

The appeal proceedings of the **Gibril Massaquoi** case

Questions and Answers

During the initial Gibril Massaquoi proceedings, Civitas Maxima posted a Q&A addressing the most frequently asked questions. As the appeal proceedings began on January 10, 2023, in Turku, Finland, we propose for your readership an updated Q&A.

The first instance proceedings spurred discussion and debate, not only because they sat within the broader context of calls for the establishment of a war crimes court in Liberia, but also because some of the hearings were held in Liberia and Sierra Leone.

The aim of this document is to clarify and provide clear and unbiased answers to frequently asked questions on the case.

Who is Gibril Massaquoi and what is he accused of?

Massaquoi is a former commander and spokesperson of the Revolutionary United Front (RUF) rebel group of Sierra Leone. Arrested in March 2020 in Tampere, Finland, he is accused of committing and inciting murders, aggravated rapes, aggravated war crimes, and aggravated violations of human rights in a State of Emergency. The crimes were allegedly committed in Liberia during the Second Civil War (1997-2003), between 1999 and 2003. The first instance proceedings against Gibril Massaquoi began in Tampere, Finland, in February 2021. Victims and witnesses were heard in Liberia and in Sierra Leone throughout the year, and the trial concluded in January 2022.

What did the judgment say?

On April 29, 2022, the District Court of Tampere dismissed all charges, and found that there was reasonable doubt that Mr Massaquoi committed the offences he was charged with. In order to secure a guilty verdict in a criminal case, it must be proven beyond a reasonable doubt that the accused person committed the alleged crimes. Here, the Judges found that there was insufficient proof to convict Mr Massaquoi of the crimes that he was tried for. According to the judges, it had not been proven beyond a reasonable doubt that Mr Massaquoi was in Liberia at the time the crimes were committed – it was submitted that he was actually in Sierra Leone at the time.

If he has been tried before, why is he being tried again?

The case of Gibril Massaquoi has now reached the appeal phase. An appeal is a standard legal process through which a higher court reviews a decision taken by a lower court. In this instance, Gibril Massaquoi was tried by the Pirkanmaa Court District of Tampere, Finland, and the appeal process is therefore held before the Turku Court of Appeal, Finland.

The Turku Court of Appeal will review the case, hear the witnesses and victims, reevaluate the evidence, and decide if the first judgment handed down by the Pirkanmaa Court District of Tampere should be upheld or not.

What is the Revolutionary United Front (RUF)?

The RUF, founded by Foday Sankoh, invaded Sierra Leone in March 1991 with the aim of overthrowing the then-President Joseph Momoh. What followed was an eleven-year civil

conflict characterized by the proliferation of antagonistic warring factions, which resulted in at least 70,000 casualties and 2.6 million displaced people.

The Truth and Reconciliation Commission of Sierra Leone found the RUF to be the group responsible for the largest number of human rights abuses during the conflict.

What is RUF's relationship with Liberia?

The RUF was backed by Charles Taylor, who, through the National Patriotic Front of Liberia (NPFL), invaded Liberia in 1989 and ultimately become President of the country in 1997. Charles Taylor provided the RUF with military and logistic support – both when he was rebel leader of the NPFL (1989-1997) and later, once he became President of Liberia (1997-2003). Despite a strained relationship at times, Charles Taylor and the RUF exchanged resources, ammunition, and troops on an ongoing basis.

The final report of Sierra Leone's Truth and Reconciliation Commission states that both Charles Taylor and Foday Sankoh played central roles – not only in bringing war to Sierra Leone, but also in the conflict itself.

In 2012, Charles Taylor was found guilty by the Special Court of Sierra Leone, and is currently serving a 50-year prison sentence for aiding, abetting, and planning the commission of war crimes and crimes against humanity in Sierra Leone by the RUF.

The RUF also assisted Charles Taylor's NPFL to fight against Liberian rebel groups ULIMO (United Liberation Movement of Liberia for Democracy) during the first Liberian Civil War (1989-1997), and LURD (Liberians United for Reconciliation and Democracy) during the second Liberian Civil War (1999-2003).

Why is Gibril Massaquoi being tried in Finland?

