



Charles “Chuckie” Taylor, Jr.’s Trial in the United States for Torture Committed in Liberia Questions and Answers

1. Who is Charles “Chuckie” Taylor, Jr.?

Charles “Chuckie” Taylor, Jr. is the son of former Liberian President Charles Taylor. Born while his father was living in Massachusetts, Chuckie Taylor is a United States (US) citizen. He spent much of his youth in the United States, joining his father in Liberia after his father won the 1997 presidential elections.

Shortly after Charles Taylor, Sr. took office, he established the Anti-Terrorist Unit (ATU), an elite pro-government military unit. Taylor, Sr. appointed Chuckie Taylor to head the unit, which he did throughout most of his father’s presidency, from 1997 to 2003.

Taylor, Sr. is currently on trial in The Hague, charged with war crimes and crimes against humanity committed in neighboring Sierra Leone. It is the first international war crimes trial of an African president and is being conducted by the United Nations-backed Special Court for Sierra Leone. The charges against Taylor are based on his alleged role as a major backer of rebel forces in Sierra Leone and on his alleged responsibility for Liberian forces fighting in support of the Sierra Leonean rebels.

2. How did Chuckie Taylor come to be indicted by the US Department of Justice for torture committed in Liberia?

Chuckie Taylor was taken into US custody on March 30, 2006 after attempting to enter the United States from Trinidad at Miami International Airport. This was the day after his father was surrendered for trial to the Special Court for Sierra Leone.

Taylor, Jr. was initially charged with using a US passport obtained through false statements, namely lying about his father's identity. In September 2006, Chuckie Taylor pleaded guilty to the passport violation. He was scheduled to be sentenced on December 7, 2006, which could have led to his release soon thereafter. One day prior to the sentencing, however, he was indicted on torture charges.

With Chuckie Taylor in US custody, Human Rights Watch and other human rights organizations called for an investigation with a view to his prosecution for torture and war crimes committed in Liberia. This request was made because an investigation was believed to be not only crucial for victims in Liberia, but also necessary to demonstrate the US commitment to apply laws prohibiting human rights violations committed abroad. Human Rights Watch also submitted a memorandum to the Department of Justice regarding serious abuses in which Chuckie Taylor is implicated to underscore the need for an investigation.

3. What is the law under which Chuckie Taylor is being prosecuted?

The US federal extraterritorial torture statute, 18 USC § 2340A, makes it a crime for US citizens or anyone present in the United States, regardless of whether they are a US citizen, to commit torture abroad, or to attempt or conspire to commit torture abroad. The law applies regardless of the nationality of the victim. Penalties can be a fine and/or imprisonment of up to 20 years, or if the victim dies as a result of the torture, imprisonment for a term of years, life imprisonment, or death. Life imprisonment is the maximum penalty sought in the prosecution of Chuckie Taylor for torture.

The extraterritorial torture statute, which has been unique in its jurisdictional reach, was passed in 1994 to implement US obligations as a state party to the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. In 2007, however, federal law with regard to genocide was amended to enable the government to bring charges against any person in the United States no matter where the genocide took place. A law criminalizing the recruitment of child soldiers in similar circumstances also has been proposed and has received support, although it has not yet been passed.

Despite the extraterritorial torture law's passage over fourteen years ago, Chuckie Taylor's trial is the first prosecution under the law.

4. What are the charges against Chuckie Taylor?

Chuckie Taylor is indicted for torture committed in Liberia while he headed the ATU. The original indictment charged Taylor with one count of torture and one count of conspiracy to torture under 18 USC § 2340A (see question three for a description of this law), and one count of using a firearm during the commission of a violent crime under 18 USC § 924. While this indictment was based on the alleged torture of a single victim, six more victims have been added in superseding indictments. The most recent indictment, issued in November 2007, charges Chuckie Taylor with five counts of torture, one count of conspiracy to torture, one count of using a firearm during a violent crime, and one count of conspiracy to use a firearm during a violent crime.

