



PERMANENT MISSION OF THE REPUBLIC OF SIERRA  
LEONE TO THE UNITED NATIONS

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Statement by

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Establishment of an International Criminal Court  
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*Check against Delivery*

Mr. Chairman,

My delegation is happy to be able to make this statement on the Establishment of the International Criminal Court. We are gratified to be able to say our country Sierra Leone is among the first to be able to sign and ratify the Rome statute establishing the Court. The prompt action we took in signing and ratifying the statute is a practical and significant demonstration of the importance we give to the establishment of the Court.

Mr. Chairman,

We dare say that the twenty or more States who have ratified the statute is meaningless until we get the ratifications of the sixty States that will bring the Court into operation. In this regard, my delegation would once more urge those States who have not signed and ratified the statute to do so as soon as possible. The immediate functioning of the Court will send a clear and emphatic message that those who perpetrate the types of flagrant violations of international humanitarian law as we in

Sierra' Leone witnessed, that impunity will no longer be tolerated.

In fact, one possible effect of the early functioning of the Court is the ability to intervene when conflicts arise and thus avoid the need for military intervention.

Mr. Chairman,

My President, Alhaji Dr. Ahmad Tejan Kabbah on 13<sup>th</sup> June this year, asked the Secretary-General of the United Nations, His Excellency Mr. Kofi Annan, to initiate the process of setting up a Special Court for Sierra Leone, to try those in our country, most responsible or bear the greatest responsibility for serious and systematic violations of international humanitarian law.

The result of this request is Resolution 1315 of the Security Council. The point here is that if the International Criminal Court had begun to function, Sierra Leone would not have requested the setting up of a Special Court. The perpetrators of those heinous crimes committed in my country, would have been handed to the Jurisdiction of the Court.

In this regard, Mr. Chairman, my delegation wishes to reaffirm my country's commitment to the early entry into force of the Rome statute of the ICC. We have a total commitment and the political will to maintain the integrity of the statute. My delegation would wish to urge all our

friends to desist from actions, or introduce amendments directly or indirectly to the statute that will be tantamount to emasculating the objective we are seeking to achieve. I want to assure all our friends that because of our experience, we shall continue to work assiduously for the early functioning of the Court.

Mr. Chairman,

My delegation is desirous of seeing the inclusion in the statute of a comprehensive definition on the crime of aggression. My delegation had during the last Prep. Com. expressed its preference on the various proposals on the table.

We in Sierra Leone have had the bitter experience of some of our neighbours engaging in nefarious activities which with all intents and purposes fall within any conceivable definition of the crime of aggression.

Mr. Chairman, notwithstanding all the international hue and cry over the aggressive activities of some leaders in today's world, they continue to disregard the will of the international community. In our sub-region, West Africa, "SUNT HOMINES QUOS LIBIDINIS INFIAMQUE SUA NEQUE PUDEAT NEQUE TADEAT". There are men who are neither tired nor ashamed of immoral and scandalous conduct. Because of these kind of people, some of them, leaders of States, we need an International Criminal Court which is functioning right now. There is an urgent need to stop the activities-of these leaders.

Mr. Chairman,

In concluding I wish to address an issue in my country that has engendered acrimonious debate amongst Sierra Leoneans and the international community. This is the issue of the child soldiers and whether it is right to try them for crimes against international humanitarian law. As far as I know, many jurisdictions in the world have some form of juvenile criminal justice systems. Children under the age of 18 years are tried in domestic systems for criminal activities. In some countries children under the age of 14 years give admissible evidence in Court. Of course, we are aware that at the international level, a totally different situation exists. For the proposed Special Court for Sierra Leone, it is proposed in the statute of the Court which is still being negotiated to try those child combatants who were 15 years of age at the time of the alleged commission of the crime. These child

combatants should face trial as they have in Rwanda. The trial of combatants over 15 years but under 18 years is important for deterrence and reconciliation in my country. These children must be held accountable for their actions. Those who on their own volition without continued duress and despite opportunities to escape, independently committed crimes involving torture and Mahem must be tried. This, Mr. Chairman is the view of my Government, but I want to assure the international community that if the trial of child combatants was to take place, it will respect all available international standards for such and these children will be treated with dignity and a sense of worth, taking into account their age and the desirability of promoting their rehabilitation and reintegration into and assuming a constructive role in society.

I thank you Mr. Chairman.