

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence**

Ref.: AL GMB 4/2022  
(Please use this reference in your reply)

23 November 2022

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 45/3, 44/5, 43/16 and 45/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations that the **authorities have not taken adequate measures to conduct forensic investigations in line with the international standards laid out in the Minnesota Protocol in order to determine the fate and whereabouts of persons forcibly disappeared between July 1994 to January 2017. Furthermore, concerns are raised about the delay in putting in place accountability measures for bringing all perpetrators to justice and to provide victims and their families with effective remedy and reparations. We are also raising concern about the verbal attacks and threats made against Ms. Isatou Ayeshah Jammeh, a victim of human rights violations and human rights defender.**

Concerns regarding the granting of amnesty to a previous member of the Armed Forces Provisional Ruling Council Junta, Mr. Sanna Sabally, who is accused of serious human rights violations, was raised by Special Procedures mandate holders in a previous communication dated 31 March 2022 ([AL GMB 2/2022](#)). We regret that your Excellency's Government has provided no response to that communication to date.

According to the information received:

In December 2021, the Truth, Reconciliation and Reparations Commission (hereafter, 'the TRRC') completed its mandate with the publication of final reports. In May 2022, the Government published a white paper on the reports of the TRRC, setting out a roadmap on implementing the recommendations of the Commission, with a view to ensuring reconciliation and national healing, accountability and justice for victims of gross human rights abuses and violations, the provision of reparations to victims, broad institutional reforms, and ensuring non-recurrence.

The transitional justice mechanisms, including the TRRC, the Missing Persons Taskforce and the joint investigations taskforce of the Armed Forces and the Police, documented human rights violations which may amount to crimes against humanity including use of torture, and over 250 unlawful killings, between July 1994 to January 2017. In over 100 of these cases the victims

were subjected to enforced disappearance by State agents. The numerous witness testimonies received by the TRRC, identified victims of human rights violations and persons targeted by the Yahya Jammeh Government as mainly dissidents, opposition members, journalists, human rights defenders and persons suspected of practising witchcraft. They were abducted from various places including from detention centres and later summarily executed by the “Junglers” and other State officials. Testimonies also revealed burial sites, most of which have yet to be exhumed and forensically examined to identify victims.

The Government has stalled efforts in clarifying the identity of those buried in the known burial sites, which has raised concerns as the prolonged investigations and exhumation processes may be rendered impossible with further delay. For example, with the exhumations which were undertaken in April 2019 to recover remains of seven soldiers summarily executed and buried in November 1994 in Yundum Barracks, according to the information received, families were not adequately prepared prior to the exhumation, hastily required to provide consent and ill-informed about the process. Moreover, the remains recovered have not been identified but have been collectively stored posing an additional problem of correct identification. DNA samples were also not collected, and, as such, the remains have yet to be returned to respective families to allow them to carry out burial and related ceremonies.

The exhumations that have already taken place have highlighted concerns and challenges, such as the lack of support for the victims through the process which has led to anger and re-traumatization, lack of cooperation and communication between the stakeholders, inadequate information, and the lack of resources to sustainably facilitate foreign forensics expertise and capacity has exacerbated the situation. With no definitive conclusion to the investigations process, delayed justice and no reparations for the victims, hope is waning for the families of victims to achieve truth, justice and reconciliation.

Furthermore, the TRRC made several recommendations about determining whether there was due process for executions of death row inmates, further investigations into unlawful killings, identifying burial sites of victims, conducting exhumation and returning mortal remains to families, prosecutions, reparations and memorialisation. However, the commitment of the Government to fulfil and effectively implement the TRRC recommendations is alleged to be slowly fading. This is demonstrated by the delay in initiating prosecutorial processes, the granting of amnesty to former members of the Junglers, the delay in putting in place mechanisms to identify burial sites, the delay in forensic investigations, if conducted, the failure to comply with international standards as set out in the Minnesota Protocol during these investigations, and the exclusion of victims from on-going processes. It is feared that, with further postponements, the perpetrators who were involved in the commission of these crimes and may be of assistance to identify burial sites may not be able to continue to do so in the future as they age and their memories fade and many are reported to be in bad health conditions.

