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Liberia: Charles Taylor's Exile, Disappearance, Arrest, and Transfer- Opinion Editorial

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Former Liberian President Charles Taylor's recent disappearance and then arrest in Nigeria, and his subsequent transfer to Liberia, the Special Court for Sierra Leone, and, probably soon, the International Criminal Court in The Netherlands, provides an opportunity to reflect on the use of exile as a mechanism to facilitate a war-torn country's transition to peace.

Exile may be voluntary, as when an individual or group elects to yield power and position and move to another state, or involuntary, as when leaders are removed from office and banished to a foreign land. Some argue that exile is a reasonable option for deposing leadership in some cases, at least in the short term. Exile may placate ousted individuals so that they do not remain in power, causing further conflict in a state or society or continuing to pilfer from its treasury, as may have occurred had Taylor stayed in Liberia in 2003. Political scientists Edward Mansfield and Jack Snyder argue that potential spoilers should be exiled and given a "golden parachute," or a generous departing provision, to foster democratization by lessening their incentive to attempt to retain or regain power.

However, the long-term effects of exiling an accused atrocity perpetrator like Taylor might be disastrous, far outweighing any short-term benefits. First, exile is morally problematic. Although it punishes suspected atrocity perpetrators by banishing them from a particular territory (thereby constraining their freedom of movement), exile may be considered too lenient, as it does not hold them accountable in a court of justice and forgoes possible punishment through traditional means, such as imprisonment. Golden parachutes are in essence a perverse reward for committing heinous crimes.

Second, exile is theoretically problematic, as it may undermine the international community's ability to deter atrocities. Other potential warlords may be emboldened by the relatively mild nature of the punishment of exile, and thus feel undeterred from continuing or commencing horrific acts.

Third, exile is legally problematic. If suspects are not arrested and prosecuted, any jurisdiction that has indicted them—such as a war crimes tribunal—would be ignored, and domestic and/or international law in general may be violated. States providing asylum would have doubts raised about their reliability in the international system, complicating their role and relations in world politics. This was the case when Nigeria provided Taylor with a secure exile, despite the fact that he had been indicted on 11 (modified from the original 17) charges of atrocities by the Special Court for Sierra Leone.

Fourth, exile is pragmatically problematic. The emotional and psychological reconciliation process for victims may be hindered without the prosecution of a perpetrator. If, for example, Taylor escapes again and is not held accountable, his victims might continue to feel unsafe and be unable to lead productive lives. They may also feel that their suffering under his leadership had not been validated or vindicated, making it more difficult for them to establish or re-establish relationships with those with whom they have been in conflict in the past.

Furthermore, even if in exile, a despot might continue to foment conflict in his home state through his loyalists in that region, causing further violence and hampering post-conflict reconstruction. If the accused leaves his place of exile and returns to his home state or seeks asylum elsewhere, he may be able to operate with even fewer constraints. Taylor's temporary escape calls into question the ability to confine an exiled individual to a region or to track that person's movements.

Other potential practical problems include home states reneging on grants of exile, adopted states breaking promises of asylum, and other authorities (such as war crimes tribunals) ignoring exile arrangements altogether—any of which threatens the credibility of exile deals. Nigeria's arrest and transfer of Taylor to Liberia means that other suspected atrocity perpetrators may be less likely to accept such offers by resigning and leaving a state voluntarily.

Considering the experience of Taylor's exile, in the future, opponents of an alleged atrocity perpetrator may decide to pursue alternate, perhaps forcible, methods to transfer power to new leadership. Instead of the peaceful process of exile, such violent means could, in the short term, cause more conflict, as targeted individuals fight to retain power and freedom. On the other hand, if such an action were successful, it could, in the long run, help combat impunity, support reconciliation efforts, bolster efforts to deter atrocity perpetrators, stem regional conflict, and uphold international law.

Hopefully, Taylor will remain in custody and be brought to justice. Nonetheless this episode has seriously undermined exile as a legitimate and effective means of addressing suspected atrocity perpetrators.

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