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Sierra Leone: Despite guilty verdicts today, impunity is still the rule

The judgment issued today by the Special Court for Sierra Leone (SCSL) finding three senior members of Sierra Leone's Revolutionary United Front (RUF) guilty of crimes against humanity and war crimes, including rape and other sexual crimes, is a positive, but still insufficient, step in the fight against impunity in that country, said Amnesty International.

The verdict by the SCSL Trial Chamber found Issa Hassan Sesay, Morris Kallon, and Augustine Gbao guilty of crimes against humanity and war crimes committed during the internal armed conflict that took place in Sierra Leone between 1991 and 2002.

The ruling found that they are criminally responsible for unlawful killings, rape, forced marriage, acts of terrorism, attacks on peacekeepers, enslavement and other inhuman acts, among other crimes -- reinforcing international condemnation of crimes of sexual violence.

"These guilty verdicts send a clear message to the international community in general and to perpetrators of crimes against Africans in particular: those responsible for crimes under international law will not go unpunished," said Christopher Keith Hall, Senior Legal Adviser for Amnesty International.

The organization noted, however, that only a handful of those suspected of bearing the greatest responsibility in the armed conflict in Sierra Leone have been tried by the Special Court.

Amnesty International said that many others - numbering perhaps in the several hundreds - must be investigated in Sierra Leone or in any other state willing to exercise universal jurisdiction and, if there is sufficient admissible evidence, prosecuted in fair trials without the possibility of the death penalty.

By convicting two of the three accused of conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate in hostilities, the Trial Chamber confirmed once again that these acts are serious war crimes and that those responsible must receive penalties that take into account the grave nature of such crimes.

The Trial Chamber decision also reaffirmed that an amnesty granted to any person responsible for crimes under international law - as is the case in Sierra Leone and several other African states - is not a bar under international law to prosecution.

An amnesty provision in the Lomé Accord of 7 July 1999 bars the prosecution of anyone in a Sierra Leone court for crimes against humanity, war crimes and other crimes under international law. Even if the amnesty did not apply, however, prosecutions for these crimes would not be possible since Sierra Leone has not yet defined them as crimes under national law.

“The government of Sierra Leone must set aside the impunity provisions contained in the Lomé Accord and make all crimes under international law -- including genocide, crimes against humanity, war crimes, torture and enforced disappearances -- criminal under national law. Otherwise, victims will be forced to file complaints in other states where extraterritorial jurisdiction, including universal jurisdiction, is permitted,” said Christopher Keith Hall.

Notes to editors:

- To date, the Special Court for Sierra Leone has indicted 13 people under its limited mandate to prosecute those bearing the greatest responsibility for crimes against humanity, war crimes and other serious violations of international humanitarian law committed since 30 November 1996.
- To date, eight of the 13 have been convicted and sentenced. Two have died, two are still at large and the trial of former president Charles Taylor continues in The Hague. Charles Taylor faces 11 counts of crimes against humanity and war crimes committed in Sierra Leone, including unlawful killings, rape and use of child soldiers. The Special Court for Sierra Leone is currently seeking US\$5 million that is needed to complete the trial.
- In February, the Appeals Chamber upheld the original sentences passed in the cases of Armed Forces Revolutionary Council (AFRC) members Alex Tamba Brima (50 years’ imprisonment), Ibrahim Bazy Kamara (45 years’ imprisonment) and Santigie Borbor Kanu (45 years’ imprisonment).
- The case against Moinina Fofana and Allieu Kondewa – both members of the Civil Defense Forces (CDF) -- concluded in May. Doubling their original sentences, the Appeals Chamber sentenced them to 15 and 20 years’ imprisonment respectively.
- Although the Statute of the Special Court for Sierra Leone has no provision for reparations, a reparations process, a key recommendation of Sierra Leone’s Truth and Reconciliation Commission, is due to begin at the end of February. It is expected to compensate 100,000 people, including amputees, war wounded, victims of sexual violence, war widows and children. Currently, the bulk of the funding is coming from the UN Peacebuilding Fund, but much more is needed.