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# 'It Sends a Message'

## Liberian Opinion Leaders' Responses to the Trial of Charles Taylor

Marlies Glasius\*

### Abstract

*This article investigates the potential impact of an international criminal trial on a post-conflict society. It assesses the claims of legal expressivism, which conceptualizes criminal justice as a message sending mechanism that can enunciate societal condemnation of atrocities, establish an authoritative historical record, and strengthen respect for the rule of law. This article examines the trial of Charles Taylor before the Special Court for Sierra Leone. First, the discursive messaging by the prosecution and defence is analysed. Second, this article conducts an empirical enquiry into the reception of these messages by opinion leaders in Liberia. Departing from the literature on expressivism, it will be shown that the trial proceedings, not only the verdict and sentence, have expressivist potential. In the second part of the enquiry, an attentive elite audience in Monrovia was found to hold complex views. The Taylor trial did not stigmatize particular behaviour, but there is some evidence of so-called 'historical truths' being validated, despite the Court's doubtful perceived legitimacy. Many respondents discerned a deterrent effect of the trial, with youth leaders, in particular, using terms exactly consonant with expressivist theory. For them, the trial 'sends a message' or 'tells future leaders' that one cannot wage aggressive war or commit human rights violations without being called to account. This suggests that trial proceedings can indeed function as a mechanism of deterrence by sending messages.*

### 1. Introduction

On 26 April 2012, the judges of the Special Court for Sierra Leone (SCSL) found former President of Liberia Charles Taylor guilty of aiding and abetting war

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crimes and crimes against humanity in Sierra Leone,<sup>1</sup> a verdict confirmed on appeal.<sup>2</sup> This verdict marked a milestone in the rapid development of international criminal justice, with the first conviction of a former head of state. Taylor may not be the last. Former Ivorian President Laurent Gbagbo is currently on trial and an arrest warrant remains outstanding against Sudanese President Omar Al Bashir all before the International Criminal Court (ICC).

The Security Council Resolution calling for the foundation of the SCSL,<sup>3</sup> and the ICC Statute, both uphold the aim of international criminal justice to end impunity.<sup>4</sup> In addition, the SCSL claims that it ‘would contribute to the process of national reconciliation and to the restoration and maintenance of peace’,<sup>5</sup> whilst the ICC Statute states that ending impunity contributes to prevention of international crimes.

The emerging social science literature on the topic comes to divergent conclusions regarding such claims.<sup>6</sup> The aim of this article is not to rehearse these debates, which may have become polemic partly due to the challenges of demonstrating strong causal connections. As Gary Bass has argued, to the question: ‘Do war crimes Tribunals work? The only serious answer is: compared to what?’<sup>7</sup> We cannot systematically observe non-crimes. Nor can we systematically compare the severity of crimes committed against the backdrop of a past or present tribunal to violence committed in its absence.

Instead, this contribution considers what is largely missing from these debates. That is, an account of *how* and *why* international criminal trials may be expected to contribute to ending impunity, reconciliation, peace, or prevention. In doing so, it takes inspiration from the theory of expressivism. This is a normative legal theory that does provide an account of the ‘how’ and ‘why’. It considers law as a form of ‘messaging’ to populations about what constitutes desirable and undesirable behaviour. Deviating from most treatments of expressivism, this article will focus on trial proceedings, rather than verdict and punishment. In doing so, attention will be given to messaging not only by the prosecution, but also by the defendant and his team. It considers how notions of justice and legitimacy are constructed in the course of trial proceedings by examining the discourses of both prosecution and defence in the context of a high-profile international criminal trial. Subsequently, it assesses

1 Judgment, *Taylor* (SCSL-03-01-T-1283), Trial Chamber, 26 April 2012.

2 Judgment, *Taylor* (SCSL-03-01-A-1389), Appeals Chamber, 26 September 2013.

3 SC Res. 1315 (2000).

4 Preamble ICCSt.

5 SC Res. 1315 (2000).

6 See for instance T. Allen, *Trial Justice: The International Criminal Court and the Lord's Resistance Army* (Zed, 2006); K.P. Apuuli, ‘The ICC Arrest Warrants for the Lord's Resistance Army Leaders and Peace Prospects for Northern Uganda’, 4 *Journal of International Criminal Justice* (2006) 179; H. Cobban, ‘Think Again: International Courts’, 153 *Foreign Policy* (2006) 22; J. Flint and A. de Waal, ‘Case Closed: A Prosecutor Without Borders’, 171 *World Affairs* (2009) 23; L. Vinjamuri, ‘Deterrence, Democracy, and the Pursuit of International Justice’, 24 *Ethics & International Affairs* (2010) 191.

7 G. Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton University Press, 2000), at 310.

the resonance these discourses held with one defined target audience. More specifically, this article addresses to what extent this audience was cognizant of the discourses produced by the prosecution and the defence, how were these discourses received, and to what degree were they reproduced.

This article will carry out this analysis through an examination of the *Taylor* trial before the SCSL and the responses of members of the Liberian opinion-making elite to this trial. The speeches by the prosecution and defence were subjected to discourse analysis, followed by field research in Monrovia, Liberia, in which individual interviewees and focus groups were asked to respond to the main discursive motives found.

This case holds particular importance because Taylor may be considered as the first head of state to be convicted by an international criminal court.<sup>8</sup> His case may hold lessons regarding the socio-political effects of discursive messaging in current and future cases before the ICC.

In recent years, there has been an increasing body of work on the reception of international criminal trials in post-conflict countries.<sup>9</sup> This article extends such analysis in two ways: first, by its focus on trial discourses; and second, by its choice of Liberian respondents, which takes into account the complex interdependence between crimes committed in adjacent territories and the unintended messages courts send in this respect. Taylor, the former President of Liberia, was generally deemed responsible for heinous crimes perpetrated in Liberia. While such crimes received attention during the trial as circumstantial evidence, the SCSL's jurisdiction only permitted prosecution for crimes committed in Sierra Leone. Public opinion in Sierra Leone was largely anti-Taylor throughout the trial. However, Liberian responses provide a more exacting and interesting test of expressivism. The research in Liberia was undertaken after the end of the substantive trial but before the verdict was pronounced,

8 Actually, the first head of state convicted was Admiral Doenitz before the Nuremberg Tribunal, but he was President for only a few weeks during the crumbling German Reich. Jean Kambanda, Rwanda's head of government during 1994, was convicted by the International Criminal Tribunal for Rwanda in 1998.

9 See Allen, *supra* note 6; D.E. Arzt, 'Views on the Ground: The Local Perception of International Criminal Tribunals in the Former Yugoslavia and Sierra Leone', 603 *The Annals of the American Academy of Political and Social Science* (2006) 226; M. Spoerri and A. Freyberg-Inan, 'From Persecution to Prosecution: Perceptions of the ICTY in Serbian Domestic Politics', 11 *Journal of International Relations and Development* (2008) 350; P. Pham and P. Vinck, *Forgotten Voices: A Population-Based Survey of Attitudes About Peace and Justice in Northern Uganda*, International Center for Transitional Justice and Human Rights Center, University of California, July 2005; P. Vinck et al., *Living with Fear: A Population-Based Survey on Attitudes about Peace, Justice, and Social Reconstruction in Eastern Democratic Republic of the Congo*, Human Rights Center, University of California, August 2008; P. Vinck and P. Pham, *Building Peace, Seeking Justice: A Population-Based Survey on Attitudes about Accountability and Social Reconstruction in the Central African Republic*, Human Rights Center, University of California, August 2010; S.K. Ivković and J. Hagan, 'The Politics of Punishment and the Siege of Sarajevo: Toward a Conflict Theory of Perceived International (In)Justice', 40 *Law & Society Review* (2006) 369; S.K. Ivković and J. Hagan, 'Structural Pre-Conditionality, Smoking Gun Evidence and Collective Command Responsibility for War Crimes in the Former Yugoslavia', 14 *UCLA Journal of International Affairs* (2009) 149.

thereby allowing for the isolation of the potential expressivist effect of the trial from the more widely assumed deterrent effect of verdict and punishment.

It is evident that the discussions below on the extent to which prosecution and defence discourses resonated with respondents should be read carefully when it comes to causal effect. In some cases, respondents made it clear that they had come to interpret past events in a particular way *because of* what they learned from the trial, but in other cases, it confirmed their prior beliefs. I have tried to indicate when respondents self-report a change of view.

The conclusion will assess to what extent and in which ways the *Taylor* trial may be considered an instance of successful expressivist messaging and what lessons this holds for understanding the societal effects of international criminal justice. A note of caution is required when deriving conclusions from a single case study, and more specifically, from a limited number of in-depth interviews. The purpose is to investigate whether expressivism, a brainchild of legal theorists, can actually be observed in the empirical world, and therefore, whether it lends itself to wider use as an empirical theory to establish societal effects of international criminal justice.

## 2. Expressivism: Trial as Message

Expressivism is a theory originating from normative legal theory, concerned with the function of law. In other words, [e]xpressive theories look not so much at whether a law deters or whether a law punishes, but at the message we get from a law. The message understood, rather than the message intended, is critical.<sup>10</sup> It is, however, not a uniform approach. Some theorists sharply distinguish expressivism from consequentialism,<sup>11</sup> whereas others, including most influentially Cass Sunstein, but also Diane Marie Amann and Mark Drumbl, contend that expressivists should *also* be consequentialists, that is, law should not only express for the sake of expressing, but aim to have societal effects. This conception of expressivism holds particular interest for social science and will be the point of departure for the application of expressivism in this article.<sup>12</sup>

What is surprising about the road taken by expressivists in applying the theory to criminal law, including classics such as Joel Feinberg,<sup>13</sup> as well as authors like Drumbl and Robert Sloane,<sup>14</sup> who have sought to apply this theory to the international context, is their almost exclusive focus on punishment.

