

Executions of 24 soldiers after an unfair trial: a blow to reconciliation in Sierra Leone

The executions in Sierra Leone yesterday of 24 soldiers, a week after they were convicted of treason and other offences and sentenced to death by a court martial, are deplorable, Amnesty International said today.

"These executions violate Sierra Leone's international human rights commitments and will do nothing to contribute to the process of reconciliation in Sierra Leone," the organization said.

Ten others sentenced to death by the court martial had their sentences commuted to life imprisonment by a special committee chaired by President Ahmad Tejan Kabbah. Amnesty International had urged President Kabbah to exercise clemency in all 34 cases.

The court martial allowed no right of appeal against conviction or sentence to a higher jurisdiction, in violation of international standards for a fair trial. Amnesty International had repeatedly urged the government to establish a judicial appeal procedure against sentences passed by the court martial. Appeals for clemency were considered by the special committee.

Applications on behalf of 18 of those sentenced to death had been submitted to the United Nations (UN) Human Rights Committee. A week ago Amnesty International had expressed fears that executions might be carried out before applications were considered by the Human Rights Committee.

Amnesty International acknowledges the government's responsibility to bring to justice, in accordance with international standards, those responsible for the crimes committed while the Armed Forces Revolutionary Council (AFRC) was in power and insists that there should be no impunity for human rights violations.

The organization, however, unconditionally opposes the death penalty which has never been shown to have any special power to reduce crime or political violence, or to meet any genuine social need

Background information

The International Covenant on Civil and Political Rights (ICCPR), ratified by President Kabbah's government in 1996, states that "*Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.*"

Under the Optional Protocol to the ICCPR, also ratified in 1996, where the rights guaranteed by this international treaty, including fair trial, have been violated, recourse may be sought from the UN Human Rights Committee. The Human Rights Committee has concluded that the imposition of a death sentence after a trial which violates the provisions of the ICCPR also constitutes a violation of the right to life guaranteed by the Covenant.

In addition, the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted by the UN Economic and Social Council in 1984, state that: "*Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.*"

The African Charter of Human and Peoples' Rights, which was ratified by Sierra Leone in 1984, also guarantees, under Article 7, the right to fair trial. The African Commission on Human and Peoples' Rights has made several decisions which interpret Article 7 of the African Charter to include a right of appeal to a higher jurisdiction. The execution of these 24 soldiers, who were denied the right to a fair trial, also amounts to arbitrary deprivation of the right to life which is prohibited by Article 4 of the African Charter.

For further background information, please see *Sierra Leone: 34 soldiers could face imminent execution*, (AI Index: AFR 51/18/98), issued by Amnesty International on 12 October 1998.

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