

Replies and Comments:

Noëlle Quénivet

For comments:

Noelle.Quenivet@ruhr-uni-bochum.de
0049.234.3227956

On the web

<http://www.ifhv.de/>

Focus

**Statement by David Crane,
Prosecutor of the Special
Court for Sierra Leone**

“I call upon the people of Sierra Leone and West Africa to turn over indictees Koroma and Bockarie. They are indicted war criminals with outstanding warrants for their arrest.”

**Press statement by
Security Council President
on indictments by Sierra
Leone Special Court**

“Council Members welcomed the indictments as the start of a judicial process aimed, with the assistance of the international community, at bringing to justice those individuals who bear the greatest responsibility for the suffering inflicted on the people of Sierra Leone. In holding individuals accountable through a full, fair and transparent judicial process, the Special Court will strengthen national reconciliation and contribute to the Security Council’s goal of lasting peace in Sierra Leone.

The first indictees before the Special Court for Sierra Leone

On 10 March 2003, the Special Court for Sierra Leone announced the indictments of seven persons for war crimes, crimes against humanity and serious violations of international humanitarian law. In particular, the Court will investigate murder, rape, sexual slavery, extermination, acts of terror, enslavement, looting and burning. For the first time, a semi-international court will gauge the lawfulness of the forceful conscription of children into the armed forces as well as of attacks of UNAMSIL peacekeepers and humanitarian workers. Until now, no jurisprudence is available on the subject-matter.

Five of the indictees are currently in custody while two others are still at large, both were members of the Armed Forces Revolutionary Council. The chief prosecutor requested Western African States, where these two persons are supposedly hiding, to extradite them without delay.

One of the main concerns expressed by various members of the international community is that this Court, unlike the ICTY, has clearly, from the outset, stated that it would only prosecute those individuals who bear the greatest responsibility for the suffering of the people in Sierra Leone.

On 15 March 2003 rebel leader Foday Sankoh appeared before the Court. At the head of the Revolutionary United Front, Sankoh took up arms in 1991 to lead a civil war that led to more than 50,000 deaths and thousands of persons whose limbs have been hacked off. It was only in January 2002, after UN troops disarmed the fighters, that the war was declared over. The Judge, at the view of Sankoh in a wheel-chair, barely able to utter his name, adjourned the trial and asked for Sankoh to undergo a medical and psychological examination. On 21 March 2003, the Court requested further psychiatric examinations to be carried out.

The next person to appear before the court was RUF commander Issa Sesay who pleaded not guilty on all 17 counts (they include unlawful killing, physical and sexual violence). This indictment is all the more interesting as it spells out a link between the RUF rebels and Charles Taylor, the President of Liberia who has been accused on many occasions of supporting the rebels in exchange for diamonds.

Many others were summoned before the Court but it is regrettable that most trials were adjourned. Augustine Gbao, on the other hand, is the first person to be detained by the international criminal court as a suspect.

In comparison to the ICTY, the Special Court is, as explained by the Security Council President Ambassador Mamady Traoré, expected to promote national reconciliation through a judicial mechanism and to contribute to a lasting peace in Sierra Leone. Yet, as many fear that the trials will lead to serious instability in the country, the Court is sitting on a secluded island, 140 km away from the capital.

Responsibility

BOFAXEs are published by the Institute for International Law of Peace and Humanitarian Law of the Ruhr-University Bochum: IFHV, NA 02/33 Ruhr-Universität Bochum, 44780 Bochum. Tel: 0049234/3227366, Fax: 0049234/3214208.

BOFAXEs are supported by the German Red Cross. **The writer is solely responsible for the content.**