

20 October 2000

AI Index AFR 51/081/2000 - News Service Nr. 202

## **Sierra Leone: The statute of the Special Court must make all recruitment of children under 15 a crime**

*The Special Court for Sierra Leone should have the power to prosecute anyone who recruited children into armed forces or groups, regardless of whether this was forced or voluntary, Amnesty International said today.*

*"Any recruitment of children under the age of 15 is a crime under international law," the organization said." It is therefore unacceptable to include only abduction and forced recruitment of children under the age of 15 as a crime to be tried by the Special Court".*

*Thousands of children have been recruited - many of them abducted and forced to fight - by the armed opposition Revolutionary United Front and the Armed Forces Revolutionary Council. The Sierra Leone Army and the Civil Defence Forces fighting for the government have also actively recruited large numbers of children during Sierra Leone's nine-year internal armed conflict.*

*The draft statute of the Special Court at the moment specifies "abduction and forced recruitment of children under the age of 15 years into armed forces or groups for the purpose of using them to participate actively in hostilities" among the serious violations of international humanitarian law over which the Special Court will have jurisdiction. This restriction to abduction and forced recruitment undermines international standards, including the United Nations (UN) Convention on the Rights of the Child, the Additional Protocols to the 1949 Geneva Conventions and the Rome Statute of the International Criminal Court, which specify that any recruitment of children under the age of 15 is a crime.*

*"The statute of the Special Court should be amended to conform with international law," Amnesty International said.*

*The Special Court will have the power to prosecute those "most responsible" for serious violations of international humanitarian law and Sierra Leonean law. The draft statute provides jurisdiction over those most responsible for such crimes who were aged between 15 and 18 years when the crime was committed, a measure which has been strongly criticized by many of those involved in the care and rehabilitation of child soldiers in Sierra Leone.*

*Amnesty International believes that anyone who is responsible for crimes against humanity, war crimes and other serious violations of international humanitarian law should be brought to justice.*

*"The Special Court should focus on prosecuting those who committed crimes against children, including those who recruited children, whether this was forced or voluntary," Amnesty International said. "Also, those adults who were in control of child soldiers should be prosecuted for crimes committed by those children."*

*In situations where crimes have been committed by children, particularly when they have been terrorized and brutalized, complex questions about their criminal responsibility are raised.*

*"Child soldiers who were abducted, drugged or forced under threat of death to commit atrocities are unlikely to be prosecuted because they acted under duress", Amnesty International said.*

*The need of victims of human rights abuses and society as a whole for justice and accountability has to be recognized. There may be cases where child soldiers aged between 15 and 18 were in control of their*

*actions and committed crimes without coercion or duress and it may be appropriate for them to be held accountable for these crimes.*

*In any such cases, however, international standards of fair trial for children under 18 are vitally important and must be adhered to. These standards place the best interests of the child as a priority, recognize the special needs and vulnerabilities of children and place emphasis on rehabilitation and reintegration rather than punishment.*

*The draft statute of the Special Court sets out specific provisions for the trial of a juvenile offender. It also excludes imprisonment as a punishment and provides instead a number of alternative options such as supervision and community service orders, foster care, counselling, educational and vocational training programs, and disarmament, demobilization and reintegration programs of child protection agencies.*

## **Background**

*On 14 August 2000 the UN Security Council passed Resolution 1315 (2000) to establish an independent Special Court for Sierra Leone to try those alleged to have committed crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone. The resolution requested the UN Secretary-General to negotiate an agreement with the government of Sierra Leone to create the Special Court and to submit a report to the Security Council on the implementation of the resolution.*

*The Secretary-General's report, together with a draft agreement with the government of Sierra Leone and a draft statute for the Special Court, was submitted to the Security Council on 4 October 2000. A decision by the Security Council is expected in the coming weeks.*

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