

# THE CASE OF CHARLES TAYLOR FROM THE PERSPECTIVE OF INDIVIDUAL CRIMINAL RESPONSIBILITY IN CRIMES AGAINST HUMANITY

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**Abstract:** *Crimes against humanity are one of the most serious violations of international criminal law, including widespread and systematic acts against civilians, such as murder, sexual slavery and torture. The principle of individual criminal responsibility is applied to ensure that perpetrators, including leaders of a state, can be tried for their actions. The case of Charles Taylor, former President of Liberia, is an important study of how international criminal law prosecutes leaders of states who support crimes against humanity through ad hoc courts. This paper uses a juridical-normative method with a case approach. The results of the study show that the verdict on Charles Taylor confirms the principle that no individual, not even a head of state, is immune from the law. However, the enforcement of international criminal law requires increased cross-country cooperation, strengthening of international judicial institutions, and mechanisms to cut off the funding of armed conflicts, to ensure global justice and human rights protection are better protected.*

**Keywords:** *Crimes Against Humanity; Individual Criminal Responsibility; Charles Taylor; International Criminal Law.*

## 1. INTRODUCTION

Crimes against humanity are one of the serious violations of international criminal law that often occur in various armed conflicts. These crimes include inhumane acts carried out systematically and widely against civilians. According to Cherif Bassiouni, an international law expert, crimes against humanity are defined as acts that destroy human dignity on a large scale and injure universal humanitarian values (Routledge, 2010). This shows that crimes against humanity not only violate individual rights but also damage the social and moral order of the world.

The principle of individual criminal responsibility emerged as an attempt by international law to ensnare those responsible for the violation. This principle asserts

that individuals, regardless of their position or status, can be held accountable for the international crimes they commit (Bonafè, 2009). This is also emphasized in the Rome Statute of 1998, which is the legal basis of the International Criminal Court (ICC), that there is no immunity for perpetrators of serious crimes.

One famous case that reflects this principle is that of Charles Taylor, the former President of Liberia, who was tried for aiding and abetting crimes against humanity during the civil war in Sierra Leone (Asia Justice and Rights, 2023). David Michael Crane, a former Attorney General at the Special Court for Sierra Leone, argues that Taylor's case was a milestone in international criminal law because it demonstrated that a leader of a state could be held accountable for acts he committed or supported (Bassiouni, 1992).

The civil war in Sierra Leone (1991-2002) caused immense suffering from a series of atrocities that occurred including mass killings, sexual slavery, mutilation, and the exploitation of children as soldiers. The Revolutionary United Front (RUF) rebel group, supported by Charles Taylor (Ties, 2012), was responsible for most of the atrocities. According to Amnesty International, the conflict left more than 50,000 people dead, while thousands more were injured and permanently disabled due to the cruel and brutal actions carried out by the RUF.

Through the Sierra Leone Special Court, Charles Taylor was finally tried and sentenced to prison for his involvement in the conflict. This process not only provided justice for the victims, but also reinforced the principle that state leaders will not be above the law (not immune from the law) and can be tried for the crimes they commit, especially international crimes.

Based on the background above, the problem formulation is:

1. What is meant by individual criminal responsibility in international criminal law?
2. How is the legal process against Charles Taylor in the Special Court for Sierra Leone?
3. What impact does the verdict against Charles Taylor have in the context of international criminal law enforcement?

## 2. METHODS

This research uses a normative juridical method, which is legal research conducted by examining bibliographic materials or secondary data that includes laws and regulations, official documents, books, journals, and articles relevant to the research topic (Soekanto & Mamudji, 2015). The approach used in this study is a case approach, which allows the author to analyze and discuss the case in depth. The type of research applied in this writing is library research (Mahmud, 2011), which relies on literature studies involving legal sources such as books, journals, official court reports, and articles related to the Charles Taylor case.

### 3. RESULTS AND DISCUSSION

#### 3.1. Crimes Against Humanity in International Criminal Law

Crimes against humanity are one of the most serious crimes regulated by international criminal law. Crimes against humanity are considered serious crimes committed as part of a large-scale attack against a civilian population. The term was first officially recognized in the Nuremberg Charter after World War II to ensnare individuals who committed atrocities against civilians on a large scale. The Rome Statute as the legal basis of the International Criminal Court emphasizes that the most serious crimes of concern to the international community should not be tolerated without due process of punishment.

