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Fighting impunity in Africa: Need for a comprehensive and consistent approach

Amnesty International welcomes the surrender of former Liberian president Charles Taylor to the custody of the Special Court for Sierra Leone, where he has been indicted and will face trial on 11 charges of war crimes and crimes against humanity. The organization also welcomes the arrest, on 17 March, of Thomas Lubanga -- leader of an armed political group in the Democratic Republic of Congo (DRC) -- who was surrendered to the International Criminal Court on suspicion of having committed war crimes.

These arrests represent important steps in the fight against impunity in Africa and send a message that those involved in human rights violations will be brought to account. However, further steps must be taken to ensure that other alleged perpetrators of human rights violations in Africa, including Hissène Habré, former president of Chad, face justice.

Following the surrender of Charles Taylor, the Special Court has requested that -- for security reasons -- the trial be moved to the The Hague, The Netherlands. Amnesty International has been supportive of Special Court and its important role in achieving justice for the thousands of victims of crimes against humanity, war crimes and other crimes under international law in Sierra Leone. Amnesty International believes that whether Charles Taylor is tried in Freetown or elsewhere under the jurisdiction of the Special Court, it is critical that protection for all witnesses is guaranteed, and that the trial be accessible to and known by the victims, their families and the wider Sierra Leonean society. Such measures are essential to ensure the relevance and contribution to the crucial message that impunity for crimes under international law will not be tolerated and that justice will be achieved for the victims of these crimes -- so that justice is both done and seen to be done.

Amnesty International shares the belief expressed by the UN Secretary-General that "the capture and trial of Mr. Taylor will send a powerful message to the region and beyond that impunity will not be allowed to stand and that the rule of law must prevail."

In the past decades the perpetration of crimes under international law has plagued many parts of Africa. African men, women and children have been victims of genocide, war crimes, crimes against humanity and other crimes under international law. Suspected perpetrators are rarely brought to justice, benefiting from amnesties and similar measures, 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". Amnesty International therefore calls on African governments to ensure that suspected perpetrators of crimes under international law do not benefit from impunity. African states must try suspected perpetrators of crimes under international law in full accordance with

guarantees of fair trial and without the imposition of the death penalty, and must extradite them to states that are willing to prosecute them in accordance with fair trial standards or surrender them to internationalized courts. Governments must also comply with any request made by the International Criminal Court to surrender accused persons.

Background

Charles Taylor has been accused of 11 counts of war crimes and crimes against humanity against the people of Sierra Leone by the Special Court. The crimes include killings, mutilations, rape and other forms of sexual violence, sexual slavery, the recruitment and use of child soldiers, abduction, and the use of forced labour by Sierra Leonean armed opposition groups. In 2003 Charles Taylor was granted refugee status in Nigeria. On 29 March, pursuant to a request from the Liberian government, he was surrendered to the Special Court for Sierra Leone in Freetown.

On 17 March 2006 Thomas Lubanga Dyilo, a national of the Democratic Republic of the Congo (DRC) and alleged founder and leader of the Union des Patriotes Congolais (UPC) was transferred to the ICC. He has been charged with committing war crimes under Article 8 of the Rome Statute of the International Criminal Court committed in the DRC since July 2002, including, "enlisting and conscripting children under the age of fifteen and using them to participate actively in hostilities".

Hissène Habré, former president of Chad, was indicted by a Belgian court on 19 September 2005 for war crimes, crimes against humanity and torture. Belgium requested Senegal to extradite him. The Senegalese authorities arrested Hissène Habré on 15 November 2005. However, on 25 November 2005, the Court of Appeals of Dakar ruled that it had no jurisdiction to rule on the extradition request. In January 2006, the African Union Assembly mandated a Committee of Eminent African Jurists (Committee) "to consider all aspects and implications of the Hissène Habré case as well the options available for his trial" The AU Assembly has requested the Committee to "finalize its work and submit a report to its next Ordinary Session in July 2006".