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Special Court for Sierra Leone

Greens/EFA motion for a resolution

Tabled by ***Mikel Irujo Amezaga, Marie Anne Isler Béguin***

on behalf of the Verts/ALE Group

The European Parliament,

- having regard to previous resolutions of the European Parliament, including the resolution of 05 September 2007 on the financing of the Special Court for Sierra Leone (SCSL),
- 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 Special Court for Sierra Leone 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 have 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 they are not in a position to enforce the sentences of the persons convicted by the SCL, whereas the enforcement of sentences is an essential step in terms of international justice, which plays an important role for peace and further development of the rule of law in the country,
- D.whereas it is currently challenging from a political, security and institutional perspective for those convicted to serve their sentences in Sierra Leone itself,
- E. whereas the SCSL court concluded agreement with some EU Member States in order to ensure that some of the convicted persons serve theirs 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, will actually serve their sentences,
- F. whereas a 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,
- G.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,

- H.whereas other tribunals and courts, such as the International Criminal Tribunal for Yugoslavia and the International Criminal Tribunal for Rwanda (ICTR), are facing similar problems and other international bodies such as the ICC, the Special Tribunal for Lebanon (STL) and the Extraordinary Chambers in the Courts of Cambodia (ECCC), are likely to face the same problem in the foreseeable future without a stronger commitment by States to support the enforcement of international justice,
- I. 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 other war criminals that egregious human rights abuses will no longer be tolerated with impunity;
- 2. Calls on EU Member States to take steps to address the urgent situation faced by the SCSL and calls Member States to conclude an agreement on the enforcement of sentencing with the Special Court;
- 3. Considers that the number of enforcement of sentences agreements that have been concluded so far is insufficient to ensure the completion of international justice processes and creates a serious risk that international courts and tribunals will not be able to ensure that the persons convicted will serve the sentences imposed;
- 4. 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 out their sentences in countries that have the capacity to enforce sentences in accordance with international standards;
- 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. Considers that absence of enforcement of sentences of those convicted persons would undermine the effort of the SCSL as well as the credibility of the international community, including the EU;
- 7. 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.

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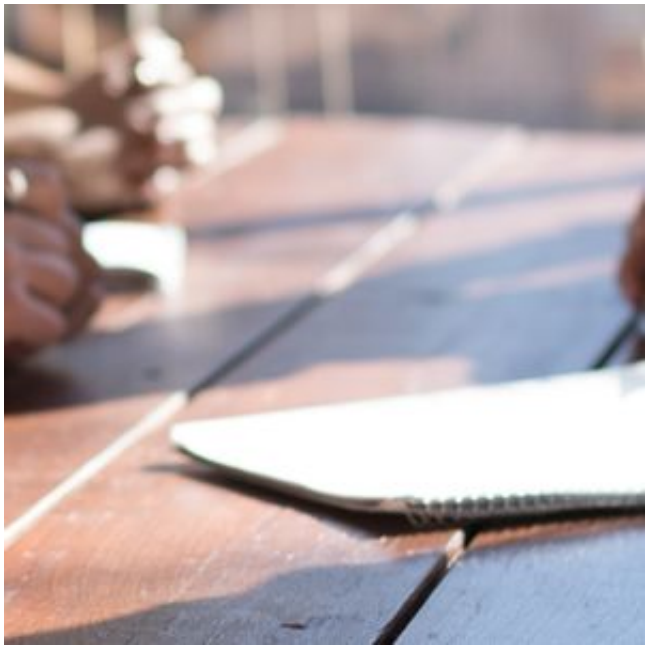

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