

UA 231/95

Fear of death sentences and executions 4 October 1995

SIERRA LEONE
Lieutenant James CONTEH
Captain Abu Bakarr KAMARA
Major Matthew KAMARA
Captain Alie Badara KOROMA
Lieutenant Sahr PANDA
Lieutenant Patrick SAMURA
Lieutenant Ina SANU

Amnesty International is concerned that seven military officers accused of planning a coup could be executed after unfair trials before a military court.

Six soldiers - Lieutenant James Conteh, Captain Abu Bakarr Kamara, Major Matthew Kamara, Captain Alie Badara Koroma, Lieutenant Sahr Panda and Lieutenant Patrick Samura - were arrested in the capital, Freetown, late on 2 October 1995. A seventh, Lieutenant Ina Sanu, was arrested on 3 October 1995. They are held in the Central Prison, Pademba Road, in Freetown. An arrest warrant has been issued for another soldier, Lieutenant Kanja Sandy.

They are accused of plotting to overthrow the National Provisional Ruling Council (NPRC) and are expected to be brought soon before a court-martial charged with treason. If convicted, they could face the death penalty. Amnesty International fears that if death sentences are passed, they could be carried out swiftly.

In late December 1992, 26 people - nine civilians and 17 military and police officers - were executed and at least three others extrajudicially executed on suspicion of plotting to overthrow the NPRC. The government claimed that the 26 had been convicted of treason by a Special Military Tribunal and their sentences confirmed. However, the NPRC did not produce any evidence that a trial actually took place.

On 7 December 1992 the NPRC promulgated the Treason and Other Offences (Special Military Tribunal) Decree, No.12 of 1992. This established a special military court which has the power to try any person involved in an attempt to overthrow the NPRC. The court consisted of four army or police officers presided over by a senior armed forces officer, all appointed by the NPRC. No judicial appeal was allowed and all sentences had to be confirmed by the NPRC. The decree provided for a High Court judge to act as legal adviser to the special tribunal and for defendants to be represented by lawyers of their own choice. However, it specifically barred all other courts from questioning any decision of the tribunal or the confirming authority. This decree was amended on 29 April 1993 to allow trials before the special military tribunal to be held in public and to be chaired by a High Court judge; those convicted would have a right of appeal to the Court of Appeal.

Recent trials before courts-martial in Freetown have allowed no right of appeal against conviction or sentences to a higher court. Twelve soldiers were executed on 11 and 12 November 1994 after being convicted of charges which included collaborating with rebel forces, armed robbery and murder. On 11 January 1995 a senior military officer, Lieutenant-Colonel Chernor M. Deen, was sentenced to death after being convicted of aiding and communicating with rebel forces; his sentence has not been carried out.

Amnesty International unconditionally opposes the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment. The use of the death penalty in Sierra Leone is contrary to the trend in Africa and countries around the world towards its abolition.

Nineteen states in Africa and a majority of states in the world have abolished the death penalty in law or in practice.

BACKGROUND INFORMATION

The NPRC came to power following a military coup in April 1992; the following year, it promised a return to civilian rule within three years. Presidential and legislative elections, originally planned for late 1995, have been postponed until not later than February 1996.

Many Sierra Leoneans have questioned whether elections are appropriate or possible while armed conflict continues in many parts of the country and vast numbers of Sierra Leoneans are either internally displaced or refugees in neighbouring countries.

The conflict, which began in 1991 when insurgent forces launched an attack from Liberia, continued after the NPRC came to power in 1992. Since 1994, it has developed into a campaign of terror by both government soldiers and rebel forces, directed at unarmed and defenceless civilians. Unarmed civilians have been captured and held hostage, ill-treated and tortured, deliberately and arbitrarily killed.

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

- expressing concern that death sentences may be passed by a military court and carried out hastily on at least seven military officers charged with treason;
- expressing concern that the trial may not comply with international standards of fairness, in particular, that the defendants may not have the right to appeal to a higher court against their conviction and sentence;
- pointing out that, according to internationally agreed human rights standards, defendants accused of offences punishable by death must be granted a fair trial before an independent, competent and impartial tribunal, and have the right to appeal to a court of higher jurisdiction;
- urging that any death sentences passed be commuted.

APPEALS TO:

Captain Valentine E.M. Strasser
Chairman
National Provisional Ruling Council
State House
Independence Avenue
Freetown, Sierra Leone

Telegrams: Captain Strasser, NPRC, Freetown, Sierra Leone

Telexes: 3230

Salutation: Dear Captain Strasser

Brigadier Julius Maada Bio
Deputy Chairman
National Provisional Ruling Council
State House
Independence Avenue

Freetown, Sierra Leone

Telegrams: Brigadier Maada Bio, NPRC, Freetown, Sierra Leone

Telexes: 3230

Salutation: Dear Brigadier Maada Bio

Mr Claude V. Campbell

Attorney General and Secretary of State for Justice

Department of Justice and Office of the Attorney General

Guma Building

Lamina Sankoh Street

Freetown, Sierra Leone

Telegrams: Attorney General Campbell, Justice Department, Freetown, Sierra Leone

Salutation: Dear Mr Campbell

COPIES TO:

Brigadier (retd) J.O.Y. Turay

Chief of Staff

Republic of Sierra Leone Military Force (RSLMF)

RSLMF Headquarters

New Office

Wilkinson Road

Freetown, Sierra Leone

and to the editors of following newspapers:

The New Citizen, 5 Hannah Benka-Coker Street, Brookfields, Freetown, Sierra Leone

Daily Mail, 29-31 Rawdon Street, PO Box 53, Freetown, Sierra Leone

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 15 November 1995.