

“To bring a dictator to justice is not an easy task. For more than two decades, an international team of human rights defenders has worked tirelessly within a hostile environment to bring litigation against Hissen Habré, Chad’s former president who cultivated a bloody dictatorship from 1982 until 1990. In 2013, the Extraordinary African Chambers responded to these atrocities by accusing Habré, now in exile in Senegal, of crimes against humanity, war crimes, and torture.



This long and daunting fight to bring Habré to justice has been driven by the struggle against impunity, which has become a cancer across Africa. It is our hope that the Habré case will set a precedent for how to hold perpetrators accountable for violations and demand compensation for victims. It will not only serve to address past injustices and deter future offenders, but will also pave the path toward national reconciliation.

Ultimately, the trial will serve to strengthen the rule of law and respect for human rights in Chad.

The Habré case shows the importance of cooperation amongst civil society organizations and the potential of partnerships between international and national groups. It illustrates the vital need to champion the rights of the oppressed and provide legal services to the poor. Above all, the case is a testament to the Chadian people’s quest for justice and the power of individual courage, patience, faith, and sacrifice. ” ”

—Delphine Djiraibe, June 19, 2014

How to Bring a Dictator to Justice: The Hissen Habré Trial



DELPHINE DJIRAIBÉ
REAGAN-FASCELL DEMOCRACY FELLOW
NATIONAL ENDOWMENT FOR DEMOCRACY
JUNE 19, 2014

The views expressed in this presentation represent the opinions and analysis of the speaker and do not necessarily reflect those of the National Endowment for Democracy or its staff.

Presentation Overview

3

- I. What is at Stake?**
- II. Background Information**
- III. Major Actors**
- IV. Case Timeline**
- V. Recommendations**
- VI. Lessons Learned**



I. What is at Stake?

4

At the global level:

- **Struggle against impunity**
- **Important precedent for how to hold perpetrators accountable**
- **Demand compensation for victims**

What is at Stake?

5

At the national level:

- Accountability among Chad's political elite
- Strengthening rule of law and respect for human rights
- Properly addresses past injustices
- Establishment of the truth
- Identification of perpetrators
- Acknowledgment of the suffering of victims and proper reparation
- Enacting reforms to set up guarantees of non-recurrence

II. Background Information

6

- Since 1960, all six regimes (except the post-independence government), have seized power by military coup.
- In 1979, civil war broke out.
- Habré (a Muslim from the north) led a rebellion against the government ruled by a Christian from the south.
- In 1982, Habré took power by military coup and established a bloody dictatorship.



1. Ngarta Tombalbaye, 1960-1975



2. Malloum Ngakoutou, 1975-1979



3. Lol Mahamat Choua, 1979



4. Goukouni Weddey, 1979-1982



5. Hissen Habré, 1982-1990



6. Idriss Deby, 1990-present

Background Information: Hissen Habré (1982-1990)

7

- Dictatorship relied on corruption, violence, and a culture of fear
- Lack of freedom of expression, opinion, or movement
- Discrimination and massacre of other ethnic groups including: Hadjarai, Zakawa, Arabe, Sara (“Black September”)
- Massive extra-judiciary killings (40,000 casualties)



Former dictator, Hissen Habré, overthrown by Idriss Deby, takes refuge in Senegal.

Background Information: Hissen Habré (1982-1990)

8

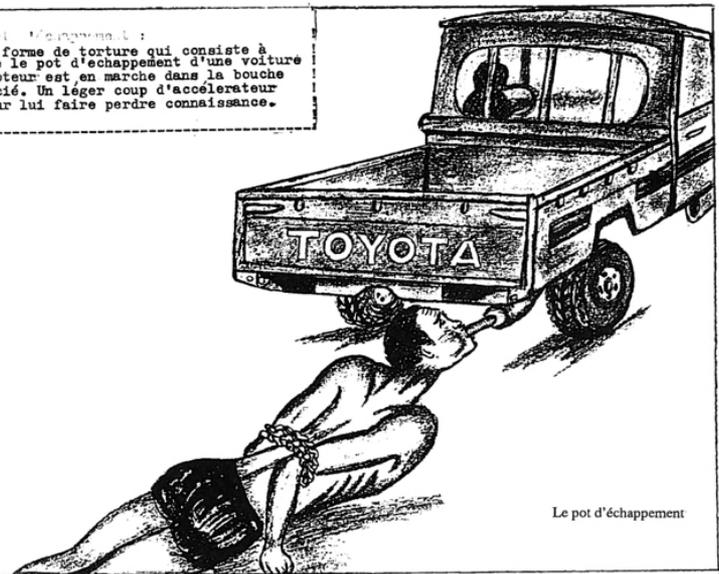
Torture tactics utilized by the “secret police,” or the Documentation and Security Directorate (DDS)

Le ligotage dit «Arbatachar».



Le ligotage dit "Arbatachar"
C'est une forme de torture particulièrement atroce qui consiste à attacher les deux bras aux deux pieds derrière le dos de manière à faire bomber la poitrine. Ce ligotage provoque rapidement l'arrêt de la circulation sanguine entraînant ainsi la paralysie des membres

C'est une forme de torture qui consiste à introduire le pot d'échappement d'une voiture dont le moteur est en marche dans la bouche du supplicié. Un léger coup d'accélérateur suffit pour lui faire perdre connaissance.

