liberian Truth and Reconciliation Commission
6 report as somebody from whom such expression of regret and
7 sympathy for what happened in Liberia should have been
8 forthcoming, since she was one of the three principal leaders of
9 the NPFL along with me.

11:35:31 10 Additionally, I said that wars were terrible. That there
11 was no good war. That there are no just wars, whether carried
12 out by underdeveloped countries whose peoples are still deeply
13 entrenched in tribal, ethnic, and cultural conflicts, or by the
14 world's only military superpower.

11:36:04 15 President Bush in 2000 tried to play the just war --
16 excuse me, the just war card. A card that goes back to the
17 1st Century BCE when Rome's Marcus Tullius Cicero theorised on
18 the justified use of armed forces, *jus ad bellum*, and he lost
19 that argument. Scholars still debate the concept today with no
11:36:38 20 clear agreement.

21 But as wars are no good, I condemn all atrocities across
22 the world, whether by bombs that are dropped by powerful nations
23 from aeroplanes or cruise missiles fired from ships, submarines,
24 and aircraft and/or drones that kill women and children by
11:37:00 25 blowing off legs, arms, and leaving mangled bodies scattered all
26 over the place, only to be justified as collateral damage. That,
27 too, is wrong. These are crimes also.

28 Now, following the verdict of 26 April, the Prosecutor in
29 the press release said the following:

1 "Today's historic judgement reinforces the new reality that
2 heads of state will be held to account for war crimes and other
3 international crimes. This judgement affirms that with
4 leadership comes not just power and authority, but also
11:37:45 5 responsibility and accountability. No person, no matter how
6 powerful, is above the law."

7 Now, I could not agree more. President George W. Bush not
8 too long ago ordered torture and admitted to doing so. Torture
9 is a crime against humanity. The United States has refused to
11:38:16 10 prosecute him. Is he above the law? Where is the fairness?

11 Terrible things happened in Sierra Leone, and there can be
12 no justification for the terrible crimes. During the war in
13 Liberia, I punished people responsible for crimes against others.
14 Factual evidence presented before this court proved that several
11:38:52 15 NPFL soldiers were put on trial for violent crimes. Some were
16 executed for rape, murder, and other serious crimes. Witnesses
17 from both sides testified to that fact.

18 Let me be very, very clear about one thing: I do not
19 condone impunity in any shape or form. Let me say in the
11:39:24 20 strongest term, that I, DahKpannah Dr. Charles Ghankay Taylor,
21 did not, could not have ever, and would never have knowingly and
22 with responsibility and/or authority to prevent, stop, or punish
23 someone from carrying out acts of atrocities fail to do so.

24 Now, I say all of this not just in the context of Sierra
11:39:51 25 Leone and the charges against me, but also in the wider context
26 of the impunity, whether in Africa or the rest of our global
27 community. There has to be a mechanism which is developed,
28 embraced, and perfected by the global community to deal with
29 impunity in a way that is consistent with the history, custom,

1 practice, and cultures of the people inconsonant with their
2 spirit as an independent people.

3 The Rome Statute is a Western document that does not take
4 into account citing customs, cultures, and other sensitivities
11:40:46 5 unique to certain regions of the world. The practice of one size
6 fits all within the legal context is unfair and unjust.

7 I say with respect that though I disagree with your
8 findings of guilt, it is easy for me to see how the absence of
9 the contextual framework in which this case was put together by
11:41:11 10 the Prosecution seemingly contributed to your findings. Sadly, I
11 am saddled with those findings today as you consider what
12 sentence to impose.

13 A starting point for the contextual framework to which I'm
14 referring is the issue of money, the purchasing of witnesses'
11:41:40 15 evidence with money. Money played a corrupting, influential,
16 significant, and dominant role in this trial. Money, in this
17 case, cumulatively prejudiced my rights and interests in an
18 irreparable way.

19 The Prosecution received millions of dollars from the
11:42:05 20 United States government outside of the official funding process
21 of the court administration. The Prosecution has never fully
22 accounted for how those monies were spent, who received how much,
23 or for what purpose or purposes. Witnesses were paid, coerced,
24 and in many cases threatened with prosecution if they did not
11:42:35 25 co-operate only to extract statements and not confessions.

