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Sierra Leone: the international community's resolve to end impunity must be strengthened

Amnesty International expressed concern today about the uncertainties surrounding funding for the Special Court for Sierra Leone as a result of the United Nations (UN) Security Council's decision to fund the court entirely by voluntary contributions rather than from the regular UN budget.

"The investigation and prosecution of crimes under international law are a responsibility which must be shouldered by the international community as a whole," Amnesty International said. "Relying on individual states to contribute towards the cost of establishing and operating the Special Court could jeopardize the very creation of the court."

"Delay in setting up the court because of difficulties in securing adequate funding sends an ambiguous message about the commitment to end impunity," Amnesty International said. "At the same time, human rights abuses against civilians in Sierra Leone continue."

The UN Commission on Human Rights decided in Geneva on 20 April to request the international community to support the UN Secretary-General's appeal for financial and practical support for the court. Few firm commitments have, however, so far been made. Only 13 states were represented at a recent meeting held by the UN Office of Legal Affairs to discuss funding of the court and even among those states reservations were reported to have been voiced about the projected costs.

The imperative placed by the Commission on Human Rights on the establishment and maintenance of the Special Court for prosecuting those responsible for atrocities in Sierra Leone highlights the responsibility of all states to make the Special Court effective and viable, including by ensuring adequate and sustained funding.

The decision by the UN Security Council in August last year to establish a Special Court to try those bearing the greatest responsibility for crimes against humanity, war crimes and other serious violations of international humanitarian law in Sierra Leone was a major step towards ending impunity and providing justice to the many thousands of victims who have suffered some of the worst known abuses during Sierra Leone's 10-year internal armed conflict. The Commission on Human Rights' endorsement of the Security Council's decision demonstrates the resolve of the wider international community.

"That resolve should not be allowed to waver because of an unwillingness to meet fully the costs of the court," Amnesty International said.

Interested states will meet again in New York on 25 April to consider the establishment of a management committee to assist in providing adequate funding for the Special Court.

Background

Amnesty International welcomed the UN Security Council's decision in August 2000 to establish a Special Court for Sierra Leone but has repeatedly expressed concern about insecurity of the court's funding. This issue must be resolved if the Special Court is to succeed in bringing to justice those most responsible for the atrocities committed during the conflict.

The UN Secretary-General had initially insisted that funding the Special Court entirely from voluntary contributions would be neither viable nor sustainable and has cautioned against establishment of the court without sufficient funds and assurances of continuous availability of funds.

The UN Security Council has, however, remained intransigent in its recommendation that the Special Court be funded by voluntary contributions, rather than assessed contributions from the regular budget. Recognizing the risks involved in establishing the court solely on the basis of prospects of voluntary contributions, however, the Security Council has proposed that the process of establishing the court should not begin until the UN Secretariat has obtained adequate funds to finance the establishment of the court and the first 12 months of the court's operation, as well as pledges to cover projected expenses for a further year.

The estimated budget of the court over three years is set at US\$114 million, including US\$30 million for its establishment and first year of operation. The UN Secretary-General has asked for commitments for the funding of the court to be made by the end of May 2001. He has also said that alternative means of funding the court will have to be explored if sufficient voluntary contributions are not forthcoming.

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