

PUBLIC

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UA 238/03 **Impunity/ Legal concern**

NIGERIA **Charles Ghankay Taylor (m), former President of Liberia**

On 11 August, former Liberian President Charles Taylor left Liberia for Nigeria, where it is feared he may enjoy immunity from prosecution for crimes against humanity, war crimes and other serious violations of international humanitarian law.

In an indictment made public by the Special Court for Sierra Leone on 4 June 2003, Charles Taylor was accused of being among those "bearing the greatest responsibility" for crimes including widespread and systematic killings of civilians, amputations, rape and others forms of sexual violence, the use of child soldiers, abduction and forced labour. The charges relate to his support of the armed opposition during Sierra Leone's 10-year internal armed conflict.

International law requires that those who are suspected of having committed war crimes, crimes against humanity and other breaches of international law be investigated and, of there is sufficient admissible evidence, prosecuted. Under the 1949 Geneva Conventions, the Nigerian authorities are obliged to arrest Charles Taylor and either surrender him to the Special Court for Sierra Leone, or open an investigation to determine whether to open criminal or extradition proceedings in Nigerian courts. The Nigerian government is also bound by the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment to arrest Charles Taylor pending a preliminary investigation into the allegations of torture set out in the indictment. In addition, by ratifying the Rome Statute of the International Criminal Court, Nigeria has made a commitment to ending impunity for crimes under international law.

Nigerian President Olusegun Obasanjo has defended Nigeria's offer of "asylum" as a "humanitarian action" aimed at securing a peaceful transition of power in Liberia and an end to the country's internal armed conflict. President Obasanjo welcomed Charles Taylor when he arrived in the capital Abuja, reportedly saying that "we will endeavour to be good hosts while he is in Nigeria". It is believed that Charles Taylor is unlikely to face either arrest or prosecution while he is in Nigeria.

Amnesty International believes that any guarantee of immunity for Charles Taylor would perpetuate what has been a major contributing factor to years of conflict in the region - impunity for serious violations of international law. It would seriously undermine both the progress made by the international community to end impunity and the Special Court's important contribution to justice, reconciliation and sustained peace in Sierra Leone.

BACKGROUND INFORMATION

The Special Court for Sierra Leone, established by an agreement between the United Nations and the government of Sierra Leone in January 2002, has jurisdiction "to prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996". To date, 12 people have been indicted by the Special Court, eight of whom are in custody.

Charles Taylor is alleged to have provided active support for the armed opposition Revolutionary United Front (RUF) during Sierra Leone's conflict, which was characterized by some of the worst human rights abuses ever known. These included widespread deliberate and arbitrary killings of civilians, torture, including rape and deliberate amputation of limbs, and abduction and forced recruitment of large numbers of people, including children, many of whom were forced to fight.

Charles Taylor was elected president in 1997. He left Liberia shortly after relinquishing power in a ceremony in Monrovia, the Liberian capital, on 11 August 2003. He was accompanied on the flight to Abuja by the President of Ghana, John Kufuor, the President of Mozambique, Joaquim Chissano and the Executive Secretary of the Economic Community of West African States (ECOWAS), Mohammed Ibn Chambas. After meeting President Obasanjo and other Nigerian government officials, Charles Taylor and his family travelled to the town of Calabar, Cross River State, where he has been provided with a house. His departure follows recent attacks on Monrovia by the armed opposition Liberians United for Reconciliation and Democracy (LURD) and the intensification of hostilities between government and armed opposition forces elsewhere in Liberia. A cease-fire agreement, which has been repeatedly violated, signed by representatives of the Liberian government, the LURD and a second armed opposition group, the Movement for Democracy in Liberia (MODEL), on 17 June 2003 specifically excluded him from playing any role in an anticipated transitional government.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing serious concern that the Government of Nigeria has granted President Taylor "asylum", with the implication that he will be given immunity from prosecution by either the Special Court for Sierra Leone or the Nigerian courts;
- stating that international law requires that those suspected of having committed serious violations of international law be investigated and, if there is sufficient admissible evidence, prosecuted, and expressing serious concern that Nigeria is in breach of its obligations under international law if it fails to arrest Charles Taylor;
- urging the authorities to immediately arrest Charles Taylor and either surrender him to the Special Court for Sierra Leone or open an investigation with a view to determining whether to open criminal or extradition proceedings in Nigerian courts;
- adding that Amnesty International believes that there can be no durable peace in West Africa unless those who have committed serious violations of international human rights and humanitarian law are brought to justice.

APPEALS TO:

President

Olusegun Obasanjo
The Presidency
Federal Secretariat Phase 2, Shehu Shagari Way
Abuja, Nigeria

Telegram: President Obasanjo, Abuja, Nigeria

Fax: + 234 9 2341733

Salutation: Dear President Obasanjo

Minister of Foreign Affairs

Oluyemi Adeniji
Maputo Street
Zone 3 Wuse District
Abuja, Nigeria

Telegram: Foreign Affairs Minister, Abuja, Nigeria

Fax: + 234 9 5230188

Salutation: Dear Minister

Minister of Justice

Olujimi San
New Federal Secretariat Complex
Shehu Shagari Way
Abuja, Nigeria

Telegram: Justice Minister, Abuja, Nigeria

Fax: + 234 9 5235194

Salutation: Dear Minister

COPIES TO: Diplomatic representatives of Nigeria accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 September 2003.