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### **Sierra Leone: the Security Council should clarify the United Nations' position on impunity**

The United Nations (UN) Security Council should clarify its position on the recent blanket amnesty provided by the peace agreement when it discusses Sierra Leone today, Amnesty International said.

Although in his latest report on Sierra Leone, the UN Secretary-General, Kofi Annan, acknowledges that the sweeping amnesty in the peace agreement is difficult to reconcile with ending impunity, the Security Council appears to be unwilling to fulfil its obligations, under international law, to ensure that perpetrators of serious human rights abuses are brought to justice.

“The Security Council should explicitly acknowledge that the amnesty which applies to gross human rights abuses and grave breaches of international humanitarian law contradicts fundamental human rights standards and seriously undermines the obligations of the international community to bring to justice those who have breached international human rights and humanitarian law,” Amnesty International said.

The organization has written to each member of the Security Council also urging that they recommend and support an effective international mechanism for investigating human rights abuses in Sierra Leone in order to establish accountability.

Although the peace agreement provides for the establishment of a Truth and Reconciliation Commission, this will not guarantee the rights of victims and their families to justice and reparation since an amnesty for human rights abuses has already been granted.

In his Seventh Report on the UN Observer Mission in Sierra Leone (UNOMSIL) dated 30 July 1999, Kofi Annan suggests that, in order to ensure appropriate accountability for serious violations of human rights and humanitarian law, the Security Council may want to consider steps to address this question, including the establishment in due course of a commission of inquiry as recommended by the UN High Commissioner for Human Rights on 9 July 1999.

There is little indication, however, that the Security Council will either discuss or endorse such a commission of inquiry despite its declared commitments to justice and accountability, including in February 1999:

*“The Council affirms the need to bring to justice, in an appropriate manner, individuals who incite or cause violence against civilians in situations of armed conflict or who otherwise violate international humanitarian and human rights law.”* (Presidential Statement on the protection of civilians in conflict (S/PRST/1999/6 of 12 February 1999)).

“It appears that the Security Council may be better at acknowledging the importance of human rights in general rather than in a real situation where justice is desperately needed,” Amnesty International said.

The Secretary-General's report contains important recommendations for the future protection and respect of human rights in Sierra Leone, including: a significant increase in the number of UNOMSIL human rights officers to reinforce human rights monitoring and reporting; priority for meeting the needs of children affected by the conflict, including former child combatants; and support for institutions for the protection of human rights, including a national human rights commission.

“We welcome these important commitments by the international community to human rights in Sierra Leone, but its obligations to end impunity and bring to justice those responsible for gross human rights abuses, including war crimes and crimes against humanity, are not being met ,” Amnesty International added.

### **Background information**

The peace agreement signed on 7 July 1999 in Lomé, Togo, provided a general amnesty for all acts committed during the pursuit of the internal armed conflict since 1991. It therefore provides complete impunity to the perpetrators of the gross human rights abuses, including war crimes and crimes against humanity, which have characterized the conflict. Thousands of unarmed civilians - men, women and children - have been victims of the most grave violations of international humanitarian law, notably the Geneva Conventions.

The Special Representative of the UN Secretary-General, when signing the peace agreement on behalf of the UN, added a disclaimer that the UN does not recognize the amnesty as applying to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law. It remains unclear, however, what status this disclaimer holds, both in principle and practice, and how it will be translated into a process whereby those alleged to have committed such crimes will be prosecuted.

There can be no amnesty for serious breaches of international humanitarian law and for human rights abuses which may amount to crimes against humanity. Each state which is party to the Geneva Conventions is under an obligation to bring those who have committed or ordered grave breaches of the Conventions to justice in its own courts, to extradite them to another country willing and able to do so or to transfer them to an international criminal court.

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