



Case No. SCSL-2003-01-T
THE PROSECUTOR OF SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR
Wednesday, 30 May 2012
11.00 a.m
SENTENCING HEARING
TRIAL CHAMBER II.

Before the Judges:

Justice Richard Lussick, Presiding
Justice Teresa Doherty
Justice Julia Sebutinde

For Chambers:

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

For the Registry:

Ms Binta Mansaray
Ms Fidelma Donlon
Ms Zainab Fofanah.
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Jim Johnson
Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Nina Tavakoli
Ms Ruth Mary Hackler
Ms Ula Nathai-Lutchman
Mr James Pace
Mr C6man Kenny
Ms Rachel Vaporis-Berman
Mr Joshua Lisk
Ms Lena Sokolic

For the accused Charles Ghankay Taylor:

Mr Courtenay Griffiths, QC
Mr Terry Munyard
Mr Morris Anyah
Ms Logan Hambrick
Mr James Kamara
Ms Alexandra Popov
Mr Michael Herz
Ms Szilvia Csevar
Ms Carly Lenhoff
Ms Habibatou Gani
Mr. James Kamara

Office of the Principal Defender:

Ms Claire Carlton-Hanciles

1 Wednesday, 30 May 2012
2 [Sentencing Judgement]
3 [Open Session]
4 [Accused present]
10:59:17 5 [Upon commencing at 11.00 a.m.]
6 THE REGISTRAR: All rise. Please be seated. The
7 special court for Sierra Leone is sitting in an open session and
8 for the Sentencing Judgement in the case of the Prosecutor versus
9 Charles Ghankay Taylor, Justice Richard Lussick presiding.
11:01:21 10 PRESIDING JUDGE: Good morning.
11 we'll take appearances, please.
12 MS HOLLIS: Good morning, Mr president, Your Honours,
13 opposing counsel.
14 This morning for the Prosecution, Brenda J. Hollis,
11:01:37 15 Nicholas Koumjian, Mohamed A. Bangura, James C. Johnson,
16 Ruth Mary Hackler, Nina Tavakoli, Leigh Lawrie,
17 Christopher Santora, Kathryn Howarth, Ula Nathai-Lutchman,
18 James Pace, Coman Kenny, and we are joined by our interns
19 Lena Sokolic, Joshua Lisk, and Rachel Berman-Vaporis.
11:02:06 20 PRESIDING JUDGE: Thank you.
21 Yes, Mr Griffiths.
22 MR GRIFFITHS: Good morning, Mr President, Your Honours,
23 counsel opposite.
24 For the Defence today myself, Courtenay Griffiths, Queen's
11:02:17 25 Counsel. And I am joined by my learned co-counsels
26 Mr Terry Munyard, Mr Morris Anyah, Silas Chekera, and
27 Ms Logan Hambrick. Also with us today is
28 Ms Claire Carlton-Hanciles, the Principal Defender. And we are
29 joined also by our legal assistants Mr Michael Herz,

1 Ms Szilvia Csevar, Ms Alexandra Popov, Ms Habibatou Gani, and
2 also our Case Manager Ms Salla Moilanen, and James Kamara, our
3 Team Administrator.

4 PRESIDING JUDGE: Thank you.

11:03:02 5 Mr Taylor appears today for sentence. I will read from the
6 full sentencing judgement, which I have before me, and which will
7 be filed today when this Court adjourns.

8 On the 26th of April, 2012, the Trial Chamber rendered its
9 Judgement, delivered in summary form, finding the Accused,
11:03:30 10 Charles Ghankay Taylor, guilty of aiding and abetting the
11 commission of the crimes set forth in counts 1 to 11 of the
12 indictment, pursuant to Article 6.1 of the Statute, as well as
13 planning the commission of the crimes set forth in the counts 1
14 to 11 of the indictment, which took place during the attack on
11:03:55 15 Kono and Makeni in December 1998 and in the invasion of and
16 retreat from Freetown between December 1998 and February 1999.
17 On 18th of May, 2012, the Trial Chamber filed its Judgement.

