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Sierra Leone: Guilty verdicts not the end of the story for victims of war crimes

Amnesty International said that today's guilty verdicts by the Special Court for Sierra Leone against three senior members of Sierra Leone's feared Armed Forces Revolutionary Council (AFRC) -- while a positive step -- should not be the closing chapter in the struggle to achieve justice for the terrible crimes committed against the people of that country during the 11 years of violent conflict.

The organization based its comments on preliminary reports of the verdicts, which have not yet been published.

Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu, all senior commanders of the AFRC, were convicted of crimes against humanity and war crimes committed in a non-international armed conflict, including unlawful killings, extermination, rape, acts of terrorism, collective punishment, and mutilation. They were acquitted of sexual slavery and other inhumane acts.

"These verdicts send a positive signal to the people of Sierra Leone that someone will be held responsible for the brutal crimes perpetrated against them and members of their families -- but there are many others who carried out terrible acts during the country's 11 years of conflict," said Hugo Relva, Amnesty International Legal Adviser. "Thousands of others can and must be held criminally responsible. Reparations must also be provided to the victims in order for justice to begin to prevail throughout Sierra Leone."

Remarkably, today's decision by the Special Court marks the first time in history that individuals have been convicted of war crimes for conscripting and enlisting children under the age of fifteen into armed forces or groups and using them to participate actively in hostilities.

Today's ruling also reaffirmed the well-established principle that a national amnesty granted to any person in respect of crimes against humanity and war crimes is not a bar under international law to investigation or prosecution.

"Today's verdicts send a powerful message to those still suffering the effects of years of violence -- especially those thousands who bear the terrible scars of having been forced to participate in violent acts as children and the many women and girls who were victims of rape," said Tania Bernath, Amnesty International's researcher on Sierra Leone. "It is not only important that victims are made aware of these verdicts, but that either a fast track system or legal aid is provided so that victims can claim the compensation that is their legal right."

"These convictions should encourage the government of Sierra Leone to set aside the amnesty provisions contained in the Lomé Accord and make all crimes under international law -- including genocide, crimes against humanity, war crimes, torture and enforced disappearances -- criminal under national law," said Hugo Relva.

Background

To date, the Special Court for Sierra Leone has indicted 13 individuals under its limited mandate to prosecute those bearing the greatest responsibility for war crimes, crimes against humanity, and other serious violations of international humanitarian law committed since 30 November 1996 out of the thousands of persons who committed these crimes over a decade and who continue to enjoy impunity.

Out of the 13, nine are in custody and trials have started for all of them. Three have died and one remains at large.

A range of reparations and a trust fund to help fill the gap if a convicted person lacks the means to provide reparations are provided by the International Criminal Court to victims of crimes it prosecutes. However, the Statute of the Special Court for Sierra Leone adopted a more restrictive approach, saying that it can only order the forfeiture of property taken from victims by a convicted person and its return to the rightful owner.

So far, the government of Sierra Leone has failed to review the national justice system to ensure that procedures are put in place so that victims of crimes prosecuted by the Special Court can seek compensation before national courts without delay. In particular, it is unclear whether a fast-track system will be established so that victims can claim reparations, including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition without delay or whether they will be provided with legal aid to seek compensation.

The amnesty of the Lomé Accord of 7 July 1999 still bars the prosecution of anyone in a Sierra Leone court for crimes against humanity, war crimes and other crimes under international law. Even if the amnesty did not apply, however, prosecutions for these crimes would not be possible since Sierra Leone has not yet defined them as crimes under national law.

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