

Atrocity Conviction of Chad's Ex-Dictator Upheld

Appeals court says Hissène Habré guilty of war crimes, torture and crimes against humanity, confirms life sentence

(Dakar, April 27, 2017) – An appeals court's confirmation of the conviction for crimes against humanity, war crimes and torture of Hissène Habré, the former president of Chad, is a vindication of the decades-long campaign waged by his survivors, three human rights groups supporting the victims said today.

Habré's May 2016 conviction was upheld by the appeals chamber of the Extraordinary African Chambers in the Senegalese court system on April 27, 2017. The appeals court also confirmed the life sentence handed down by the trial court and ordered Habré to pay over 82 billion CFA francs (approximately 123 million euros) to his victims

"This is a crowning victory for Hissène Habré's victims, who for 26 years never gave up fighting to bring him to justice" said Reed Brody, an American lawyer with the International Commission of Jurists, who has worked with the survivors since 1999. "His life sentence is a wake-up call to tyrants everywhere that if they engage in atrocities they will never be out of the reach of their victims."

The appeals court also upheld the decision to order compensation to Habré's victims and said that a trust fund created by the African Union (AU) should be tasked with searching for and recovering Habré's assets.

A summary of the decision was read out in court by chief judge Ougadeye Wafi, a judge of the Supreme court of Mail, who shared the bench with two senior Senegalese judges. Habré, who ruled Chad from 1982 to 1990, was not in court for the judgment. Habré did not recognize the chambers' authority and sat silently throughout the trial. His court-appointed lawyers filed the appeal on his behalf.

Hissène Habré fled to Senegal in 1990 after being deposed by the current Chadian president, Idriss Déby Itno. Although Habré was first arrested and indicted in Senegal in 2000, it took a long and relentless campaign by his victims before the Extraordinary African Chambers were inaugurated by Senegal and the AU in February 2013 to prosecute crimes under international law committed in Chad during Habré's rule.

"I have been fighting for this day since I walked out of prison more than 26 years ago," said Souleymane Guengueng, who nearly died of mistreatment and disease in Habré's prisons, and later founded the Association of Victims of Crimes of the Regime of Hissène Habré (AVCRHH). "Today I finally feel free."

Habré's trial was the first in the world in which the courts of one country prosecuted the former ruler of another for alleged human rights atrocities.

« At long last, after so many years of fighting, so many years of setbacks, we have achieved what we set out to do,» said Jacqueline Moudeina of Chad, the victims' chief lawyer and president of the Chadian Association for the Promotion of Human Rights (ATPDH).

The appeals court said that while it accepted the credibility of the witness Khadidja Hassan Zidane who stated that Habré personally raped her on four occasions, it could not convict Habré of personal having committed rape because the charge was not included in the individual indictment. .

Compensation ordered

In the ruling upheld today, the trial court awarded each survivor of rape and sexual slavery 20 million CFA francs (approximately 30,489 Euros, US\$32,702), each survivor of torture and arbitrary detention and each mistreated former prisoner of war 15 million CFA francs (22,867 Euros, US\$24,526), and family members of victims 10 million CFA francs (15,244 Euros, US\$16,350). It said that 7,396 victims were eligible for reparations and that 3,489 others who had not produced sufficient proof could apply to the trust fund

The court has already frozen some assets belonging to Habré including a house in an upscale Dakar neighborhood believed to be worth about 680,000 Euros as well as some small bank accounts. Habré is thought to have much more extensive assets.

"Money will never bring back my friends," said Clément Abaïfouta, who as a prisoner was forced to bury other detainees in mass graves, and is now president of the AVRCHH. "But money is important to heal the wounds, to take victims out of poverty, and to show that we have rights that must be recognized."

"With this verdict, we can now try to locate and seize Habré's assets and make sure the victims are compensated," said lawyer Moudeina.

In March 2015, a court in Chad convicted 20 top security agents of Habré's government on torture and murder charges.

Habré's one-party rule was marked by widespread atrocities, including waves of ethnic cleansing. Files of Habré's political police, the Direction de la Documentation et de la Sécurité (DDS), which were recovered by Reed Brody in 2001, reveal the names of 1,208 people who were killed or died in detention, and 12,321 victims of gross human rights violations.

The United States and France viewed Habré as a bulwark against Libya's Muammar Gaddafi, and supported him throughout his rule despite clear evidence of his abuses against his own people. Under President Ronald Reagan, the US gave covert CIA paramilitary support to help Habré take power.

Habré was first indicted in Senegal in 2000, but after political interference, the country's courts said that he could not be tried there, so his victims filed a case in Belgium. In September 2005, a Belgian judge indicted Habré and Belgium requested his extradition. Senegal refused to send him to Belgium, and then stalled on a request from the AU to prosecute him. Belgium then filed a case against Senegal at the International Court of Justice (ICJ). On July 20, 2012, the ICJ ordered Senegal to prosecute Habré "without further delay" or to extradite him.

After Macky Sall's election as president of Senegal in April 2012, Senegal and the AU agreed to conduct the trial within the Senegalese judicial system

When Habré's lawyers refused to appear at the opening of the trial in July 2015, the court appointed three Senegalese lawyers to defend him and adjourned for 45 days so they could prepare. The first day back, Habré was brought in to the court against his will, kicking and screaming. After that, Habré was taken into the courtroom for each session before the doors to the public opened.

Habré, who has been in detention since July 2013, will presumably serve his sentence in Senegal, although he could be transferred to another AU Member State. The day after Habré's conviction at trial, Senegalese justice minister Sidiki Kaba created controversy by evoking the possibility of a presidential pardon, which would violate the special court's statute.

"I don't believe that Senegal will undo all its wonderful work on this case by freeing Habré," said Moudeina, the victims' lawyer. "A pardon would not only

violate Senegal's treaty with the African Union and its obligations under the UN torture convention, it would be a slap in the face to the victims after all they have been through."

Other cases on the horizon?

The victims' achievement points the way towards other possible cases, the groups said. Earlier this week, a group of [Habré's victims met in The Gambia with victims](#) who are seeking justice for crimes committed under the exiled Gambian leader Yahya Jammeh.

"The Habré case shows that victims, with tenacity and perseverance can actually create the political conditions to bring their dictator to court," said Brody, who took the victims to The Gambia. "And now, the hope is that other victims, other survivors, will be inspired by what Habré's victims have done. And say 'yes, you see those people? They fought for justice and never gave up. And we can do that too.'"

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