

CEREMONY
FOR THE SIGNING OF THE AGREEMENT BETWEEN THE UNITED
NATIONS AND THE GOVERNMENT OF SIERRA LEONE ON THE
ESTABLISHMENT OF A SPECIAL COURT FOR SIERRA LEONE

Remarks

by

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Mr. President,
Mr. Vice President,
Mr. Attorney-General and Minister of Justice,
Cabinet Ministers,
Members of Parliament,
Excellencies,
Ladies and Gentlemen,

The instrument that we are about to sign – the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone – is a historic document.

It is the first of this kind between the United Nations and one of its Member States, and it is the first step on the path to combating impunity and addressing accountability for the serious crimes committed in Sierra Leone that have shocked the conscience of mankind.

Seen in a global perspective this Court is also another testimony to the fact that Member States of the United Nations have come to realize that it is necessary to address the impunity that has caused so much suffering and sorrow among human beings for as long as we can remember.

In recent years the United Nations has established ad hoc tribunals for the former Yugoslavia and Rwanda. In 1998, a Diplomatic Conference under the auspices of the United Nations adopted the Rome Statute of the International Criminal Court. When this Statute enters into force – we expect this to happen in a few months' time – we will for the first time have a permanent international criminal court to address the crime of genocide, war crimes, and crimes against humanity.

The Special Court for Sierra Leone is different from earlier ad hoc courts in the sense that it is not being imposed upon a State. It is being established on the basis of an agreement between the United Nations and Sierra Leone – at the request of the Government of Sierra Leone.

The Court is to focus on those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996, including those leaders who, in committing such crimes, have threatened the establishment of and implementation of the peace process in Sierra Leone.

The Court is a common endeavor among the United Nations and Sierra Leone; the Court will be independent and impartial; there will be Sierra Leonean judges, a Sierra Leonean Deputy Prosecutor, other Sierra Leonean lawyers and Sierra Leonean local staff working for the Court. They will be working side by side with international judges, an international Prosecutor and a Registrar – all appointed by the Secretary-General – as well as international staff.

The Court will focus on crimes against humanity, violations of the Geneva Conventions and other serious violations of international humanitarian law. It also has the power to prosecute persons who have committed certain crimes under Sierra Leonean law, in particular crimes against women and the crime of arson. The Court will also have jurisdiction over crimes committed against personnel, installations, material, units or vehicles involved in a humanitarian assistance and peace-keeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict.

The Special Court for Sierra Leone will have primacy over Sierra Leonean courts. It will be composed of a Trial Chamber of three judges and an Appeals Chamber with five judges. In both Chambers there will be a majority of internationally appointed judges.

The Court is to be funded through voluntary contributions by Member States of the United Nations. In order to assist the Secretary-General in obtaining adequate funding and to perform other tasks, interested States have created a Management Committee. Members of that Committee representing Canada, Lesotho, The Netherlands, the United Kingdom and the United States are present among us today. We thank them for their support.

For the past several days, a United Nations Planning Mission has visited Sierra Leone to work out the details of implementation of the Court with the Government. I should like to thank President Kabbah, the Attorney General, Mr. Solomon Berewa, and all other friends on the Sierra Leonean side for their cooperation in the process leading up to the Agreement and for the assistance they have rendered to the Mission not only in Freetown, but also during their visits to other places in Sierra Leone. These visits have deepened our understanding of the issues and have enabled the Mission to interact directly with local officials, with paramount chiefs and the civil society.

During our visit to Sierra Leone, we have also relied heavily on the assistance of UNAMSIL. I would like to take this opportunity to express our warmest thanks to the Special Representative of the Secretary-General, Ambassador Oluyemi Adeniji, and his Deputy, Mr. Behrooz Sadry, for their support. Our thanks also go to the Force Commander, General Daniel Opande. Through them we thank our colleagues in UNAMSIL who have assisted us.

It is important on this occasion to mention yet another institution, also assisted by the United Nations: the Truth and Reconciliation Commission. I cannot emphasize

enough the importance of this Commission, whose task it is to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the conflict in 1991 to the signing of the Lome Peace Agreement. The Commission shall also address impunity; respond to the needs of the victims; promote healing and reconciliation; and prevent a repetition of the violations and abuses suffered. The Special Court for Sierra Leone and the Truth and Reconciliation Commission must be seen as complementary to each other.

At this solemn moment our thoughts go to the many who lost their lives as a result of the atrocities committed in Sierra Leone, and to their relatives and friends. Our thoughts go out also to all those against whom the most horrendous crimes were committed; many of them are among us in present-day Sierra Leonean society as living testimonies to what happened.

I would also like to pay tribute to the men and women who came here from all over the world to help restore the peace. Many of them have made the ultimate sacrifice in the line of duty. The tragic event only a few days ago when several Zambian peacekeepers lost their lives or were seriously wounded is a reminder of the perils facing them.

Dear friends,

Allow me now to extend an appeal to all of you – government officials, non-governmental organizations, human rights workers, and individual citizens: It is of paramount importance that the people of Sierra Leone support the work of the Special Court and the Truth and Reconciliation Commission.

Shortly after my arrival last Monday, I met the traditional leaders. I was glad to note that there were also two women among them. We discussed the Special Court and the Truth and Reconciliation Commission and the relationship between the two. It seemed that there was great understanding among the traditional leaders that what happened in Sierra Leone simply cannot be left unattended.

In our discussions the leaders expressed concern that some Sierra Leoneans would think that the Special Court for Sierra Leone would not be addressing as many cases as they would wish it to do. Other leaders expressed concerns of a different nature. However, I sensed a strong unity among them when I pointed to the examples set by two of their most prominent fellow Africans.

One of them is the person on whose behalf I am here today: Kofi Annan, the Secretary-General of the United Nations. He is deeply committed to the idea of the rule of law and to the necessity of bringing to justice the perpetrators of crimes of the kind that have taken place in Sierra Leone.

The other is Nelson Mandela. He was imprisoned for years until he was released to become the President of his country, South Africa. In spite of all that had been inflicted upon him, he became the most prominent voice for reconciliation. The example set by Nelson Mandela has commanded the deepest respect of the entire world.

It is in the spirit of these two prominent sons of Africa that I hope that the people of Sierra Leone will embrace the Special Court for Sierra Leone and the Truth and Reconciliation Commission. I once again urge the traditional leaders to set the example and to encourage their peoples to cooperate with the two institutions.

Let me close by expressing the hope that the Special Court for Sierra Leone will serve as an important contribution to the healing process that this beautiful country must undergo to be able to create a better future for those who live here. You should address the past with determination. But with the same determination you should also look to the future – to the new day that dawns ahead.

Thank you for your attention.