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Sierra Leone: Real and credible justice is needed

Any court to try perpetrators of human rights abuses in Sierra Leone must provide real and credible justice, Amnesty International said today.

The jurisdiction, composition and functioning of a court proposed by the government of Sierra Leone last week to the United Nations (UN) Secretary-General will not meet the need to bring to justice all those responsible for human rights abuses.

Draft resolutions on Sierra Leone, which include the issue of impunity, are currently being considered by the Security Council.

"The Security Council should not again fail to address effectively accountability for human rights abuses in Sierra Leone," Amnesty International said.

"A major concern is that this proposal limits prosecution to members of the Revolutionary United Front (RUF)," Amnesty International said. "This ignores the fact that other parties to the conflict, including those now associated with the government, have also been responsible for gross human rights abuses."

In addition, it is envisaged that only a relatively small number of RUF members will be brought before this court.

Although the RUF has been responsible for systematic and widespread abuses throughout the nine-year internal armed conflict, the Armed Forces Revolutionary Council (AFRC), soldiers of the Sierra Leone army and members of the civilian militia, the Civil Defence Forces (CDF), have all been responsible for atrocities in Sierra Leone.

"The vast majority of the several thousands of cases of deliberate and arbitrary killing, rape and other forms of sexual abuse, mutilation and abduction committed during the rebel incursion into Freetown in January 1999 were committed by AFRC forces, yet they will not be held to account", Amnesty International said.

It appears that while the blanket amnesty provided in the peace agreement signed in Lome in July 1999 is no longer to apply to the RUF, other parties retain their immunity from prosecution in Sierra Leone.

If the issue of impunity is to be effectively addressed in Sierra Leone, all those responsible for human rights abuses have to be brought to justice; there can be no selectivity in administering justice.

Amnesty International has consistently supported the proposal by the UN High Commissioner for Human Rights for an international commission of inquiry which would look at abuses by all sides during the conflict.

"Such an inquiry is still needed in order to properly investigate and establish the truth about abuses during the conflict," Amnesty International said.

Abuses committed during the conflict amount to crimes under international law, including war crimes and crimes against humanity, which are not included in current national legislation. Any court established to prosecute those alleged to have committed these atrocities must have the jurisdiction to try offences under international law.

The proposed court, although to be composed of both national and international prosecutors and judges, retains considerable power for the government of Sierra Leone. The magnitude of human rights abuses committed during Sierra Leone's armed conflict require a court that is seen to be credible by all. For this, it must be fully independent and impartial and provide all other guarantees of fair trial, in accordance with international standards.

Amnesty International has also repeatedly insisted that any court exclude imposition of the death penalty, which remains on Sierra Leone's statute books.

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