According to the information received, the climate of impunity persists, exemplified by the fact that no former member of the Junglers, the National

Intelligence Agency or the Armed Forces Provisional Ruling Council Junta is in custody in The Gambia. Moreover, the Government of the Gambia has yet to criminalise enforced disappearance in its statutory laws.

Families who submitted cases of enforced disappearance to the TRRC, the Missing Persons Taskforce and the joint investigations taskforce of the Armed Forces and the Police, have reported that communication about the case files from the Government and these entities have stagnated, many of those who had initially been awarded reparations have not received anything yet and the overall process of issuing reparations has also stalled.

The information received also highlights the effects and psychological impact of enforced disappearance on families, accounts of continued trauma have been reported including limited psychosocial support granted to these families, and fear of retaliation/reprisals for their continued efforts in advocating for the clarification of the fate and whereabouts of their disappeared loved ones.

#### *Case of Ms. Isatou Ayeshah Jammeh*

Ms. Isatou Ayeshah Jammeh is a victim whose father was forcibly disappeared and killed by the former regime in 2005. She is a human rights defender and a founding member of the Gambia Victim Center, a non-profit organization mobilizing and drawing attention to the human rights situation in the country.

In September 2022, during a training session about the implementation of the TRRC report, organized jointly by the National Human Rights Commission and a civil society organization at the Auditorium of the Gambian National Assembly, Ms. Jammeh was verbally attacked and threatened to be physically assaulted by a member of the Gambian National Assembly. It is reported that the National Assembly member made hateful comments about Ms. Jammeh and her father, and even justified the enforced disappearance and killing of her father. An official complaint has been lodged to the National Human Rights Commission.

Occurrences of intimidation of victims and human rights defenders, some of whom are direct witnesses in potential criminal proceedings, have reportedly increased following the release, in 2019, of nine Junglers, who are currently reintegrated in society and participate in community events where they meet and intimidate such victims.

While we do not wish to prejudge the accuracy of the above information, we express our grave concern at the seemingly persistent delay in the accountability process and the stalled efforts to investigate the circumstances of the unlawful killings, summary executions and enforced disappearances in accordance with international standards, and to determine the fate and whereabouts of all persons subjected to enforced disappearance. Based on the continuing nature of the crime of enforced disappearance, these delays are concerningly increasing the anguish of the relatives of the disappeared, who have been unable to see results in efforts deployed to find their loved ones and their rights, including the right to reparations, have been reportedly ignored. As such, we express our concern at the reported acts of verbal attacks and disrespectful remarks against Ms. Isatou Ayeshah Jammeh,

which appear to be part of a pattern of intimidation against relatives of victims of human rights violations committed during the 1994-2017 dictatorial regime, including families of victims of enforced disappearances. Furthermore, we express our concern at the undignified management of the dead and evidentiary contamination caused by the ill preserved remains exhumed from the Yundum Barracks, while forensic identifications are pending. We are gravely alarmed by the apparent impunity and its consequent risk of undermining non-recurrence efforts, if amnesty is granted to perpetrators.

If these allegations are accurate, the facts related would contravene several provisions of the International Covenant on Civil and Political Rights (ICCPR) to which the Gambia became a party on 22 March 1979, including articles 6, 7, 9, 16, 17, which guarantees the right to life, right not to be subjected to torture or to other cruel, inhuman or degrading treatment or punishment, right to liberty and security, the right to recognition everywhere as a person before the law and right to the protection from interference or attacks on privacy, family, honour and reputation, and where the aforementioned rights are violated, article 2 (3) guarantees the rights to an effective remedy. The allegations would also constitute violations of articles 1 to 6, 9, 12, 14, 17 to 19 of the Declaration on the Protection of all Persons from Enforced Disappearance.

