Amnesty International fears that the execution of 34 soldiers could be imminent, after they were sentenced to death by firing squad at a court martial in Freetown on 12 October 1998.

The soldiers were charged with offences related to the military coup of 25 May 1997, in which the elected government of President Ahmad Tejan Kabbah was overthrown and the Armed Forces Revolutionary Council (AFRC) came to power. Three other defendants were acquitted. The court martial refused to accept arguments that the death penalty was discretionary rather than mandatory for these offences.

President Kabbah was reinstated when the AFRC was forced from power in February 1998 by ECOMOG, the West African force deployed in Sierra Leone.

Trials before courts martial in Sierra Leone allow no right of appeal against conviction and sentence to a higher jurisdiction, in violation of international standards for a fair trial. Amnesty International has repeatedly urged the government of Sierra Leone to allow a judicial appeal procedure following court martial.

Article 14(5) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Sierra Leone 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 by Sierra Leone in 1996, if rights guaranteed by the ICCPR, including fair trial, have been violated, recourse may be sought from the United Nations (UN) Human Rights Committee. There are fears, however, that these executions could be carried out before applications are submitted and considered by the Human Rights Committee.

The Human Rights Committee has concluded that imposition of a death sentence after a trial which violates the provisions of the ICCPR, including Article 14, constitutes a violation of the right to life which is guaranteed by Article 6 of the treaty.

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."

In December 1996 the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated, with reference to capital cases, that "proceedings must guarantee the right of review of both actual and legal aspects of the
case by a higher tribunal, composed of judges other than those who dealt with
the case at the first instance."

Those sentenced to death may seek clemency under Section 63 of the 1991
Constitution of Sierra Leone. The prerogative of mercy is exercised by a
special committee, chaired by the President, which may commute death sentences.

BACKGROUND INFORMATION
In addition to the court martial of the 37 soldiers, 58 civilians have been
tried for treason and other offences, in connection with the military coup,
in three separate trials before the High Court in Freetown. On 25 August 1998
16 defendants in one of the trials were convicted and sentenced to death. Foday
Sankoh, leader of the armed opposition Revolutionary Front (RUF), is also being
tried before the High Court. Those convicted by the High Court may appeal to
the Court of Appeal and, if unsuccessful, to the Supreme Court. They also have
the right to seek clemency from the presidential committee for the prerogative
of mercy. All trials, including the court martial, have been open to independent
observers.

Killings, torture, rape, arbitrary arrest and detention were systematic
throughout the period of AFRC rule. Since the AFRC and the RUF were forced
from power, they have unleashed a campaign of deliberate and arbitrary killing
and mutilation against civilians in the east and north of the country.
Thousands of people have been killed or suffered amputations of their hands,
arms, legs, ears or lips and these atrocities are continuing. Amnesty
International has repeatedly condemned these gross human rights abuses and
called for effective action to be taken to stop them.

Public opinion in Sierra Leone has demanded swift and strong action to be taken
against those responsible for the crimes committed by the AFRC. Amnesty
International acknowledges the government’s responsibility to bring to justice
those responsible for these crimes, in accordance with international standards,
and insists that there should be no impunity for human rights violations. It
is, however, unconditionally opposed to the death penalty. There is no evidence
that the death penalty has any special power to reduce crime or political
violence, or to meet genuine social need.

Sierra Leone faces a difficult and daunting task in achieving reconciliation
within its society after the atrocities committed by the AFRC and RUF. The
organization believes, however, that the use of the death penalty will give
the false impression that preventative action is being taken and will not
contribute to the process of reconciliation.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail
letters in English or your own language:
- expressing serious concern that 34 soldiers were sentenced to death by court
  martial on 12 October 1998;
- acknowledging the gravity of the crimes for which the defendants have been
  convicted, stating that there should be no impunity for those who commit human
  rights violations, but stating your unconditional opposition to the death
  penalty;
- expressing particular concern that those sentenced to death have no right
  of appeal against conviction and sentence to a higher jurisdiction, in violation
  of international standards for a fair trial;
- noting that they have the right to seek recourse to the UN Human Rights
  Committee under the Optional Protocol of the International Covenant on Civil
and Political Rights and urging that no death sentence is carried out while such petitions are pending;
- urging the President to exercise clemency, to commute any death sentences referred to him and to ensure that no executions take place.

APPEALS TO:
President Ahmad Tejan Kabbah
State House
Independence Avenue
Freetown, Sierra Leone
Telegrams: President Kabbah, State House, Freetown, Sierra Leone
Faxes: + 232 22 22 22 50
Salutation: Dear President Kabbah

COPY TO:
Mr Solomon Berewa
Attorney General and Minister of Justice
Department of Justice and Office of the Attorney General
Guma Building
Lamina Sankoh Street
Freetown, Sierra Leone
Faxes: + 232 22 22 93 66

COPY TO: diplomatic representatives of SIERRA LEONE accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 November 1998.