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Sierra Leone: Special Court rejects amnesty for the worst crimes known to humanity

Amnesty International welcomes the historic decision by the Special Court for Sierra Leone dated 13 March 2004 to refuse to recognize the applicability of a national amnesty for crimes against humanity and war crimes.

The Special Court for Sierra Leone held that, in accordance with international law, the general amnesty granted in the 1999 Lomé peace agreement was "ineffective" in preventing international courts, such as the Special Court, or foreign courts from prosecuting crimes against humanity and war crimes.

"The Special Court's decision is a significant step forward in the fight against impunity for the worst possible crimes. It confirms the extensive jurisprudence of other international courts and interpretations of international treaty bodies which conclude that states cannot use national amnesties to prevent international or foreign national courts from exercising jurisdiction over those accused of crimes against the international community," Amnesty International said.

The organization is, however, concerned that the decision did not expressly state that the amnesty provision of the Lomé peace agreement is void under international law and could not be applied by the national courts of Sierra Leone.

The Special Court did, however, endorse in its conclusions the explicit proviso by the United Nations Secretary-General's Special Representative for Sierra Leone, when signing the peace agreement, that the amnesty "shall not apply to international crimes of genocide, crimes against humanity and other serious violations of international humanitarian law", confirming that it would be contrary to international law for Sierra Leonean courts to give any effect to the amnesty provision.

"This decision will have an immediate impact in Africa, including making clear that amnesties such as the Ugandan amnesty for crimes committed in the northern part of the country do not bar the Prosecutor of the International Criminal Court from investigating and prosecuting any person suspected of crimes against humanity or war crimes," Amnesty International said.

For further information, please see: *Special Court for Sierra Leone: A historic decision to reject amnesty for crimes under international law* (AI Index: AFR 51/006/2004), of 18 March 2004.

Amnesty International's webpages on the Special Court for Sierra Leone:
http://web.amnesty.org/pages/int_jus_ict_sierra_leone

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