

Support for the Special Court for Sierra Leone

European Parliament resolution of 24 April 2009 on support for the Special Court for Sierra Leone

The European Parliament,

- having regard to its previous resolutions on this subject, including that of 6 September 2007 on the financing of the Special Court for Sierra Leone¹,
 - having regard to the Cotonou Agreement between the European Community 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 Special Court for Sierra Leone (SCSL) was established in 2000 by the United Nations and the Government of Sierra Leone pursuant to UN Security Council Resolution 1315 to bring to justice those who had committed serious violations of international humanitarian law, notably war crimes and crimes against humanity,
- B. whereas the SCSL is setting a number of important precedents in international criminal justice in that it 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,
- C. whereas the mandate of the SCSL will end in 2010, and the Government of Sierra Leone has indicated that it is not in a position to enforce the sentences of the persons convicted by the SCSL,
- D. whereas the enforcement of sentences is an essential element of international justice, which plays an important role as regards peace and the further development of the rule of law in the country,
- E. whereas it is currently problematic, from a political, security and institutional perspective, for those convicted to serve their sentences in Sierra Leone itself,
- F. whereas the SCSL has concluded agreements with states including UK, Sweden and Austria to ensure that some of the convicted persons serve their sentences in these countries, and whereas more agreements are needed to ensure that all persons already convicted, and those that are standing trial and may face convictions, actually serve their sentences,
- G. 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 OJ C 187 E, 24.7.2008, p. 242.

- H. recalling that the fight against impunity is one of the cornerstones of the European Union's human rights policy and that the international community bears responsibility for supporting the accountability mechanisms put in place,
- I. whereas other tribunals and courts, such as the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda are facing similar problems, and whether other international bodies such as the International Criminal Court, the Special Tribunal for Lebanon and the Extraordinary Chambers in the Courts of Cambodia are likely to face the same problem in the foreseeable future without a stronger commitment by states to support the enforcement of international justice,
- J. whereas international courts and tribunals are all playing important roles for peace and justice in their respective regions, and each is committed to ensuring a lasting legacy and to contributing to the further development of the rule of law in the region in which the crimes were committed,
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 and to other war criminals that egregious human rights abuses will no longer be tolerated with impunity;
 2. Calls on the Council and the Member States to find a solution together with the SCSL in order to ensure that the persons convicted serve their sentences, since without such a solution the effort of the SCSL and the credibility of the international community, including the Union, will be severely undermined;
 3. Calls on all Member States to increase their contribution 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 the Member States' jurisdictions or by helping them to find alternative solutions to ensure the enforcement of sentences in the regions themselves;
 4. Calls on the Member States and other international institutions to provide further financial assistance to the SCSL with a view to enabling those convicted by the SCSL to serve out their sentences in countries that have the capacity to enforce sentences in accordance with international standards but lack the financial means to do so;
 5. 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 serve the sentences imposed;
 6. Calls for a comprehensive study evaluating the work done by international criminal tribunals, drawing lessons from it and putting forward recommendations on how to improve their functioning and future financing;
 7. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the EU Member States, the Special Court for Sierra Leone, the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon, the UN Security Council, the member states of the African Union and the Co-Presidents of the ACP-EU Joint

Parliamentary Assembly.