

Special Court for Sierra Leone
Press and Public Affairs Office

PRESS RELEASE

Freetown, Sierra Leone, 7 May 2004

Trial Chamber Approves New Count of Forced Marriage

The Trial Chamber of the Special Court, in a majority decision, has approved a motion by prosecutors to add the new count of "forced marriage" to indictments against six defendants alleged to have been leaders of the former AFRC and RUF.

The new allegation, brought in the category of "sexual violence," now becomes count eight in the 18-count indictment. Its approval by the Chamber marks the first time that forced marriage will be prosecuted as a crime against humanity under international law.

The Prosecution Motions were upheld in two decisions by a 2 - 1 majority, comprising Judge Benjamin Mutanga Itoe and Judge Pierre Boutet. The majority found that since the motions were brought at a stage of the proceedings prior to trial, the new charge would not prejudice the rights of the accused. The judges ruled that the new counts were based on the same evidence as other existing charges related to gender crimes and so would not give undue advantage to the prosecution.

Judge Bankole Thompson, Presiding Judge of the Trial Chamber, dissented from both decisions. Judge Thompson found that the new charges were prejudicial to the rights of the accused to a fair and speedy trial, given what he said was the prosecution's unjustifiable delay of eight months between the discovery of the evidence and the motion to amend the indictment.