

Chad: Campaigning for justice

Amnesty International welcomes Senegalese President Abdoulaye Wade's recent undertaking to hand over former Chadian Hissein Habré to stand trial in a third country for gross human rights abuses but fears that this may still not result in a prompt trial since no country has offered to try him.

In a report published today, entitled *Chad: The Habré legacy*, Amnesty International underlines precisely why the Senegalese authorities should immediately hand over Hissein Habré for trial.

The report catalogues the thousands of extrajudicial executions, "disappearances", arbitrary detentions and acts of torture that took place during the Habré administration (1982 - 1990). It includes detailed testimony from former prisoners, some of whom alleged the direct participation of Hissein Habré in acts of torture. The report also calls for those responsible for violations during the Habré administration to be brought to justice.

Many of the violations described in the report were carried out by members of the *Direction de la Documentation et de la Sécurité* (DDS), Directorate for Documentation and Security, a unit that was used to terrorize the Chadian population at home and abroad. It is in the DDS headquarters in N'Djaména that many of the thousands of political prisoners who "disappeared" after their arrest are thought to have died - - killed by torture, starvation or extrajudicial execution. Despite the thousands of detentions, not one political prisoner was tried by a court of law during the Habré administration.

"It is inconceivable that Hissein Habré was not aware of what was happening at the DDS," said Amnesty International. "Legal documents show that Hissein Habré, who created the DDS four months after coming to power, was directly responsible for its operation. DDS officers reported to Hissein Habré on a daily basis. Moreover, numerous prisoners and former DDS agents claim that Hissein Habré was involved in the selection of prisoners, taken from their cells at night, never to return. Other prisoners were detained, tortured and killed at the presidency."

In addition to violations committed in detention, thousands of extrajudicial executions were carried out, often during counter-insurgency operations. In 1984, for example, hundreds of unarmed civilians and former combatants who had surrendered their arms were extrajudicially executed in a wave of killings in the south of the country by forces under the command of the current president of Chad, Idriss Déby, who was then Army Chief of Staff.

No one has yet been tried, in Chad or elsewhere, for any of these crimes; crimes which were furthermore carried out with the complicity of foreign countries, especially France and the United States, who armed, financed and trained the Chadian security forces, including the DDS. This impunity, coupled with continued military support, led, despite early hopes for genuine change, to further serious human rights abuses by the government of Idriss Déby and by various armed opposition groups. These violations continue to this day and are also documented in Amnesty International's report.

President Wade's public declaration on 27 September 2001 that he is prepared to allow the extradition of Habré to face trial in a third country capable of organizing a fair trial raised hope that justice will finally be done. Amnesty International welcomes his declaration, on condition that the former Chadian president would receive a fair trial and would not be at risk of torture or the death penalty in the country to which he was extradited.

"The governments of Chad and Senegal, and the international community should respect their moral and legal obligations and act together to ensure that those responsible for gross human rights violations in Chad are brought to justice," Amnesty International said.

More specifically, Amnesty International is calling on the:

Senegalese authorities to prevent Hisssein Habré from leaving the country, other than under the terms of an extradition order, and -- as a further indication of their commitment to international justice -- to incorporate the Convention against Torture into their national legislation.

Chadian authorities to collaborate with those seeking to bring Hisssein Habré to justice, by allowing thorough and impartial investigations to be carried out and by ensuring that witnesses and investigators are protected from intimidation, arrest and attempts on their lives.

international community to support and facilitate efforts to bring Hisssein Habré and his collaborators to a court of law to answer the charges against them; offer Chad's justice system technical and material assistance to strengthen its capacity to investigate past and future violations and to support and promote national and international non-governmental organizations working for the protection of human rights.

Background

On 3 February 2000, in Dakar, Senegal, Hisssein Habré was indicted on charges of having "*knowingly aided or assisted X in committing crimes against humanity, acts of torture and barbarity*". However, in March 2001, after lengthy legal battles, the Senegalese Court of Cassation ruled that Senegal had no jurisdiction to try the former Chadian president, because although it has ratified the UN Convention against Torture, the Convention has never been incorporated into domestic legislation. The Court of Cassation ruled that the courts therefore did not have the jurisdiction to try a foreign national for crimes committed abroad.

However, despite disappointment at this ruling, the campaign for justice in Chad continues. Since the lodging of a legal complaint in January 2000 by victims of the atrocities perpetrated under the Habré government, there has been real hope that Hisssein Habré might at last be brought to justice. A campaign to this end was launched by an international coalition of human rights groups, the International Committee for the Trial of Hisssein Habré, which has supported the legal action in Senegal, and subsequently in Belgium, where a complaint against Hisssein Habré is under investigation, and in Chad, where 40 individual and two collective complaints against members of the DDS, accused of acts of torture, are also being investigated.

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