

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 51/005/2004 (Public)
News Service No: 052
9 March 2004

Embargo Date: 9 March 2004 00:01 GMT

Special Court for Sierra Leone: Challenges remain as new court-house is officially opened

On the eve of the official opening of the new court-house of the Special Court for Sierra Leone, Amnesty International is reminding the international community of the major challenges that remain in bringing to justice the perpetrators of crimes against humanity, war crimes and other serious violations of international law committed during Sierra Leone's armed conflict.

"This is an occasion to reaffirm aspirations that the Special Court will succeed in bringing a measure of justice to the thousands of victims of horrific crimes, including killings, mutilations, rape, sexual slavery and conscription of children," Amnesty International said today. "It is also important, however, to recognize and respond to the challenges faced by the Special Court in achieving its mandate," Amnesty International added.

The Special Court is an example of a new type of court. Established jointly by the United Nations and the Government of Sierra Leone, it is both an international and national court - with international and Sierra Leonean judges - and is based in the country where the crimes were committed. It is an African court established to try those accused of crimes against humanity and war crimes against Africans.

Since it started its work, the Special Court has been seriously hindered by lack of cooperation and support from both individual states and the broader international community. It has been thwarted by the refusal of some states to honour their commitments under international law and has also faced a serious shortfall in funding.

"In particular, international pressure must be exerted on the Nigerian government which, in flagrant violation of its obligations under international law, is betraying African victims by openly shielding former Liberian president Charles Taylor from justice," Amnesty International said.

"All states, both in West Africa and more widely, should respond positively to requests to enter into binding legal agreements with the Special Court, including to surrender those indicted."

"We are also calling on all states to make generous and timely financial contributions to the Special Court so that it has assurances that its full budget will be met and can complete its work without compromise or curtailment," Amnesty International said.

"The Special Court must adhere to the strictest international standards of fair trial," Amnesty International said. "Justice demands fairness and respect for the presumption of innocence unless proven guilty beyond reasonable doubt."

Amnesty International was disappointed that in November 2003 the Appeals Chamber of the Special Court, sitting for the first time, upheld an amendment to the Rules of Procedure and Evidence that denies the right of defendants to appeal against important pre-trial preliminary motions.

"Ensuring a defendant's right to an expeditious trial should not compromise the right to a fair trial," Amnesty International said.

Amnesty International was also disappointed that the Statute of the Special Court did not follow the example of the Rome Statute of the International Criminal Court by authorizing it to award reparations for victims of crimes under its jurisdiction.

"Reparations are essential to help victims to rebuild their lives," Amnesty International said. "The Special Court should work with the government, civil society and the international community to adopt as a matter of priority effective measures to guarantee the victims' right to restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition."

Finally, it is essential to seize the unique opportunities offered by a mixed international/national court seated in Freetown to strengthen the national justice system so that it can assume responsibility for bringing to justice those who have committed horrific crimes, but who are not among the small number indicted by the Special Court.

Of critical importance will be the decision by the Special Court on the applicability of the general amnesty provided by the 1999 Lomé peace agreement to those crimes under its jurisdiction.

"Under international law, there can be no amnesty or pardon for crimes against humanity, war crimes and other serious violations of international law," Amnesty International said. "We are confident that the Special Court's decision will confirm that the amnesty cannot prevent it from trying such crimes, but the same prohibition of amnesties under international law also applies to the national courts."

Background

The official opening of the new court-house of the Special Court for Sierra Leone on 10 March 2004 will be attended by President Ahmad Tejan Kabbah and high-ranking officials from the United Nations and donor countries.

Thirteen people have so far been indicted by the Special Court for "bearing the greatest responsibility" for crimes against humanity, war crimes and other serious violations of international law committed after 30 November 1996. Two have since died, and two others, including Charles Taylor, have yet to be surrendered to the Special Court. Despite his indictment and an international arrest warrant, Charles Taylor was allowed to leave Liberia for Nigeria in August 2003 where he remains with guarantees from the Nigerian government that he will be neither surrendered to the Special Court nor brought before Nigeria's own courts.

Trials are expected to begin within two months.

For further information, see [Sierra Leone: Statement at the official opening of the court-house of the Special Court for Sierra Leone \(AI Index: AFR 51/004/2004\)](#), published by Amnesty International on 9 March 2004.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>