We are seriously concerned that your Excellency's Government has not criminalised enforced disappearance, which would constitute a breach of article 7 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) acceded to by the Gambia on 28 September 2018. The provision requires State parties to, "make the offence of enforced disappearance punishable by appropriate penalties which take into account its extreme seriousness". We reiterate the recommendation of the Working Group on Enforced and Involuntary Disappearance, in the country visit report ([A/HRC/39/46/Add.1](#)) and follow up report ([A/HRC/48/57/Add.1](#)) to adopt with urgency a law criminalising enforced disappearance in full compliance of the provisions of the international Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on enforced disappearances.

With regard to the importance of conducting exhumations of burial sites in line with international norms and best practices, we refer to the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)). This protocol includes detailed guidelines about the excavation of graves, recovery and identification of remains and crime scene investigation amongst others. Following these guidelines is essential to ensure that human remains are recovered and managed professionally and in a dignified manner, that their identities may be reliably established and that the causes and circumstances of their deaths are accurately determined and documented. Family members must be able to participate in relevant investigations at all stages (para. 35). When the identity of a deceased person has been determined, family members, should be informed immediately, they should be entitled to have a representative present during the autopsy, and human remains should be returned to them, allowing for the disposal of the deceased according to their beliefs (para. 37).

Should your Excellency's Government requires forensic expertise to develop its capacity to carry out these investigations guided by such protocol, we reiterate our readiness to provide technical assistance to help the Government to ensure its compliance with international human rights obligations and applicable standards of forensic best practices.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the current status of the implementation of the recommendations of the TRRC and the roadmap of the Government outlined in its White Paper of May 2022, including the implementation of the follow-up to the recommendations made by our respective mandates following visits to the Gambia - the Special Rapporteur on the promotion of truth, justice, reparations and guarantees on non-recurrence from 20 to 27 November 2019 (A/HRC/45/45/Add.3), the Working Group on Enforced or Involuntary Disappearances from 12 to 19 June 2017 (A/HRC/48/57/Add.1), and the Special Rapporteur on extrajudicial, summary or arbitrary executions from 3 to 7 November 2014 (A/HRC/29/37/Add.2).
3. Please provide information on the measures taken to exhume, respect, identify and return to the families the mortal remains found in burial sites. In particular, please indicate if these measures have been carried out in accordance with the Minnesota Protocol on the Investigation of a Potentially Unlawful Death, in addition to allegations of torture and ill-treatment. What are the measures adopted to secure the burial sites and preservation of the sites from manipulation and spoliation? Please also provide information on the protection of the chain of custody of the samples taken, steps taken to reinforce the forensic capacity of the investigators, the prosecutors and the judiciary.
4. Please inform on how your Excellency's Government ensures the right to a prompt and effective judicial remedy as a means of determining the fate and whereabouts of persons subjected to enforced disappearance and unlawful killings.
5. Please provide information on how your Excellency's Government ensures that any person, having knowledge or legitimate interest, who alleges that a person has been subjected to enforced disappearance is able to lodge a complaint to a competent and independent State authority. How does your Excellency's Government ensure that

complaints are promptly, thoroughly, independently and impartially investigated by that authority? What steps does your Excellency's Government take to protect relatives of disappeared persons from any form of reprisals?

6. How does your Excellency's Government ensure the right of victims and their relatives to an effective remedy, which should at minimum guarantee cessation of violations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition?
7. Please provide information on the failure to codify in the criminal legal framework the autonomous offence of enforced disappearance and clarify the Government's efforts to amend the existing legislation in this regard.
8. Please inform if any police, criminal, administrative or other investigations have been initiated in connection with the aforementioned threats and attacks against Ms. Jammeh. If so, please indicate the status of the proceedings. If not, please indicate why and how this complies with international human rights standards.
9. Please indicate which measures have been taken to ensure that victim of human rights violations and human rights defenders, including Ms. Isatou Ayeshah Jammeh, and other human rights defenders working to promote truth and justice for the serious human rights violations committed by the former regime, are able to carry out their legitimate activities in a safe and enabling environment without fear of threats, acts of intimidation, or reprisals of any kind.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Aua Baldé

Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Fabian Salvioli  
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of  
non-recurrence

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 6, 7, 9, 16, 17 read alone and in conjunction with article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Gambia on 22 March 1979. In particular, article 6, paragraph 1, of the Covenant, establishes that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". The right to life and the right to be free from torture is non-derogable, a *jus cogens*, and a norm of international customary law, that must be respected in all circumstances.

