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African Union Summit: All governments should cooperate with the Special Court for Sierra Leone

On the eve of the African Union (AU) summit in Maputo, Amnesty International calls on all African governments to fulfil their obligations under international law and to cooperate fully with the Special Court for Sierra Leone.

"African governments meeting in Maputo should state publicly their commitment to cooperate with the Special Court; failure to do so will undermine the integrity of the AU," Amnesty International said.

The Special Court has indicted Liberian President Charles Taylor for "bearing the greatest responsibility" for war crimes, crimes against humanity and other serious violations of international humanitarian law.

Although President Taylor was in Ghana, a member state of the African Union (AU), when the indictment was made public, the Ghanaian authorities failed to arrest him and either surrender him to the Special Court or pursue the case under Ghana's own legal system, as they were required to do under international law.

In the last few days, the Government of Nigeria is reported to have offered "asylum" to President Taylor in Nigeria, with the implication that the Nigerian authorities will not arrest President Taylor and either surrender him to the Special Court or open an investigation with a view to determining whether to open criminal or extradition proceedings in Nigerian courts.

Amnesty International has written to both President John Kufuor of Ghana and President Olusegun Obasanjo of Nigeria expressing the organization's dismay at their failure to cooperate with the Special Court and to fulfil their obligations under international law.

Both countries, as a party to the Geneva Conventions, are under an obligation to bring to justice in their own courts those who have committed or ordered grave breaches of the Conventions, to extradite them to another country willing and able to do so or transfer them to an international criminal court. No one, regardless of their status - including a head of state - has immunity for the most serious crimes under international law.

In addition, the Constitutive Act of the AU commits all member states to cooperate in promoting and ensuring respect for human rights, democratic culture, good governance and the rule of law. Through the Act, African governments pledge and express their determination "to promote and protect human and peoples' rights, consolidate democratic institutions and culture", to "encourage international cooperation taking due account of the Charter of the United Nations and to promote peace and security".

Amnesty International is concerned that, despite legally-binding obligations under the Act and other

international humanitarian and human rights treaties to which many AU member states are parties, there appears to be a reluctance by some members of the AU to fulfil these obligations, including by cooperating fully with the Special Court for Sierra Leone.

" The fundamental principles of justice articulated in the Act and other international standards will remain rhetoric unless African governments fully cooperate with the Special Court," Amnesty International said.

The United Nations Secretary-General and Security Council have repeatedly expressed their support for the Special Court for Sierra Leone and have called on all states to cooperate fully with the court.

Amnesty International believes that cooperation by all member states of the AU with the Special Court, including by arresting any person indicted by the Special Court who enters their territory, will not only fulfil the will of the international community that impunity for war crimes, crimes against humanity and other grave crimes comes to an end but will also deter further human rights abuses in Africa.

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