18 The Trial Chamber scheduled a sentencing hearing for 16
19 May, 2012, and the parties submitted relevant information for the
11:04:26 20 assistance of the Trial Chamber pursuant to Rule 100(A) of the
21 Rules. The Prosecution sentencing brief was filed on the 3rd of
22 May. The Defence sentencing brief was filed on 10th of May. At
23 a sentencing hearing on 16 May, 2012, oral submissions were made
24 by the parties and a statement was made by the accused.

11:04:55 25 The Prosecution submits that considering the extreme
26 magnitude and seriousness of the crimes that were committed
27 against the people of Sierra Leone, for which Mr Taylor has been
28 found responsible, the appropriate sentence for Charles Taylor is
29 imprisonment for a term of not less than 80 years.

1 The Defence did not specify what sentence should be imposed
2 but submits that despite the gravity of the underlying crimes for
3 which Mr Taylor has been convicted, the 80-year sentence proposed
4 by the Prosecution is "manifestly disproportionate and
5 excessive."

11:05:42

6 The Trial Chamber considered the written and oral
7 submissions of the parties and the statement of the Accused in
8 the determination of an appropriate sentence.

9 The Sentencing Judgement, which I said will be filed today,
10 includes a preliminary section on Applicable Law and a summary of
11 the submissions of the parties, which I will not read out in
12 court.

11:06:01

13 The accused has been found responsible for aiding and
14 abetting, as well as planning, some of the most heinous and
15 brutal crimes recorded in human history. The Trial Chamber is of
16 the view that the offences for which the accused has been
17 convicted - acts of terrorism, murder, rape, sexual slavery,
18 cruel treatment, recruitment of child soldiers, enslavement, and
19 pillage - are of the utmost gravity in terms of the scale and
20 brutality of the offences, the suffering caused by them on
21 victims and the families of victims, and the vulnerability and
22 number of victims.

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23 In determining an appropriate sentence for the Accused, the
24 Trial Chamber has taken into account the tremendous suffering
25 caused by the commission of the crimes for which the Accused is
26 convicted of planning and aiding and abetting, and the impact of
27 these crimes on the victims, physically, emotionally, and
28 psychologically. The Trial Chamber recalls the tremendous loss
29 of life - innocent civilians burned to death in their homes, or

11:07:09

1 brutally killed by maiming and torture. The amputation of limbs
2 was a hallmark of terror and cruelty visited upon innocent
3 civilians. For those who survived these crimes, the long-term
4 impact on their lives is devastating - amputees without arms who
11:07:56 5 now have to live on charity because they can no longer work;
6 young girls who have been publicly stigmatised and will never
7 recover from the trauma of rape and sexual slavery to which they
8 was subjected, in some cases resulting in pregnancy and
9 additional stigma from the children born thereof; child soldiers,
11:08:17 10 boys and girls who are suffering from public stigma highlighted
11 by the identifying marks carved on their bodies and enduring the
12 after-effects of years of brutality, often irreparable alienation
13 from their family and community; all as a consequence of the
14 crimes for which Mr Taylor stands convicted of aiding and
11:08:43 15 abetting and planning. The Defence aptly describe "the pain of
16 lost limbs, the agony of not only rape in its commonly understood
17 sense, but also the rape of childhood, the rape of innocence,
18 possibly the rape of hope." The Trial Chamber witnessed many
19 survivors weeping as they testified, a decade after the end of
11:09:18 20 the conflict. Their suffering will be life-long.

21 In the assessing the gravity of the crimes committed, the
22 Trial Chamber recalls the evidence of several witnesses whose
23 testimony highlights the brutality of the crimes committed, the
24 suffering caused by these crimes on the victims, and their
11:09:38 25 vulnerability. Witness TF1-064 was forced to carry a bag
26 containing human heads to Tombodu. On the way, the rebels
27 ordered her to laugh as she carried the bags dripping with blood.
28 TF1-046 testified that when they arrived at Tombodu, the bag was
29 emptied and she saw the heads of her children. Witness TF1-143

1 was 12 years old when he and 50 other boys and girls were
2 captured by Revolutionary United Front rebels in September 1998
3 in Konkoba. The rebels turned him into a child soldier after
4 carving the letters "RUF" on his chest. Having been told to
11:10:38 5 amputate the hands of those who resisted him, this 12 year old
6 subsequently used a machete to amputate the hands of men who had
7 refused to open the door of their shop. When ordered on a
8 food-finding mission to rape an old woman they found at a
9 farmhouse, the boy cried and refused, for which he was punished.
11:11:01 10 The Trial Chamber recalls the testimony of TF1-358, who treated a
11 young nursing mother whose eyes had been pulled out from their
12 sockets after she was gang raped by seven armed rebels so that
13 she would not be able to later identify them.

