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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 Marco Cappato, Marios Matsakis

on behalf of the ALDE Group

on support for the Special Court for Sierra Leone

**European Parliament resolution on support for the Special Court for Sierra Leone**

*The European Parliament,*

- having regard to previous resolutions, including the resolution of 05 September 2007 on the financing of the Special Court for Sierra Leone (SCSL), the resolution of 16 March 2006 on impunity in Africa and the resolution of 24 February 2005 on the SCSL and the case of Charles Taylor,
- having regard to the Cotonou Agreement between the European Union and the 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 Rule 115(5) of its Rules of Procedure,
- A. whereas the fight against impunity is one of the cornerstones of the European Union's human rights policy,
- B. whereas international courts and tribunals are precedent-setting institutions in international criminal law, supported by the international community, that prosecute persons bearing the greatest responsibility for serious crimes, sitting heads of state or persons who have undermined international peace and stability through their crimes,
- C. whereas international courts and tribunals play important roles for peace and justice in their respective regions and countries where the alleged crimes took place and each is committed to contributing to the further development of the rule of law in the countries and region in which the crimes were committed,
- D. whereas the international community must assist all international courts and tribunals in ensuring that all convicted prisoners serve their sentences, which constitutes a final and essential component in the delivery of criminal justice,
- E. whereas the SCSL is the first international court to be funded by voluntary contributions, the first to be established in the country where the alleged crimes took place and, in the case of former Liberian President, the first to indict a sitting African head of state for war crimes and crimes against humanity,
- F. whereas the SCSL is in urgent need of funding to complete its work, including concluding the case against former Liberian President Charles Taylor through to any final appeals that may be filed,
- G. whereas the SCSL is facing serious challenges in finding appropriate solutions for the persons that have already been convicted or are still facing trial and other tribunals and courts, are likely to face the same in the foreseeable future without a stronger commitment by States to support the enforcement of international justice,
- H. whereas the SCSL will be the first international court or tribunal to close in 2010 and

whereas negotiations for concluding agreements on enforcement of sentences with willing states takes considerable time and the capacity to finalise these agreements will be severely limited once it has completed its mandate,

- I. whereas it is currently inconceivable from a political, security and institutional perspective for those convicted to serve their sentences in Sierra Leone itself,
  - J. whereas three agreements have thus far been signed with EU Member States for the enforcement of sentences and whereas there is an urgent need for up to six more agreements to ensure that all persons already convicted, and those that are standing trial and may face convictions, will actually serve their sentences,
  - K. whereas certain African states have the political will and the institutional capacity to enforce the sentences of those convicted in accordance with international standards but lack the financial means to do so without international support,
  - L. whereas failure to find appropriate detention facilities for persons convicted of the most egregious crimes imaginable would seriously undermine the efforts of the international community to effectively implement the fight against impunity,
- 1. Welcomes the progress made by international courts and tribunals in bringing to trial those responsible for atrocities committed and believes that these trials send a clear message to leaders around the world that egregious human rights abuses will no longer be tolerated with impunity;
  - 2. Notes the sentences so far handed down by international courts and tribunals and underlines that concluding agreements with states to enforce those sentences handed down are or will be a major challenge for international courts and tribunals;
  - 3. Considers that a lack of assistance and support will put the work of international courts and tribunals at great risk as they will not be able to ensure that the persons convicted will serve the sentences imposed;
  - 4. Calls on all EU Member States to provide voluntary contributions to the SCSL to enable it to secure the funds required for the completion of its work;
  - 5. Calls on all EU Member States to contribute to the work of the international courts and tribunals as they seek to finalise a sustainable solution for the enforcement of sentences, whether by concluding agreements directly with the said institutions for the enforcement of sentences in their jurisdiction or by assisting it to find alternative solutions to ensure the enforcement of sentences in the region itself;
  - 6. Calls on EU Member States to take steps to address the urgent situation faced by the SCSL and where possible conclude sentencing agreements with the SCSL for those convicted of crimes by this body;
  - 7. Calls on EU Member States and other international institutions to provide financial assistance to the SCSL with a view to enabling those convicted by the SCSL to serve their sentences in those African States that have the capacity to enforce sentences in accordance with international standards but lack the financial means to do so;

8. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the EU Member States, the SCSL, the ICC, the ICTY, ICTR, the ECCC, the STL the UN Security Council, all the members of the African Union and the Co-Presidents of the ACP-EU Joint Parliamentary Assembly.