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ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

Written statement* submitted by Minnesota Advocates for Human Rights, a non-governmental organization in special consultative status.

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1st July 2004]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Post-Conflict Transitional Justice in Sierra Leone

1. Sierra Leone is emerging from more than ten years of a brutal civil war that received international attention for atrocities such as amputations, forced recruitment of child soldiers, and widespread sexual violence. An estimated 75,000 persons were killed, while as many as 2 million were displaced. All sides of the conflict, including the Revolutionary United Front (RUF), the Armed Forces Revolutionary Council (AFRC) and the Civilian Defense Forces (CDF), were responsible for committing human rights abuses. The conflict in Sierra Leone was also characterized by cross-border involvement from Liberia, as well as the struggle for control of diamonds and other natural resources.
2. Now Sierra Leone faces both a tremendous challenge and an historical opportunity for national reconciliation. To this end, two transitional justice mechanisms have been created: the Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone (SCSL).
3. The Lomé Peace Agreement included an amnesty for all parties to the war and an agreement to establish a Truth and Reconciliation Commission. The Sierra Leone Parliament subsequently passed the Truth and Reconciliation Commission Act to create the TRC, which was mandated to develop an impartial historical record of the conflict, address impunity, respond to the needs of the victims, promote healing and reconciliation, and prevent the reoccurrence of violence. The TRC finished its work in the spring of 2004 and is expected to release its report and recommendations in the summer of 2004.
4. In August 2000, in response to a request from Sierra Leone President Kabbah, the UN Security Council passed Resolution 1315 mandating the creation of the Special Court for Sierra Leone to prosecute "those persons who bear the greatest responsibility for the commission of violations of international humanitarian law" perpetrated between 30 November, 1996 and 1999. In 2002, the U.N. and the government of Sierra Leone signed an agreement that created the legal framework for the SCSL, an independent court using both international and Sierra Leonean law, judges, and prosecutors. Currently, eleven individuals stand indicted; nine are detained in the SCSL's detention facility. Two additional indictments have been withdrawn due to the deaths of the accused individuals. Trials began on 3 June 2004 and will continue through 2005.
5. In May 2004, a Minnesota Advocates for Human Rights delegation traveled to Sierra Leone to monitor the transitional justice process in that country. In addition to documenting the human rights abuses committed during the conflict, the team examined the transitional justice process in Sierra Leone.
6. Minnesota Advocates' team spent two weeks conducting on-site investigations and more than forty fact-finding interviews in the capital city of Freetown and in the Bo, Kono and Kenema Districts. The team interviewed representatives of the United Nations Mission in Sierra Leone (UNAMSIL), TRC Commissioners and staff, government officials, victims, witnesses, media, police, lawyers, civil society organizations, a Member of Parliament, and the Chief Justice of the Supreme Court of Sierra Leone. The team also met with staff in all of the organs of the Special Court for Sierra Leone (Office of the Prosecutor, Office of Defence, Registry, Chambers), as well as individuals working in witness support, outreach, and the Press and Public

Affairs office. In addition, they inspected the SCSL's detention facility and visited two amputee camps, a refugee camp and a torture treatment center.

7. This written statement to the Sub-Commission briefly summarizes some of our preliminary findings and recommendations that are pertinent to the administration of justice generally and to the work of other Truth and Reconciliation Commissions and international criminal tribunals.

8. Minnesota Advocates applauds the work of the Truth and Reconciliation Commission and looks forward to the publication of the final report. Minnesota Advocates reaffirms the importance of the final report of the Truth and Reconciliation Commission and its recommendations, particularly those referring to reparations for victims and the search for justice. To assure the protection of human rights in Sierra Leone, we call upon the government of Sierra Leone to make every effort to implement the recommendations made by the Commission in its final report, particularly as they relate to the needs of victims and institutional reform.

9. Minnesota Advocates recommends to the Sierra Leone Parliament that it expeditiously pass legislation creating a National Human Rights Commission as a mechanism for implementing the Truth and Reconciliation Commission recommendations. Further, the government of Sierra Leone must allocate to the National Human Rights Commission the necessary resources that will facilitate the full realization of its objectives, goals and activities.

10. Minnesota Advocates found that many of the conditions which gave rise to the conflict – particularly widespread corruption, weak rule of law, lack of access to education, poverty and the inequitable distribution of natural resources - still exist. We are greatly concerned that, if these issues are not immediately addressed, the conflict in Sierra Leone will resume after UNAMSIL withdraws. In particular, Minnesota Advocates calls on the government of Sierra Leone to take immediate steps to address these issues, including allowing the Anti-Corruption Commission to function independently and without political interference.

11. Minnesota Advocates also calls upon the government of Sierra Leone to prosecute effectively any crimes specifically identified by the Truth and Reconciliation Commission.

12. Minnesota Advocates also recognizes the commitment of government of Sierra Leone and the international community to bring the perpetrators of human rights abuses in Sierra Leone to justice. Minnesota Advocates applauds the efforts of the Special Court for Sierra Leone in addressing issues of impunity and accountability for human rights abuses committed during the conflict. In particular, Minnesota Advocates recognizes efforts to prosecute crimes against women and children, to develop a strong Office of Defence, and to create an effective Outreach unit to communicate with the people of Sierra Leone about the activities of the SCSL.

13. Former Liberian President Charles Taylor has been indicted by the SCSL on 17 charges of war crimes and crimes against humanity, but remains in Nigeria. Minnesota Advocates calls upon the government of Nigeria to immediately extradite Charles Taylor to Sierra Leone. By refusing to extradite Charles Taylor, Nigeria is contravening international law and creating the risk of continued instability in the region.

14. In conclusion, we call upon the Sierra Leone government to ensure that the important work of truth and reconciliation is carried on now that the Truth and Reconciliation Commission's mandate has ended. We urge the government and the legislative and judicial powers, all Sierra Leonean political parties, Sierra Leonean civil society organizations and the international community to support efforts to disseminate the Truth and Reconciliation Commission's report and the mechanism that will be created to implement its recommendations.

15. As part of the process of national reconciliation and to avoid future human rights abuses, we recommend that the government of Sierra Leone take immediate and concrete steps to address issues related to corruption, rule of law, lack of access to education, and poverty.

16. Further, we call upon the government of Nigeria and the international community to bring Charles Taylor to justice by ensuring that he stands trial at the Special Court for Sierra Leone.

17. Minnesota Advocates will release a public report of its findings and recommendations concerning the transitional justice process in Sierra Leone in the fall of 2004. Full text of the report will be available on our website: www.mnadvocates.org.