14 The scale and brutality of the crimes committed in
11:11:22 15 Sierra Leone, as demonstrated by these individual incidents, is
16 also clearly demonstrated by the code names given by the
17 perpetrators to the military campaigns in which the crimes were
18 committed. Names such as Operation Spare No Soul and Operation No
19 Living Thing indicating, the indiscriminate killing of anything
11:11:50 20 that moved, speak for themselves as to the gravity of the crimes
21 committed.

22 The Trial Chamber notes that the effects of these crimes on
23 the families of the victims, as well as the society as a whole,
24 are devastating. A number of physically handicapped
11:12:09 25 Sierra Leoneans have been left unable to do the simplest task we
26 take for granted as a direct result of amputation. Many of the
27 victims were productive members of society, breadwinners for
28 their families, and are now reduced to beggars, unable to work as
29 a result of the injuries inflicted on them. They are no longer

1 productive members of society.

2 Particularly reprehensible were the crimes committed against
3 vulnerable groups. Girls and women were raped, subjected to
4 sexual slavery, and in many cases unwanted pregnancy. Pregnant
11:12:53 5 women were cut open to settle bets as to the sex of the unborn
6 child. Child soldiers, both boys and girls, had their innocence
7 stolen and were forced to commit murders, rapes, and mutilations
8 at a very young age, their lives permanently marred by these
9 traumatic experiences. Elderly men and women, a particularly
11:13:15 10 vulnerable group, were also affected by the crimes committed,
11 their dignity violated by brutal attack and cruel treatment.

12 In assessing the role of Mr Taylor, the Trial Chamber has
13 considered the modes of liability under which he was convicted,
14 as well as the nature and degree of his participation. The Trial
11:13:40 15 Chamber recalls that Mr Taylor's conviction for aiding and
16 abetting the commission of crimes by the Armed Forces
17 Revolutionary Council/Revolutionary United Front is based on a
18 number of interventions. In addition to supplying arms and
19 ammunition and providing military personnel, Mr Taylor provided
11:14:05 20 various forms of sustained operational support, including
21 communications and logistical support. In addition to this
22 practical assistance, Mr Taylor also provided encouragement and
23 moral support through ongoing consultation and guidance. The
24 cumulative impact of these various acts of aiding and abetting
11:14:29 25 heightens the gravity of Mr Taylor's criminal conduct in the view
26 of the Trial Chamber. Moreover, the steady flow of arms and
27 ammunition that he supplied extended the duration of the
28 Sierra Leone conflict and the commission of crimes it entailed.
29 Had the RUF/AFRC not had this support from Mr Taylor, the

1 conflict and commission of crimes might have ended much earlier.

2 With regard to Mr Taylor's conviction for planning the
3 commission of crimes in the attacks on Kono and Makeni, and in
4 the invasion of and retreat from Freetown between December 1998
11:15:08 5 and February 1999, the Trial Chamber notes the submission by the
6 Defence distinguishing the design of the overall operation from
7 the planning of the actual crimes that were perpetrated. The
8 Trial Chamber does not accept this distinction and recalls its
9 finding that having drawn up the plan with Bockarie, Mr Taylor
11:15:32 10 followed its implementation closely via daily communications,
11 either directly or through Benjamin Yeaten.

12 The Prosecution argues that the length of time over which
13 the crimes were committed, spanning up to five years, should be
14 taken into account as an aggravating factor. The Trial Chamber
11:15:55 15 has considered this issue in the context of its consideration of
16 the gravity of the offence rather than as an aggravating factor.
17 With regard to the duration of the crimes committed, the Defence
18 submits that the bulk of crimes occurred within an 18-month
19 period in 1998 and 1999, not the longer period of five years set
11:16:21 20 forth by the Prosecution. The Trial Chamber notes that the
21 Prosecution has outlined various time-periods for various crimes,
22 with the time-periods as a whole spanning five years. The Trial
23 Chamber notes the Defence acknowledgment that the full time span
24 of crimes committed is five years, as documented in its own chart
11:16:47 25 of the temporal range of counts. In the Trial Chamber's view, it
26 is clear from the evidence, as supported by the submissions of
27 both Parties, that the length of time over which the crimes were
28 committed was five years, with a concentration of the crimes
29 having been committed during an 18-month or two-year period within

1 the five-year time span. In the Trial Chamber's view, the length
2 of time over which the crimes continued heightens the gravity of
3 the offence.