10 D.M. Amann, 'Message as Medium in Sierra Leone', 7 *ILSA Journal of International & Comparative Law* (2000–2001) 237.

11 See for instance E. Anderson and R. Pildes, 'Expressive Theories of Law: A General Restatement', 148 *University of Pennsylvania Law Review* (1999–2000) 1503.

12 C. Sunstein, 'On the Expressive Function of Law', 144 *University of Pennsylvania Law Review* (1995–1996) 2021.

13 J. Feinberg, 'The Expressive Theory of Punishment', 49 *Monist* (1965) 397.

14 M. Drumbl, *Atrocity, Punishment and International Law* (Cambridge University Press, 2007); R. Sloane, 'The Expressive Capacity of International Punishment: The Limits of the National

Instead, I focus on the expressivist potential of the trial itself. This represents an appropriate approach to international criminal trials, which typically take many years, involve defendants who already have notoriety, and are often publicized via television and radio broadcasts or other means. According to Drumbl, an international criminal trial can relay messages by means of its performance value: 'Trials can educate the public through the spectacle of theatre — there is, after all, pedagogical value to performance and communicative value to dramaturgy. This performance is made all the more weighty by the reality that, coincident with the closing act, comes the infliction of shame, sanction, and stigma upon the antagonists.'<sup>15</sup>

In Drumbl's account, the three main expressivist functions of international criminal trials appear to be: first, the infliction of stigma on perpetrators of crimes against humanity; second, the establishment and dissemination of an authoritative historical record; and finally, strengthening of respect for the rule of law.<sup>16</sup> Likewise Amann considers international criminal trials 'a forum for enunciating societal condemnation of atrocities' and 'making an historical record',<sup>17</sup> proceeding 'in a manner that fosters acceptance and understanding of proscriptive norms even as it adjudges the individual on trial'.<sup>18</sup> Contrary to Drumbl's argument, I will show that the infliction of stigma, building a historical record, and strengthening the rule of law are already inherent in the way the prosecution constructs its case — but they are contested by the defendant — during the trial. Expressivism, in its 'also consequentialist' form, comes with some prior assumptions which are not closely examined. First, it does not examine whether, in fact, society is listening — whether there is an attentive audience for the messages enunciated. Indeed, relatively little attention is paid to audiences in expressivist literature, which distinguishes between 'international-legal' audiences and 'affected society' audiences. It is submitted, however, that this matter is more complex, especially within post-conflict societies. In the *Taylor* case, the audience under investigation resides within the home country of the defendant, neighbouring the 'affected country' Sierra Leone, with complex interdependence between the conflicts in what respondents called 'the subregion'.<sup>19</sup>

Second, as a result of the focus on verdict and punishment, expressivism in this form appears to assume that a single, coherent set of messages emerges from trials for the public to digest. An examination that commences with the opening of the trial, shows that the opposite may well be the case. Defendants and their counsel are not usually content with the passive role implicitly

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Law Analogy and the Potential of International Criminal Law', 43 *Stanford Journal of International Law* (2007) 39.

15 Drumbl, *ibid.*, at 175.

16 *Ibid.*, at 173.

17 D.M. Amann, 'Assessing International Criminal Adjudication of Human Rights Atrocities', 16 *Third World Legal Studies* (2003) 175.

18 D.M. Amann, 'Group Mentality, Expressivism, and Genocide', 93 *International Criminal Law Review* (2002) 133.

19 Encompassing Liberia, Sierra Leone, Guinea, and Côte d'Ivoire.

assigned to them by the expressivists, bowing their head in shame and silently awaiting judgment. In cases involving high profile and charismatic defendants, the antagonistic nature of criminal trials may pose a challenge to realizing expressivist goals.

This article will put these assumptions to an initial empirical test. In doing so, it will consider what the prosecution *and* defendant actually expressed during trial and how Liberian elites responded to these expressions, before turning to analysis of the three proposed expressive functions.

### 3. Charles Taylor and the Armed Conflict in Sierra Leone

Taylor, born in Liberia, fled to the United States after a short spell in government in 1983. He was to be extradited to Liberia on embezzlement charges, but escaped jail and received guerilla training in Libya. In 1989, he returned to Liberia with the National Patriotic Front Liberia (NPFL), sparking a complex and bloody civil war. In 1997, after the official end of the war, he was elected President of Liberia.<sup>20</sup>

In 1991, rebel leader Foday Sankoh launched an attack from neighbouring Liberia with his Revolutionary United Front (RUF) against the government of Sierra Leone. After various coups, Ahmed Tejan Kabbah was elected President in 1996, then overthrown by a new rebel alliance of the Armed Forces Revolutionary Council (AFRC) with the RUF, and restored to power by the West African intervention force, Economic Community of West African States Monitoring Group. The AFRC and RUF attacked Freetown again in January 1999. Despite a new peace agreement signed at Lomé, Togo, in July 1999, fighting continued until a British intervention saved the failing United Nations mission and secured Kabbah's position, after which rebel troops were gradually defeated and the violence subsided.

The main points of contention during the trial included Taylor's involvement with Sankoh and the RUF, more generally, the January 1999 campaign, in particular, as well as his knowledge of, and acquiescence in, the associated violations.<sup>21</sup> As reflected in the judges' final verdict, there is little documentary evidence of Taylor's involvement in the Sierra Leonean war and the extent of this has not been easy to establish.

After being reinstated, President Kabbah requested the United Nations to create a court to put the rebel leaders on trial. The SCSL was established by an agreement between the United Nations and Sierra Leone.<sup>22</sup> It was not part

20 For a discussion of the Liberian civil wars and Taylor's role in them, see F. Gerdes, *Civil War and State Formation: The Political Economy of War and Peace in Liberia* (Campus Verlag, 2013).

21 This paragraph draws mostly on L. Gberie, *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone* (Indiana University Press, 2005).

22 Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, 16 January 2002.

of the United Nations budget, but dependent on donations. From its creation in July 2002 until May 2013, the SCSL received approximately 260 million USD in financial support, with about one third being donated by the United States.<sup>23</sup>

From 1999, a second civil war ensued in Liberia, and in 2003, pursuant to issuance of an indictment against Taylor by the SCSL, he was forced out of office and went into exile in Nigeria. After several years of international pressure, he was arrested and brought to The Hague in 2006. In 2010, the crucial year in the trial against Taylor, the United States share of the SCSL budget increased to 52%.<sup>24</sup>

## 4. Research Methods

This article answers two related research questions, through the use of two different methods. First, the messaging in the *Taylor* case by the prosecution, on the one hand, and the defence, on the other hand, concerning these West African conflicts and Taylor's role in them, and about the Court and the case itself, have been reconstructed through the use of discourse analysis of the court transcripts.<sup>25</sup> Second, the resonance of, and responses to, these discourses with a range of Liberian opinion leaders have been investigated through interviews and focus groups.

The approach to discourse analysis proposed here draws on critical linguistics, but has a more functional orientation, focusing on what discourses are designed to accomplish.<sup>26</sup> It is less concerned with the ways social actors are constituted by discourse, but instead concentrates on the constructive use of language,<sup>27</sup> treating texts as organized rhetorically, establishing a particular version of social reality in competition with others.<sup>28</sup>

The court transcripts from the start of the trial in June 2007, until the closing statements in March 2011, covered almost 50,000 pages. From this material, only extensive statements given by the prosecution and defence were selected, excluding transcripts that dealt primarily with witness statements or procedural matters.<sup>29</sup> This left approximately 30% of the transcripts. Coding

23 'SCSL Consolidated Contributions', 14 April 2011. Received from SCSL Outreach Officer Solomon Moriba, *Ninth Annual Report of the President of the Special Court* (2011–2012), at 29; *Tenth Annual Report of the President of the Special Court* (2012–2013), at 32.

24 *Ibid.*

25 Parts of the discourse analysis presented here have also been published in M. Glasius and T. Meijers, 'Constructions of Legitimacy: the Charles Taylor Trial', 6 *International Journal of Transitional Justice* (2012) 229.

26 R. Gill, 'Discourse Analysis', in M. Bauer and G. Gaskell (eds), *Qualitative Researching with Text, Image and Sound* (Sage, 2000), at 173–174.

27 J. Potter et al., 'Discourse: Noun, Verb or Social Practice?' 3 *Philosophical Psychology* (1990) 205.

28 M. Billig, *Ideology and Opinions: Studies in Rhetorical Psychology* (Cambridge University Press, 1991).

29 Sandra Harris terms these 'narrative' statements. See S. Harris, 'Fragmented Narratives and Multiple Tellers: Witness and Defendant Accounts in Trials', 3 *Discourse Studies* (2001) 57.



frames<sup>30</sup> were drawn up categorizing frequent rhetorical motifs.<sup>31</sup> Subsequently, the entire set of transcripts was subjected to word searches that emerged as particularly salient from the manual coding. Interviews with the chief defence counsel were also analysed and visits were made to the SCSL for direct observation of the courtroom sessions.<sup>32</sup>

The interviews and focus groups in Liberia took place during a two week period in Monrovia in late May 2011, that is, after the pleading had ended, but before the verdict was handed down. Twenty interviews were conducted. The interviewees were, by necessity, selected via a snowball method, but a number of selection principles were adhered to. First, the selection focused on individuals who, in one sense or another, could be considered opinion leaders within Liberia. This choice was made because it formed a suitable criterion for research focusing on depth rather than breadth of coverage. At the same time, it was assumed in advance, and confirmed during the field trip, that most ordinary Liberians would not have a particularly strong interest in, or detailed knowledge of, the trial. All respondents were based in Monrovia, lived well above the poverty line, and had at least secondary level education. Respondents should not be considered as representing the majority of Liberians. Nonetheless, their views hold particular importance: they all have different types of constituencies, whose perceptions of issues outside the constituents' immediate sphere of observation they help to shape.

