

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a bold, serif font, centered between two horizontal blue bars.

NEW YORK  
CITY BAR

**PRESIDENT**

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September 28, 2005

Hon. Condoleeza Rice  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary of State Rice:

I am writing on behalf of the Association of the Bar of the City of New York to express our grave concerns over Nigeria's failure to surrender former Liberian President Charles Taylor to the Special Court for Sierra Leone and to urge strong leadership by the United States government on this issue.

The Association is an independent non-governmental organization with a membership of more than 22,000 lawyers, judges, law professors and government officials, principally from New York City but also from throughout the United States and 50 other countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world.

The Association strongly supports accountability for crimes against humanity, war crimes, and other serious violations of international humanitarian law committed during the Sierra Leone conflict. The Special Court of Sierra Leone, which was created by the United Nations through an agreement with Sierra Leone's government, is making great strides toward this objective. The court has been operating since July 2002, conducting trials of the most serious violators of international law and certain domestic laws during the latter part of Sierra Leone's civil war, from November 1996 to 2002.

The Special Court indicted Charles Taylor for his role in the deaths, rapes, disappearance, and mutilations of thousands of civilians during the brutal civil war in Sierra Leone. Although the U.N.-backed Special Court indicted Taylor over two years ago on 17 counts of war crimes and crimes against humanity, he continues to enjoy safe haven in Nigeria. Taylor has been in exile in Nigeria since his removal from power in August 2003, when Nigeria offered him asylum.

Continued shielding of Taylor from justice contravenes the strong global trend toward bringing to justice serious violators of human rights norms. The UN General Assembly has specifically rejected the use of amnesty laws for perpetrators of serious violations of human rights (S/PRST/1998/18; S/PRST/1999/6; A/RES/44/162; A/RES/47/133), and other U.N. bodies have advocated for holding accountable the perpetrators of heinous crimes during Sierra Leone's civil war. Specifically, the U.N. Commission on Human Rights stated that all countries are under the obligation to search for persons alleged to have committed or to have ordered to be committed, such grave breaches during the civil war in Sierra Leone, and to bring such persons, regardless of their nationality, before their own courts (Resolution 1999/1).

The Special Court, like the ad hoc criminal tribunals for the Former Yugoslavia and Rwanda, is a manifestation of the trend against impunity for perpetrators of grievous human rights violations and a strong affirmation of the principle that no one can be above the law for the most serious crimes. Nowhere in the Special Court's statute and implementing legislation is there any legal basis for impunity for Taylor. On the contrary, Article 6(2) of the Special Court's statute provides that the official position of any accused person does not relieve him or her of criminal responsibility.

Furthermore, Article 10 of the Statute provides that an amnesty granted to an accused person does not operate as a bar to prosecution by the Special Court, and the International Court of Justice has affirmed that immunity for high-ranking officials is inapplicable before international criminal courts with appropriate jurisdiction. In May 2004, the Special Court further clarified that there is no legal basis for continued shielding of Charles Taylor by Nigeria, ruling that sitting heads of state are not immune from prosecution by an international criminal court.

Taylor is reportedly involved in activities to destabilize the government of Guinea and to manipulate the political affairs of Liberia in advance of its October elections, in violation of the reported conditions of his asylum in Nigeria. Representatives of the Special Court's Prosecutor's Office have received reports of Taylor's involvement in the January 2005 assassination attempt on the Guinean president and support for an insurgency movement against the Guinean government. Taylor also allegedly remains in close contact with his former supporters. Thus, the international community's failure to bring Taylor to justice presents a real threat to stability in West Africa.

We are deeply troubled by Taylor's continued evasion of the rule of law. According to Nigerian President Olusegun Obasanjo, Taylor was granted asylum ostensibly to prevent civilian casualties in Liberia resulting from further battle over control of Liberia's capital in 2003. However, continued impunity for Taylor undercuts justice and security for civilians in West Africa, and delegitimizes the suffering of his victims. As long as Taylor remains at large, the perception will be that certain people are immune from the reach of justice.

We strongly urge the United States government to engage in intensive diplomacy to convince Nigeria to surrender Taylor to face trial at the Special Court, and to exert all possible political and financial pressure as necessary to ensure this result. We further urge the United States government to engage in intensive diplomacy to convince African leaders to work with President Obasanjo to ensure that Taylor faces justice promptly. Given President

Obasanjo's remarks at the African Union (AU) summit this past summer in which he suggested he would seek support for continued shielding of Taylor through the AU and the Economic Community of West African States, engagement with African leaders on this issue is particularly important.

Finally, we would like to thank the United States government for the financial support it has provided to the Special Court to date and ask that you take all affirmative steps necessary to ensure that the Special Court receives the funding it needs to complete its mandate of bringing to justice those who bear the greatest responsibility for war crimes committed during Sierra Leone's civil war. The Association's Committee on International Human Rights will be monitoring this situation closely.

Thank you for your attention to this very important matter.

Sincerely,

A handwritten signature in cursive script that reads "Bettina B. Plevan".

Bettina B. Plevan