Due to Massaquoi's presence and residence in Finland, the Finnish authorities were obligated to investigate and ultimately prosecute him once they were notified of his alleged involvement in international crimes committed in Liberia. This is because Finland is obligated under international law to investigate international crimes over which they have jurisdiction, and, if appropriate, prosecute them. Under Finnish universal jurisdiction law (the Finnish Criminal Code (CC) and the Decree on the Application of Chapter 1) Finland has jurisdiction over war crimes, crimes against humanity, and torture, even when committed outside of Finland by a foreign national.

Why did the Finnish court conduct hearings in Liberia and Sierra Leone? Will they travel there again?

The way in which national investigating, prosecuting, and judicial authorities conduct their activities in extraterritorial cases is determined by the applicable laws and procedural rules of their country. If these national authorities wish to conduct any of their activities in

another country, this must be requested and carried out in accordance with relevant laws, including those on mutual legal assistance. Under such laws, national authorities may have the ability to conduct their activities both in their own country and in the country in which the crimes allegedly occurred. This may occur during the investigation, prosecution, and/or trial phases.

In the Massaquoi case, not only did Finnish investigators conduct most of their investigations in the countries where the victims and witnesses live (Liberia and Sierra Leone), but the Court also conducted proceedings in both countries to hear victims and witnesses to testify. This approach follows that of previous Finnish trials, such as that of François Bazaramba, which included hearings in Rwanda.

For the appeal, the Court is expected to hear witnesses and victims in an undisclosed location in Liberia.

Although the Liberian Government is not involved in the Finnish trial of Massaquoi, it granted the Finnish authorities permission, pursuant to a Mutual Legal Assistance (MLA) agreement between Liberia and Finland, to hear victims and witnesses in Liberia.

Is the Gibril Massaquoi trial part of a Liberian War Crimes Court?

No, it is a Finnish domestic criminal trial. There is no international court focused on Liberia, and the Liberian Government has not – yet – decided to establish a war crimes court in Liberia.

Why is it important that Gibril Massaquoi stands trial?

It is fundamental to the rule of law that alleged crimes are investigated, and, if sufficient evidence exists, suspected perpetrators are tried and, if appropriate, prosecuted. It is also paramount for the legal process to run its due course, which includes appeal proceedings. The crimes Massaquoi stands accused of constitute some of the most serious crimes of international concern, including: war-time murder of civilians, children, and soldiers; aggravated rape; forced labor; the use of child soldiers in hostilities; infringement on the dignity of deceased persons and improper treatment of bodies; torture; and aggravated assault. Over 100 alleged victims and witnesses testified during the first proceedings.

The Finnish courts are impartial and independent judicial bodies that function in accordance with Finnish law.

Was Gibril Massaquoi mentioned by the Liberian Truth and Reconciliation Commission (TRC)?

Massaquoi was not identified as a perpetrator of the violations reported to the TRC. The TRC conducted widespread hearings across all 15 counties in Liberia, and the TRC Liberian

Diaspora Project collected statements across the U.S., Europe, Ghana, and Nigeria. Over 20,000 statements were taken, containing testimonies of more than 17,000 victims, witnesses and perpetrators.

However, the TRC itself acknowledged its limitations in uncovering all individuals and groups that committed violations during the Liberian Civil Wars, and anticipated that further investigation and legal proceedings would likely uncover additional evidence.

Massaquoi was, however, identified as a perpetrator of violations reported to the Sierra Leonean TRC. The Commission held Massaquoi responsible for torture and summary executions, personally fueling tensions surrounding the UNAMSIL hostage-taking crisis, and leading attacks on mining sites, and found that he shares responsibility for the deteriorating security situation in Sierra Leone around the time of the Lomé Accord.

The Commission also noted that Massaquoi's testimony had to be treated with extreme caution: it stated that Massaquoi was unique in the RUF – he was well-educated and able to pass himself off as a simple 'administrator' to the outside world, especially in the post-Lomé phase. However, according to numerous testimonies from his former RUF colleagues, Massaquoi fought fiercely at the front line when he was away from the public eye.

Was Gibril Massaquoi an insider witness for the Special Court of Sierra Leone?