Within this group the widest possible diversity was sought. The 20 individuals interviewed separately constituted men and women ranging in age from their twenties to their sixties, including youth and student leaders, employees of non-governmental organizations active in human rights, women's issues or development, radio and print journalists, businessmen and women, politicians, religious leaders, and a senior civil servant. Most importantly, they held a variety of views regarding Taylor, ranging from being direct opponents and victims, to close associates. However, the majority of respondents had mixed views and no direct experience of Taylor. The interviews were based on identical but open-ended questions, lasting between 30 minutes and two hours. The interviews generally covered the respondents' general background, the extent and nature of their interest in the *Taylor* trial, and the means by which they had followed it. Pursuant to this, I asked them to respond to literal quotes from the transcripts that I deemed central to the discourses.

The two focus groups were distinct in composition. The first consisted of five civil society leaders participating in the Liberian coalition for outreach on the SCSL. While the members of the focus group emphasized the neutrality of their outreach activities, it was clear that they were, in principle, in favour of

30 The coding frames form an Appendix to this article, available online at <http://home.medewerker.uva.nl/m.e.glasius/> (visited 4 May 2015).

31 I read and codified one-third of this material, one-third was done by Tim Meijers, and one-third by both of us for intersubjective validation.

32 I attended hearings on 3 March 2010, 8–9 February 2011, 25 February 2011, 11 March 2011, and 26 April 2012. The transcripts in the *Taylor* case are available online at <http://www.rscsl.org/Taylor.Transcripts.html> (visited 5 May 2015).

the existence of the SCSL and the *Taylor* trial. The value of this group's views lay in the experiences they recounted in bringing information about the trial to a wider public, mainly through travelling from town to town in order to show video summaries of the court sessions. At the same time, the limitations of this outreach became apparent. Unlike the outreach activities in Sierra Leone, a focus of the SCSL, outreach in Liberia was an afterthought, a civil society initiative with very little funding.

The second focus group could be considered as a stylized descendant of the ideal typical 18th-century coffee house discussion. The result of a merger of three previous initiatives, the focus group was held in an open air tea shop, where newspapers were read and political discussion 'forums' were staged on a regular basis, attracting an educated male clientele. I was invited as a special guest. I briefly outlined the nature of my research in the most neutral possible terms, after which seven people in succession gave their views on the trial in some detail without further intervention from my part, some echoing each other, some highlighting different aspects, and some disagreeing. This was followed by more informal conversations on the same topic.

Various limitations of the Liberian fieldwork must be pointed out. First, while the respondents in various ways are opinion leaders, they do not necessarily form a representative set of opinion leaders. The respondents were based in the capital of Liberia, Monrovia, to the exclusion of local leaders in other localities. Second, I have not given extensive attention to the legal, political, and especially, cultural context in which the respondents operate. However, this is achieved by the excellent monograph, authored by Tim Kelsall,<sup>33</sup> addressing the interactions between the SCSL and Sierra Leonean society. Finally, it needs to be pointed out that despite efforts to ensure respondents made the distinction, it was not always clear whether discourses by the prosecution and defence merely resonate, and perhaps reinforce, respondents' prior views, or whether such discourses were informing, shaping or changing these views.

In the next four sections I will discuss respondents' general knowledge of, and interest in, the *Taylor* trial; prosecution and defence discourses and respondent perspectives on Taylor's involvement in the war in Sierra Leone; on his personal character and motives; and on the purposes of the trial.

## 5. Keenly Interested, Deeply Torn

Most respondents expressed a strong or a moderate interest in the *Taylor* trial. There were a few exceptions. Women's activist 'MF' opened the interview by stating: 'I wish he was dead and gone',<sup>34</sup> head of a market association 'LS' held

33 T. Kelsall, *Culture under Cross-Examination: International Justice and the Special Court for Sierra Leone* (Cambridge University Press, 2009).

34 While most interviewees held no objection to being mentioned by their full name in publications, a few did, so for the sake of consistency respondents are referred to by their initials. Interview with 'MF', Monrovia, 16 May 2011.

that ‘if he gets convicted the people who died will not come back’,<sup>35</sup> while businessman and would-be politician ‘JS1’ would like to ‘just forget about the Taylor trial ... put him in jail for a lifetime’,<sup>36</sup> and instead, have the focus placed on the current government’s wrongdoings.

Most respondents had followed the trial on the radio, while others also mentioned initial television coverage,<sup>37</sup> newspapers,<sup>38</sup> a journalist sensitization programme,<sup>39</sup> a DVD bought in the market,<sup>40</sup> and an organized visit to the *Taylor* trial sessions in The Hague.<sup>41</sup> ‘JJ’,<sup>42</sup> a student union official and a strong opponent of Taylor, coupled with ‘HJ’,<sup>43</sup> a former bodyguard of Taylor and strong supporter, both stood out as having a highly detailed knowledge of the *Taylor* case. Almost all other respondents were conversant with the basic facts of the *Taylor* case, the stage it was at, and had seen or heard some footage.

As to the general public’s knowledge and interest, a few respondents mentioned initial interest in the televised opening of the trial: ‘in every home that has a television there was a long queue of people watching’,<sup>44</sup> but felt that ‘the momentum has died’.<sup>45</sup> According to the reverend ‘LB’ ‘8 or 9 out of 10 Liberians did not follow the trial’.<sup>46</sup> This statement was echoed by ‘JJ’,<sup>47</sup> ‘JK’,<sup>48</sup> ‘JS2’,<sup>49</sup> and ‘LS’,<sup>50</sup> on the basis of their interactions with students, congregation members, urban youths, and market women, respectively. On the other hand, ‘those who are educated, who think of themselves as part of the international community, they are interested’.<sup>51</sup> This was confirmed by the general level of interest I found among those individuals interviewed.

Against expectations, the Liberians interviewed could hardly be categorized as proponents or opponents of the trial. Instead, nearly all respondents displayed deeply mixed feelings. The response of ‘JW’, a student union official, to my open-ended starting question, ‘how do you feel about the Charles Taylor trial?’, provides an exemplary quote:

For me it has two dimensions. The first dimension is justice, to bring justice, for Taylor has caused a lot of suffering, a lot of mayhem .... But on the other side, it is a scheme organized

35 Interview with ‘LS’, Monrovia, 25 May 2011 (hereinafter ‘Interview, LS’).

36 Interview with ‘JS1’, Monrovia, 21 May 2011 (hereinafter ‘Interview, JS1’).

37 Interview with ‘PK’, Monrovia, 17 May 2011 (hereinafter ‘Interview, PK’); Interview with ‘LT’, Monrovia, 19 May 2011 (hereinafter ‘Interview, LT’).

38 Interview, PK.

39 Interview with ‘CB’, Monrovia, 16 May 2011 (hereinafter ‘Interview, CB’).

40 Interview with ‘AZ’, Monrovia, 23 May 2011 (hereinafter ‘Interview, AZ’).

41 Interview, LT.

42 Interview with ‘JJ’, Monrovia, 20 May 2011 (hereinafter ‘Interview, JJ’).

43 Interview with ‘HJ’, Monrovia, 21 May 2011 (hereinafter ‘Interview, HJ’).

44 Interview, CB; PK and LT made similar comments in their interviews.

45 Interview, LT.

46 Interview with ‘LB’, Monrovia, 19 May 2011 (hereinafter ‘Interview, LB’).

47 Interview, JJ.

48 Interview with ‘JK’, Monrovia, 20 May 2011 (hereinafter ‘Interview, JK’).

49 Interview with ‘JS2’, 20 May 2011 (hereinafter ‘Interview, JS2’).

50 Interview, LS.

51 Interview, JS2.

by western powers. As a Liberian, I say Taylor did offend the Liberian people, he did offend them. But he is also an African head of state, and it is a western court, I have problems with that.<sup>52</sup>

Another example is the response by 'CB', a veteran journalist who initially appeared to be a strong supporter of the trial: 'He cannot be left off the hook: he gave constant support to the rebels.' 'CB' even considered that the trial 'has given people a sense of knowing what is wrong and right, the rule of law'. Yet, when prompted whether the trial meant that the United States had turned against Taylor, he responded that: 'America is always on him. Shameful ... the whole prosecution is American.'<sup>53</sup>

## 6. Taylor's Involvement in the Armed Conflict in Sierra Leone: Godfather or Peace Negotiator?

### A. Discourse of the Prosecution

The sole formal relationship Taylor held with the RUF leadership was negotiator or 'point president for peace',<sup>54</sup> appointed by the heads of state of the Economic Community of West African States (ECOWAS). Hence, the prosecution could not rely on his formal status in order to prove that Taylor was at the top of the chain of command responsible for war crimes.

Apart from ridiculing the justification provided by the defence for Taylor's contact with the RUE, the prosecution drew on ideas based on patrimonialism, emphasizing the 'father-son' type relationship Taylor had with leaders of the RUF. In part based on witness testimony, Taylor is often referred to as the 'father',<sup>55</sup> and occasionally, 'godfather',<sup>56</sup> of the RUF. At times, he is also the (senior) 'brother',<sup>57</sup> of RUF leaders, or the 'chief'.<sup>58</sup> The RUF forces collectively became 'his children',<sup>59</sup> evoking the prevalence of child soldiers in the conflict, as well as allocating responsibility to the 'parent'.

52 Interview with 'JW', Monrovia, 16 May 2011 (hereinafter 'Interview, JW').

53 Interview, CB.

54 An expression introduced by the defence, but sarcastically repeated by the prosecution at least 40 times.

55 Trial Transcript, *Taylor* (SCSL-2003-01-T), Trial Chamber, at 24178, lines 10, 12–13; *ibid.*, at 49152, line 3; *ibid.*, at 49153, lines 1, 3; *ibid.*, at 49154, line 7; *ibid.*, at 49154, line 21; *ibid.*, at 49185, line 5; *ibid.*, at 49191, lines 21–22; *ibid.*, at 49213, line 6; *ibid.*, at 49214, line 10; *ibid.*, at 49215, line 28; *ibid.*, at 49242, line 27; *ibid.*, at 49243, line 15; *ibid.*, at 49284, line 15.