Under the Rome Statute of 1998, crimes against humanity include acts committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack. According to Article 7 of the Rome Statute, crimes against humanity include (GODFREY, 2016):

1. Murder.
2. Destruction.
3. Slavery.
4. Deportation or forced transfer of population.
5. Arbitrary imprisonment or other deprivation of physical liberty.
6. Torture
7. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.
8. Persecution of a group on political, racial, national, ethnic, cultural, religious, or gender grounds.
9. Enforced disappearance of persons.
10. The crime of apartheid.
11. Other inhumane acts of a similar nature, intentionally causing great suffering or serious injury to body, mental health or physical health.

Antonio Cassese, an expert in international criminal law, argues that crimes against humanity must have elements of widespread or systematic attacks that are organized and directed against a civilian population. Unlike war crimes, these crimes do not require an armed conflict, but rather emphasize an organized and repeated pattern of attacks.

In this regard, the Rome Statute also affirms the principle of individual criminal responsibility, where individuals involved in planning, organizing or carrying out a crime

can be held accountable. Cherif Bassiouni emphasized that this principle is important to prevent impunity (immunity from law or exemption from punishment), especially for state leaders or high officials who often hide behind political power.

In the case of Charles Taylor, crimes against humanity were manifested through logistical support, arms and coordination of the Revolutionary United Front (RUF) rebel group that committed various crimes such as murder, mutilation, sexual slavery, and recruitment of child soldiers that were carried out systematically and widely. According to a report by Human Rights Watch, Taylor's support for the RUF was a major factor in perpetuating violence during the civil war and causing more than 50,000 deaths and tens of thousands of mutilations. The Special Court for Sierra Leone (SCSL) found Taylor to be criminally responsible for providing assistance that directly enabled the RUF to commit these crimes.

In its judicial process, SCSL adhered to the principle that there is no immunity for a head of state if proven to support or be involved in serious crimes. This decision confirms that international criminal law has an effective mechanism to uphold global justice and protect human rights. David Crane, the Prosecutor in this case, stated that the legal process against Charles Taylor was a historic milestone because it showed that "even heads of state cannot hide from international justice". This case thus reinforces the importance of the principle of individual criminal responsibility and confirms the global commitment to prosecute impunity for perpetrators of crimes against humanity.

With the existence of international legal arrangements such as the Rome Statute and ad hoc courts such as the SCSL, crimes against humanity can be prosecuted more firmly. This not only provides justice for victims, but also creates a deterrent effect for individuals or groups who have the potential to commit similar crimes in the future.

### **3.2. Chronology of the Charles Taylor Case**

The civil war in Sierra Leone began in 1991 and lasted until 2002, causing immense and long-term suffering for the civilian population (Malu, 2022). The conflict was fueled by more than one factor, including political instability, government corruption, and the exploitation of natural resources, especially diamonds. These diamonds, later known as Blood Diamonds or conflict diamonds, became one of the main sources of funding for rebel groups in carrying out violent actions.

The Revolutionary United Front (RUF) rebel group, led by Foday Sankoh, was the main actor in this conflict. RUF aimed to overthrow the government and control Sierra Leone's natural resources. However, the methods they used were very brutal and cruel, including mass killings, mutilations, sexual slavery, and forced recruitment of children as soldiers. According to Human Rights Watch, the rebellion carried out by RUF caused more than 50 thousand deaths and hundreds of thousands of other civilians were displaced who were victims of mutilations.

Charles Taylor, who was President of Liberia at the time (1997-2003), had a strategic interest in the civil war in Sierra Leone. Taylor provided support to the RUF in the form of weapons, logistics and military training. In return, the RUF provided diamonds from the mines they controlled to Charles Taylor. This practice was known as the Blood Diamonds Trade. Taylor's support allowed the RUF to expand its power and launch brutal attacks on civilians.

Taylor initially claimed that his assistance was aimed at maintaining regional stability. However, evidence gathered by international investigators, including reports and the UN Expert Panel on Liberia, showed that Taylor was actively involved in supporting the RUF's violence. In response to the atrocities, the UN and the Sierra Leonean government established the Special Court for Sierra Leone (SCSL) in 2002. The court's primary purpose was to prosecute individuals most responsible for serious crimes committed during the conflict, including crimes against humanity, war crimes, and human rights violations. The SCSL had a specific mandate to prosecute individuals deemed to have played a major role in the conflict. It was one of the first ad hoc courts to prosecute a head of state for crimes against humanity.

