

Texts adopted by Parliament

Thursday 16 March 2006 -
Strasbourg

Provisional edition

Impunity in Africa and in particular the case of Hissène Habré

P6_TA-PROV(2006)0101 B6-0171, 0172, 0176, 0179, 0182 and 0185/2006

► European Parliament resolution on impunity in Africa and in particular the case of Hissène Habré

The European Parliament,

- having regard to the Treaty on the International Criminal Court,
 - having regard to United Nations Security Council Resolution 1638 requiring the UN Mission in Liberia to apprehend and detain former President Taylor in the event of his return to Liberia and to transfer him or facilitate his transfer to Sierra Leone for prosecution before the Special Court for Sierra Leone,
 - having regard to its previous resolutions on Chad and Liberia, in particular that of 24 February 2005 on the extradition of Charles Taylor,⁽¹⁾
 - having regard to the 38th Ordinary Session of the African Commission on Human and People's Rights held in Banjul, The Gambia, from 21 November to 5 December 2005,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. recalling the Rome Statute of the International Criminal Court and stressing that it has been 50 years since the United Nations first recognised the need to establish an international criminal court to prosecute those suspected of crimes such as genocide,
- B. whereas Kofi Annan, the UN Secretary General, has stated that amnesties for gross human rights violations remain unacceptable to, and cannot be recognised by, the UN unless they exclude genocide, crimes against humanity and war crimes,
- C. noting with concern the numerous human rights abuses in parts of the African continent and that the perpetrators of these crimes are rarely brought to justice, while the victims are frequently denied an effective remedy,
- D. whereas international law clearly states that war criminals must be tried at all times and that States are obliged to extradite people suspected of having committed war crimes,
- E. noting that the Constitutive Act of the African Union, at Article 4(o), expressly condemns and rejects impunity,
- F. welcoming the declarations by the African Union against impunity and taking the view that the union will enhance its credibility by demonstrating its determination to take practical measures against impunity for human rights violations,
- G. whereas numerous crimes, including crimes against humanity, committed by African dictators and their accomplices remain unpunished, constituting a further wrong to the next of kin of the victims and encouraging the commission of fresh crimes,
- H. further noting that 27 African States have ratified the Rome Statute and that some of them have made efforts to give legal effect to the application of the Rome Statute nationally,
- I. whereas various former African dictators, particularly Charles Taylor, Mengistu Haile Mariam and Hissène Habré, and their accomplices, who have committed serious crimes, are now living out their days

in tranquillity, enjoying complete impunity,

J. whereas an international arrest warrant has been issued, charging Chad's exiled former president, Hissène Habré, with human rights crimes committed during his 1982-1990 rule,

K. whereas the victims have used the Habré case to seek broader justice and open up new avenues for justice in Chad and elsewhere,

L. whereas the African Union decided on 24 January 2006 to create a group of legal experts to recommend where and how Hissène Habré should be tried, giving preference to 'an African mechanism',

M. whereas Nigerian President Obasanjo is expected to 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,

N. whereas the Special Court for Sierra Leone was set up in 2002 to try those most responsible for war crimes committed during Sierra Leone's armed conflict; whereas Charles Taylor has been accused of 17 counts of war crimes and crimes against humanity by the Special Court,

O. whereas the brutal former dictator of Ethiopia, Colonel Mengistu, still enjoys asylum in Zimbabwe,

1. 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;

2. 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;

3. 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;

4. Considers that sustainable peace cannot be achieved through deals to protect those responsible for systematic human rights abuses;

5. Urges Member States of the African Union that have not yet done so to ratify the Rome Statute and to adopt a national action plan for the effective implementation of the Rome Statute at national level;

6. Encourages the Assembly of Heads of State and Government of the African Union to urge its Member States to condemn and reject impunity;

7. Calls on the African Union to take practical measures which would contribute to regional efforts in the fight against impunity;

8. Encourages the African Union to develop its criminal-law institutions and organise better judicial cooperation in criminal matters among its members and with the authorities of other continents in order to reduce impunity for crimes against humanity committed by African authorities and by, or with the complicity of, nationals from other continents;

9. Recalls 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, for instance, and emphasises that the international community has to speak with one voice in order to help promote effective accountability;

10. Recalls the proceedings of the International Criminal Tribunal for Rwanda, Arusha, and the extreme difficulties encountered by outside investigators in bringing to justice those responsible for the Rwandan genocide in 1994;

11. Considers it particularly shocking that those who perpetrated human rights abuses during the

massacre of civilians in the Democratic Republic of the Congo where, during the six years of conflict, at least three million people have died and in the Great Lakes region too continue to enjoy impunity;

12. Calls on Senegal to guarantee a fair trial to Hissène Habré, 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;

13. Calls on the African Union, 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;

14. Considers the move by African Heads of State on the Habré issue to be a significant step, since African leaders have clearly affirmed that it is necessary to fight impunity;

15. 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 Ghankay Taylor forthwith to the jurisdiction of the Special Court for Sierra Leone;

16. Welcomes the fact that Liberia's newly-elected President Johnson-Sirleaf has very recently requested Nigeria to surrender Charles Taylor and applauds her for delivering on her pledge that her presidency will stand for accountability and the rule of law;

17. Calls on Member States 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;

18. Instructs its President to forward this resolution to the Council, the Commission, the ACP-EU Council of Ministers, the Governments of Chad, Liberia, Nigeria and Senegal, the African Union and the Secretary General of the United Nations.

(1) OJ C 304 E, 1.12.2005, p. 408.