



# Is Habre's Landmark Conviction a New Model for International Justice?

Celeste Hicks | Monday, June 6, 2016

The conviction last week of Chad's former president, Hissene Habre, for crimes against humanity, war crimes and torture is a significant victory for the civil society campaign that has fought tirelessly for more than 20 years to bring him to justice. In a Senegalese courtroom last Monday, Habre was sentenced to life in prison for his ultimate responsibility, as Chad's head of state from 1982 to 1990, for thousands of cases of torture in secret prisons, along with killings, rapes and waves of repression against communities that opposed his rule.

Delivering his verdict, the head of the specially created Extraordinary African Chambers (EAC) in Dakar, judge Gustave Gberdao Kam, said that Habre "had control over most of the security apparatus," as well as the army, and had "created and maintained a climate of total impunity." Habre's obvious contempt for the EAC—he decided to remain silent throughout the trial and refused to take off his turban and dark glasses or to speak to a court-appointed defense team—were held against him in the decision on sentencing.

Civil society has been at the forefront of this trial. "Never before at the international level had victims' voices been so dominant," argued French journalist Thierry Cruvellier (<https://www.justicetribune.com/articles/habre-benefits-and-fragile-hopes-new-model>). Chadian victims were represented by Chadian lawyers, including the formidable Jacqueline Moudeina and Delphine Djiraibe. Human rights advocates Souleymane Guengueng and Clement Abaifouta, who through their work in collecting evidence from victims of abuses in Chad during the 1980s helped to build the prosecution case, sat close behind the victims throughout the four months that the court was in session. Guengueng, Abaifouta and other activists, some of them victims of torture themselves



*Chad's former dictator, Hissene Habre, during the proceedings of the Extraordinary African Chambers, Dakar, Senegal, May 30, 2016 (AP photo by Carley Petesch).*

under Habre, found the determination to carry on with their quest for justice in the face of almost universal pessimism that they would succeed.

Previous attempts to try Habre in Senegal and Belgium both failed, largely because he was protected by former Senegalese President Abdoulaye Wade. Today these lawyers and activists who refused to give up find themselves vindicated.

The trial has also created waves for those campaigning on behalf of victims of rape and sexual violence in conflicts around the world. While the original charges against Habre did not specifically list rape, a campaign by a number of prominent legal figures, including former South African judge Richard Goldstone and international human rights lawyer Patricia Sellers, appears to have succeeded in retroactively modifying the charges. The group filed an amicus brief in late 2015 requesting a revision of the charges against Habre to account for the evidence of sexual violence presented during the trial.

***“The verdict puts this small court at the forefront in terms of prosecution for international crimes of sexual violence.”***

Among that evidence was the shocking testimony by Khadija Hassan Zidane, who stood just meters from the former president in court and accused him of personally raping her four times. Habre's convictions included torture based on those facts of sexual violence, as well as rape and sexual slavery as crimes against humanity.

“The verdict puts this small court at the forefront in terms of prosecution for international crimes of sexual violence,” says Kim Thuy Seelinger, director of the sexual violence program at the Human Rights Center at the University of California, Berkeley, which led the effort to submit the amicus brief.

Many observers have asked whether the EAC is a model that could be replicated in future trials, particularly as the whole case was heard in 10 months and cost just \$9.5 million, significantly less than other high-profile international cases. As Cruvellier noted, it cost “three to four times less than a trial at the tribunals for the former Yugoslavia and Rwanda, and about twelve times less than a

case” at the International Criminal Court (ICC). The EAC was initially set up with the support of the African Union as a hybrid court within the existing Senegalese justice system. This was the first time the courts of one African country were used to prosecute the former leader of another country using the principle of universal jurisdiction (<https://www.hrw.org/report/1998/11/01/pinochet-precedent/how-victims-can-pursue-human-rights-criminals-abroad>), or what is known in legal circles as the Pinochet precedent, after the cases in Spanish courts against former Chilean dictator Augusto Pinochet.

The focus on civil society's participation had great symbolism when compared to other slow and complex trials being conducted in distant European courtrooms by bodies such as the ICC. Some observers even suggested that the model of the EAC could be used to turn the power politics of international justice on its head. In a snap poll on Human Rights Watch's Twitter account (<https://twitter.com/ReedBrody/status/738096283496423424>) following Habre's conviction, 35 percent of respondents called for Syrian President Bashar al-Assad to be charged next; the biggest group of respondents—41 percent—said former U.S. President George W. Bush should be.

But it seems unlikely that there will be any immediate repeat. For one, Habre was an isolated figure. He fled from power in 1990 and had no strong allies left in Chad or the region to protect him, making it easy for Senegal's new president, Macky Sall, to deliver him to justice when Sall assumed office in 2012, replacing Wade. The civil society groups who fought for justice were educated and well-organized and received commendable support from Human Rights Watch and its lawyer, Reed Brody.

Yet the court was unable to prosecute any of Habre's associates or subordinates who were the actual perpetrators of abuse. Many of these figures from the dreaded Directorate of Documentation and Security are now in jail in Chad's capital, N'Djamena. The court was also unable to firmly establish the precise number of victims or investigate the support that France and the United States, including the CIA, provided to Habre while he was in office for his staunch military opposition at the time to former Libyan leader Moammar Gadhafi.

Habre was given 15 days from the judgment to launch an appeal, although that looks unlikely given that he has never recognized the court or cooperated with his own lawyers. The court must also decide on a system for compensating victims before July 30. The fact that not all the perpetrators of abuse during Habre's rule have been brought to book is likely to lead some to feel that justice in this case was somewhat incomplete. But the symbolism and efficiency of this trial are likely to inspire other victims of human rights abuses to continue fighting for justice.

*Celeste Hicks is a freelance journalist whose work focuses on Africa and the Sahel. She was the BBC's correspondent in Mali and Chad from 2007 to 2010.*

---

© 2016, World Politics Review LLC. All rights reserved.