

31 January 2024

Judgment of the Court Appeal in a criminal case R 22/860

Turku Court of Appeal has today rendered judgment in a criminal case in which Mr. Gibril Massaquoi, a Sierra Leonean citizen permanently residing in Finland, is charged with several murders, aggravated war crime and aggravated violence of human rights in a state of emergency. According to the charges, the above-mentioned offences have been committed during the second Liberian civil war between 1999 and 2003. The aggravated war crime and the aggravated violence of human rights in a state of emergency in question include acts of murder, rape, coercing civilians to forced labour, ill-treatment of dead persons' corpses, torture and various other kinds of physical violence.

The District Court of Pirkanmaa had rendered its judgment on the 29th of April 2022 and dismissed all charges against Mr. Massaquoi. According to the District Court it was not proven that Mr. Massaquoi had committed the offences he was charged with.

The prosecutors lodged an appeal against the judgment of the District Court. The Court of Appeal held its main hearing between the 10th of January and the 8th of September 2023. There were in total 61 court sessions, of which 18 in Finland and 43 in Liberia. In Liberia the sessions were arranged in Monrovia between the 6th of February and the 4th of April and between the 4th and the 12th of May. The Court of Appeal also arranged two on-site inspections in the beginning of February, one in Lofa County in Northern Liberia and another one in Monrovia. During the main hearing the Court of Appeal heard the defendant Mr. Massaquoi for evidentiary purposes and received testimonies from 97 witnesses and three expert witnesses. Nine testimonies were received through video recordings made in the main hearing of the District Court and two through audio recordings made during the police investigation.

The charges against Mr. Massaquoi in the Court of Appeal concerned the same acts as in the District Court. The alleged rapes, however, were included in the charges as parts of the aggravated war crime and aggravated violence of human rights in a state of emergency. The prosecution for them as separate offences was subject to (and prevented by) a time limit established in the Liberian Criminal Procedure Law.

The Court of Appeal has reached the following conclusions.

It has been proven that the major part of the acts described in the charges have actually happened. In Lofa County there had been committed several murders and other acts of violence, including acts of sexual violence, described in the charges. Furthermore, civilians had been coerced to forced labour and corpses of dead persons had been ill-treated. The above-mentioned acts had been perpetrated between August and December 2001. In a village called Klay a

person mentioned in the charges had been subjected to torture as described in the charges. This had happened during the latter part of July 2002. In Monrovia there had been committed several murders and other acts of violence, including acts of sexual violence, described in the charges, between the 1st of May and the 18th of August 2003.

Certain murders alleged to have been committed in Lofa County and in Monrovia had not been proven to have happened as described in the charges.

Court of Appeal, like the District Court, found that it was not proven that Mr. Massaquoi was guilty of any of the offences he was charged with. The Court of Appeal, on the grounds specified in the judgment, considered the identifications of Mr. Massaquoi as the perpetrator of the offences to be unreliable. Concerning the events in Lofa County only a few witnesses had identified Mr. Massaquoi as the perpetrator. All these identifications had been made after Mr. Massaquoi was arrested in Finland in March 2020 and the arrest had been made public in the media with photographs of Mr. Massaquoi included in the reports. Also regarding the events in Monrovia the identifications were, with a few exceptions, made after the above-mentioned time.

According to the Court of Appeal the evidence presented in the case suggests that Mr. Massaquoi had not at all been in Lofa County at the time (between August and December 2001) of the offences referred to in the charges. It was proven that he had resided in a safe house of the Special Court for Sierra Leone in Freetown, the capital of Sierra Leone, from March 2003 until and beyond the 18th of August 2003. According to the evidence presented in the case there had not been any periods of several days during which his presence in the safe house would not have been controlled in a reliable manner. The evidence, evaluated as a whole, suggests rather convincingly that Mr. Massaquoi had not been in Liberia when the offences in Monrovia referred to in the charges had been committed (ie. between the 1st of May and the 18th of August 2003). The Court of Appeal has also, inter alia on the basis of the evidence presented about his stay in Freetown in July and August 2002, considered it to be fairly unlikely that Mr. Massaquoi had been involved in the above-mentioned acts of torture in Klay.

The Court of Appeal has approved the conclusions of the District Court that none of the charges against Mr. Massaquoi were proven.

The judgment is at the moment only available in Finnish. There will be a partial translation available at a later date. Regarding requests for copies of that translation, please contact the Registry Office of the Court of Appeal, tel. +358 29 56 41204, e-mail: turku.ho@oikeus.fi

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