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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Pasqualina Napoletano, Elena Valenciano Martínez-Orozco

on behalf of the PSE Group

on the Special Court for Sierra Leone

European Parliament resolution on the Special Court for Sierra Leone

The European Parliament,

- having regard to the Special Court for Sierra Leone, established through an agreement between the United Nations and the Government of Sierra Leone pursuant to UN Security Council Resolution 1315 of 14 August 2000, with the aim of putting on trial those accused of war crimes, crimes against humanity and violations of international law committed in Sierra Leone,
 - having regard to the United Nations Security Council Resolution 1638 requiring the UN Mission in Liberia to apprehend and detain former President Taylor in the event of his return to Liberia and to transfer him or facilitate his transfer to Sierra Leone for prosecution before the Special Court for Sierra Leone,
 - having regard to international law, particularly the Geneva Conventions and Additional Protocol II thereto on war crimes,
 - having regard to the Cotonou Agreement between the EC and ACP countries, and the commitment by parties to the Agreement to peace, security and stability, respect for human rights, democratic principles and the rule of law,
 - having regard to its previous resolutions, in particular that of 24 February 2005 on the extradition of Charles Taylor and that of 14 March 2006 on impunity in Africa and in particular the case of Hissène Habré,
 - having regard to Rule 50 of its Rules of Procedure,
- A. whereas the Special Court for Sierra Leone was jointly established by the United Nations and the Government of Sierra Leone in 2002, following a brutal civil war which raged for more than ten years, and its mandate is to prosecute those who bear the greatest responsibility for atrocities committed in Sierra Leone,
- B. whereas this Court has the support of the international community and its functioning "in situ" contributes to a stronger local impact, thereby fostering local ownership and accountability,
- C. whereas Charles Taylor, former President of Liberia, is facing 11 charges of crimes against humanity and war crimes, including murder, mutilation, rape, sexual slavery and the recruitment of child soldiers,
- D. whereas after the start of the trial of Charles Taylor and renderings of the first judgments in the Armed Forces Revolutionary Council case in June 2007, the Special Court for Sierra Leone is at the height of its activities, but is facing a financial crisis, since its current

funding resources will be exhausted by October 2007, threatening a halt to the trial of Charles Taylor,

- E. whereas the Special Court for Sierra Leone is in need of an additional 60 million USD to ensure the completion of its mandate by December 2009;
 - F. whereas, unlike other international criminal tribunals, the Special Court for Sierra Leone is funded through voluntary contributions from interested states,
 - G. whereas the Special Court for Sierra Leone has appealed to the EU for assistance to overcome its current financial crisis,
 - H. whereas the trial of Charles Taylor sends a clear message to leaders around the world that egregious human rights abuses will no longer be tolerated with impunity,
 - I. whereas the judgment delivered on 20 June 2007 of the three former rebel leaders of the Armed Forces Revolutionary Council (AFRC) was the first judgment anywhere in the world to rule on the recruitment and use of child soldiers and for forced marriage,
 - J. whereas the Special Court's location in Sierra Leone creates an unprecedented opportunity for it to contribute to the efforts to strengthen the rule of law and maintain peace and security in Sierra Leone and the West African region,
 - K. whereas, according to a recent independent survey conducted by a Sierra Leonean university, of approximately 10,000 people interviewed, 91% feel the Special Court has contributed to peace building in Sierra Leone and 88% believe the establishment of the Special Court was the best way to address the crimes committed during the war,
 - L. whereas the Special Court for Sierra Leone is committed to ensuring a lasting legacy in Sierra Leone by helping to build the capacity of Sierra Leoneans in the justice sector,
 - M. whereas the Portuguese presidency and the EU Election Observation Mission welcomed the peaceful and organized way in which presidential and legislative elections have been held in Sierra Leone on 11 August, noting that these elections constitute an important step towards consolidation of peace and democracy in the region,
1. Welcomes the progress made by the Special Court for Sierra Leone in prosecuting those responsible for atrocities committed in Sierra Leone; in particular, welcomes the guilty verdicts by the Special Court against three senior members of Sierra Leone's Armed Forces Revolutionary Council (AFRC), convicted of crimes against humanity and war crimes committed in a non-international armed conflict, including unlawful killings, extermination, rape, acts of terrorism, collective punishment, and mutilation;
 2. In order to ensure the completion of the mandate of the Special Court for Sierra Leone by December 2009, calls on the EU, Member States and all other interested states to find a solution to the financial crisis facing the Special Court for Sierra Leone, by providing necessary funds, which amount to 60 million USD;

3. Warns that the failure to provide the necessary financial assistance to the Special Court for Sierra Leone would result in the releasing of the accused and subsequent major discreditation of the efforts of the international community to contribute to peace building in Sierra Leone and addressing the crimes during the war;
4. Expresses its concern that the failure of the Special Court for Sierra Leone to complete its mandate would potentially put in jeopardy stability in Sierra Leone and wider West African region;
5. Welcomes the peaceful and orderly way in which legislative and presidential elections were carried out in Sierra Leone on 11 August as an important step towards consolidation of peace and democracy in Sierra Leone;
6. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Members States, The Chief Prosecutor of the Special Court for Sierra Leone, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the African Union, the UN Secretary-General, and the governments of Canada, United States, Nigeria and Liberia.