

PUBLIC STATEMENT

Sierra Leone's victims should not be forgotten simply because they have not been heard

Amnesty International welcomes the initiative taken by members of the civil society to organize a series of symposiums over the last three days throughout Sierra Leone to remember the hundreds of thousands of victims of the 11-year conflict. One of the many outcomes of these symposiums is symbolic reparation by the government establishing 23 March as National Victim's Commemoration day; the day the first shot was fired in 1991 officially marking the beginning of the conflict. Under international law, victims of human rights abuses have a right to full reparations and a prompt and effective procedure for obtaining them.

Coinciding with the end to the violence and human rights abuses in Sierra Leone was the establishment of the Special Court for Sierra Leone and the Truth and Reconciliation Commission to address the impunity for those who endured killings, mutilations, rape and other forms of sexual violence, sexual slavery and conscription of children during a decade of internal armed conflict. Addressing impunity requires that the truth is told, that justice is done and that full reparations are provided for victims.

To date the Special Court for Sierra Leone, with a mandate to prosecute those "*who bear the greatest responsibility*" for crimes against humanity, and other serious violations of international law during Sierra Leone's armed conflict, has indicted 11 of the thousands of persons responsible for war crimes and crimes against humanity committed since 30 November 1996, more than five years after the conflict started. Of those 11 people, two have died, and one remains at large. Although the prosecution of a small number of those responsible for these crimes since 1996 is an important contribution towards ending impunity in Sierra Leone it addresses only a small number of the persons responsible for the crimes committed. The TRC, created as a part of the Lome Peace Accord, has also played a role in addressing impunity by creating an historical record of violations of international human rights and humanitarian law committed during the conflict, identifying the reasons for those abuses, and coming up with a framework of recommendations to help build a strong foundation for the future of Sierra Leone. So far, however, these mechanisms have only facilitated a partial response to addressing impunity as to date no form of reparation has been provided to any of Sierra Leone's many victims by the government.

Amnesty International was disappointed that the Statute of the Special Court did not follow the example of the Rome Statute of the International Criminal Court by authorizing the Special Court to award reparations for victims of crimes within its jurisdiction, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Such reparations are integral to achieving justice for the victims and also assisting them to rebuild their lives.

Although the TRC's report made detailed recommendations for the provision of reparations to those who had suffered throughout the conflict, to date these recommendations have not been implemented. The recommendations propose responding to the specific needs of victims, rather than providing financial compensation. It recommends measures in the areas of health, pensions, education, skills training and micro-credit, community reparations and "symbolic" reparations. For certain

categories of victims – including those whose limbs had been deliberately amputated, other war wounded, and survivors of rape and other forms of sexual violence – the TRC recommends that they be given free physical and, as appropriate, psychological care throughout their lives or for as long as necessary. As of today, although the TRC does not have the resources or the mandate to provide reparations, the TRC Act requires that the government implement the recommendations of the report in a timely manner as a matter of law.

In the beginning of the year, a six-person task force for reparations has been set up by National Commission for Social Action (NACSA), the same commission recommended in the TRC report to deal with reparations. The task force includes representation from civil society, the victims, and the vice president's office, the United Nations Integrated Office in Sierra Leone, a former TRC commissioner, and NACSA as the chair. Amnesty International welcomes this development, but was disappointed that no women or organizations working for women's rights were represented on the task force. Although the Amnesty International understands that the composition of the task force cannot change at this point, it hopes that other measures will be taken to ensure that women's voices and concerns are taken into account with regard to reparations.

The National Victims Commemoration Symposium offers an important opportunity to address the vital issue of reparations which are essential to achieving justice for victims and their families. In particular, it may wish to make recommendations to the Special Court on ensuring that, in accordance with Rule 104, the Court provides restitution for the crimes it prosecutes and, in accordance with Rule 105, the national authorities establish a system whereby victims of crimes prosecuted by the Special Court can apply for compensation before the national courts. It will also be important that the TRC recommendations are implemented in a timely manner. It will also be important to follow the developments of the reparations task force especially as they go through the difficult exercise of identifying victims and awarding meaningful reparation to victims. Amnesty International believes that Sierra Leone's victims should not be forgotten simply because they have not been heard.