

STATEMENT

BY

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TO THE

SIXTH COMMITTEE – 57TH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY

AGENDA ITEM: 158
ESTABLISHMENT OF THE INTERNATIONAL CRIMINAL COURT

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CHECK AGAINST DELIVERY

Mr. Chairman,

From its inception, Sierra Leone has been committed to the concept of a Permanent International Criminal Court, and as a concrete expression of our commitment, we actively participated in the 1998 Rome Diplomatic Conference of Plenipotentiaries on the establishment of an International Criminal Court. Sierra Leone was one of the first countries to sign and ratify the Statute.

Mr. Chairman,

The last Century and this one have seen the intensification of conflicts both of an internal and international character with disastrous effects on victims and survivors. The establishment of the ICC has given us the opportunity to finally perform our duty and summon the courage to punish the perpetrators of these heinous atrocities on a universal basis. Indeed, our experience in Sierra Leone forced our President, Alhaji Dr. Ahmad Tejan Kabbah to request the United Nations on 12th June 2000 to help Sierra Leone set up a hybrid International Special Court to try those in our country, who bore the greatest responsibility for crimes against humanity and violations of International Humanitarian Law. We urge those who have not supported our Special Court to kindly do so.

It is with gratification that I report that the special court for Sierra Leone is now fully operational and investigations have already commenced. We hope that the establishment of the Special Court for Sierra Leone will assist consolidate peace and reconciliation while at the same time establishing a just legal order for present and future generations.

Mr. Chairman,

Sierra Leone is calling for a fair, effective, independent and an unfettered International Criminal Court. In this regard, we hope and trust that the Court will gain universal acceptance. Sierra Leone believes that the ICC Statute with its complex review and admissibility procedure provides multiple safeguards against frivolous and vexatious prosecutions. Thus, this should alley any

apprehensions states may have in becoming parties to the Statute. Sierra Leone will seek together with our regional partners an advisory legal opinion from the ICJ on the so called Article 98 Agreements.

Mr. Chairman,

Now let me turn to a matter that is of paramount importance to my delegation and that is the issue of the election of those persons who will sit as Judges of the Court. We fully subscribe to the criteria enunciated in article 36 of the statute, especially the principle of the equitable distribution of seats. We hope to support those persons who meet the criteria enunciated in Article 36 of the statute.

There is also the question of defining the crime of aggression. Sierra Leone is of the view that any definition arrived at, will reflect the distinction between the “act of aggression” and the “crime of aggression” committed by an individual. In our view, a formulation of this nature is in conformity, with the provisions of the statute and focuses attention on the individual’s qualities and behaviour. Also, the crime of aggression is a leadership crime which may be committed by persons who have effective control of the state and military apparatus on a policy level. We agree with those states who argue that it is crucial to reflect this proposition in any definition of the crime of aggression. Our experience in our sub-region makes us intractable in our position.

In conclusion, Sierra Leone is very positive about the future of the ICC. In this vein, we call on all States to become parties to the statute and make it truly universal.

Thank you.