

Sierra Leone: Ending impunity -- an opportunity not to be missed

"All those accused of human rights abuses in Sierra Leone should be brought to justice in a way that is credible, effective and meets international standards of fairness," Amnesty International said as the United Nations (UN) Security Council considers a request from the Sierra Leone government for assistance in bringing perpetrators of human rights abuses to justice and debates a draft resolution aimed at ending impunity.

In a report published today, Amnesty International is making recommendations for the establishment of a judicial mechanism under the auspices of the UN to try those alleged to have been responsible for human rights abuses, including crimes against humanity and war crimes, as well as for strengthening Sierra Leone's national capacity eventually to try perpetrators of human rights abuses in its own courts.

After nine years of internal armed conflict, the judicial system in Sierra Leone faces serious obstacles in bringing perpetrators of human rights abuses to justice, although responsibility for this lies primarily with the government.

"The UN should establish, together with the Sierra Leone authorities, a judicial process of an international character," Amnesty International said. "Without considerable international assistance, it will not be possible at this stage to conduct trials which meet international standards."

Such a tribunal should include Sierra Leonean and international judicial officials. A majority of international judges, prosecutors and investigators should participate in all stages of the judicial process as an

essential guarantee for independence and impartiality. The tribunal should receive full and sustained financial support from the UN and benefit from cooperation of UN member states in the provision of expertise and other assistance.

"No single individual or party to the conflict should be singled out for prosecution to the exclusion of others", Amnesty International said.

There should be a non-selective, balanced and independent prosecution policy. Trials should focus on those most responsible for the grave abuses of human rights committed since the conflict began in 1991, whether they are members of the Revolutionary United Front, the Armed Forces Revolutionary Council, the Sierra Leone Army, or the Civil Defence Forces, and regardless of their current political position or allegiance.

The judicial mechanism should have jurisdiction to try international crimes, including crimes against humanity and war crimes, as well as grave crimes under national law, since the beginning of the conflict. The acceptance by the UN that the amnesty in the 1999 peace agreement does not apply to crimes against humanity, war crimes, and other serious violations of international humanitarian law should be integrated into the statute of the judicial mechanism and be immediately and rigorously applied. The death penalty, which remains on the statute book in Sierra Leone, must be excluded as a punishment since it is itself a violation of human rights.

Holding the trials in Sierra Leone is the best means to ensure that justice is seen to be done, to place the facts before the people, and to contribute to the process of reconciliation. If, however, this proves to be impossible for security reasons, trials should take place in a nearby country with the necessary legal infrastructure.

If such a tribunal, comprising both Sierra Leonean and international judicial officials, cannot be established, the UN Security Council should ensure that the perpetrators of crimes under international law are brought to justice by establishing an international criminal tribunal, as it has done for Rwanda and the former Yugoslavia.

Although this judicial process would focus on the major perpetrators of human rights abuses, in order to end impunity, all human rights abuses should be investigated and accountability established.

Amnesty International therefore continues to call for the international commission of inquiry recommended by the UN High Commissioner for Human Rights shortly after the peace agreement was signed to be established without further delay. Such an inquiry should ensure thorough fact-finding and lead to appropriate accountability for all perpetrators of human rights abuses.

In July 1999 when the peace agreement was signed in Lomé, Togo, the UN and the international community failed to deal effectively with impunity for human rights abuses.

"The international community must not again miss the opportunity to achieve justice for the victims of the horrendous human rights abuses which have occurred in Sierra Leone," Amnesty International said.

"It is important to consider ways in which the UN and foreign governments could assist the Sierra Leone authorities in dealing in the long term with the investigation and prosecution of crimes committed during the conflict and since the signing of the peace agreement."

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