56 *Ibid.*, at 24181, line 14; *ibid.*, at 49152, line 3; *ibid.*, at 49153, lines 16, 26.

57 *Ibid.*, at 49152, lines 9, 15; *ibid.*, at 49205, line 12; *ibid.*, at 49241, line 28; *ibid.*, at 49242, lines 10, 19, 20; *ibid.*, at 49243, line 1.

58 *Ibid.*, at 291, line 28; *ibid.*, at 310, line 15; *ibid.*, at 9954, line 7; *ibid.*, at 24181, line 6; *ibid.*, at 49152, lines 4, 10; *ibid.*, at 49154, line 7; *ibid.*, at 49257, line 3.

59 *Ibid.*, at 49148, lines 23–24; *ibid.*, at 49149, line 21.

## B. Discourse of the Defence

Taylor claims his contact with the RUF began only when he became a member of the so-called ‘Committee of Five’ — a counsel of West African presidents concerned with the Sierra Leone crisis, which he was invited to join because of his ‘experience as a former rebel’.<sup>60</sup> As head of this committee, Taylor attempted to ‘rebuild’<sup>61</sup> war-torn Liberia, allow for ‘good governance’, and bring peace to the sub-region and to Sierra Leone.<sup>62</sup> Contrary to the prosecution’s submissions on his involvement, Taylor argued that he played a crucial, constructive role in the peace process. Taylor did not deny terrible crimes were committed in Sierra Leone. In fact, Taylor maintained he was ‘shocked’ by the atrocities committed and argued that he tried to prevent and limit the crimes.<sup>63</sup>

## C. Liberian Perceptions

Most respondents strongly believed that Taylor was involved in the war in Sierra Leone, either as the informal leader of the RUF, or at least, in close collaboration with the RUF. ‘IR’, a veteran print journalist who covered the war, considered that the trial uncovered Taylor’s connection to the armed conflict in Sierra Leone: ‘Some witnesses testified, according to their testimony ... the rebels of the RUF were consorting with him, he gave them instructions. The international community asked to stop the fighting, the RUF said they will listen, but they had to get to “the head”, and that head was Taylor. So after that more people believed that Taylor was behind the Sierra Leone war.’<sup>64</sup> Student leader ‘JW’ also stated that ‘of late people have testified that he was in command, he was the big brother, he gives the instructions, he was like the Godfather’,<sup>65</sup> echoing the patrimonialist language of the prosecution. This relation based on patrimonialism is also connected to what respondents learnt from the trial, with development worker ‘LT’ stating Taylor was the ‘godfather’,<sup>66</sup> and media consultant ‘IJ’ denoting him as ‘father and big brother’.<sup>67</sup>

Some observers derived Taylor’s complicity from his own testimony. Student leader ‘JJ’ stated: ‘Taylor was also involved in the Sierra Leone crisis. *He has repeatedly admitted it.* Bockarie came to Liberia, Taylor admitted that. His reason

60 *Ibid.*, at 24316, line 10; *ibid.*, at 25184, lines 28–29; *ibid.*, at 27271, line 21; *ibid.*, at 32392, line 14; *ibid.*, at 35066, line 25.

61 *Ibid.*, at 25242, line 4; *ibid.*, at 24332, line 13; *ibid.*, at 25109, line 26; *ibid.*, at 25428, line 2; *ibid.*, at 25672, line 15; *ibid.*, at 26068, line 23.

62 *Ibid.*, at 24316, lines 1–5; *ibid.*, at 24332, line 14; *ibid.*, at 24333, line 2; *ibid.*, at 25295, lines 11–12; *ibid.*, at 25335, lines 15–16; *ibid.*, at 26042, line 2; *ibid.*, at 26624, line 3; *ibid.*, at 26893, line 23; *ibid.*, at 26894, line 9; *ibid.*, at 27269, lines 14–15; *ibid.*, at 27688, line 11; *ibid.*, at 28327, line 25; *ibid.*, at 29735, line 3; *ibid.*, at 33596, line 29; *ibid.*, at 35117, line 11.

63 *Ibid.*, at 25863, line 18; *ibid.*, at 26049, line 6; *ibid.*, at 26050, line 8; *ibid.*, at 26229, lines 27–28; *ibid.*, at 29048, line 4; *ibid.*, at 31107, line 3.

64 Interview with ‘IR’, Monrovia, 19 May 2011 (hereinafter ‘Interview, IR’).

65 Interview, JW.

66 Interview, LT.

67 Interview with ‘IJ’, Monrovia, 24 May 2011 (hereinafter ‘Interview, IJ’).

was the basis in ECOWAS, he was investigating, that gave him the right. But I think it was not true, he was in serious business with the RUF.<sup>68</sup> In addition, 'LT', in response to the question whether Taylor was a father or brother to the RUF, held that '*he said it during the testimony, he admitted to that, he met them and counselled them, and there was an exchange of arms.*'<sup>69</sup>

Other respondents appear to be drawing on their own memories,<sup>70</sup> or other sources, emphasizing that Liberian fighters,<sup>71</sup> and generals,<sup>72</sup> were present in Sierra Leone and vice-versa.<sup>73</sup> Alternatively, student leader 'PK' maintained that: 'Today Sankoh was not considered a very smart rebel leader, his strategies were very poor, so it is likely he had some consultations with Taylor.'<sup>74</sup> The prosecution did not emphasize this intermingling of forces, nor was the supposed lack of intelligence of Sankoh invoked.

Quite a few observers, including those who do regard Taylor as involved with the RUF, were unconvinced by the prosecution's efforts, reporting their surprise at the weakness of the evidence.<sup>75</sup> The *Taylor* case was also discussed in such terms by law students at the annual Bar Association of Liberia meeting: 'We were all concerned about the evidence, the procedure, the admissibility of the evidence .... It was difficult to see how the prosecution was making a link to the crimes charged. A lot of law students think they have to acquit him ... We want that justice be done, but there is a disconnect to the direct evidence.'<sup>76</sup>

A mere two respondents repeated the submission by the defence that Taylor had contact with the RUF in his official capacity as peace negotiator. According to a respondent participating in the tea shop focus group, 'AS', '[t]he Taylor indictment came after the ECOWAS intervention on behalf of the Liberian peacekeepers. Taylor was involved not as Taylor, but as co-chair. He was the Liberian head of the delegation to discuss the release.'<sup>77</sup> Unsurprisingly, Taylor's former bodyguard and stalwart supporter 'HJ' also claimed that Taylor 'had no dealings with them outside of ECOWAS'.<sup>78</sup>

On balance, it would appear that while many respondents already believed in Taylor's involvement with the RUF prior to the trial, a few may have been convinced, or had their views strengthened, by witness testimonies or Taylor's own testimony. Despite this, various respondents were concerned about the weakness of the prosecutor's case. To the contrary, little credence was given to the submissions by the defence that Taylor had formal involvement only with

68 Interview, JJ (emphasis added).

69 Interview, LT (emphasis added).

70 Interviews, IJ; PK; AZ.

71 Interviews, CB; AZ.

72 Interviews, LT; IR.

73 Interviews, JJ; IJ; LT; AZ.

74 Interview, PK.

75 Interview with 'HG', Monrovia, 16 May 2011 (hereinafter 'Interview, HG'); 'FR', Tea Shop Forum, Monrovia, 27 May 2011 (hereinafter Tea Shop Forum); Interviews, JJ; JK.

76 Law student at informal discussion, Tea Shop Forum.

77 AS, Tea Shop Forum.

78 Interview, HJ.

the RUF. This line of argumentation certainly did not appear to have made new converts.

## 7. Taylor's Motivations: Power, Greed, a Calling, or a CIA Mission?

### A. *The Discourse of the Prosecution*

According to the prosecution, the ultimate aim of Taylor's patrimonial relationship with the RUF was to gain access to Sierra Leone's diamonds. This motive is the most dominant theme in this discourse. The connection between Taylor and diamonds is made more than 300 times in the speeches of the prosecution.<sup>79</sup> This allegation held limited legal relevance: neither the sale of arms to rebels nor the receipt of diamonds formed part of the charges in the indictment. Moreover, the evidence that Taylor received diamonds remains somewhat tenuous. One element was the reluctant testimony by supermodel Naomi Campbell. Taylor's alleged gift of rough diamonds to Campbell in South Africa was put forward as proof that Taylor was travelling with the diamonds in order to sell and exchange them for arms. The prosecution did not have a pronounced narrative regarding why Taylor wanted the diamonds: he is never described as having a particularly luxurious lifestyle.

Nonetheless, all crimes committed by the RUF in Sierra Leone were presented as part of a grand plan. While the crimes were occasionally described as random, indiscriminate or senseless,<sup>80</sup> for the most part, these crimes were constructed as purposive and instrumental, following from Taylor's 'knowing, willful, conscious'<sup>81</sup> actions. One of the few points of agreement between the prosecution and defence appears to be that Taylor is an educated, intelligent and strategic thinker.<sup>82</sup> That is, a rational man, not motivated by revenge, sadism or other irrational sentiments. This assessment also informed the attitude to ethnic divisions in Liberia ascribed to Taylor. Taylor was not described as harbouring hatred towards any particular ethnic group in Liberia or Sierra Leone. Instead, he instrumentalized existing divisions: '[H]e knew the Gios were bitter against the Krahns and joined the NPFL for revenge. Mr Taylor harnessed his fighters' thirst for revenge and then unleashed them on Liberia,

79 Full list of prosecution references in Coding Frames in Appendix, see note 30. The exchange for arms is mentioned 34 times.

80 Trial Transcript, *Taylor* (SCSL-2003-01-T), Trial Chamber, at 196, lines 20–21; *ibid.*, at 295, line 22; *ibid.*, at 296, line 27; *ibid.*, at 299, lines 1–2; *ibid.*, at 307, line 6; *ibid.*, at 49212, line 21.