We would like to remind your Excellency's Government that the prohibition of enforced disappearance and the corresponding obligations to investigate and prosecute those responsible, have attained the status of *jus cogens*. The Gambia acceded to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), on 28 September 2018. In this regard, we draw attention to article 7 of the ICPPED and similarly, article 4 of the Declaration on the Protection of all Persons from Enforced Disappearance, the provisions establish the obligation of the State to qualify enforced disappearance as an independent crime, which is understood as a critical requirement for an effective investigation. Therefore, no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance (article 1.2).

Furthermore, articles 13 of the Declaration and article 12 of the ICPPED, set out the obligation for States to ensure the effective enjoyment of the right to issue a complaint to a competent and independent State authority, and to have such complaint promptly, thoroughly, effectively and impartially investigated. While article 18 prohibits amnesties and other similar measures that could benefit the perpetrators or alleged perpetrators of acts of enforced disappearance and article 19 provides guarantees that the victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, in the event of death.

We make reference to the Working Group's General comment on the Right to the Truth in Relation to Enforced Disappearances (A/HRC/16/48), which elaborates on the right to the truth as both a collective and an individual right. Each victim has the right to know the truth about violations that affected him or her, but the truth also has to be told at the level of society as a "vital safeguard against the recurrence of violations". We also make reference to the Working Groups report on Standards and public policies for an effective investigation of enforced disappearances (A/HRC/45/13/Add.3). In addition, we emphasize in particular Principles 6, 7 and 13, of the Guiding Principles for the Search for Disappeared Persons (2019), which arise from States' obligation to search for disappeared persons.

Moreover, appropriate measures must be taken to investigate acts of enforced disappearance committed by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice (article 3). Should the States duty to investigate were to be violated, consequently the cruel and inhuman treatment of the disappeared person's family



continues, violating article 7 of the ICCPR. Article 12 of the ICPPED requires States Parties to guarantee individuals rights to report enforced disappearance to competent authorities, which shall examine the allegation promptly and impartially and, where necessary, undertake without delay a thorough and impartial investigation. Appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given. Article 14 and 15 provides that States Parties shall afford one another the greatest measure of mutual legal assistance in connection with criminal proceedings brought in respect of an offence of enforced disappearance, and cooperation with a view to assisting victims of enforced disappearance, and in searching for, locating and releasing disappeared persons and, in the event of death, in exhuming and identifying them and returning their remains.

Under article 24 of 'ICPPED', victims of enforced disappearance, which include the persons disappeared as well as all those who have suffered harm as a direct result of the enforced disappearance have the right to know the truth regarding the circumstances of the enforced disappearance, the progress and result of investigations. States have an obligation to search for, locate and release disappeared persons or locate respect and return remains in the event of death. Victims are entitled to the right to obtain reparation as well as prompt, fair and adequate compensation including: restitution, rehabilitation, satisfaction including restoration of dignity and reputations well as guarantees of non-repetition.

Article 6 (1) of the ICCPR provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. The right to life constitutes a jus cogens and international customary law norm, from which no derogation can be made under any circumstances (CCPR/C/GC/36, para. 2). Additionally, in its General Comment No. 31, the Human Rights Committee recalls the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non- state actors (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). A failure to investigate violations of the Covenant and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 15). Impunity for such violations can be an important element contributing to the recurrence of violations. As established in the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, States are under the obligation to undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law and to ensure that those responsible for serious crimes under international law are prosecuted, tried and duly punished (principle 19).