4 The Defence submits that Mr Taylor's age, health, and
5 family circumstances "constitute the essence of the individual
6 circumstances contemplated in Article 19(2) of the Statute" and
7 that they may be regarded as mitigating factors. Mr Taylor is 64
8 years old. The Trial Chamber is not aware of any serious
9 concerns relating to his health, and no medical evidence has been

10 submitted relating to his health. The Trial Chamber notes that
11 Mr Taylor has and will continue to have access to medical
12 attention as needed throughout the period of his sentence. His
13 age and the fact that he is married with children are not, in the
14 Trial Chamber's view, mitigating factors in this case. Further,

15 his social, professional, and family background, which the
16 Defence submits, shows the likelihood of rehabilitation, is not a
17 mitigating factor in the Trial Chamber's view. The Trial Chamber
18 recalls that the Special Court Appeals Chamber, as well as the
19 ICTY Appeals Chamber, has held that the primary objectives in
20 sentencing must be retribution and deterrence. Moreover, in the
21 absence of Mr Taylor's acceptance of responsibility or remorse
22 for the crimes committed, the Trial Chamber does not consider the
23 likelihood of rehabilitation to be significant, nor is it
24 demonstrated by his social, professional, and family background.

25 In light of these considerations, the Trial Chamber finds
26 that nothing in Mr Taylor's personal circumstances justifies any
27 mitigation of his sentence.

28 The Defence and Mr Taylor have both highlighted their
29 contention that the Accused was singled out for selective

1 prosecution. The Trial Chamber has addressed this issue in its
2 Trial Judgement and found that Mr Taylor was not singled out for
3 selective prosecution. In the Trial Chamber's view, this is not
4 relevant to sentencing.

11:19:42 5 On the question of time served, on the 7th of March, 2003,
6 the indictment against Mr Taylor was approved by the
7 Special Court under seal and a warrant for Mr Taylor's arrest was
8 issued. On the 4th of June, 2003, the indictment and warrant of
9 arrest were publicly disclosed and formally unsealed one week
11:20:10 10 later. On 11th of August, 2003, Mr Taylor stepped down from the
11 presidency. He went into exile to Nigeria where he remained
12 until 29th of March, 2006, when he was arrested by Nigerian
13 authorities following a request by Liberian President Johnson Sir
14 Leaf that he be surrendered to the Special Court pursuant to his
11:20:39 15 warrant of arrest. On the same day, he was handed over to the
16 Liberian authorities who in turn transferred him to the custody
17 of the Special Court. For security reasons, by order of the
18 President of the Court, in June 2006 Mr Taylor was transferred
19 from Freetown to the Netherlands to stand trial in The Hague,
11:20:59 20 where he has been on remand since.

21 The Defence submits that in addition to the time he has
22 spent in the custody of the Court, Mr Taylor should be credited
23 for time that he spent in Nigeria prior to his transfer, an
24 additional 2 years and seven months. The Defence submits that
11:21:23 25 during this time Mr Taylor was effectively under house arrest and
26 at that time, therefore, constitutes detention, highlighting the
27 conditions of his stay in Nigeria as set forth in Exhibit D-406.
28 The Prosecution submits that Mr Taylor was not under house arrest
29 highlighting his own testimony that he was free to go where he

1 wanted during this time.

2 Rule 101(D) of the Special Court's Rules of Procedure and
3 Evidence provides that credit for time served shall be taken into
4 consideration for any period "during which the convicted person
11:22:04 5 was detained in custody pending his transfer to the Special Court
6 or pending trial or appeal." The Trial Chamber notes that house
7 arrest has been recognised as a form of detention pending
8 surrender which might be considered for purposes of crediting a
9 convicted person for time served. However, in the case of
11:22:25 10 Mr Taylor, the period of time he spent in Nigeria cannot be
11 considered, in the Trial Chamber's view, as having taken place
12 pending his transfer to the Court and therefore does not fall
13 within the scope of Rule 101(D). Mr Taylor's time in Nigeria was
14 not unrelated to his effort to avoid the jurisdiction of the
11:22:48 15 Court, and during his time in Nigeria the Court was in no way
16 involved in the conditions governing his stay there. It is from
17 29th of March, 2006, that Mr Taylor was detained in custody
18 pending his transfer to the Court.