81 *ibid.*, at 49141, lines 26–27; *ibid.*, at 49144, lines 10–11; *ibid.*, at 49146, lines 26–27; *ibid.*, at 49148, line 9; *ibid.*, at 49150, line 17; *ibid.*, at 49309, lines 15–16; *ibid.*, at 49312, lines 16–17, 21; *ibid.*, at 49313, lines 2, 5.

82 *ibid.*, at 32351, lines 27–29; *ibid.*, at 32337, lines 11–12; *ibid.*, at 32352, line 2; *ibid.*, at 32453, line 14; *ibid.*, at 32460, line 22; *ibid.*, at 49312, lines 18–19.

intending that they use that thirst for revenge to spread terror so he could control the much larger population in that country.'<sup>83</sup>

### B. *The Discourse of the Defence*

During the examination of Taylor, his lawyer, Courtenay Griffiths, took him back to his youth. Together, Taylor and Griffiths painted a picture of Taylor as a self-made man coming from a 'humble'<sup>84</sup> background, who lived in a 'mud house', with 'no running water'.<sup>85</sup> Taylor worked his way through college in the United States by mopping floors and doing dishes.<sup>86</sup> He aimed to develop his country economically and bring democracy and the rule of law. Leading Liberia was Taylor's calling: '[P]eople that become presidents don't just get up one morning and say, "I guess I want to try it". It's something that starts at a very early age, a determination to doing something for your people. You see society, you grow up and you want to do something. You prepare yourself all your life to do it.'<sup>87</sup>

In ethnic terms, the defence emphasized that Taylor's mother is a Liberian native and his father an American-Liberian descendant from liberated slaves, thereby uniting in Taylor the two traditionally conflicting groups in Liberia.<sup>88</sup>

Finally, Taylor pressed the point that he was a pan-Africanist, which was mentioned 80 times by Taylor and Griffiths in cross-examination, like Nelson Mandela, fighting for an independent Africa: 'My interests with their whole discussions at the time was the interests in having Africa break away from the stranglehold that exists until today. Because let me say here and now I am a pan-Africanist, I have always been and will always be.'<sup>89</sup> Taylor strove to end Western domination and paternalism on his continent:

Well, the liberation of Africa, making sure that Africans solve their own problems. We went to school with these Europeans and Americans, we made better grades than they made. They come to our countries, they sit on top of us, because they have a little bit of money, as though they know it all and they do not. I believe that Africans are capable of solving their own problems. This is that whole pan-African attitude that remains in me today.<sup>90</sup>

### C. *Liberian Perceptions*

When questioned about the primary motive attributed by the prosecution to Taylor, namely, his interest in the diamonds of Sierra Leone, a few respondents

83 *Ibid.*, at 49178, line 25; *ibid.*, at 49179, line 2. See also *ibid.*, at 32242–32244; *ibid.*, at 32249, lines 8–9; *ibid.*, at 2308, lines 23–27; *ibid.*, at 33963, lines 4–5.

84 *Ibid.*, at 24363, line 25.

85 *Ibid.*, at 24362, lines 1–3.

86 *Ibid.*, at 24377, line 3.

87 *Ibid.*, at 25598, lines 19–25.

88 *Ibid.*, at 24639, lines 2–8; *ibid.*, at 24469, lines 22–28; *ibid.*, at 24482, lines 13–15.

89 *Ibid.*, at 24400, lines 1–6.

90 *Ibid.*, at 24400, lines 10–15.



stated that they did not know because ordinary people cannot be expected to know the motives of the people at the top.<sup>91</sup> Most respondents saw a connection between Taylor, diamonds, and arms sales, and speculated freely about the exact nature of that connection. Some considered the war, and Taylor's role in it, was ultimately motivated by greed.<sup>92</sup> Others believed the ultimate aim of the exchange was politically motivated, not business related.<sup>93</sup> It was 'patronage, buying loyalty with blood diamonds', because he 'would be king of West Africa',<sup>94</sup> or 'Godfather to the entire Mano River Basin'.<sup>95</sup> Respondent, 'IJ', acknowledged both motives, as well as the patron–client relationship by stating: 'he was paying his friends back for fighting on his behalf, but also, he did not have much international support, so he needed the diamonds to fund his military regime. So it was to help his son and friend, and to steal the diamonds'.<sup>96</sup> It was solely Taylor's close associates, former bodyguard 'HJ' and retired politician 'JG' who specifically denied Taylor's interest in diamonds, rhetorically asking where they were, and claiming that 'people from all over the world',<sup>97</sup> or more specifically, 'the West, the British were profiting, also the South Africans'.<sup>98</sup>

While the armed conflict in Liberia was seen as having been in part motivated by ethnic differences, the respondents agreed that Taylor was not ethnically motivated. His close associates see him as 'a unifier',<sup>99</sup> who 'got along with all the tribes very well'.<sup>100</sup> However, the majority of other respondents described Taylor as manipulating ethnic divisions. It was stated that 'it was about powerbases, what was a threat to the regime. If you belonged to one tribe you were protected, if you belonged to one tribe you were not protected',<sup>101</sup> or that Taylor 'politically exploited the Krahns and the Gios. But he didn't identify with any of them'.<sup>102</sup> Respondent 'PK' qualified: 'But when he became president he was different, his attitude changed. He had a more dignified lifestyle ... and he actually promoted integrity'.<sup>103</sup> More cynically, according to respondent 'JW' Taylor 'was a con artist. So he manages to have a support base in all of the groups'.<sup>104</sup>

However, most respondents appear to have based their assessments on their own memories. Only respondent 'JJ' a young man who lived in exile in Gabon and Guinea during the civil wars, and who followed the trial closely, expressed

91 Interviews, JJ; JS2; LT.

92 Interviews, LB; IR; JW.

93 Interviews, MF; DJ; JK; PK; AZ.

94 Interview, ME.

95 Interview, AZ.

96 Interview, IJ.

97 Interview with 'JG', Monrovia, 24 May 2011 (hereinafter 'Interview, JG').

98 Interview, HJ.

99 *Ibid.*

100 Interview, JG.

101 Interview, JS2.

102 Interview, MF.

103 Interview, PK. AZ made a similar qualification.

104 Interview, JW.

himself in terms that actually echoed the words of prosecutor, Brenda Hollis: 'Taylor brought the NPFL and *harnessed* the feelings between the Krahn and the Gio-speaking people, who were seeking *revenge*.'<sup>105</sup>

Pan-Africanism as an ideal continued to have great significance for many Liberian respondents, regardless of their age, gender or position on Liberian politics. The respondents maintained this through statements including that 'we have to believe it ... Liberia alone will get nowhere',<sup>106</sup> 'it has a lot of meaning, it brings about unity',<sup>107</sup> 'to have a joint alliance, a renaissance, change',<sup>108</sup> 'it informs my politics as a student leader'.<sup>109</sup> Respondent 'JS2' specified that 'it does, but I think the original guys who envisaged the concept have been misunderstood. It is a solidarity position, not to suppress your own people'.<sup>110</sup> To the contrary, a few respondents considered that 'many of us have a different orientation now, the beliefs of our forefathers don't easily exist again in a global world',<sup>111</sup> or that 'Pan-Africanism is just words, it doesn't have effects, it is not felt'.<sup>112</sup>

However, many respondents met the portrayal of Taylor as a pan-Africanist with disbelief and even derision. Respondent 'JJ' stated: 'Oh no no no no no no, he has never been a pan-African. I have listened to him making that bluff'.<sup>113</sup> Other respondents felt that Taylor 'should not be mentioned in this way, he is just a criminal, a crook',<sup>114</sup> '[h]e has no record of the African struggle',<sup>115</sup> or 'with Taylor it is more rhetoric ... he had no vision, he just wanted to keep in power'.<sup>116</sup> Human rights advocate 'HG' placed Taylor in a wider category of self-styled pan-Africanists: 'In most cases, they are those who have fallen off with the people, who have stayed in power for a very long time'.<sup>117</sup> A few other respondents were more cautious in their views,<sup>118</sup> stating that they 'don't know' whether Taylor is a pan-Africanist, with respondent 'JG' adding that 'it is difficult to judge what he would have turned out to be, because he was disrupted'.<sup>119</sup> Even the response by his close supporter 'HJ' avoided associating Taylor with pan-Africanism, instead responding that: 'If we had our own way, the African way, people could still live together and resolve African problems in an African way'.<sup>120</sup>

105 Interview, JJ (emphasis added).

106 Interview, MF.

107 Interview with 'EL, Monrovia, 20 May 2011 (hereinafter 'Interview, EL').

108 Interview, PK.

109 Interview, JJ.

110 Interview, JS2.

111 Interview, AZ.

112 Interview, JK.

113 Interview, JJ.

114 Interview, MF.

115 Interview, JW.

116 Interview, LB.

117 Interview, HG.

118 Interviews, JK; EL; LT.

119 Interview, JG.

120 Interview, HJ.

In response to questioning about Taylor's early life, none of the respondents brought up Taylor's supposed humble origins or his determination to become a political leader. According to his contemporary, respondent 'MF' Taylor 'was from a poor family, but so was everyone except maybe ten or fifteen elite families',<sup>121</sup> and he was taken up by a relative with elite connections. Respondent 'JW' believed that 'he had roots in the elite',<sup>122</sup> while 'LT' felt that 'he came from middle class people'.<sup>123</sup> A few respondents described Taylor as 'always a trouble guy',<sup>124</sup> 'rude and indisciplined',<sup>125</sup> and 'a disorderly student',<sup>126</sup> who was thrown out of school. Two respondents recalled how after Samuel Doe's coup, Taylor simply proclaimed himself Director-General of the General Services Agency,<sup>127</sup> and as such, embezzled money.<sup>128</sup> Most respondents did not display a clear notion of Taylor's background and early life. Even Taylor's faithful bodyguard, respondent 'HJ', who followed the trial closely, simply commented that he was 'from a religious background' and that 'he was charismatic, he wanted new things, he wanted to change things. He liked a flamboyant life, to spend money'.<sup>129</sup>

Many Liberian respondents related, or at least referred to, without being prompted, another account related to Taylor's early life. This narrative was ignored by the prosecution, and instead, recounted by Taylor in the stand,<sup>130</sup> but not given much emphasis in the overall submissions of the defence. Liberians perceive this account as highly relevant to Taylor's relationship with United States authorities, while some also find it relevant to the trial. In 1984, Taylor fled to the United States to escape embezzlement charges in Liberia, but was arrested with a view to extradition. In 1985, he escaped from a high-security prison in the United States, fled to Mexico, and thereafter back to Africa. According to Taylor's own account, he was assisted in his escape and met by a car that drove him to New York. Some respondents were explicit,<sup>131</sup> and many more implied,<sup>132</sup> that authorities of the United States, specifically the Central Intelligence Agency (CIA), had facilitated Taylor's escape, with the intention that he should wage war on President Samuel Doe. Hence, the United States is regarded by many as implicated in Taylor's crimes, if not those committed in Sierra Leone, at least in Liberia.

