

# EUROPEAN PARLIAMENT

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B6-0332/2007 }  
B6-0334/2007 }  
B6-0336/2007 }  
B6-0340/2007 }  
B6-0342/2007 }  
B6-0348/2007 } RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 115(5) of the Rules of Procedure, by

- Nirj Deva, Bernd Posselt, Geoffrey Van Orden, Eija-Riitta Korhola and Tadeusz Zwiefka, on behalf of the PPE-DE Group
- Pasqualina Napoletano and Elena Valenciano Martínez-Orozco, on behalf of the PSE Group
- Johan Van Hecke, Marios Matsakis and Fiona Hall, on behalf of the ALDE Group
- Hanna Foltyn-Kubicka, Ryszard Czarnecki, Konrad Szymański, on behalf of the UEN Group
- Marie Anne Isler Béguin, Héléne Flautre and Mikel Irujo Amezaga, on behalf of the Verts/ALE Group
- Luisa Morgantini and Gabriele Zimmer, on behalf of the GUE/NGL Group

replacing the motions by the following groups:

- PSE (B6-0032/2007)
- UEN (B6-0334/2007)
- GUE/NGL (B6-0336/2007)
- ALDE (B6-0340)
- PPE-DE (B6-0342/2007)
- Verts/ALE (B6-0348/2007)

on the financing of the Special Court for Sierra Leone

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PE 393.042v01-00}  
PE 394.755v01-00}  
PE 394.757v01-00}  
PE 394.761v01-00}  
PE 394.763v01-00}  
PE 394.769v01-00} RC1

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## 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 by 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 24 February 2005 on the Special Court for Sierra Leone 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 Union’s human rights policy, and the international community bears responsibility for supporting it in order to promote the effectiveness of the accountability mechanisms put in place,
- B. whereas the Special Court for Sierra Leone was established jointly 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 whereas its mandate is to prosecute those who bear the greatest responsibility for atrocities committed in Sierra Leone,
- C. whereas this Court has the support of the international community and whereas its functioning *in situ* contributes to a stronger local impact,
- D. 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 judgement delivered on 20 June 2007 against three former rebel leaders of the Armed Forces Revolutionary Council (AFRC) was the first judgement to rule on the recruitment and use of child soldiers and forced marriage,
- E. whereas the Special Court for Sierra Leone is playing an important role for peace and justice

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in the Mano River region of West Africa and is committed to ensuring a lasting legacy; whereas, with a view to this, the Special Court has initiated outreach activities and archiving and translating programmes to provide information on its work, as well as victim protection programmes, and is contributing to building the capacity of Sierra Leoneans in the justice sector; whereas such non-judicial activities are essential to ensuring that the Court has a lasting legacy and whereas they remain outstanding challenges to be met,

- F. 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,
- G. whereas the inability to bring the trial of Charles Taylor to a conclusion or to provide the best and fairest conditions for his trial would not only undermine the establishment of a lasting peace in the Mano River region of West Africa but would also be detrimental to the fight against impunity and prejudice the development of international criminal justice, already in jeopardy after the failed attempt to try Slobodan Milosevic and the controversial condemnation of Saddam Hussein,
- H. whereas on 20 August 2007 the Special Court for Sierra Leone found that it was in the interest of justice to give Charles Taylor's newly appointed defence team additional time, and therefore adjourned the trial until 7 January 2008,
- I. 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,
- J. 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,
- K. 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. 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 verdicts by the Special Court against three senior members of Sierra Leone's Armed Forces Revolutionary Council (AFRC), convicting them of crimes against humanity and war crimes; welcomes in particular 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;
- 2. 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 consistently to a high degree to the activities of the Court;

3. Is, however, concerned that the funds made available are failing to provide a decent environment for the Special Court; is deeply concerned that this will impede the fight against impunity and, in particular, 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 the establishment of a lasting peace in Sierra Leone and the West African region as a whole;
4. Warns also that the failure to provide the Special Court for Sierra Leone with the necessary financial assistance will result in the efforts of the international community to contribute to peace-building in Sierra Leone and to addressing the crimes committed during the war being seriously discredited;
5. Urges all States, including EU Member States, to contribute further to the operations of the Special Court for Sierra Leone in order to ensure that the Special Court can take its work to a successful conclusion, including those activities aimed at ensuring a lasting legacy and improving the independence of the judiciary in Sierra Leone;
6. Invites the Commission to provide continuing funding for the Special Court in the forthcoming national programmes with Sierra Leone;
7. Calls on the UN Secretary-General, in consultation with the UN Security Council, to explore all the possible financial ways to enable the Special Court to complete its crucial functions;
8. Encourages an ever-closer cooperation between the Special Court and the Sierra Leonean authorities and courts; underlines the need for victims to be able to seek remedy before national courts without delay and the need to emulate the Special Court in putting aside amnesties, notably those included in the Lomé Agreement on the creation of the Tribunal, and in incorporating in domestic law all crimes defined at international level; invites the authorities to consider supporting the activities of the Special Court, including through EU development funds;
9. 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 government and parliament of Sierra Leone, the UN Security Council, all the members of the African Union and the Co-Presidents of the ACP-EU Joint Parliamentary Assembly.