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Liberia: Nigeria's offer of "asylum" to President Taylor flouts international law

The offer by Nigerian President Olusegun Obasanjo of "asylum" to President Charles Taylor not only flouts international law but does nothing to further a just and lasting peace in Liberia, Amnesty International said today.

President Taylor has been indicted by the Special Court for Sierra Leone for "bearing the greatest responsibility" for war crimes, crimes against humanity and other serious violations of international humanitarian law falling within the jurisdiction of the Special Court for Sierra Leone.

"On 4 June, when the indictment against President Taylor was made public by the court, the Government of Ghana failed to arrest him while he was in Accra. Now the Government of Nigeria is also violating its obligations under international law by promising that no legal action will be taken against President Taylor if he leaves Liberia for Nigeria," Amnesty International said.

International law requires that those who are alleged to have committed war crimes, crimes against humanity and other breaches of international law must be brought to justice.

"Each state which is a party to the Geneva Conventions - - as is Nigeria - - is under an obligation to bring to justice in its own courts those who have committed or ordered grave breaches of the Conventions, to extradite them to another country willing and able to do so or transfer them to an international criminal court," the organization said. "There is no exception: it applies to Nigeria and it applies to President Taylor."

"No one, regardless of their status - - including a head of state - - has immunity for the most serious crimes under international law," Amnesty International added.

"We are calling on President Obasanjo to fulfil Nigeria's obligations under international law," Amnesty International said. "If President Taylor enters Nigerian territory, he must be arrested."

The action first by the Government of Ghana and now of Nigeria runs counter to the major progress made by the international community towards ending impunity for war crimes, crimes against humanity and other grave crimes, including by the establishment of the International Criminal Court (the Statute of which has been ratified by both countries). The Governments of Ghana and Nigeria have also ignored repeated requests by the United Nations Security Council and Secretary-General to cooperate fully with the Special Court.

"By closing ranks around President Taylor, governments of the Economic Community of West African States (ECOWAS) are perpetuating what has been a major contributing factor to years of conflict in the region: impunity for widespread and systematic violations of the most basic human rights of civilians," Amnesty International said.

"The trade-off currently being played out between an end to the Liberian conflict and immunity for President Taylor is unacceptable and untenable," the organization stressed.

Any peace agreement for Liberia must include a mechanism for establishing accountability for the human rights abuses committed by all parties to the conflict if it is to be effective and sustainable. The position taken in Lomé in 1999 when negotiating a peace agreement for Sierra Leone - - that holding parties to the conflict accountable for gross human rights abuses would forfeit a peace agreement - - not only violated international law but was also ineffective in ensuring peace, as became apparent in less than a year. The Special Court for Sierra Leone is playing a major role in contributing towards reconciliation and sustained peace in Sierra Leone.

"Rather than displaying contempt for international law and for the Special Court for Sierra Leone, Nigeria and other ECOWAS states should show unbending commitment to ensuring that the Liberian people - - who have suffered so terribly - - see those responsible for crimes against them held to account," Amnesty International urged

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