

Resolution on impunity in Africa and in particular the case of Hissène Habré

2006/2544(RSP) - 16/03/2006 - Text adopted by Parliament, topical subjects

The European Parliament adopted, by 85 votes to 0 with 1 abstention, a resolution on impunity in Africa and in particular the case of Hissène Habré.

The text adopted in plenary was tabled by EPP-ED, PES, Greens/ALE, GUE/NGL, ALDE and UEN groups.

Parliament stresses that it has become customary international law that, irrespective of their status, perpetrators will not enjoy amnesty or immunity for human rights violations, and strongly supports the bringing to justice of those responsible for crimes and atrocities. It reiterates that the **fight against impunity is one of the cornerstones of the Union's human rights policy** and calls on the Commission, the Council and the Member States of the African Union to continue to pay due attention to this question.

Parliament recalls that without an international criminal court to establish individual responsibility as an enforcement mechanism, acts of genocide and egregious violations of human rights would often go unpunished. Member States of the African Union that have not yet done so are urged **ratify the Rome Statute**, as are Member States of the EU who have not yet ratified the Statute, and the AU is urged to take practical measures which would contribute to regional efforts in the fight against impunity.

Members go on to recall that the international community has established an accountability mechanism by means of ad hoc tribunals for the perpetrators of crimes and atrocities in Rwanda and in Sierra Leone, and the extreme difficulties encountered by outside investigators in bringing to justice those responsible for the Rwandan genocide in 1994. They consider it particularly shocking that those who perpetrated human rights abuses during the massacre of civilians in the Democratic Republic of Congo - where, during the six years of conflict, at least three million people died - and in the Great Lakes region too continue to enjoy impunity.

Turning to the case of Chad's exiled former president, **Hissène Habré**, for whom an international arrest warrant has been issued, charging him with human rights crimes committed during his 1982-1990 rule, Parliament calls on Senegal to guarantee the latter a fair trial, through his extradition to Belgium if there is not an African alternative, in accordance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It notes that the AU decided on 24 January to create a group of legal experts to recommend where and how Hissène Habré should be tried, giving preference to an African mechanism. Parliament calls on the AU, within the framework of the case against Hissène Habré, to ensure that Senegal respects its international commitments as a State Party to the Convention against Torture. The move by African Heads of State on the Habré issue is considered by Members to be a significant step, since African leaders have clearly affirmed that it is necessary to fight impunity.

Parliament notes that Nigerian President Obasanjo should announce in the near future that he will **surrender Charles Taylor** to face trial for his alleged crimes, giving him an opportunity to demonstrate Nigeria's commitment to the rule of law in West Africa. It calls on the Government of Nigeria to act in the continued interests of the Liberian peace process and in support of the rule of law by surrendering Charles Taylor forthwith to the jurisdiction of the Special Court for Sierra Leone, and welcomes the fact that Liberia's newly elected President Johnson-Sirleaf has just asked for the surrender of Charles Taylor by Nigeria. Parliament applauds her for delivering on her pledge that her presidency will stand for accountability and the rule of law.

Lastly, Member States are asked to do whatever they can to ensure that nationals of European countries who have committed crimes or acted as accomplices to crimes in Africa and in developing countries elsewhere are likewise prosecuted and that the victims of such crimes receive compensation.