19 The Trial Chamber further notes, as highlighted by the
11:23:08 20 Prosecution, that Mr Taylor himself testified that he was not
21 under house arrest during the period of time he was in Nigeria
22 following his departure from Liberia. Exhibit D-406 is cited by
23 the Defence as listing the conditions of his stay in Nigeria and
24 including serious restrictions on his movement and liberty. The
11:23:37 25 Trial Chamber notes that the conditions listed in Exhibit D-406
26 are set forth as "conditions of Asylum for Former President
27 Charles Taylor." They list a number of obligations of Mr Taylor,
28 and of Nigeria. The obligations of Mr Taylor include his
29 abstention from subversive activities against Nigeria and from

1 political activities in or military incursions into Liberia. The
2 restrictions on his movement are the requirement that he obtain
3 clearance to leave the city limits of Calabar and that he be
4 accompanied on any travel outside Calabar by a Nigerian escort
11:24:22 5 officer. Security is listed as an obligation of Nigeria to
6 provide protection to Mr Taylor. The Trial Chamber does not find
7 that these conditions governing the asylum offered to Mr Taylor
8 by the government of Nigeria can be considered to constitute
9 house arrest, as alleged by the Defence.

11:24:47 10 In light of these consideration, for the reasons of fact
11 and law, the Trial Chamber does not credit Mr Taylor for the
12 period of time that he spent in Nigeria prior to his arrest and
13 finds that his detention for the purpose of credit for time
14 served commenced on 29th of March, 2006.

11:25:05 15 The Defence has set forth a number of factors to be
16 considered in mitigation of sentence, while the Prosecution
17 submits that there are no significant mitigating factors.

18 The Trial Chamber has addressed the role of Mr Taylor in
19 the peace process for Sierra Leone at length in its Judgement and
11:25:26 20 finds that while Mr Taylor publicly played a substantial role in
21 this process, including as a member of the ECOWAS Committee of
22 Five, later Committee of Six, secretly he was fueling hostilities
23 between the AFRC/RUF and the democratically elected authorities
24 in Sierra Leone, by urging the former not to disarm and by
11:25:57 25 actively providing them with arms and ammunition. For this
26 reason, the Trial Chamber does not find Mr Taylor's role in the
27 peace process to be a mitigating factor in sentencing. The Trial
28 Chamber notes the constructive role Mr Taylor played in the
29 release of UN peace keepers and other hostages, but in light of

1 the gravity of the crimes does not consider this intervention a
2 significant mitigating factor.

3 The Defence submits that Mr Taylor's record of public
4 service to his country, and his resignation from office, are
11:26:29 5 mitigating factors. With regard to his resignation from office
6 and departure from Liberia, the Trial Chamber notes the
7 circumstances at the time, including the indictment by this
8 Court, and does not find that his public service, or his
9 resignation from office and departure from Liberia, to be
11:26:55 10 mitigating factors in sentencing.

11 The Defence suggests that the co-operation of Mr Taylor
12 with the Prosecution and the Court should be considered in
13 mitigation. The Trial Chamber recalls that Mr Taylor directed
14 his counsel to disregard orders of the Trial Chamber and does not
11:27:10 15 consider that Mr Taylor co-operated with the Prosecution and the
16 Court. For this reason, co-operation cannot be considered a
17 mitigating factor for sentencing.

18 The Defence submits that expressions of sympathy and
19 compassion by Mr Taylor for the victims of the crimes committed
11:27:34 20 should be taken into account as a mitigating factor. Although
21 the Defence accepted that crimes were committed in Sierra Leone,
22 it nevertheless put the Prosecution to proof beyond reasonable
23 doubt of the crimes charged in the indictment, necessitating the
24 testimony of numerous victims who relived in this Court the pain
11:27:57 25 and suffering they experienced. In his statement to this Court,
26 Mr Taylor said, "Terrible things happened in Sierra Leone and
27 there can be no justification for terrible crimes." Mr Taylor
28 has not accepted responsibility for the crimes of which he stands
29 convicted, and the Trial Chamber does not consider this

1 statement, and the other comments made by Mr Taylor, to
2 constitute remorse that would merit recognition for sentencing
3 purposes.

