

# The first instance proceedings of the **Gibril Massaquoi** case

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## Questions and Answers

*The Finnish trial of Sierra Leonean national, Gibril Massaquoi, started in February in Finland but hearings of victims and witnesses will be conducted by Finnish judges in Liberia and then in Sierra Leone. This trial is spurring a lot of discussion and debate, not only because it sits within the broader context of calls for the establishment of a war crimes court in Liberia, but also regarding the holding of hearings in Liberia and Sierra Leone and the legitimacy of the accusations against Massaquoi.*

*The aim of this document is to clarify and provide clear and unbiased answers to frequently asked questions on the case. We also inserted hyperlinks for further reading.*

## 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. His trial commenced on February 1, 2021, and is expected to last until May, 2021. Approximately 50 victims and witnesses of Massaquoi's alleged crimes will testify against him before the Finnish judges in Monrovia.

## 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 long 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's National Patriotic Front of Liberia (NPFL) who, in 1989, invaded Liberia and ultimately toppled Samuels Doe's regime. Charles Taylor provided the RUF with military and logistic support – both when he was rebel leader of the NPFL (1989-1997) and when he was President of Liberia (1997-2003). Despite having 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 within 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 the 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 crimes 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 committed outside of Finland by a foreign national.

Massaquoi is being tried in Finland for crimes he allegedly committed during the first Liberian Civil War.

## Why is the Finnish court conducting hearings in Liberia and Sierra Leone?

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

Some national authorities will bring victims and witnesses to the country where the accused is being prosecuted in order to interview them during the investigation phase. This occurred during the pre-trial investigations of Alieu Kosiah in Switzerland and Kunti K. in France.

Some national authorities may instead, or also, travel to the country where the crimes allegedly occurred in order to interview victims and witnesses during the investigation phase. This occurred during the pre-trial investigations of Jungle Jabbah, Thomas Woewiyu, and Agnes Reeves Taylor. Some national authorities even visit the scenes of the alleged crimes, which occurred during the pre-trial investigation of Kunti K. and entailed the investigating judge and other parties to the French proceedings travelling to Lofa County, Liberia, in order to conduct crime scene reconstructions.

At the trial phase, national authorities often bring the victims and witnesses to the country where the accused is standing trial in order to testify. This occurred during the U.S. trials of Jungle Jabbah and Thomas Woewiyu, and the Swiss trial of Alieu Kosiah.

In the Massaquoi case, the Finnish investigators not only conducted most of their investigations in the countries where the victims and witnesses live (Liberia and Sierra Leone), but the Finnish Court is also conducting hearings in those countries in order for the victims and witnesses to testify. In Liberia mostly prosecution witnesses will be heard, and in Sierra Leone mostly defense witnesses will be heard. This approach follows that of previous Finnish courts, including in the François Bazaramba trial, which [included hearings in Rwanda](#)

In addition to the above, it was also due to the COVID-19 situation in Finland that it was not possible to bring the many victims and witnesses to testify before the Finnish Court in Tampere. Therefore, the Court is holding hearings in Liberia and Sierra Leone instead. Although the Liberian Government is not involved in the Finnish trial of Massaquoi, it granted the Finnish authorities permission, pursuant to the [Mutual Legal Assistance \(MLA\)](#) agreement between Liberia and Finland, to hear the 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 being conducted by a local court in Tampere, Finland, which is where Massaquoi was residing before his arrest. There is no international court coming to Liberia, and the Liberian Government has not 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 prosecuted and tried. The crimes Massaquoi stands accused of constitute some of the most serious crimes of international concern, including war-time murders of civilians, children, and soldiers; aggravated rapes; 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 50 alleged victims and witnesses will testify before the Finnish judges about Massaquoi's alleged crimes.

The Finnish court is an impartial and independent judicial body that functions in accordance with Finnish law. It will determine Massaquoi's innocence or guilt, based on whether his criminal responsibility for the alleged crimes is proven "beyond reasonable doubt" or not.

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

Massaquoi was not identified as a perpetrator of the violations that were reported to the TRC. The TRC conducted widespread hearings across all 15 counties in Liberia, and the TRC Liberian Diaspora Project collected statements in 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 expected that further investigation and legal proceedings would likely uncover additional evidence.

Massaquoi was, however, identified as a perpetrator of violations that were reported to the Sierra Leonean TRC. The Commission held Massaquoi responsible for torture and summary executions, for personally fueling tensions surrounding the UNAMSIL hostage-taking crisis, for 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 – well-educated and therefore able to pass himself off as an '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. Because of this, Massaquoi was granted immunity in respect of any crimes he may have committed during the Sierra Leonean civil war, and was relocated to Finland after testifying in the AFRC trial.

However, Massaquoi was not granted immunity for crimes he may have committed in other countries, such as Liberia. Indeed, 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 explained.

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

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

Due to the ongoing situation of impunity in Liberia in respect of 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 Liberia for their alleged crimes. 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 is 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 will never be 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 because they live in other countries with universal jurisdiction laws. Thus far, this has included two persons mentioned in the TRC Report: Alieu Kosiah and Thomas Woewiyu. Kosiah stood trial in Switzerland in December 2020 and February-March 2021, and Woewiyu was convicted in the U.S. in 2018. These war crimes-related cases were only possible because these individuals were residing in countries that have laws providing for the prosecution of their alleged crimes.

Crimes should ideally 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 who are within the jurisdiction of foreign countries that are willing to prosecute them can be held accountable.

## 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, oversaw, or ordered during the second Civil War in Liberia.

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). From this point onwards, Civitas Maxima and the GJRP were only involved in providing logistical assistance to the NBI. The Finnish conducted independent investigations, including during multiple long missions in Liberia and Sierra Leone.

Civitas Maxima and the GJRP only became aware of the 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 themselves 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 eight 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.