

STOPPING IMPUNITY IN AFRICA

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News of the arrest of Hissen Habré duped the “African Pinochet” and the UN Resolution calling for the apprehension of Charles Taylor have sent shock waves across Africa. This is a continent where dictators act with blatant disregard for the rule of law and complete disrespect of the human rights and fundamental freedoms of their citizens. Both former dictators have being accused of committing gross human rights violations such as crimes against humanity which includes torture, and also war crimes as in the case of Taylor.

The former Liberian President; Taylor has being living a luxurious life in Nigeria in spite of all the atrocities he is accused to have committed in Liberia and Sierra Leone. The granting of asylum to Taylor in Nigeria was considered by many as an escape route from facing justice for the many atrocities he had committed. Human rights activists saw this as an affront to his numerous victims and a violation of international law standards against impunity especially the fact that the prosecutor of the Special Court for Sierra Leone had then just announced that Taylor had been indicted for war crimes and crimes against humanity. However, things are now falling apart for Taylor as seen in the United Nations Security Council Resolution 1638, requiring the UN Mission in Liberia “to apprehend and detain former President Taylor in the event of a return to Liberia and to transfer him or facilitate his transfer to Sierra Leone for prosecution before the Special Court for Sierra Leone”. This is a significant statement by the world’s most powerful body that sends a clear message to all African dictators. Koffi Annan the Secretary General of the UN had earlier stated that amnesty for gross human rights

violations` remain unacceptable to and unrecognizable by the UN unless they exclude genocide, crimes against humanity and war crimes". It has now become customary international law that perpetrators, irrespective of their status will not enjoy amnesty or immunity for such human rights violations.

It is also significant that the UN resolution coincides with the arrest in Senegal of Hissene Habre, the former dictator of Chad to face justice in the Belgian Courts for allegedly executing and torturing thousands of people during his regime in the 1980s. We have seen numerous examples of past dictators who have enjoyed immunity for long but in the end are brought down by the claws of justice. The case of Augusto Pinochet in Chile and quite recently Fujimorie of Peru readily comes to mind.

The arrest of Habré can be traceable to the September 19th international arrest warrant issued by a Belgian Judge under Belgium's "universal jurisdiction" law, which allowed prosecution for the worst atrocities crimes no matter where the crime is committed and regardless of the nationality of the perpetrators or their victims. The warrant marks a turning point in the long and labyrinthian effort to bring Habré to justice. Belgium repealed that law in July 2003 under pressure from the United States, but the Habré case was allowed to continue because the investigation was already underway.

Habré has been running away from his crimes and from his victims for fifteen years. The Senegalese government must now fulfill its international legal obligations to extradite Habré to face trial in Belgium. Habre's extradition would be a wake-up call to dictators in

Africa and elsewhere, warning them that if they commit similar atrocities, they could one day be brought to justice.

Extradition procedures in Senegal impose a series of tight deadlines following the arrest of a suspect. Within eight days, Habré must appear before the Indicting Chamber of the Court of Appeals in Dakar. If the court renders a favorable decision on the extradition request, Senegalese President Abdoulaye Wade will have one month to sign the decree.

A significant step in fighting impunity and prevent non-repetition of gross violations of human rights in Africa is by bringing these dictators to Justice. They should have a free and fair hearing; in spite of the fact that most of their victims could not enjoy this right during their heinous rein. As the erudite and reputable Nigeria Justice Oputa states 'Justice is a three way traffic; to wit; Justice for victims whose rights have been violated, Justice for the accused and Justice for the society'. The arrest of the Hissène Habré and the UN Resolution calling for the apprehension of Taylor sets a precedent and sends a signal to dictators in Africa that crimes committed whilst in office will not go unpunished. Justice might be delayed but will not be denied.

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