In sum, most respondents considered that Taylor was connected to Sierra Leonean diamonds. It remains somewhat undetermined, as in the prosecution's narrative, what Taylor's ultimate aim was: trading diamonds to buy arms to

121 Interview, ME.

122 Interview, JW.

123 Interview, LT.

124 Interview, CB.

125 Interview, ME.

126 Interview, JJ.

127 Interviews, IR; JS2.

128 Interviews, CB; IR.

129 Interview, HJ.

130 Trial Transcript, *Taylor* (SCSL-2003-01-T), Trial Chamber, at 24517, lines 9–20.

131 Interviews, HG; JJ; AT, Tea Shop Forum.

132 Interviews, JG; PK; EL; JS1; JS2; FR, Tea Shop Forum.

exert control over Sierra Leone or buying arms to exert control in order to extract diamonds. The views of respondents on Taylor's treatment of different tribes also closely matched the prosecution's narrative. However, while both these elements resonate with Liberian respondents, in most cases there was no indication that their views were directly informed by the prosecution's discourse.

On the defence side, it is clear that the portrayal of Taylor as a self-denying leader driven by the ambition to improve the lot of the Liberian people, or as a pan-African hero, have failed rather spectacularly as narratives for Liberians.

## 8. Purposes of the *Taylor* Trial: Accountability or Conspiracy?

### A. *The Prosecution*

The prosecution had relatively little to say about the purpose of the *Taylor* trial. Mostly, the prosecution took the setting for granted. In the opening statement, the prosecutor pointed out that: 'It is, above all else, that we are seeking justice for the people of Sierra Leone that we are all here today.'<sup>133</sup> Later, the prosecutor elaborated that: 'They are the ones who still bear the scars of this brutal conflict and for whom this process of accountability, no matter what the eventual outcome, will have its greatest meaning.'<sup>134</sup> The *Taylor* trial was intended to show the people of Sierra Leone that 'there are those in this world who are ready to uphold the law',<sup>135</sup> and the eventual judgment was expected to give them 'some small measure of closure'.<sup>136</sup> No clear distinction was rendered between specific victims and the broader population: the Sierra Leonean people as a whole are constructed as victims of Taylor.

A second purpose, namely, truth-telling, was upheld by the sole Sierra Leonean member of the prosecution team, Mohamed Bangura. Both in the opening statements, and in the closing plea, he referred to a saying in Sierra Leone: "*Net long so tay, doh mus clean.*" No matter how long the night, light will come. For years the accused's crimes have remained in the dark. Today we start to shed light on his responsibility for the suffering of the people of Sierra Leone.<sup>137</sup> Both of these purposes were explicitly and exclusively tied to Sierra Leone. There was no sense that, since Taylor was the President of Liberia, the trial may have also served victims or truth-telling in Liberia.

133 Trial Transcript, *Taylor* (SCSL-2003-01-T), Trial Chamber, at 269, lines 10–11.

134 *Ibid.*, at 330, lines 17–22.

135 *Ibid.*, at 331, lines 10–11.

136 *Ibid.*, at 331, line 2.

137 *Ibid.*, at 313, lines 6–10; *ibid.*, at 49183, line 26; *ibid.*, at 49184, line 3.

The third purpose was to strengthen the rule of law by enacting the rule of law. The prosecution promised to:

[S]eek at all times to ensure that it embodies the fundamental principles of fairness, due process and justice that, along with the other trials at the Special Court, will help ensure a future respect for law and the maintenance of a just and peaceful and safe society. In that regard we understand that justice is a system that we must all obey and that no individual is above the law and can be in a position to walk away from the system of justice.<sup>138</sup>

At the end of the trial, fair trial was evoked again, and contrasted to divine justice, on the one hand, and the arbitrary exertion of power by a man like Taylor, on the other hand:

God's justice is mysterious. Today, Charles Taylor appears before you to face human justice. Through criminal proceedings that have been most fair to him, decided by impartial and independent judges on the basis of the evidence before you. Not by the whim of a man with a gun or a machete or a man with an insatiable greed for wealth and power. Today, Mr Taylor faces human justice, based on your assessment of the evidence adduced in this trial.<sup>139</sup>

This third purpose was not explicitly tied to Sierra Leone, instead the system of justice appealed to can be seen in more universal terms.

## B. The Defence

According to Taylor, the United States turned against him because he stood up for Liberia, defending its economic interest against American corporations, such as Firestone, Mobil, and Halliburton,<sup>140</sup> but also the influence of the United States in arming rebels and funding opposition parties. Taylor argued that 'the United States was not used to Liberian governments before mine telling them yes or no. It was, "Yes, sir. Yes, sir. Yes, sir."<sup>141</sup> Taylor was confronted with arms embargos, trade embargos, and sanctions imposed by the International Monetary Fund. In other words, Liberia was 'squeezed',<sup>142</sup> and '[t]he die was cast, we were going to be destroyed anyway and it happened eventually. I'm here.'<sup>143</sup>

Therefore, according to this line of argumentation advanced by the accused, the prosecution was bent on regime change,<sup>144</sup> part of a United States

138 *Ibid.*, at 268, lines 7–14.

139 *Ibid.*, at 49280, lines 20–27.

140 *Ibid.*, at 2300, line 11; *ibid.*, at 26301, line 17.

141 *Ibid.*, at 31368, line 4.

142 *Ibid.*, at 26453, line 12; *ibid.*, at 26711, line 5; *ibid.*, at 26453, line 12; *ibid.*, at 26697, line 25; *ibid.*, at 26697, line 15; *ibid.*, at 26698, line 17; *ibid.*, at 26757, line 8; *ibid.*, at 26757, line 10; *ibid.*, at 27473, line 1.

143 *Ibid.*, at 27706, line 29.

144 A term used 36 times by Taylor and Griffiths. Full list of references in Coding Frames, Appendix, see note 30.

conspiracy to get rid of Taylor. All of the main prosecutors were American,<sup>145</sup> and the case was merely a continuation of United States policy against Taylor's government in Liberia. In response, the prosecutor asked Taylor, sarcastically: 'So the FBI is working for the Office of the Prosecutor, the Special Court; is that what you are telling the Court, Mr Taylor?' Taylor responded: 'They gave you information, all of you. Why were you sent? You were sent down here to prosecute and they are helping you ... the whole American goon squad came down, so you know what I'm talking about.'<sup>146</sup>

Griffiths amplified, although modifying, this viewpoint in his closing statement: 'We submit that it's to the shame of this Prosecution that it has blemished the lofty ideals of international criminal law by turning this case into a 21st century form of neo-colonialism.'<sup>147</sup>

The defence moved beyond casting aspersions on the prosecution by imputing regime change. Doubt was also cast on the judges, and the SCSL, as a whole. Griffiths pointed at an ideal vision of the law, under which, 'whether you are princess or prostitute, whether you are the President of the United States or the President of Liberia, the law is above you.'<sup>148</sup> Taylor too subscribed to this ideal, even to the point of hoping 'for a fair trial that will perhaps bring to an end the cycles of injustice. I stand ready to participate in such a trial and let justice be done for myself and for those who have suffered far more than me in Liberia and Sierra Leone.'<sup>149</sup>

However, Taylor maintained that: 'The tribunals which are but an instrument of diplomacy in the hands of powerful states are, in fact, not administering law at all but, instead, providing spurious cover for their paymasters, thereby prostituting the legal process.'<sup>150</sup> When asked by Judge Teresa Doherty: 'Are you suggesting that the judges are in the pay of some government?',<sup>151</sup> Griffiths shied away from this accusation. But in an interview months earlier he had voiced the 'concern ... that these judges are under considerable pressure to convict. A lot of money has been invested in these proceedings by the United States, the United Kingdom and other western countries.'<sup>152</sup> Griffiths dramatized his position by walking out of court on the day the prosecution gave its closing statement.<sup>153</sup> When eventually giving his

145 Trial Transcript, *Taylor* (SCSL-2003-01-T), Trial Chamber, at 27706, line 29. In fact, there has been one British chief prosecutor, Sir Desmond Lorenz de Silva.

146 Trial Transcript, *Taylor* (SCSL-2003-01-T), Trial Chamber, at 32283, lines 19–23. CIA involvement is suggested in *ibid.*, at 25103, lines 7–13; and more equivocally, in *ibid.*, at 34836, lines 25–27.

147 *Ibid.*, at 49389, lines 26–29.

148 *Ibid.*, at 49389, lines 5–7.

149 *Ibid.*, at 250, lines 4, 28–251.

150 *Ibid.*, at 49396, lines 15–19.

151 *Ibid.*, at 49396, lines 23–24.