On Early in 2003, Charles Taylor was indicted by the SCSL on 11 counts of war crimes and crimes against humanity, these charges included:

1. Murder.
2. Sexual slavery.
3. Recruitment of children as soldiers.
4. Rape.
5. Extermination of civilians.
6. Torture.
7. Attacks on civilians.

Taylor was charged with aiding and abetting the RUF's violent actions in Sierra Leone, including providing resources that enabled the RUF to carry out the crimes. The prosecution's strong evidence included reports from human rights organizations, witness testimony, and diamond transactions involving Taylor. In 2003, international pressure forced Taylor to step down as President of Liberia and seek asylum in Nigeria. However, in 2006, Taylor was arrested and extradited to Sierra Leone to stand trial.

### **3.3. Charles Taylor Trial Process**

On March 7, 2003, the Court approved the 17-count indictment which was ordered sealed. Prosecutors unsealed the indictment on June 4, 2003 while Taylor was attending a peace conference in Ghana.

On August 11, 2003, under international pressure and with LURD and MODEL rebels advancing on Monrovia, Taylor resigned as President of Liberia and went into

exile in Calaba, Nigeria. On December 4, 2003, Interpol issued a "Red Notice" based on an arrest warrant issued by the Special Court.

Through his lawyers, Taylor challenged the jurisdiction of the Court on the grounds of state immunity and extra-territoriality. On May 31, 2004, the Appeals Chamber dismissed the motion and ruled that he should submit to the jurisdiction of the Special Court.

On March 16, 2006, the Court approved an amendment to the indictment, reducing the number of counts from 17 to 11. On March 29, 2006, after lengthy negotiations, Nigerian authorities arrested Taylor near the Cameroonian border as he attempted to flee the country. He was flown to Liberia, where he was formally arrested by UNMIL and transferred by helicopter to the Special Court in Freetown. Taylor made his first appearance before Judge Richard Lussick, where he pleaded not guilty to all charges.

On 16 June 2006, the UN Security Council through Resolution 1688 cleared the way for Taylor to be tried in The Hague stating that his presence in the sub-region for trial constituted "an obstacle to stability and a threat to peace". He was eventually transferred to The Hague on 20 June 2006. Initially the trial was to be held at the ICC, but due to the ICC's heavy caseload causing scheduling conflicts, Charles Taylor's trial was eventually held at and by the Special Court for Sierra Leone.

The trial opened before Trial Chamber II in The Hague on June 4, 2007, with an opening statement by the Prosecutor. Minutes before the trial opened, Taylor fired his legal team, asked for new lawyers and boycotted the trial. The trial eventually resumed on January 7, 2008.

The prosecution called its first witness on January 7, 2008 and concluded its case on January 30, 2009. The prosecution formally rested its case on February 27, 2009. On the same day the Defense announced that it would file a motion for acquittal under Rule 78. The panel heard the Defense motion on April 6, 2009, and the prosecutor's oral submissions in response on April 9, 2009. On May 4, 2009, the panel ruled to deny the Defense motion in its entirety, and allowed the Defense to appeal on May 28, 2009.

On July 13, 2009, the Defense presented its opening statement, and called Charles Ghankay Taylor on July 14 to testify in its defense, his testimony ending on February 18, 2010. On August 5, 2010, the Prosecutor was permitted to reopen the case to hear testimony from three additional witnesses. Evidence from 100 witnesses was presented to the Court, of which 94 testified in person, four gave written testimony and two were expert witnesses, and the Defense called 20 additional witnesses. On October 20, 2010, the Judge ordered the parties to submit final pleadings by January 14, 2011, and scheduled closing arguments for February 8-11, 2011. The Defense, on instructions from Charles Taylor, refused to file a final plea in a timely manner, the Judge refused to adjourn the trial or grant the Defense additional time, and refused to

accept the Defense's final plea that was filed 20 days late. On March 3, the Appeals Chamber reversed the Trial Chamber's decision and allowed the Defence to file its final arguments. Final arguments were held on March 9-11, 2011.

Even during the trial, the Prosecutor has succeeded in proving that Taylor knowingly provided significant support to the RUF to commit widespread crimes against the civilian population. One key witness stated that Taylor received rough diamonds in exchange for sending weapons and logistics to the RUF.

