
amnesty international

SIERRA LEONE

Ending impunity - an opportunity not to be missed

Civilians in Sierra Leone continue to be killed, mutilated, raped, abducted and forced to flee from their homes. Yet those responsible for these human rights abuses throughout nine years of internal armed conflict have enjoyed almost total impunity for their actions, with little or no deterrent to continuing to commit atrocities. There is now a crucial opportunity to end this impunity and to provide justice to the many thousands of victims.

Amnesty International is calling on the United Nations (UN), together with the government of Sierra Leone, to establish a tribunal of an international character under the auspices of the UN. This tribunal should have jurisdiction to bring to justice those most responsible for the gravest abuses of human rights committed since the conflict began in 1991, including war crimes, crimes against humanity and grave crimes under national law.

Given that such a tribunal would only be able to try a limited number of cases, the international community must also contribute to the longer-term strengthening of the Sierra Leone judicial system to enable it to bring to justice all other perpetrators of human rights abuses in trials which meet international standards of fairness.

NO PEACE WITHOUT JUSTICE

On 7 July 1999 in Lomé, Togo, the government of Sierra Leone and the armed opposition Revolutionary United Front (RUF) signed a peace agreement which was to bring the conflict to an end. A blanket amnesty was granted to all parties for human rights abuses, including crimes against humanity and war crimes, and other acts committed during the conflict.

The amnesty was accepted by some parties as the necessary price for peace. The continuation of human rights abuses against civilians since July 1999, however, suggests that there can be no peace without justice. The peace agreement appeared to give a signal that such abuses would be condoned and that the perpetrators would not be held accountable. Although it is clear that the amnesty does not apply to abuses committed after 7 July 1999, no steps have been taken to establish accountability for those abuses.

THE TIME IS NOW

There is now an opportunity to bring those responsible for human rights abuses to justice. It must not be missed. The crisis precipitated in May 2000 by the capture of UN peace-keeping forces by rebel forces in Sierra

Leone, the subsequent resumption of hostilities and the arrest and detention of leading members of the RUF has forced a reconsideration of the peace agreement and the amnesty which it provided. The Sierra Leone government has asked the UN for assistance and guidance in establishing a special court or tribunal; the international community must seize this opportunity to take swift and decisive action to end impunity and establish a judicial mechanism which is credible, fair and effective.

COLLAPSE OF THE SIERRA LEONE JUDICIAL SYSTEM

The responsibility for bringing to justice perpetrators of human rights abuses in Sierra Leone lies primarily with the government of Sierra Leone. There are, however, serious obstacles which prevent the national judicial system from fulfilling this responsibility. As a result of the conflict, the judicial and legal systems have virtually collapsed and institutions for the administration of justice, both civil and criminal, are barely functional. Amnesty International has serious concerns about the judicial system's ability to guarantee independence and impartiality, and also about the threats posed by continuing insecurity and hostilities. The conflict has also had a devastating impact on the capacity of the police force to carry out their responsibilities for law enforcement. Conditions of detention for those awaiting trial are inadequate.

Under such circumstances, Amnesty International believes that the Sierra Leone judicial system is, at this stage, not in a position to try those alleged to be responsible for human rights abuses in trials which meet minimum international standards, without considerable international expert assistance.

A JUDICIAL PROCESS UNDER THE AUSPICES OF THE UN

Given the limited capacity of the Sierra Leone judicial system, Amnesty International recommends that the UN establish, together with the Sierra Leone authorities, a tribunal composed of both international and Sierra Leone judicial officials which should be based in Sierra Leone, if the security situation allows. As an essential guarantee for independence and impartiality, Amnesty International recommends that a majority of international judges, prosecutors and investigators participate in all stages of the judicial process.

Alternatively, if such a tribunal cannot be established, the UN Security Council should establish an international criminal tribunal to bring to justice the

Any judicial mechanism established under the auspices of the UN should include these essential elements:

- there should be a non-selective, balanced and independent prosecution policy. Trials should focus on those most responsible for the gravest abuses of human rights committed since the conflict began in 1991, regardless of their current political position or allegiance;
- the judicial mechanism should have jurisdiction to try international crimes, including crimes against humanity and war crimes, as well as grave crimes under national law, committed during the conflict and since the signing of the peace agreement;
- the acceptance by the UN that the amnesty provided by the peace agreement does not apply to crimes against humanity, war crimes and other serious violations of international humanitarian law should be integrated into the statute of the judicial mechanism and be immediately and rigorously applied;
- the death penalty, which remains on the statute book in Sierra Leone, must be excluded as a punishment, since it is itself a violation of human rights;
- trials should preferably take place in Sierra Leone since this would be the best means to ensure that justice is seen to be done, that the facts are laid before the Sierra Leone people, and that the trials contribute towards the process of reconciliation.

For further information on Amnesty International's recommendations, please refer to the report *Sierra Leone: Ending impunity - an opportunity not to be missed* (26 July 2000, AI Index: AFR 51/60/00). It can be obtained from the Amnesty International section in your country, from our website (<http://www.amnesty.org>) or by writing to: Amnesty International, International Secretariat, 1 Easton Street, London WC1X 0DW, United Kingdom.

TAKE ACTION TO END IMPUNITY

Please join Amnesty International's campaign to end impunity in Sierra Leone. Here are some suggestions for action:

- contact the Amnesty International section in your country to find out if they have any activities planned in which you could get involved - take part and encourage others to join you;
- organize letter-writing, petitions, e-mails and other actions to lobby your own government to take action to end impunity, based on Amnesty International's recommendations. In particular, urge your government to support the establishment of a judicial process under the auspices of the UN and to contribute towards the longer-term strengthening of the Sierra Leone judicial system;
- obtain support for Amnesty International's campaign by distributing this leaflet and/or the report widely within your own organization or community and encouraging people to take action;
- encourage any organizations or groups in which you are involved to take action by publicly calling for an end to impunity in Sierra Leone, organizing campaigning and voicing their support for Amnesty International's campaign;
- distribute this leaflet and/or the report to relevant organizations in your country, including the law society, bar associations, judges' and magistrates' associations, legal students' associations, legal academics and other legal associations, as well as other human rights and humanitarian organizations, churches and other religious organizations and encourage them to take action;
- generate media attention in your own country, for example by sending open letters to newspapers and

perpetrators of crimes under international law, as it has done for Rwanda and the former Yugoslavia.

ACCOUNTABILITY FOR ALL

Any judicial process established with the assistance of the international community would only result in prosecutions of a limited number of those alleged to be responsible for human rights abuses. Amnesty International therefore continues to urge the immediate establishment of an international commission of inquiry to investigate all human rights abuses committed during the conflict. Such a commission should ensure thorough fact-finding and lead to appropriate accountability for all perpetrators of human rights abuses. Although the UN High Commissioner for Human Rights recommended the establishment of an international commission of inquiry shortly after the signing of the peace agreement, it has not received the necessary backing from the international community.

In addition to the establishment of judicial mechanism under the auspices of the UN, the Sierra Leone judiciary will still need to deal with other perpetrators of human rights abuses during the conflict and since the signing of the peace agreement. It is important to ensure that the quality of justice dispensed to those most responsible for human rights abuses is not significantly different to that offered to others who may be accused before national courts for committing the same crimes. To ensure this, the serious problems facing the national judiciary need to be addressed as a matter of urgency and the international community should provide substantial assistance for this purpose.

magazines or distributing Amnesty International's materials to journalists.

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