

AMNESTY INTERNATIONAL PRESS RELEASE

13 February 2001

AI Index AFR 51/001/2001 - News Service Nr. 26

Sierra Leone: The UN Security Council must make the Special Court effective and viable

The Security Council must ensure that the Special Court for Sierra Leone succeeds in bringing to justice those most responsible for the atrocities committed during the conflict, Amnesty International said today following an exchange of correspondence between the United Nations (UN) Security Council and Secretary-General about the Special Court.

Amnesty International welcomed the Security Council's decision last August to establish a Special Court for Sierra Leone as a major step towards ending impunity and contributing towards justice for the many thousands of victims who have suffered some of the worst known abuses during Sierra Leone's internal armed conflict.

The organization also welcomes the proposed amendment by the Security Council of the definition of the crime of recruiting child soldiers so that it reflects international law: All recruitment of children under the age of 15 years is a crime, whether forced or voluntary.

Amnesty International has, however, written to each member of the Security Council to express concern about the effectiveness of the Special Court's mandate, possible threats to the independence of the Prosecutor and insecurity of the court's funding.

The Special Court will try those who bear the greatest responsibility for crimes against humanity, war crimes and other serious violations of international humanitarian law. It is proposed, however, that the court's mandate include only crimes committed since 30 November 1996, the date of a failed peace agreement, rather than since the conflict began on 23 March 1991.

It is vital that the Prosecutor of the Special Court has full independence to prosecute any person who appears to bear responsibility for the most serious

crimes committed during the entire period of the conflict., Amnesty International said.

AThere are concerns that some of the amendments to the draft Statute of the Special Court proposed by the Security Council as to who should be prosecuted before the Special Court may endanger the independence of the Prosecutor,@ Amnesty International said.

For example, the phrase Athose who bear the greatest responsibility@ should not be interpreted to include only the highest military or political leaders, to the exclusion of others who may have been directly responsible for the most serious abuses. The Prosecutor must have full independence to prosecute anyone who appears to bear responsibility, regardless of military rank or political position.

In addition, the Security Council has proposed adding the phrase Aincluding those leaders who, in committing such crimes, have threatened the establishment of and implementation of the peace process in Sierra Leone@. This phrase may result in political considerations influencing the determination by the Prosecutor of which crimes to investigate and prosecute.

Amnesty International shared the conclusion of the UN Secretary-General that a Special Court based entirely on voluntary contributions would be Aneither viable nor sustainable@.

AThe investigation and prosecution of crimes under international law are a responsibility which must be shouldered by the international community as whole@, Amnesty International stressed. AWe urge the Security Council to ensure that the Special Court receive adequate and sustained funding to initiate and complete trials of those most responsible for the gravest abuses committed since 1991. @

AThe current Security Council proposal for voluntary funding would not only undermine the Special Court=s effectiveness by creating uncertainty, but may also undermine its independence,@ the organization added.

Since the Special Court will only try those most responsible for the most serious crimes, the number of possible prosecutions will be limited. This makes it all the more vital that the Security Council and the international community as a whole ensure that the Special Court is part of a broader program to rebuild the national judicial system, which has been all but destroyed during the protracted conflict, so that its courts can eventually assume responsibility for bringing to justice those perpetrators of human right abuses who are not tried by the Special Court.

AAs well as establishing the Special Court, priority must be given to the speediest possible reconstruction of the Sierra Leone judicial system so that it can conduct fair trials, without the possibility of the death penalty, of those suspected of some of the worst crimes committed in the world,@ Amnesty International said.

\ENDS

public document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>