152 T. Bouwneght and H. Gee, 'Taylor Trial under Spotlight: Interview', *Radio Netherlands Worldwide*, 25 August 2010.

153 His ostensible reason was that he had not been allowed to file his final brief, delivered late because he wanted to include reflection on a recent wiki-leaks cable which had the United States Ambassador to Monrovia stating that Taylor must be prevented from returning to

own closing statement, Griffiths stated that ‘this is not a trial at all, but the abuse of legal forms to achieve a predetermined end: The conviction of the accused and his incarceration for a long time.’<sup>154</sup>

In addition, Taylor argued that the prosecution demonized him in a racist manner: ‘You come into Africa, the African got a leader in Liberia, a President, who is eating human beings. So whatever we do to him, Africa, don’t be sorry. This guy deserves it. So you demonise and you move in for the kill and you bring him before a Court.’<sup>155</sup> He continued: ‘This is racist. I can say it. It is as racist as it ever gets.... All the murderous regimes of Europe throughout World War II coming on, nobody is eating human beings and burying pregnant women and being as sadistic as this. It’s an African — this is as racist as it gets and that’s how I feel about it.’<sup>156</sup>

Again, it is not only the prosecution that is charged with racism, the trial itself was tainted. Taylor — the black African — was put on trial by white westerners ‘like an illegal immigrant, refugee or worse, and for those of an historical mind, in reverse, he was taken in chains from the shores of Africa to Holland, thousands of miles away. The country of one of the colonisers of the black race for centuries. A historically familiar journey for some.’<sup>157</sup>

### C. Liberian Responses

According to a majority of respondents, the trial served justice in Sierra Leone. Some respondents affirmed this with approbation,<sup>158</sup> while others more sourly in contrast to Liberia.<sup>159</sup> Akin to the prosecution, the respondents drew no clear distinction between the people of Sierra Leone and the individual victims. Some made the reservation that only a guilty verdict would give justice to Sierra Leone.<sup>160</sup>

Many respondents held that Taylor ought to have been tried for crimes committed in Liberia,<sup>161</sup> while others believed that the people of Sierra Leone have as much responsibility for the Liberian civil war as vice versa.<sup>162</sup> Many respondents argued, correctly or incorrectly, that there is a cultural difference

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Liberia. He was then held in contempt of court by Judges Doherty and Lussick, with Judge Sebutinde dissenting. Eventually, the Appeals Chamber upheld Griffiths’ appeal.

154 Trial Transcript, *Taylor* (SCSL-2003-01-T), Trial Chamber, at 49396, lines 10–14.

155 *Ibid.*, at 29970, lines 17–20.

156 *Ibid.*, at 29904, lines 23–29. Other discussion of the case being racist in *ibid.*, at 24308, line 2; *ibid.*, at 29905, line 8; *ibid.*, at 29905, lines 11–12; *ibid.*, at 29905, line 16; *ibid.*, at 29969, lines 17–20; *ibid.*, at 29972, line 20; *ibid.*, at 31482, line 2.

157 *Ibid.*, at 24294, lines 8–13.

158 Interviews, CB; MF; IJ; JW.

159 Interviews, JK; PK; AZ.

160 Interviews, CB; EL; LT.

161 Interviews, LB; JK; PK; JS2; AZ; FN, Teashop Forum Focus Group.

162 Interviews, HJ; AZ.

between Sierra Leoneans and Liberians, with the former insisting on justice while the latter stress forgiving and forgetting.<sup>163</sup>

Only a few respondents considered that, despite being about Sierra Leone, the *Taylor* case also vicariously provides justice to Liberians.<sup>164</sup> Other respondents, including Taylor's supporters, conversely believed that the *Taylor* case did not in any way serve justice for those who were subjected to amputations during the armed conflict in Sierra Leone.<sup>165</sup> Finally, quite a few respondents felt that there was a justice deficit with the trial of one sole accused,<sup>166</sup> while others found that Taylor's fate was too comfortable in relation to his crimes.<sup>167</sup>

Respondents were evenly split over whether the trial has 'shed light' or authenticated the truth about the armed conflicts. Some respondents avowed that 'most of the things said were not strange things,'<sup>168</sup> and 'we have all heard about it so many times.'<sup>169</sup> Respondents also stated that 'major actors did not appear,'<sup>170</sup> and 'there was lots that didn't come up.'<sup>171</sup> In contrast, respondents stated that the *Taylor* trial 'has bring to light [*sic*] a lot about what has taken place,'<sup>172</sup> 'it was an opportunity for things to be openly said,'<sup>173</sup> and 'maybe it would have come out eventually ... but maybe not this early.'<sup>174</sup> The responses display some divide, although not absolute, between respondents of different ages, with young people more inclined to believe the trial shed new light on recent history. Some respondents, including 'AZ', believed that the national Liberian Truth and Reconciliation Committee was the vehicle through which truth-telling occurred. 'AZ' stated that 'the TRC really opened our minds, its depth, it was the point at which Liberians understood their history.'<sup>175</sup> Some felt that the 'trial is not telling the story in the true sense of speaking the truth,'<sup>176</sup> but there was also a sense that people are still too traumatized, too much in 'survival mode'<sup>177</sup> to be receptive to the *Taylor* trial so that 'maybe twenty, fifty years from now it will make a difference.'<sup>178</sup> Interestingly, according to journalist 'AJ' 'many people got to know about the interconnectivity of the conflicts,'<sup>179</sup> through the *Taylor* trial.

163 Interview with 'AJ', Monrovia, 17 May 2011 (hereinafter 'Interview, AJ'); Interviews, CB; MF; JJ; PK; DT, Outreach Focus Group, 17 May 2011.

164 Interviews, IJ; IR; LT.

165 Interviews, HG; JG; AJ; HJ.

166 Interviews, DJ; MF; PK; JS1; JW.

167 Interviews, MF; JS1.

168 Interview, AZ.

169 Interview, AJ.

170 Interview, LT.

171 Interview, MF.

172 Interview, IR.

173 Interview, JW.

174 Interview, PK. A similar point was made by CB; IJ; JK.

175 Interview, AZ. AJ and HJ brought up the Truth and Reconciliation Commission in this context as well.

176 Interview, LB; see also that of JS2.

177 Interview, LB.

178 Interview, JJ.

179 Interview, AJ.



A narrow majority of respondents strongly believed that the *Taylor* trial strengthened the rule of law. Journalist ‘CB’ stated that ‘it opened the eyes of a lot of people. These crimes must not go free... I want to say: it has given Liberians to know what is wrong and right, the rule of law. Now they question the legality, people feel you should not be arrested for saying what is right.’<sup>180</sup> ‘IJ’, a journalist turned consultant, specified that: ‘Sierra Leone did well, I like their resilience. If other Africans would do this, there would be no war. Rebel leaders would not be able to pose as freedom fighters.’<sup>181</sup>

Youth leader and law student ‘PK’ held that the trial ‘shows that everybody can go through due process, they can explain why they feel they should be exonerated, the entire process is gone through step by step. It sends out a message that there is actually a system of law in place.’<sup>182</sup> Journalist ‘JS2’ believed that ‘it has already started, to a large extent: our judiciary is getting better every day.’<sup>183</sup> Other respondents remained undecided,<sup>184</sup> or sceptical,<sup>185</sup> about whether the trial of one accused could end impunity and transform the legal system, frequently mentioning that the recommendations of Liberia’s Truth and Reconciliation Committee had not been implemented.<sup>186</sup>

As shown above, various Liberian observers had been surprised at the weakness of the case mounted by the prosecution during the *Taylor* trial. At the same time, a few respondents reported how their expectations of the fairness of the trial were adjusted upwards during its course. Development worker ‘LT’ stated: ‘I feel different now, people just thought he is handed over, straight away he will be prosecuted, but it was quite different from how it was perceived in the beginning. Now we know he is actually going through a free and fair trial.’<sup>187</sup> Student leader ‘JW’ reported that ‘in 2007, objectively, if I looked at it then it was white guys getting a black man. But now I have seen more testimonies, eye witnesses, it is not just racism, it shows that these people have unleashed terror. Four years ago I had a different picture.’<sup>188</sup> Even *Taylor*’s former bodyguard ‘HJ’ felt that ‘when it first started, I was so bitter, so disappointed, I felt disgraced... The way things are going, I like the system, they said let’s give him due process, they have given him due process,’<sup>189</sup> and *Taylor*’s former ally ‘JG’ specified that ‘maybe the harshness that attended the case, now that they are pursuing it in the purview of the bigger international community, that harshness is not going to attend it anymore.’<sup>190</sup>

180 Interview, CB.

181 Interview, IJ. AZ had a weaker version of the same argument.

182 Interview, PK. JW at the Outreach Focus Group made the same point.

183 Interview, JS2.

184 Interview, JW.

185 Interviews, LB; JJ; JS1.

186 Interviews, MF; HG; DJ; JS1; JW; DT at Outreach Focus Group.

187 Interview, LT.

188 Interview, JW.

189 Interview, HJ.

190 Interview, JG.

Finally, nearly all respondents reported their belief in a purpose underlying the trial, not mentioned by the prosecution, namely, its deterrent effect on other or future political leaders. This was strongly affirmed by the youth leaders interviewed, at times, in language akin to that of expressivist theorists. For instance, law student and student leader 'PK' believed the *Taylor* trial 'sends a message to the general public to live in a society where impunity is not the call of the day, you have responsibility for your actions'.<sup>191</sup> Student union official 'JJ' held that the trial 'sends a message that there is no chance for people who have been engaged in the destruction of human lives'.<sup>192</sup> Journalist and former youth leader 'JS2' stated that 'for us as young people it sends a message that you must be careful how you conduct yourself, there are no limits, anybody can be held accountable'.<sup>193</sup> Former journalist IJ also had the court performing speech acts: '[y]ou can be taken to The Hague, it says to would-be leaders who could be doing similar things. The war crimes court is telling leaders'.<sup>194</sup> A deterrent effect is equivocally confirmed even by retired politician and Taylor associate 'JG': 'Yeah I want to think so .... The international community wants to be in the vanguard of who commits crimes. But how can you do that when you are using terror as a means to an end? But I do still think it would serve as a safeguard, a warning'.<sup>195</sup>