We would like to recall that, as established by the Human Rights Committee in its General Comment No. 31 (paragraph 18) States have an obligation to investigate and punish serious human rights violations, including summary or arbitrary killings, torture and other cruel, inhuman or degrading treatment, and enforced disappearances. Failure to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties. In this context, we urge your Excellency's Government in line with the United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by Economic and Social Council resolution 1989/65, in particular principle 9, that there must be thorough,

prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. We highlight the importance of conducting these investigations into the killing of the abovementioned individuals in accordance with the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)). The Minnesota Protocol further highlights that investigations “must be transparent, including through openness to the scrutiny of the general public and of victims’ families” who have the right to take part in the investigations, and to obtain available information on the causes of death (paras. 11 and 32). According to the Minnesota Protocol, “investigators and investigative mechanisms must be, and must be seen to be, independent of undue influence” at all stages and must be “independent of any suspected perpetrators and the units, institutions or agencies to which they belong” (para. 28). An autopsy should be performed, and if it is not done, the reason should be justified in writing and subject to judicial review (para. 25). In performing this autopsy, the Minnesota Protocol’s detailed guidelines on autopsies should be followed (paras. 73-250). In addition to an autopsy, an effective and thorough investigation would require the collection of “all testimonial, documentary and physical evidence” (para. 24). Moreover, investigations must “seek to identify not only direct perpetrators but also all others who were responsible for the death, including, for example, officials in the chain of command who were complicit in the death. The investigation should seek to identify any failure to take reasonable measures which could have had a real prospect of preventing the death. It should also seek to identify policies and systemic failures that may have contributed to a death and identify patterns where they exist” (para. 26). In the event that a violation is found, full reparation must be provided, including, in view of the particular circumstances of the case, adequate measures of compensation, rehabilitation and satisfaction.

In this regard, the report by the Special Rapporteur on extrajudicial, summary or arbitrary executions on mass graves (A/75/384) stresses the obligation to protect, document and investigate with due diligence any grave sites that might contain the remains of victims of enforced disappearance and extrajudicial killing, with a view to recovering the bodies or human remains reportedly buried there, ensuring their dignified management, documentation, identification, determining their cause and manner of death, bringing those responsible to justice and ensuring full reparations for the victims, including their families. We also refer to the report on medico-legal death investigations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/50/34), which states that States should ensure that all potentially unlawful deaths are investigated, regardless of whether the deceased person has been identified that forensic death investigations include the requirement to identify the deceased, as required by the Minnesota Protocol, and that bereaved families and relatives must be informed in a timely and appropriate manner of the identity of the deceased, the investigation, its progress and its findings (paragraphs 84 and 92).

In addition, article 2.3.a. of the ICCPR underscores that persons whose rights or freedoms recognized in the Covenant are violated shall have an effective remedy. In this regard, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law establish the right of victims to receive adequate, effective and prompt reparation for the harm suffered, and to have access to relevant information on reparation mechanisms (principles 10, 11 and 15). We also make reference to General Comment No. 36 (2018) on article 6 of the

ICCPR, which states, inter alia, that extreme forms of arbitrary detention that are themselves life-threatening, in particular enforced disappearances, violate the right to personal liberty and personal security and are incompatible with the right to life (para. 57), and that enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life, and States parties must take adequate measures to prevent the enforced disappearance of individuals, and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance. (para.58).

We would also like to refer to the inalienable right of victims and their families to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes, as established in the updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity of February 2005 (principle 2).

In addition, we would like to recall the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, which stipulates that victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families (section VI, article 10).

Furthermore, we bring to your attention the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Lastly, we would like also to recall that international law imposes limits on the use of benefits such as amnesty, pardon and commutation of sentences in respect of serious human rights violations. These measures are incompatible with the obligation to prosecute crimes under international law and deny victims the right to truth, access to justice and to request appropriate reparations. The reduction of sentences based on common criminal law principles and procedural rules ignores the special gravity of crimes against humanity. The international community recognizes the need to restrict the use of certain rules of law, such as procedural benefits, in order to combat impunity and prevent these rules from becoming an obstacle to justice (E/CN.4/Sub.2/1997/20/Rev.1). The provision of such benefits could involve hidden forms of impunity that contravene international human rights obligations.