

# AMNESTY INTERNATIONAL

## Public Statement

AI Index: AFR 51/008/2005 (Public)  
News Service No: 248  
15 September 2005

### **Sierra Leone: International community must continue to fund the Special Court**

Amnesty International urges states to attend the 30 September donor meeting in New York and pledge sufficient funds to the Special Court for Sierra Leone. This funding is essential to ensure that the Special Court operates effectively throughout 2006. Amnesty International continues to believe that the Special Court must receive support and cooperation from the international community in order to carry out its functions professionally and impartially.

The Special Court for Sierra Leone was jointly established by the UN and the Sierra Leonean government and is an international criminal court with primacy over Sierra Leonean courts and concurrent jurisdiction. Its judges and officials include Sierra Leoneans and it is located in the country where crimes under its jurisdiction were committed, making it different from other international criminal courts such as the International Criminal Court and the International Criminal Tribunals for Rwanda and the Former Yugoslavia. The Special Court has an important role in achieving justice for the thousands of victims of crimes against humanity, war crimes and other serious violations of international law in Sierra Leone.

Justice has been brought closer to the Sierra Leoneans through activities organized by the Special Court outreach section. The Special Court Interactive Forum and the Public Service Committee have monitored victims' and the public's access to justice. The National Victim's Commemoration Conference, held in early March 2005, was an important initiative as it gave Sierra Leoneans the opportunity to air their expectations and aspirations for justice for all killings, mutilations, rape and other forms of sexual violence, sexual slavery and conscription of children suffered during a decade of internal armed conflict. In the next period funding will be needed to ensure that the National Victim's Commemoration action plan is carried out.

It is not only Sierra Leoneans who have benefited from the work of the Special Court, Amnesty International believes that international justice has benefited as well. The Special Court has made important contributions to international criminal jurisprudence on matters such as the legal effects of the amnesty provision at the Lomé Accord, the irrelevance of the capacity as a Head of State, the jurisdiction of special courts under international law and principles of nullum crime sine lege and non retroactivity. In addition, the Special Court is the first international criminal court to attempt to prosecute individuals for the use of child soldiers. As gender has been the cornerstone of the prosecution policy it has pushed the boundaries of international law by adding counts of forced marriage as a crime against humanity to some indictments. This is the first time that the crime of sexual slavery is expressly being prosecuted under international law. Therefore the Special Court's analysis and findings may prove important for any future prosecutions of sexual slavery and prove valuable in terms of better defining the scope and meaning of sexual slavery. This could be a significant step forward in the recognition of crimes of sexual violence as crimes against humanity.

With the planned completion date approaching, countless challenges remain to ensure that the Special Court continues to operate to high standards. The greatest challenge that has faced the Special Court has been the on-going financial crisis experienced by the reliance on voluntary contributions. The effect that this new model has severely limited the court's ability to rely on funding on a regular basis. Financial stability is critically important as the Special Court completes its trial and appeal phase.

In the remaining period it will be imperative that the Special Court continues to be vigilant about ensuring sufficient treatment and protection of victims and witnesses. It will be critical as the draw down of the UNAMSIL troops will be completed by December 2005 leaving the security of the country up to the newly formed Sierra Leonean army and internal security to the Sierra Leonean police. The Special Court must be funded to continue to apply the highest standards of treatment of victims and witnesses.

The Special Court has indicted eleven people who have been accused of bearing the "greatest responsibility" for crimes under international law. However Amnesty International remains concerned that two indictees, former AFRC leader Johnny Paul Koroma and former Liberian President Charles Taylor, have yet to be arrested and handed over to the Special Court for Sierra Leone for trial. The organization fears that if these men are not prosecuted it will threaten the effectiveness of the Special Court.

Lastly the success and the overall effectiveness of the Special Court in its role in addressing impunity through prosecuting those who bear the greatest responsibility is an important example to be supported in Africa. In January 2006 Liberia's transitional phase will come to an end and a new government will be installed. Already the civil society and the international community are turning to the Special Court as the example of what they feel they deserve as a mechanism to prosecute those responsible for committing war crimes and crimes against humanity carried out during Liberia's almost two decades of war. The Special Court for Sierra Leone must be effective to appropriately serve as an example as an appropriate mechanism to address impunity in Liberia.

Amnesty International calls upon all governments, together with the international community to ensure that the 25 million still needed for the Special Court to operate is provided.