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SENEGAL: PRESIDENT WADE CONTINUES 20-YEAR BETRAYAL OF AFRICAN VICTIMS BY REFUSING TO TRY HISSÈNE HABRÉ

Amnesty International is dismayed by the statement made by Senegalese President Abdoulaye Wade on 8 February to the French daily *La Croix* where he categorically rejects the recent decision of the African Union Assembly to have Hissène Habré tried in Senegal on behalf of Africa for war crimes, crimes against humanity and torture.

Senegal is obliged under international law to investigate and, if there is sufficient admissible evidence, prosecute Hissène Habré, the former president of Chad, whom it has given a safe haven from prosecution for more than 20 years, for his alleged responsibility for political killings and systematic torture committed between 1982 to 1990, when he was president of the country.

The decision taken by the African Union Assembly at the end of January 2011 requested “the Government of Senegal to undertake, as soon as possible, necessary measures with its national law to facilitate the setting up of a special Chamber at the level of the Criminal Court of Dakar which will allow the possible participation of foreign judges and investigators in the proceedings in Senegal against Hissène Habré”.

In complete contempt of African victims and in violation of Senegal’s legal international obligations, President Wade considers that Senegal is not competent anymore to try Hissène Habré. In his interview to the French daily, President Wade also refused to extradite the former Chadian president to Belgium, a country able and willing to try him in a fair trial without the death penalty.

As provided by the Convention against Torture, any state in the territory under whose jurisdiction a person alleged to have committed torture is found, if it does not extradite him or her, must submit the case to its competent authorities for the purpose of prosecution. Senegal has not only failed to comply with its obligation under international law, but it has expressly refused to do so. In addition, that obligation of Senegal has been recalled by the African Union resolution, by the United Nations Committee against Torture (CAT) in the past, and by the UN Special Rapporteur on torture.

Senegal has indicated that it might extradite the former Chadian head of state to Chad, where he was sentenced to death in absentia in August 2008 for allegedly “undermining the constitutional order, the integrity and security of the State”.

Amnesty International believes that the death penalty is the ultimate cruel, inhuman and degrading punishment and denies the right to life. Moreover, if Hissène Habré were to be sent back to Chad, he could in any case not expect being retried in accordance with international law and standards for fair trial.

For the last two years, the Senegalese authorities have claimed that the sole reason they had not yet tried Hissène Habré was because of financial obstacles and have conditioned any commitment to begin judicial proceedings against the former Chadian president on payment of sums from

donors. This financial obstacle was lifted two months ago, in November 2010, when international donors in Dakar agreed to contribute 8.5 million euros to finance Hissène Habré's trial.

Senegal has now all the financial and political support from the international community to investigate Hissène Habré and, if there is sufficient admissible evidence, prosecute him and, if found guilty, the duty to punish him by appropriate penalties which take into account their grave nature.

President Wade's statement is not only a rebuff of the international community's willingness to see Habré being investigated in Senegal. It demonstrates contempt towards the African victims of Hissène Habré who lodged a complaint in Dakar ten years ago. Some of these victims already died and the victims that are still alive have put all their hopes into Senegalese justice. Besides its legal obligation to try or extradite Hissène Habré, Senegal has a moral responsibility towards these victims who believed in their pledges and commitments.