26 Families were rewarded with thousands of dollars to cover costs
27 of children's school fees, transportation, food, clothing,
28 medical bills, and given cash allowances for protected and
29 non-protected witnesses in a country where income is less than a

1 dollar a day.

2 The question then comes to focus: What was the Prosecution
3 buying?

4 Abu Keita testified openly and never felt it necessary to
11:43:19 5 demand any type of protective measures from this Court, and yet,
6 within a few weeks of having testified, it became public
7 knowledge that he successfully coerced the Prosecution and the
8 Witness and Victim Section, WVS, to relocate him overseas. The
9 details are sketchy because the Prosecution and WVS have refused
11:43:48 10 to provide any details regarding the extortion by Abu Keita.
11 Evidence of his own threats are shown in Exhibit D468.

12 A more important point for the contextual framework to
13 which I am referring is the role politics played. With regime
14 change -- excuse me, Your Honours. When regime change in Liberia
11:44:19 15 became a policy of the United States government, President
16 George W. Bush, in May of 2001, signed a second of two executive
17 orders, number 13213, Defence Exhibit D310, in which it was
18 stated, and I quote:

19 "The government of Liberia's complicity in the RUF's
11:44:54 20 illicit trade in diamonds and its other forms of support for the
21 RUF are direct challenges to the United States foreign policy
22 objectives in the region as well as the rule-based international
23 order that is critical to the peace and prosperity of the
24 United States. Therefore, I find these actions by the government
11:45:21 25 of Liberia contribute to the unusual and extraordinary threat to
26 the foreign policy of the United States described in executive
27 order 13194," with respect to which the president declared a
28 national emergency.

29 This executive order did not say "the alleged complicity."

1 It concluded "the complicity." The conspiracy was born. All
2 systems put into motion. And here I stand today. I never stood
3 a chance.

4 This is the broader contextual matrix that regrettably did
11:46:16 5 not and still has not seen the light of day in these proceedings
6 despite the gallant efforts by the Defence to unearth and reveal
7 the contextual framework behind the charges against me.

8 Now, with the two executive orders, the dogs were let out,
9 so to speak. What followed was a dispatch of the attack pack led
11:46:40 10 by Lieutenant-Colonel David Crane, defence intelligence 30 years,
11 prosecutor. He, Crane, unlawfully unsealed the Court's sealed
12 indictment to his handlers, senior US government officials at the
13 US embassy in Freetown, and was never held to account.

14 The rest of the operational team are Colonel Brenda Hollis,
11:47:10 15 Defence intelligence, CIA, US Air Force, senior trial counsel,
16 and now Prosecutor. James C. Johnson, US Army, expert 20 years
17 on conventional and special operations, chief of prosecutions for
18 the SCSL. Allen White, 30 years Defence intelligence, recalled
19 from retirement to head up investigations at the Special Court
11:47:41 20 for Sierra Leone.

21 Stephen J. Rapp came on board as Chief Prosecutor for a
22 short time with experience from Capitol Hill where he served with
23 a US Senate Judiciary Subcommittee sometime before. It came as a
24 surprise to me that as a reward of sorts for Stephen Rapp's
11:48:02 25 diligence in execution of US foreign policy objectives through
26 these ad hoc tribunals, he was appointed US ambassador-at-large
27 for war crimes issues.

28 In support of the contextual framework of politics, on
29 February 8, 2006, Lieutenant-Colonel David Crane, Prosecutor,

1 appeared before a US Congress subcommittee on Africa, Defence
2 Exhibit D04, and spelled out in clear terms the decision taken in
3 support of regime change in Liberia and what needed to happen to
4 solidify that process. There was no mention, if any, in his
11:48:58 5 testimony about Sierra Leone. And here is what he said:

6 "I posit that five years from now, when the international
7 community is challenged by other crises, Taylor, in Calabar,
8 under the protection of Nigeria, will make his move. We will
9 wake up one morning and watch on CNN as Taylor rides triumphantly
11:49:31 10 down the main street in Monrovia to the executive mansion, daring
11 all of us to come and get him. Unless he is handed over to the
12 Special Court for Sierra Leone, this scenario is not out of the
13 realm of possibility ..."