11:28:32

4 The Defence submits that Mr Taylor's lack of a prior
5 criminal record and his good conduct in detention should be
6 considered as mitigating factors. The Trial Chamber notes the
7 report submitted by the Defence of Mr Taylor's good conduct in
8 detention and has taken this report into account, although it
9 does not consider this factor to have great significance in light

11:28:52

10 of the gravity of the crimes committed. Similarly, with regard to
11 Mr Taylor's lack of a prior criminal record, in light of the
12 gravity of the crimes committed, this is not, in the Trial
13 Chamber's view, a significant factor. Moreover, the Trial
14 Chamber notes the question raised by the Prosecution - who was in
15 a real position of power or authority to prosecute the president
16 of Liberia? The Trial Chamber considers that while not
17 impossible, it is difficult to prosecute a head of state.

11:29:16

18 The Defence submits that the hardship on Mr Taylor of
19 serving a sentence outside his country of origin should be a
20 mitigating factor. Trial Chamber notes that the determination as
21 to where Mr Taylor will serve his sentence shall be made by the
22 president of the Court following sentencing, pursuant to Rule 103
23 of The Rules of Procedure and Evidence and recalls the
24 determination of the Appeals Chamber that the fact that a
25 sentence is to be served in a foreign country should not be
26 considered in mitigation.

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27 The Trial Chamber recalls that Mr Taylor was found not
28 guilty of participation in a joint criminal enterprise, and not
29 guilty of superior responsibility for the crimes committed. A

1 conviction on these principal or significant modes of liability
2 might have justified the sentence of 80 years' imprisonment
3 proposed by the Prosecution. However, the Trial Chamber
4 considers that a sentence of 80 years would be excessive for the
11:30:36 5 modes of liability on which Mr Taylor has been convicted, taking
6 into account the limited scope of his conviction for planning the
7 attacks on Kono and Makeni in December 1998 and the invasion of
8 and retreat from Freetown between December 1998 and February
9 1999.

11:30:58 10 The Prosecution argues that Mr Taylor's "willing and
11 enthusiastic participation" in the crimes constitutes an
12 aggravating factor, citing his detailed knowledge of the crimes
13 that were committed. The Defence contends that to consider this
14 an aggravating factor would amount to "double counting" elements
11:31:31 15 of the evidence for which Mr Taylor was convicted. The Trial
16 Chamber agrees that Mr Taylor's knowledge of the crimes is an
17 element of his conviction and cannot be considered an aggravating
18 factor.

19 The Prosecution argues that Mr Taylor's leadership role, as
11:31:48 20 president of Liberia, and as a member of the ECOWAS Committee of
21 Five, imbued him with inherent authority, which he abused to "fan
22 the names of conflict. The Defence contends that this argument
23 fails the pleading requirement and cites jurisprudence which the
24 Trial Chamber has considered in its discussions of applicable
11:32:16 25 law. The Trial Chamber notes that the precedents cited state
26 more broadly than suggested by the Defence that aggravating
27 circumstances are "those circumstances directly related to the
28 commission of the offence charged." As the leadership role of
29 Mr Taylor during the indictment period is directly related to the

