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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 Nirj Deva, Bernd Posselt, Geoffrey Van Orden, Eija-Riitta Korhola

on behalf of the PPE-DE Group

on the financing of the Special Court for Sierra Leone

**European Parliament resolution on the financing of 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 prosecuting "persons 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", notably war crimes and crimes against humanity,
- having regard to the Completion Budget of the Special Court for Sierra Leone approved by the Management Committee for the Special Court on 15 May 2007,
- having regard to international law, particularly the Geneva Conventions and Additional Protocol II thereto on war crimes, and the UN Charter,
- having regard to its previous resolutions, in particular those of 16 March 2006 on impunity in Africa and in particular the case of Hissène Habré and of 24 February 2005 on the Special Court for Sierra Leone and the case of Charles Taylor,
- having regard to Rule 115(5) of its Rules of Procedure,
  - A. whereas the fight against impunity is one of the cornerstones of the Union's human rights policy and the international community has the responsibility to maintain its support in order to promote the effectiveness of the accountability mechanisms put into place,
  - B. whereas the Special Court for Sierra Leone is a precedent-setting development in international law, as it is the first tribunal to indict a sitting African head of state for war crimes and crimes against humanity and the judgment delivered on 20 June 2007 of three former rebel leaders of the Armed Forces Revolutionary Council (AFRC) was the first judgment to rule on the recruitment and use of child soldiers and forced marriage,
  - C. whereas the Special Court for Sierra Leone plays an important role for peace and justice in the region and is committed to ensuring a lasting legacy, in particular through its outreach activities as well as its archiving and translating programmes which efficiently communicate on the work of the Special Court and by helping to build the capacity of Sierra Leoneans in the justice sector; whereas it is developing crucial activities such as victims protection,

- D. whereas, on 7 March 2003, former Liberian President Charles Taylor was indicted by the Prosecutor of the Special Court for Sierra Leone on 17 counts of crimes against humanity and war crimes, including murder, mutilation, rape, sexual slavery and the recruitment of child soldiers; whereas the trial of Charles Taylor opened on 4 June 2007,
- E. whereas the inability to bring the trial of Charles Taylor to a conclusion or to provide the highest and fairest conditions for his trial would not only undermine the establishment of a lasting peace in the region but would also defy the fight against impunity and prejudice the development of international criminal justice, already at stake after the failed attempt to try Slobodan Milosevic or the controversial condemnation of Saddam Hussein,
- F. whereas on 20 August 2007 the Special Court for Sierra Leone found that it was in the interests of justice to give Charles Taylor's newly appointed defence team additional time, and therefore adjourned the trial until 7 January 2008,
- G. whereas, unlike other international criminal tribunals, the Special Court for Sierra Leone is funded by voluntary contributions from interested states; whereas many countries, including EU Member States, and the European Commission have underlined their commitment to international humanitarian law by funding the Special Court's activities,
- H. whereas a Management Committee was established to assist the Secretary-General of the United Nations to obtain adequate funding for the Court, approve the budget, and advise on all non-judicial functions of the Court,
- I. whereas the Management Committee found in the completion budget approved on 15 May 2007 that the Special Court for Sierra Leone needs 89 million USD to conclude its operations (36 million USD for 2007; 33 million USD for 2008; and 20 million USD for 2009); whereas according to current estimates, available funding will be exhausted by October 2007,
1. notes that the Special Court for Sierra Leone receives financial support from the EU through the EIDHR, and that EU Member States, especially the United Kingdom and the Netherlands, have contributed highly and consistently to the activities of the Court,
  2. is however concerned that the available funds are insufficient to ensure the Special Court is able to continue functioning; is deeply concerned that this would impede the fight against impunity and notably prejudice the trial of Charles Taylor, which constitutes a test-case for the development of international criminal justice, and impede the process of reconciliation and establishment of a lasting peace in Sierra Leone and the West African region as a whole,

3. urges all States, including EU Member States, to contribute further to the operations of the Special Court for Sierra Leone to ensure that the Special Court can successfully take its work a conclusion, including for those activities ensuring a lasting legacy and aiming at improving the independence of the judiciary in Sierra Leone,
4. invites the Commission to remain attentive and ensure continued funding of the Special Court in the forthcoming national programmes with Sierra Leone,
5. welcomes the opening of the trial of Charles Taylor and believes that it will send a clear message to leaders around the world that egregious human rights abuses will no longer be tolerated with impunity,
6. encourages ever-closer cooperation between the Special Court and the Sierra Leonean authorities and jurisdictions; underlines the need for victims to be able without delay to seek remedy before national courts and the need to emulate the Special Court in putting aside amnesties, notably those included in the Lomé Agreement, and in incorporating in domestic law all crimes defined at the international level; invites the authorities to consider supporting certain activities of the Special Court, including through EU development funds,
7. Calls on the UN Secretary-General in consultation with the Security Council to explore alternate means of financing the extra anticipated expenses to enable the Special Court to complete its functions with the controversial trial of Liberia's ex-President Charles Taylor,
8. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, the Special Court for Sierra Leone, the government of Sierra Leone, the UN Security Council and all Member States of the UN and the African Union.