

Sierra Leone: 34 soldiers could face imminent execution

President Ahmad Tejan Kabbah should commute the death sentences of 34 soldiers handed down today by a court martial in Freetown, Amnesty International said. The organization is calling on the authorities in Sierra Leone to exercise clemency and to ensure that no executions take place.

The 34 soldiers -- whose executions could be imminent -- were convicted of offences related to the military coup on 25 May 1997 in which the elected government of President Kabbah was overthrown and the Armed Forces Revolutionary Council (AFRC) took power. Three other soldiers were acquitted. The court martial refused to accept arguments that the death penalty was discretionary rather than mandatory for these offences.

Trials before courts martial in Sierra Leone allow no right of appeal against conviction and sentence to a higher jurisdiction, in violation of international fair trial standards. Those sentenced to death may, however, seek clemency from a special committee chaired by the President.

"We have repeatedly urged the government to establish a judicial appeal procedure against sentences passed by the court martial," Amnesty International said, adding "we fear that these executions could be carried out before applications are submitted and considered by the United Nations Human Rights Committee."

"The use of the death penalty will not contribute to the process of reconciliation in Sierra Leone," the human rights organization added.

Background information

The International Covenant on Civil and Political Rights (ICCPR), ratified by President Kabbah's government in 1996, states that "*Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.*"

Under the Optional Protocol to the ICCPR, also ratified in 1996, where the rights guaranteed by this international treaty, including fair trial, have been violated, recourse may be sought from the United Nations (UN) Human Rights Committee.

The Human Rights Committee has concluded that the imposition of a death sentence after a trial which violates the provisions of the ICCPR also constitutes a violation of the right to life guaranteed by the Covenant.

In addition, the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted by the UN Economic and Social Council in 1984, state that: "*Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.*"

In addition to the 37 soldiers tried by court martial, 58 civilians have also been on trial for treason and other offences in connection with the military coup in three separate trials before the High

Court in Freetown. On 25 August 1998, 16 defendants in one of the trials were convicted and sentenced to death. Foday Sankoh, leader of the armed opposition Revolutionary United Front (RUF), is also being tried before the High Court. Those convicted by the High Court may appeal to the Court of Appeal and, if unsuccessful, to the Supreme Court. They too have the right to seek clemency from the presidential committee for the prerogative of mercy. All trials, including the court martial, have been open to independent observers.

There are strong feelings within Sierra Leone against those being tried in connection with the military coup and the period of AFRC rule. Killings, torture, rape, arbitrary arrest and detention were systematic throughout this period. Also, since the AFRC and RUF were forced from power, they have unleashed a campaign of killing and mutilation against civilians in the east and north of the country. Thousands of civilians have been killed or suffered amputations of their hands, arms, legs, ears or lips and these atrocities are continuing. Amnesty International has repeatedly condemned these gross human rights abuses and called for effective action to be taken to stop them.

Public opinion in Sierra Leone has demanded swift and strong action to be taken against those responsible for the crimes committed by the AFRC. Amnesty International acknowledges the government's responsibility to bring to justice those responsible for these crimes, in accordance with international standards, and insists that there should be no impunity for human rights violations. There is no evidence, however, that the death penalty has any special power to reduce crime or political violence, or to meet any genuine social need.

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