Yes, Massaquoi collaborated with the Prosecutor of the Special Court of Sierra Leone – providing information about how the RUF and the AFRC (Armed Forces Revolutionary Council) operated, their links to then-Liberian President Charles Taylor and some of his lieutenants, and their arms and diamond trafficking. Due to this, he was relocated to Finland after testifying in the AFRC trial.

Massaquoi testified that when he signed the witness protection agreement, he was informed that it could be withdrawn if he was found to have committed war crimes or crimes against humanity in Sierra Leone or in another country, outside of what he had attested to.

The case currently ongoing in Finland is therefore not concerned with any crime Gibril Massaquoi could have committed in Sierra Leone, and over which the Special Court for Sierra Leone had jurisdiction.

Why prosecute Gibril Massaquoi and not perpetrators named by the Liberian TRC?

The Finnish authorities were obligated under international law to investigate and, if appropriate, prosecute Massaquoi, because of his Finnish residence.

Due to the ongoing situation of impunity in Liberia in respect to war-time crimes, it has not been possible for any of the perpetrators named in the Liberian TRC Report to be investigated and prosecuted in the country. This enduring accountability gap has inspired local and international actors, including Civitas Maxima and the GJRP, to work on documenting crimes in Liberia, including for the purpose of preserving evidence that could possibly be used in the future if a domestic war crimes court were to be established. Evidence preservation is particularly vital in situations where the crimes occurred as long as 30 years ago, as victims and witnesses can unfortunately die before testifying if accountability processes take too long.

However, preserving evidence in the country where the crimes occurred has limited utility if the crimes are never prosecuted. Therefore, until accountability for war-time crimes is possible in Liberia, Civitas Maxima and the GJRP have also focused their work on documenting crimes by alleged perpetrators who may be able to be prosecuted where they live abroad, in countries with universal jurisdiction laws.

Ideally, crimes should be prosecuted in the countries where they were committed. But unless or until the Liberian Government decides to prosecute crimes committed during the Civil Wars, only alleged perpetrators within the jurisdiction of foreign countries that are willing to prosecute them can be held accountable.

The nationality of Gibril Massaquoi does not prevent him from being prosecuted for alleged crimes committed outside his home country of Sierra Leone.

How are Civitas Maxima and the GJRP involved in the Gibril Massaquoi case?

Civitas Maxima first heard about Massaquoi's alleged crimes in Liberia from a credible source. Following this, as part of their regular documentation and investigation efforts in Liberia, we came across, and interviewed, victims and witnesses of atrocities that Massaquoi allegedly committed, ordered, or oversaw during the second Civil War.

Based on Massaquoi's suspected residence in Finland, Civitas Maxima approached the Finnish authorities and ultimately provided the preliminary information we had obtained to the Finnish National Bureau of Investigation (NBI). Following this, a member of the GJRP was independently contracted by the NBI to work, completely separately from the GJRP, on providing logistical assistance to the bureau. The Finnish authorities conducted independent investigations, including during multiple long missions in Liberia and Sierra Leone.

Civitas Maxima and the GJRP only became aware of the specific substance of the case and charges against Massaquoi when the indictment and pre-trial material became public on the first day of the trial in Finland.

How do GJRP and Civitas Maxima work?

The GJRP and Civitas Maxima do not ourselves prosecute crimes. We document and investigate war-time crimes in accordance with international best practice, and provide the information we collect to relevant national authorities.

The information we provide to national authorities about suspected perpetrators who are found to be within their jurisdiction comes from the hundreds of victims and witnesses who relate their experiences to our investigators. After we provide the information we have collected to the relevant national authority, they then conduct their own investigations and interviews with victims and witnesses. The information we provide is therefore independently assessed. Based on their own investigations, national authorities then decide if they have sufficient evidence, under their national laws, to prosecute the accused perpetrators.

Since our establishment in 2012, Civitas Maxima and the GJRP have contributed to the arrest/conviction of ten high-ranking former commanders, officials, and other key figures associated with the armed groups/forces who were allegedly involved in widespread atrocities during the Liberian and Sierra Leonean Civil Wars.