

20 October 1998

**Further information on EXTRA 75/98 (AFR 51/19/98, 12 October 1998) - Imminent execution/death Penalty/ Legal Concerns**

**SIERRA LEONE** Brigadier Hassan Karim Conteh  
Corporal Tamba Gborie  
Colonel Samuel Francis Koroma  
Major Kula Samba (f)  
Colonel Abdul Karim Sesay  
and 29 other soldiers

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Twenty-four soldiers sentenced to death by a court martial, after a trial which allowed no right of appeal to a higher jurisdiction, were executed by firing squad on 19 October 1998. Those executed included the soldiers named above.

Thirty-four soldiers had been convicted of treason and other offences on 12 October 1998 in connection with 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. The 10 others had their sentences commuted to life imprisonment by a committee on the prerogative of mercy, chaired by President Kabbah.

These executions violate Sierra Leone's obligations under international human rights law.

Article 14(5) of 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 by Sierra Leone in 1996, where rights guaranteed by the ICCPR, including the right to fair trial, have been violated, recourse may be sought from the United Nations (UN) 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.

Applications on behalf of 18 of those sentenced to death were reported to have been submitted to the Human Rights Committee.

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.

**BACKGROUND INFORMATION**

Amnesty International acknowledges the government's responsibility to bring to justice, in accordance with international standards, those responsible for the serious crimes, including killings and torture, committed by forces of the AFRC and the armed opposition Revolutionary United Front (RUF). Amnesty International has repeatedly condemned the widespread atrocities committed by AFRC and RUF forces and insists that there should be no impunity for human rights abuses. Accountability for these atrocities must be established in order to combat impunity, to bring justice and to contribute to peace and reconciliation in Sierra Leone.

Amnesty International is, however, unconditionally opposed to the use of the death penalty. There is no evidence that the death penalty has any special power to reduce crime or political violence, or to meet any genuine social need.

**FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/ airmail letters in English or in your own language:**

- expressing profound concern and regret at the executions of 24 soldiers on 19 October 1998;
- expressing particular concern that those sentenced to death had no right of appeal against conviction or sentence to a higher jurisdiction, in violation of international standards for a fair trial, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights;
- also expressing concern that the executions were carried out while applications submitted to the United Human Rights Committee were pending;
- while acknowledging the gravity of the crimes for which those executed were convicted and government's responsibility to bring to justice those responsible for such crimes, stating your unconditional opposition to the death penalty;
- urging that no further 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**

**COPIES 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**

and 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 17 November 1998.