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USA / Liberia: US indictment of Chuckie Taylor for torture

Amnesty International welcomed the US Federal Grand Jury indictment on 6 December 2006 of Roy Belfast, Jr. (also known as Charles or Chuckie Taylor, Charles Taylor II and Charles MacArthur Emmanuel) a US citizen, for torture and conspiracy to torture, allegedly committed while he served as the head of the former Liberian President Charles Taylor's Anti Terrorist Unit (ATU). Amnesty International welcomed this development as the organization had urged the US Department of Justice to investigate these and other allegations of torture and, if there was sufficient admissible evidence, to prosecute.

The indictment marks the first time ever that the USA has charged anyone under the federal anti-torture statute (18 U.S.C. §§ 2340-2340A) since that law was enacted in 1994. That law, which was largely a dead letter with regard to criminal prosecutions until the indictment, authorizes US Federal courts to exercise universal jurisdiction over persons found in the USA who are suspected of torture committed anywhere in the world. Amnesty International hopes that this indictment indicates that the USA will now finally fulfill its obligations under the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment to exercise universal jurisdiction over the persons found in territory subject to its jurisdiction suspected of any act of torture, attempt to commit torture or complicity or participation in torture. In addition, the organization hopes that Liberian prosecutors will now begin to investigate and, where there is sufficient admissible evidence prosecute the many other persons suspected of committing torture and other crimes under international law in Liberia over the past decade.

Chuckie Taylor's arrest for torture follows the arrest and surrender of his father, the former Liberian president, to the Special Court for Sierra Leone on the 29 March 2006, where he faces 11 counts of war crimes and crimes against humanity for crimes committed in Sierra Leone. In April 2006, Gus Kowehoven, a Dutch national and former associate of Charles Taylor, was found guilty by a Dutch court of violating the Security Council's Liberian arms embargo. However, he was acquitted of war crimes charges. The indictment demonstrates that the international community is beginning to take crimes under international law committed against Africans as seriously as other grave crimes of international concern and that little by little safe havens for those suspected of such crimes are vanishing. It is also now time for the Liberian government to enact the necessary legislation authorizing such prosecutions in Liberia and for Liberian prosecutors to follow this lead, said Amnesty International.

It was during Chuckie Taylor's tenure as the head of the ATU that he is alleged to have committed torture and conspired to commit torture. Although he has been indicted, he has the right to be presumed innocent pending a judicial determination in accordance with international law and standards concerning a fair trial. If Chuckie Taylor is found guilty, he could face between 20 years to life imprisonment for these crimes. As the US Department of Justice prosecutes this case, it will be essential that effective witness protection is provided for witnesses, whether for the prosecution or defence, especially those investigated in Liberia.

The failure of the USA to prosecute anyone under the federal anti-torture statute in the 12 years since it was enacted was criticized in May 2006 by the Committee against Torture, the expert body responsible for monitoring implementation of the Convention against Torture. The statute applies to US citizens and to those present in the United States, regardless of nationality and regardless where the crimes occurred. Chuckie Taylor is a US citizen and was present in the US when he was arrested on 30 March 2006 for passport fraud.

Liberia was embroiled in conflict characterized by war crimes and crimes against humanity between 1989 and 2003. In 2006 a new government came to power. To date, however, no one in Liberia has been investigated and prosecuted for torture or any other crime under international law. In addition, the Liberian government has failed to enact the necessary legislation defining torture as a crime under national law consistently with the definition in the Convention against Torture. Amnesty International believes that just as prosecutors in the USA and the Netherlands have fulfilled their responsibilities under the Convention against Torture to investigate and prosecute those alleged to have committed crimes against Liberians, the Liberian government, should without delay, enact the necessary legislation and implement it.