AMNESTY INTERNATIONAL

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Chairperson, Commissioners,

In the past decades numerous human rights abuses have plagued many parts of Africa. African men, women and children have been victims of genocide, war crimes, crimes against humanity and other crimes recognized under international law. However, suspected perpetrators are rarely brought to justice, while the victims have been frequently denied an effective remedy.

The Constitutive Act of the African Union recognizes among its fundamental principles and objectives the "condemnation and rejection of impunity". The African Commission has also taken important initiatives on the issue of impunity, including by calling on AU member states to support the International Criminal Court, urging them to sign and ratify the Rome Statute and calling them to take all necessary legislative and administrative measures to implement it into national legislation.

The courts of any state may -- and sometimes must -- exercise universal jurisdiction over crimes under international law. If a state is unwilling or unable to try perpetrators of international crimes before its national courts, it is under an obligation to extradite them.

Two recent cases of former heads of state have highlighted the need to fight impunity in Africa.

The Special Court for Sierra Leone indicted Charles Taylor, former president of Liberia, for war crimes, crimes against humanity, and other serious crimes under international law. Since the unseal of this indictment, Charles Taylor was granted refugee status by Nigeria.

Also, Hissene Habré, former president of Chad, was indicted by a Belgian court on 19 September 2005 for crimes against humanity. Belgium has requested Senegal for the extradition of Mr Habré.

In light of the above, Amnesty International calls on the African Commission to adopt a resolution to urge:

- African governments to ensure that suspected perpetrators of crimes under international law do not benefit from impunity;
- African states to try suspected perpetrators of crimes under international law in accordance with guarantees of fair trial and without the imposition of the death penalty or to extradite them to state which are willing to prosecute them in accordance with fair trial standards.

In particular the African Commission should:

- urge the Nigerian government to transfer Charles Talyor to the Special Court of Sierra Leone;
- encourage the Senegalese government to extradite Hissene Habré to Belgium.