Finally, on April 26, 2012, the Panel of Judges found Charles Taylor guilty on all eleven counts, with charges of planning crimes and aiding and abetting crimes committed by rebel forces in Sierra Leone (Central For African Justice Database, 2012). The former Liberian President was sentenced to a single sentence of 50 years in prison on May 30, 2012. This verdict was also upheld by the Appeals Chamber. This verdict also became the first verdict in international criminal law since World War II, where a former head of state was tried and found guilty of international crimes.

The verdict also had a significant impact on the international community by reinforcing international accountability for war crimes and crimes against humanity, while demonstrating that no individual, regardless of their position, can escape international legal responsibility. Furthermore, this decision influenced the way the world views the sustainability of international legal institutions such as the International Criminal Court (ICC).

#### **4. CONCLUSIONS**

Crimes against humanity are serious violations that include widespread or systematic acts against civilians such as murder, slavery, torture and rape. These crimes have been formally regulated in the Rome Statute of 1998 which forms the basis of the International Criminal Court (ICC). The principle of individual criminal responsibility states that individuals, including a leader of a state, can be held accountable for their involvement in a crime. This case proves that international law has a mechanism to combat impunity, as Antonio Cassese said, that international criminal law aims to ensure that perpetrators of serious violations do not go unpunished.

The civil war in Sierra Leone involved atrocities committed by the Revolutionary United Front (RUF) rebel group, which received support from Charles Taylor, the President of Liberia at the time. Taylor provided weapons and logistics in return for Blood Diamonds from the RUF. This support enabled the RUF to commit crimes against humanity, including mass murder, mutilation and sexual slavery. Through the Special Court for Sierra Leone (SCSL), Taylor was tried and found guilty of 11 counts of war crimes and crimes against humanity, and sentenced to 50 years in prison. This verdict confirmed that state leaders are not immune from the law and are responsible for international crimes.

The enforcement of international criminal law through the Charles Taylor case shows significant progress in efforts to prosecute serious crimes. However, there are still various challenges that need to be overcome to strengthen its effectiveness, including:

1. Enhanced international cooperation is essential. International criminal law requires stronger support and cooperation across countries. According to Cherif Bassiouni, international law enforcement will only succeed if there is global collaboration to catch and prosecute perpetrators. This includes extradition of perpetrators, cross-country evidence collection, and implementation of international court decisions.
2. Strengthening the role of the International Criminal Court (ICC) is important. Although the Rome Statute has provided a strong legal basis, the International Criminal Court (ICC) still faces limitations, such as the lack of support from major countries such as the United States, China and Russia that have not ratified the Rome Statute, which hinders the universality of international criminal law. Strengthening the ICC through increasing global legitimacy and support is an important step.
3. This case proves that impunity for state leaders does not exist. The case of Charles Taylor is a precedent that state leaders are not immune from the law. However, there are still many other state leaders who have not been able to be prosecuted due to political and diplomatic obstacles. The principle of individual criminal responsibility must be further enforced so that international law does not become blunt in the face of political power.
4. Strengthening the capacity of Ad Hoc and Hybrid courts needs to be improved. Specialized courts such as the Special Court for Sierra Leone and hybrid courts (a combination of international and national law) have proven effective in trying serious crimes. Strengthening the capacity of such institutions in post-conflict countries can ensure local justice while supporting the enforcement of international law.
5. It is also important to raise global awareness of the importance of enforcing international criminal law. According to Richard Goldstone, a former Prosecutor at the International Criminal Tribunal for the Former Yugoslavia (ICTY), "International legal education is key to ensuring that future generations have a better understanding of crimes against humanity and global responsibility."
6. Armed conflicts are often funded by illegal natural resources, such as Blood Diamonds in the case of Sierra Leone. A tighter global monitoring mechanism is needed to break the chain of funding. Because matters related to the source of conflict funding are the most crucial part in prosecuting a person or group of people who commit war crimes or crimes against humanity.

The case of Charles Taylor marks the success of international criminal law in prosecuting perpetrators of crimes against humanity, while also providing justice for the victims of the civil war in Sierra Leone. However, the enforcement of this law still needs improvement and strong global support. The principle that no one, even the leader of a country, is immune from the law must continue to be upheld as a form of commitment to global justice and the protection of humanitarian values. As David Crane said, justice is not only for the victims, but also for the future of humanity itself.

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