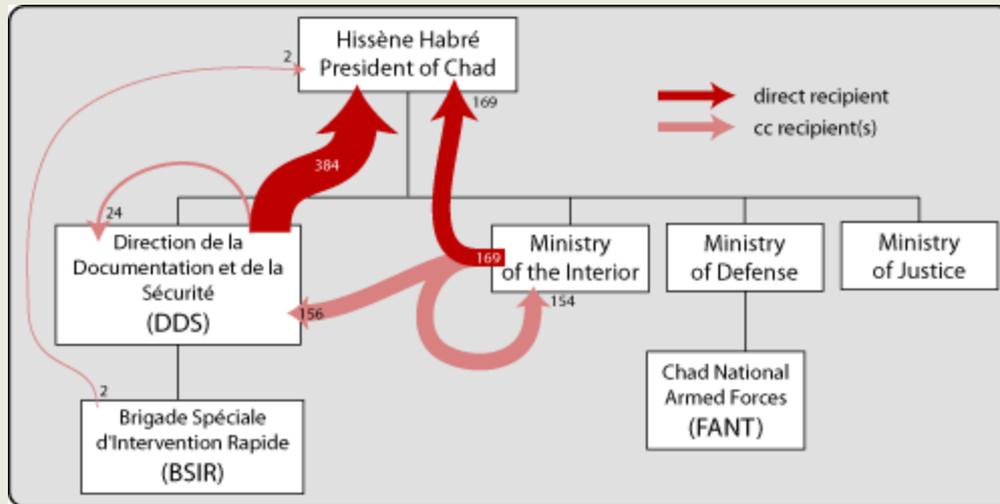


Le pot d'échappement

III. Major Actors: Perpetrators

9

- Hissen Habré
- Key accomplices including: Saleh Younouss, Guihini Kore, Mahamat Djibrine (El Djonto), Abakar Torbo, and Zakaria Berdei
- The Documentation and Security Directorate (DDS)



Flow of documents addressed to Hissen Habré (1982 – 1990)

Darker arrows = direct correspondence

Lighter arrows = recipients were copied on correspondence



“The Corridor of Death” within the “Piscine,” Habré’s most notorious prison operated by the DDS.

Major Actors: Victims

10



Major Actors: Victims' Allies

11



Reed Brody, lawyer with
Human Rights Watch



Jacqueline Moudeina,
human rights activist and
lawyer



Plaintiffs and their lawyers

- CSOs including:
 - ATPDH
 - Human Rights Watch
 - FIDH
 - Amnesty International
 - Bread for the World
 - MISEREOR Germany
- Victim's lawyers
- UN, EU, African Union (AU)
- France, US

Major Actors: Senegal and Chad

12

Senegal's government under Wade

- Lack of political will
- Playing legal games



Former Senegalese President,
Abdoulaye Wade

Chad's current government

- Lack of political will
- Playing legal games



Current Chadian President, Idriss Deby

IV. Case Timeline 1990 – 2000

13

ADVANCES

- Souleymane Guengueng, founder of the victim's association in exile in the US, helped victims file first complaint in Dakar.



Souleymane Guengueng



Plaintiffs and their lawyers

SETBACKS

- Case dismissed by Senegalese court claiming they have no jurisdiction.

Case Timeline: 2000 – 2011

14

ADVANCES

- Case survived thanks to Belgium's universal jurisdiction.
- Habré indicted; international arrest warrant and extradition request announced.
- Habré arrested.

SETBACKS

- Habré released.
- Senegal placed Habré “at the disposal of the AU.”
- Senegal's demand for full payment of trial funds stalls process.

Case Timeline: 2012 – 2013

15

TURNING POINT...

- Newly-elected President Macky Sall pledges to begin Habré trial immediately.
- The International Court of Justice (ICJ) ruled that Senegal must prosecute Habré or extradite him to Belgium.
- Senegal and the AU sign an agreement creating “Extraordinary African Chambers” to try Habré.
- **June 30, 2013 HH arrested**
- 1,015 victims register with the Chambers; 5 give testimony to the judges.



Macky Sall, President of Senegal



Lawyers filing complaint with the Extraordinary African Chambers in Dakar in July 2013.

Case Timeline: 2014 – 2015

16

- Investigation phase ongoing
 - Granted 15 months to complete
 - Performed four investigation missions in Chad
 - Heard testimony from over 2,000 direct and indirect victims
- Judges will issue a ruling after investigation is complete
- Need for sufficient supporting evidence in order to issue a trial referral decision
- Strong case, confident evidence is sufficient
- Trial could begin in early 2015

V. Recommendations

17

- Undertake a national political agreement to use the Habré case as a foundation for reconciliation
- Create a mechanism to address rehabilitation, compensation, and reconciliation
- Identify necessary reforms to create guarantees of non recurrence
- Allocate budget for “victims’ monument” and social security fund
- Bring Habré’s accomplices to justice, including implementation of the Chambers’ statute to hand over key accomplices to the EAC
- Strengthen Senegal’s legal capacity relating to universal jurisdiction
- Extend the jurisdiction of the African Court to crimes committed by African leaders
- Act quickly to ensure justice is delivered to victims in a timely manner

VI. Lessons Learned

18

- **Effective North-South cooperation among CSO's**
- **Importance of providing legal services to poor people**
- **Need to be proactive, timely, legal, and diplomatic in all proceedings**
- **Importance of international instead of domestic prosecution to ensure a fair trial**
- **Need to strengthen judicial capacity**
- **Lack of state cooperation with civil society can be detrimental to process**
- **Power of individual courage, patience, faith, and sacrifice**

Thank you!

19



*Photos courtesy of: Human Rights Watch,
Human Rights Data Analysis Group, and Foreign Policy*