The nineteen-page November 2007 indictment details a range of specific incidents of torture in support of the charges, a number of which allegedly took place at an ATU base in Gbatata, Liberia. The allegations include that between 1999 and 2003, Chuckie Taylor either committed, or attempted or conspired to commit: executions; beatings; imprisoning a group of individuals in a hole in the ground; burning victims with cigarettes, molten plastic, wax, an iron, and scalding water; mutilating victims' genitals and other body parts; and shocking victims with an electrical device.

Information collected by Human Rights Watch and other human rights organizations indicates that the ATU committed torture and other serious crimes while Chuckie Taylor headed it.

5. Why is Chuckie Taylor not being prosecuted in Liberia or before an international war crimes tribunal?

Chuckie Taylor could in theory be tried by domestic courts in Liberia or an international or hybrid international-national war crimes tribunal. Human Rights Watch has called for justice for widespread human rights abuses committed in Liberia. However, serious deficiencies persist in the Liberian judicial system as it tries to recover from 14 years of armed conflict. A truth and reconciliation

commission has been established to help bring accountability for past crimes, which has the authority to refer cases for prosecution. But no cases have yet been referred or otherwise initiated. While a hybrid tribunal was created to try crimes in Sierra Leone, no such court exists for Liberia. The International Criminal Court, which has a wider geographic reach, has a mandate to prosecute only crimes committed after 2002.

It is often the case that national courts in countries where torture and other serious human rights violations have been committed have little or no capacity to prosecute such crimes. In these situations, international and hybrid tribunals often play a crucial role, but their jurisdiction and resources are limited. US federal prosecutions of serious crimes committed abroad, along with similar prosecutions by other countries, thus can make a vital contribution to ensuring that there is no safe haven for those who commit the most serious of crimes and that there will be justice for victims of atrocities.

6. When will Chuckie Taylor's trial begin and how long will it last?

Chuckie Taylor's trial is scheduled to begin jury selection on September 25, 2008. It will take place in Miami before the US District Court for the Southern District of Florida. The trial is expected to last two to three months. The trial is taking place in Miami because that was where he was arrested.

7. What are some of the issues that have come up in the case against Chuckie Taylor for torture in the lead-up to trial?

Given that this is the first prosecution in the United States for torture committed abroad, it is not surprising that many pretrial motions have been made. Some of the most significant issues that have been raised relate to the constitutionality of the extraterritorial torture statute; the protection of victims and witnesses; and ensuring respect for the rights of the accused, including the right to adequate time to prepare a defense against charges involving acts committed in remote locations. It is vital that this trial, like all trials for serious crimes—whether before domestic or international courts—be fair and effective consistent with international standards.

8. Is the United States expected to prosecute others for human rights violations abroad?

Whether the case against Chuckie Taylor will be the first of more to come in the United States remains an open question. According to US authorities, a number of investigations under the extraterritorial torture statute have been initiated, but they have only resulted in immigration charges.

The dearth of cases is due at least in part to significant challenges to investigating and prosecuting crimes committed abroad. These include language barriers, the need to evaluate complex and unfamiliar political and historical contexts, the difficulty of gaining access to the necessary evidence, and risks to potential witnesses.

The challenges to prosecuting human rights violations committed abroad have been acknowledged by US officials, although how best to overcome them requires greater attention. In a positive development, since its establishment in 2007, the Senate Judiciary Subcommittee on Human Rights and the Law has taken an active interest in ensuring that the United States is not a safe haven for human rights abusers. In addition to backing legislation such as the Genocide Accountability Act of 2007, the subcommittee has held valuable hearings on enforcement of human rights laws.

9. Does the United States also prosecute US leaders against whom allegations of involvement or authorization of torture exist?

Human Rights Watch has long urged that senior US officials, such as Donald Rumsfeld and ex-CIA Director George Tenet, should be investigated for potential liability in war crimes and torture. There are a number of statutes including the War Crimes Act of 1996 (18 USC § 2441), as well as the extraterritorial torture statute, under which prosecutions could be brought. However, under federal law, the Department of Justice, which is part of the executive branch, has wide discretion to decide not to prosecute a given case, and a decision to prosecute or not to prosecute is non-reviewable. No investigation into such senior leaders has yet taken place.