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Sierra Leone: Commitments to the Special Court must remain firm and not falter

Two years after the Government of Sierra Leone and the United Nations (UN) signed an agreement to establish the Special Court for Sierra Leone, Amnesty International is calling on the international community not to waver in its support for the Special Court.

"16 January 2002 marked a historic development towards ending impunity for a decade of atrocities against the people of Sierra Leone," Amnesty International said today. "The Special Court was established at the initiative of an African state, Sierra Leone, in agreement with the UN, to act on behalf of the entire international community to provide justice to victims of crimes against humanity and war crimes."

"That unique opportunity and the significant progress made so far cannot now be squandered because of the failure by some states to cooperate fully with the Special Court and insufficient funding."

Thirteen people were indicted by the Special Court during 2003 for bearing the greatest responsibility for crimes against humanity, war crimes and other serious violations of international law. Nine of those indicted are currently in the custody of the Special Court and trials are expected to begin in March or April this year.

One of those indicted is the former President of Liberia, Charles Taylor. The charges against him relate to killings, mutilations, rape and other forms of sexual violence, sexual slavery, conscription of children, abduction and forced labour perpetrated by Sierra Leone armed opposition forces which Charles Taylor had actively supported.

Despite his indictment and an international arrest warrant, Charles Taylor was allowed to leave Liberia for Nigeria on 11 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.

"The Nigerian government's action in sheltering a person indicted for crimes against humanity and war crimes violates international law", Amnesty International said. "It is under a legal obligation to arrest Charles Taylor and either surrender him to the Special Court or open an investigation with a view to determining whether to open criminal or extradition proceedings in Nigerian courts".

"No one, regardless of their status - including a head of state - has immunity for the most serious crimes under international law," Amnesty International added.

"We have again written to President Olusegun Obasanjo, pointing out that, while it has been argued that allowing Charles Taylor to travel to Nigeria was in the interests of securing a political settlement to Liberia's armed conflict, this cannot be at the expense of abiding by international law and ending impunity," Amnesty International said.

On 17 August 2003, when asked why former President Taylor had been allowed to leave Liberia for Nigeria, the UN Secretary-General replied that: "*the long arm of the law will still be at work and the indictment still stands*".

Amnesty International has called on all states, including Nigeria, to cooperate fully with the Special Court by entering into binding legal agreements with the Special Court to assist it fully in any investigation and in surrendering individuals who are indicted by the Special Court.

Both the UN Secretary-General and the Security Council have repeatedly expressed their support for the Special Court and called on all states both to cooperate fully with the Special Court and provide adequate funding for the court.

Despite these calls, however, the very existence of the Special Court has been threatened by a financial crisis. The Special Court must receive its full budget if it is to continue its work in a way which adheres to the highest standards of judicial practice and provides a "legacy" to the Sierra Leone legal and justice systems.

"We are urging all states to make urgent and generous contributions towards funding the Special Court, both for the outstanding budget for its current second year of operation and also for the subsequent year," Amnesty International said.

While some of the shortfall for the second year has been met by bringing forward contributions from the third year, this only aggravates the serious shortfall projected for the third and planned final year. If the work of the court is not concluded in exactly three years, the problem is compounded.

"The commitment made by the international community on 16 January 2002 to address impunity, to encourage reconciliation after more than a decade of brutal conflict and to reinforce the foundations of a durable peace in Sierra Leone must remain firm and not falter," Amnesty International concluded.

For further information, see [Open letter to President Olusegun Obasanjo](#) (AI Index: AFR 44/002/2004), published by Amnesty International on 16 January 2004.

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