At the same time, respondents overwhelmingly believed that the SCSL was 'run by the Americans' and, according to some, also the British. Like the defence, respondents discerned two aspects to this. First, why was Taylor arrested when many other political leaders were not? Some respondents felt that Africans were unfairly targeted and pointed to the relative impunity of former President of the United States George W. Bush.<sup>196</sup> More generally, respondents believed the SCSL displays western supremacy and criticized that only Africans face international trials,<sup>197</sup> or alternatively, that an African court for Africans does not exist.<sup>198</sup>

Second, most respondents maintained that the SCSL, in general — often confused with the ICC — and the *Taylor* trial, in particular, were orchestrated by the United States. This sentiment ranges from passionate claims at the tea shop forum that it 'is revenge from the CIA for those who betray the cause',<sup>199</sup> and 'the western world has indicted the Republic of Liberia',<sup>200</sup> to the laconic statement by respondent 'MF' that 'it is true, but the Americans are running everything ... so why not run this?'<sup>201</sup> While, according to many respondents,

191 Interview, PK.

192 Interview, JJ.

193 Interview, JS.

194 Interview, IJ.

195 Interview, JG.

196 Interviews, HG; JW; AZ.

197 Interviews, HG; DJ; JS2; JW; AS; AT, Tea Shop Forum.

198 Interviews, LB; PK; JW; TW, Tea Shop Forum.

199 AT, Tea Shop Forum.

200 AS, Tea Shop Forum.

201 Interview, MF.

the FBI or CIA were involved in Taylor's prison break while in the United States, only tea shop forum respondent 'AT' reiterated Taylor's own accusation of involvement by the CIA in the prosecution at the SCSL.

Moreover, statements about the involvement of the United States were commonly qualified in one of two ways. First, the trial proceedings, and in particular, the judges were perceived as relatively independent from the United States. For instance, respondent 'JS2' stated that 'the Americans have an influence on everything, so they will also have an influence on the court. But Sebutinde [A Ugandan Judge of the SCSL] and that, I don't think they are in the American pockets.'<sup>202</sup> On the other hand, the United States role was perceived by some respondents as providential: 'It was more than just the Americans. It was God's way of saying to people, evil will never prevail',<sup>203</sup> 'it was like divine intervention, because he planned to stay on and become the next Muammar Ghaddafi',<sup>204</sup> '[a]nybody would have turned against Taylor, he was too reckless, too reckless',<sup>205</sup> and 'Africans were not able to do anything about Taylor without interference ... we have to know our limitations'.<sup>206</sup>

While the accusations of selectivity and western, particularly United States, domination resonate widely, every respondent shied away from the charge of racism levelled by the defence. Some, like respondent 'JG' made a distinction between political supremacy and racism: 'It's "I'm bigger, so just forget about it". I don't think it's a question of racism, I really do not.'<sup>207</sup> Other respondents denied the charge more emphatically: 'No no no no, they go by the law. It would be wrong, they go by the law, there is no black-or-white in it',<sup>208</sup> or 'there are judges who are black. And Milosevic was very very white, and they brought him there'.<sup>209</sup>

## 9. Conclusion

It needs to be stressed that this study cannot, and does not claim to, arbitrate whether the *Taylor* trial has had deterrent or reconciliation effects on Liberian society. Rather, the intention is to investigate whether expressivism provides a plausible account of how and why an international criminal trial might have such effects through the messages it communicates during the trial itself.

The findings presented clearly suggest that, unlike the general population, educated elites were on the whole interested in, and familiar with, what was

202 Interview, JS2. JJ similarly affirmed the independence of the judges, and HJ too particularly affirmed his faith in Judge Sebutinde, the only African judge on the bench.

203 Interview, LB.

204 Interview, AZ.

205 Interview, JW.

206 Interview, MF.

207 Interview, JG. DJ and PK made a similar distinction.

208 Interview, IR.

209 Interview, MF.

transpiring in court. Many respondents were found to hold complex and internally conflicting opinions on the trial.

The findings on the role, character, and motivations of Taylor clearly favour the prosecution in this case. Most respondents appear to have already been convinced that Taylor was culpably involved in the armed conflict in Sierra Leone, nonetheless, a few respondents became more convinced of this as a result of the trial. Many do, however, point out that they believe Taylor was *more guilty* in relation to the armed conflict in Liberia. Although some respondents made remarks concerning the perceived weakness of the evidence presented by the prosecution, this does not appear to have weakened their belief in Taylor's involvement in the armed conflict in Sierra Leone. The avowal by the defence that Taylor was only officially involved in the armed conflict as a peace negotiator was given little credence by the majority of Liberian respondents. When it comes to Taylor's character and motivations, the discourses submitted by the prosecution on diamonds in exchange for weapons and instrumentalization of ethnic grievances appear to resonate well with most respondents, but there is little evidence that any were convinced by these narratives alone. The narrative proposed by the defence encompassing the pan-African of humble origins had almost no resonance.

In relation to the purposes of the trial, the findings are more complex. Only a few respondents believed that it provided justice to Liberians, and about half, felt that more 'truths' had come out because of the trial. Some respondents maintained that the rule of law in Liberia was (indirectly) strengthened, while many emphatically believed in the general deterrence value of the trial. In this respect, respondents were *not* echoing the prosecution's speeches, which did not invoke general deterrence, and gave no explicit attention to effects on Liberia. It appears, therefore, that messages can be understood from a trial that are not explicitly being communicated by the prosecution or the judges.

Respondents overwhelmingly believed in a strong causal relationship between Taylor's falling out of favour with the United States and his eventual arrest and trial and also in a general bias of international criminal justice against Africans. However, this did not extend to believing the judges to be biased or to characterizing the case as 'racist'. While, apart from the charge of racism, these defence discourses resonated well with Liberian respondents, once again, there is little evidence that they affected Liberian views in this respect.

Expressivism in the version presented here holds that international criminal trials can be seen as theatrical message sending mechanisms and through their messages may contribute to the internalization of particular norms by its recipients, and thus, generate desired socio-political effects. First, particular types of behaviour, and individuals associated with such behaviour, can be discredited and stigmatized through international criminal procedure, not only via punishment, but also through the trial itself. Second, particular facts can be accepted as 'authoritative truths' about the past conflict through such adjudication. Third, the rule of law can be strengthened through the demonstration of the effect of international criminal trials. These claims, in turn, make two

prior assumptions: first that there is an attentive audience for the messages; and second, that that attentive audience is indeed receptive to these rather than other messages, including potentially conflicting messages by the defence.

The findings of this fieldwork in Liberia corroborate expressivist theory's prior assumptions. There was an attentive audience for the trial proceedings, if not in the mass population at least among educated elites who follow, and are engaged in, politics. Moreover, this audience apparently held complex and somewhat internally contradictory views on the trial. The attacks made by the defence on the legitimacy of the trial had resonance, but did not immediately invalidate the expressivist potential.

There is little evidence that the *Taylor* trial has newly stigmatized the defendant or a particular behaviour. Those who believed him to be guilty of crimes continued to do so, and some had mixed feelings about a mismatch between his perceived worst crimes (waging war and sowing terror in Liberia), and those he stood trial for (crimes in Sierra Leone). But respondents did believe that the trial conveyed a message about the consequences of guilty behaviour.

Findings by Liberia's Truth and Reconciliation Commission were referred to by many respondents and appear to have been widely trusted. Nonetheless, some, especially younger respondents, reported that new truths had come to light through the trial. This may represent a wider reality that truth commissions, which are nearly always national, are inadequate at representing the truth about crimes committed in the context of transnational civil wars. Conversely, an international court, even when adjudicating a case about a neighbouring state, can nonetheless play a unique contributing role in establishing truths about the past.

The third 'expressivist message', namely, strengthening the rule of law, appears to be the most salient in this case. Those Liberians interviewed thus seemed less convinced of the retributivist value of the trial ('doing justice') than of its consequentialist ('deterrence') value. Many respondents, especially youth leaders with political ambitions of their own, discerned a deterrent effect from the trial, avowing that the trial demonstrated that one could not wage aggressive war on a neighbouring country, or that one could not commit human rights violations, without having eventually to account for them. Moreover, some did so in terms exactly consonant with expressivist theory: speaking of the trial as 'sending messages' or 'telling leaders', even though the prosecutors never literally spoke about deterrence of future leaders. This is especially striking because the interviews were conducted *before* the verdict was read. Hence, it would appear that the stylized retelling of crimes in an official setting can be understood as sending a moral message.

This finding has two important consequences for international criminal courts. First, messages of accountability and deterrence can land with relevant audiences even when the legitimacy of the proceedings is controversial to those same audiences and the defence plays on this controversy. Second, the fact that many respondents saw the trial as conveying a deterrent message before the verdict was pronounced confirms Drumbl's intuition that trials

themselves, as 'educational theatre' can have effects on societies through expressivist mechanisms, independent of verdict and punishment. It was the fact of their President 'being in the dock', held accountable, which was deemed by Liberian respondents, even those who found some aspects of the trial problematic, to have a deterrent effect. There is, however, a large open question, unanswerable in the *Taylor* case but particularly relevant in the light of recent high-profile acquittals before the International Criminal Tribunal for the former Yugoslavia, whether this rule of law effect would be diminished or annulled by a subsequent acquittal.

This article thereby corroborates the promise of expressivism as a normative theory justifying international trial and punishment. It has also demonstrated its utility as an empirical theory, which allows for an investigation of the messages sent by such trials and the messages as received by target populations. The exact workings of expressivist messaging in relation to international criminal trials remain complex and largely unexplored, and both further theoretical elaboration and empirical research are required to better understand its potential and its limitations.