14 He then asked:

11:49:54 15 "How to do we assure Liberia's future?"

16 And he answers that. Ultimately he says:

17 "What we do about Taylor in the next several weeks will
18 determine the fate of Liberia and the new administration of its
19 president, Ellen Johnson Sirleaf."

11:50:18 20 Crane then sets out several plans, two of which I will
21 state here. He said:

22 "First, hand Charles Taylor over to the Special Court for
23 Sierra Leone for a fair trial."

24 His kind of trial.

11:50:32 25 "This takes him out of the local and regional dynamics that
26 is West Africa ..."

27 "Second, tie any financial and political support to good
28 governance in Liberia."

29 Time does not permit, but the exhibits are present.

1 Not even the Nigerian nation was spared from threats and
2 intimidation as explained by Femi Fani-Kayode, press secretary to
3 President Obasanjo, the Nigerian head of state, who was with him
4 in Washington when President George W. Bush promised, and I
11:51:13 5 quote, "to bring Nigeria to its knees" if Taylor was not turned
6 over to the Special Court.

7 And what happened? Obasanjo buckled and capitulated. Now,
8 this demonstrates the significant pressure that was brought to
9 bear on President Obasanjo irrespective of his personal and
11:51:45 10 leadership obligations to the West African sub-region. And
11 therein lies the dilemma for current African heads of state and
12 government, how to enter into binding commitments and obligations
13 with their African peers and remain steadfast, resolute, and
14 unyielding in their fidelity to those agreements in the face of
11:52:03 15 such unrelenting and punishing pressure from powerful Western
16 leaders.

17 Evidence, as we know, can be deceiving. The world watched
18 General Colin Powell, a man of honour and respect, mislead the
19 United Nations Security Council and the world about weapons of
11:52:24 20 mass destruction in Iraq, and I believe it was unintentional.
21 There were drawings of mobile laboratories for the production of
22 gases and other nerve agents for use in weapons of mass
23 destruction. None of this was true.

24 Intelligence experts, we were told later, had relied on
11:52:47 25 informers who deliberately lied or misinformed experts and
26 analysts. Not even the world's only superpower knew what was
27 actually obtaining on the ground in Iraq.

28 What happened afterward over a period of ten years under
29 the iron fists of the United States and Great Britain caused the

1 murder, the rape, maiming, torture, and mutilation of around
2 1.5 million Iraqis, not to mention the 1 million Iraqi babies
3 that lost their lives as a result of crippling sanctions.

4 Now, this tragedy, I believe, are consequences not
11:53:35 5 anticipated of a policy that set out - and may I say rightly so -
6 to prevent the development and use of weapons of mass destruction
7 against civilians. But what happened? It ended up a total
8 disaster costing around a trillion dollars and a massive loss of
9 lives and limbs on all sides, unfortunately.

11:54:02 10 What I did to help bring peace to Sierra Leone was done
11 with honour. Foremost on my mind at all times was to help solve
12 the problem because I was convinced that unless peace came to
13 Sierra Leone, Liberia would not be able to move forward. I
14 pushed the peace process hard and used known mediating methods in
11:54:33 15 trying to draw the parties close and gain their confidence and
16 trust. This is a strategy used universally in mediation efforts.
17 Indeed, my approach to peace in Sierra Leone was neither unique
18 nor new.

19 All major activities leading to peace in Sierra Leone,
11:54:56 20 except for the final signing of the Lome Peace Agreement, were
21 done in Monrovia. Following that historic signing we brought
22 Foday Sankoh and Johnny Paul Koroma to Monrovia. When Bockarie
23 threatened the disarmament process, we extracted Sam Bockarie to
24 give the disarmament process a chance to take hold. We invited
11:55:15 25 Issa Sesay to meet my colleagues and me in Liberia to get new
26 leadership to the RUF to advance the peace when Foday Sankoh was
27 arrested in Freetown, putting the whole process under strain.