1 commission of the offences with which he was charged, the Trial
2 Chamber has considered this role as an aggravating factor. The
3 Trial Chamber notes that as president of Liberia, Mr Taylor held
4 a position of public trust, with inherent authority, which he
11:32:56 5 abused in aiding and abetting and planning the commission of the
6 crimes for which he has been convicted. As a head of state, and
7 as a member of the ECOWAS Committee of Five, and later Committee
8 of Six, Mr Taylor was part of the process relied on by the
9 international community to bring peace to Sierra Leone. But his
11:33:19 10 actions undermined this process, and rather than promote peace,
11 his role in supporting the military operations of the AFRC/RUF in
12 various ways, including through the supply of arms and
13 ammunition, prolonged the conflict. The lives of many more
14 innocent civilians in Sierra Leone were lost or destroyed as a
11:33:45 15 direct result of his actions. As president and as
16 Commander-in-Chief of the Armed Forces of Liberia, Mr Taylor used
17 his unique position, including his access to state machinery and
18 public resources to aid and abet the commissions of crimes in
19 Sierra Leone, rather than using his power to promote peace and
11:34:04 20 stability in the sub-region. The Trial Chamber finds that
21 Mr Taylor's special status, and his responsibility at the highest
22 level, is an aggravating factor of great weight. There is no
23 relevant sentencing precedent for heads of state who have been
24 convicted of war crimes and crimes against humanity, but as
11:34:27 25 Mr Taylor himself told the Trial Chamber, "I was president of
26 Liberia. I was not some petty trader on the streets of
27 Monrovia."

28 The Trial Chamber notes that the actions of Mr Taylor, then
29 president of Liberia, caused and prolonged the harm and suffering

1 inflicted on the people of Sierra Leone, a neighbouring country
2 not his own. While Mr Taylor never set foot in Sierra Leone, his
3 heavy foot-print is there, and the Trial Chamber considers the
4 extraterritoriality of his criminal acts to be an aggravating
5 factor.

11:35:19

6 The Trial Chamber found that there was a continuous supply
7 by the AFRC/RUF of diamonds mined from areas in Sierra Leone to
8 Mr Taylor, often in exchange for arms and ammunition. Mr Taylor
9 repeatedly advised the AFRC/RUF to capture Kono, a diamondiferous
10 area, and to hold Kono and to recapture Kono so that they would
11 have access to diamonds which they could use to obtain from him
12 and through him the arms and ammunition that were used in
13 military operations to target civilians in a campaign of
14 widespread terror and destruction. Mr Taylor benefitted from
15 this terror and the destruction through a steady supply of
16 diamonds from Sierra Leone. His exploitation of the conflict for
17 financial gain is, in the view of the Trial Chamber, an
18 aggravating factor.

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19 The Trial Chamber notes that although the law of
20 Sierra Leone provides for the sentencing of an accessory to a
21 crime on the same basis as a principal, the jurisprudence of this
22 Court, as well as that of the ICTY and ICTR, holds that aiding
23 and abetting as a mode of liability generally warrants a lesser
24 sentence than that imposed for more direct forms of
25 participation. While generally the application of this principle
26 would indicate a sentence in this case that is lower than the
27 sentences that have been imposed on the principal perpetrators
28 who have been tried and convicted by this Court, the Trial
29 Chamber considers that the special status of Mr Taylor as a head

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1 of state puts him in a different category of offenders for the
2 purpose of sentencing.

3 Although Mr Taylor has been convicted of planning, as well
4 as aiding and abetting, his conviction for planning is limited in
11:37:12 5 scope. However, Mr Taylor was functioning in his own country at
6 the highest level of leadership, which puts him in a class of his
7 own when compared to the principal perpetrators who have been
8 convicted by this Court.

9 Leadership must be carried out by example, by the
11:37:34 10 Prosecution of crimes, not the commission of crimes. As we enter
11 a new era of accountability, there are no true comparators for
12 which the Trial Chamber can look for precedent in determining an
13 appropriate sentence in this case. However, the Trial Chamber
14 wishes to underscore the gravity it attaches to Mr Taylor's
11:38:01 15 betrayal of public trust. In the Trial Chamber's view, this
16 betrayal outweighs the distinctions that might otherwise pertain
17 to the modes of liability discussed above.

18 Accordingly, the Trial Chamber is of the view that his
19 unique status as head of state and the other aggravating factors
11:38:21 20 set forth above, should be reflected in his sentence.

21 Mr Taylor, would you please rise for the sentence of the
22 Court.

23 Mr Taylor, for the foregoing reasons, the Trial Chamber
24 unanimously sentences you to a single term of imprisonment of 50
11:38:45 25 years for all of the counts on which you've been found guilty.
26 Credit shall be given to you for the period commencing from 29th
27 of March, 2006, during which you were detained in custody pending
28 this trial.

29 Thank you. You can be seated, Mr Taylor.

1 we will adjourn.

2 THE REGISTRAR: All rise.

3 [Whereupon the sentencing hearing adjourned at 11.38 a.m.]

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