28 Contrary to how I have been portrayed before this Court,
29 and what is now reflected in the summary of the judgement,

1 respectfully, I was not and could not have been a two-headed
2 Janus, ever. In the context of my effort for peace in
3 neighbouring Sierra Leone, I, Your Honour, too believe in honour
4 and integrity. These are seriously complex situations and are
11:55:59 5 not just cut and dried as one may want to make them appear.

6 I was president of Liberia. I was not some petty trader on
7 the streets of Monrovia or in the general market. Liberia was
8 still recovering from war, where at least five warring parties
9 had come together for peace but still with divided loyalties. My
11:56:25 10 personal security was still threatened as things were still fluid
11 in the country. For anyone to believe that I had to be
12 everywhere, know or be told everything, and monitor whatever
13 little corrupt ex-combatant, crook or petty hustler did at some
14 check-point or border post is unfortunate and disturbing.

11:56:52 15 National security briefings to leaders the world over are
16 brief and intended to inform the leaders on strategic matters and
17 not a journal to occupy the leaders' schedule. Sadly, right here
18 in this court building, according to classified documents leaked,
19 an individual or individuals spied for and reported to the
11:57:19 20 US embassy here in The Hague, and I suggest Your Honours may
21 still not know who did the spying.

22 How, then, could any reasonable person suggest that any of
23 what was happening within the frontal view of the president, he
24 had to know? It simply defies logic, with respect.

11:57:47 25 I say without stupor that my actions were genuine and done
26 with one thing in mind: Helping to bring peace to Sierra Leone,
27 thus providing an enabling environment for progress in both
28 countries, Liberia being my constitutional responsibility as
29 president.

1 Unfortunately, and as a result of the efforts on the part
2 of my government for peace in Sierra Leone, there now appears to
3 have been collateral activities undertaken by some unsavory
4 individuals that led to consequences that I was entirely unaware
11:58:27 5 of and could not have ameliorated or prevented.

6 As I have done before many times, I do again here and now.
7 I express my sadness and deepest sympathy for the atrocities and
8 crimes that were suffered by individuals and families in Sierra
9 Leone. I too have experienced pain and sadness and know what it
11:58:57 10 is. I lost my father, my oldest brother, my youngest brother,
11 and a host of other relatives, friends, and acquaintances during
12 the war in Liberia, as well as peace-loving Liberian citizens.

13 I am 64 years old, not young anymore. I am the father of
14 many children, grand-children and great-grand. I am of no threat
11:59:19 15 to society. In Liberia I commenced the process of healing by
16 putting into place a peace and reconciliation commission modelled
17 after that of South Africa. I say with respect, reconciliation
18 and healing, not retribution, should be the guiding principles in
19 Your Honours' task.

11:59:49 20 Thank you very much.

21 I would just like to say before I sit that I did not have
22 the opportunity to congratulate Justice Sebutinde for her
23 election to a position in the International Court of Justice.
24 Now, some may say, well, you should not accept it, Your Honour,
12:00:16 25 from a convicted war criminal. I'm sorry, I probably should have
26 done this in February but I didn't have the opportunity.

27 But I would like to do so now. I think that all women in
28 Africa are very proud of you. And for the other Judges that
29 will, I'm sure, sure move on to other greater and better things,

1 please accept my congratulations in advance.

2 Thank you.

3 PRESIDING JUDGE: Thank you, Mr Taylor.

4 THE ACCUSED: May I leave now?

12:00:52 5 PRESIDING JUDGE: Before we adjourn, we would like to thank
6 both the Prosecution and the Defence for their very comprehensive
7 written briefs and also for the additional oral arguments
8 presented today. We have much to consider.

9 The delivery of judgement -- a Sentencing judgement date
12:01:22 10 has already been fixed for the 30th of May, Wednesday, the
11 30th of May, at 11.00 a.m. So Mr Taylor is remanded until that
12 date for a sentence, and I will now adjourn the court.

13 [Whereupon the Hearing adjourned at 12.03 p.m.]

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