

## AFRICA'S PINOCHET

Wolfgang Kaleck, 27 July 2015

Last Monday former Chadian dictator Hissène Habré, aka “Africa’s Pinochet”, was brought before the Extraordinary African Chambers in the Senegalese capital of Dakar. He stands accused of the torture and murder of tens of thousands of people during his eight-year presidency in the 1980s. It is a landmark trial, the first time an African former head of state has been tried by an African court for crimes against humanity.

These kinds of trials have been taking place in Latin America since the 1980s – convictions were secured against Jorge Videla (Argentina), Alberto Fujimori (Peru), Juan María Bordaberry (Uruguay) and Efraín Ríos Montt (Guatemala). Charges were also brought against Augusto Pinochet in Chile.

The arrest of Pinochet on 16 October 1998 in London inspired human rights lawyers in Chad, the US and France to turn to the courts in Africa and Belgium to seek justice for around 4,500 victims of the Habré regime. The principle of universal jurisdiction provides for the transnational criminal prosecution for human rights violations if the perpetrator enjoys impunity in the country where the crimes were committed.

After 1998, criminal prosecutions were sought by survivors from Chad together with their lawyers in Spain and Belgium and later also in France, Italy and Germany. Since in most countries the principle of a fair trial requires the presence of the accused in court, legal efforts were soon focused on bringing Habré before the Senegalese courts, where he had fled after being deposed in 1990. For over fifteen years, victims and lawyers battled against corruption and a lack of political will. Now the historic trial has finally begun.

In court, Habré is relying on the same kind of strategy used by Saddam Hussein and Slobodan Milošević. He is contesting the jurisdiction of the court, forbidding his lawyers from appearing in the courtroom and can only be brought into the defendant’s dock by means of police violence.

But his protests are undermined by the steady development of the international criminal justice system over recent years. While many still enjoy impunity, more and more statesmen and military leaders are facing prosecution for their crimes. This bolsters the legitimacy of national and international courts. It also undermines the *tu quoque* argument, the claim – raised by Nazi war criminals in Nuremberg – that only defeated powers are ever put on trial, even when the victor committed similar crimes.

A lot now depends on the proper advancement of the trial – first and foremost for those directly affected but also for the African continent and for international criminal justice. If the Senegalese court succeeds in affording a fair trial to the ex-dictator of another African country, this could send a strong message to other courts in Africa. Criminals among the political ranks who malign the colonial or imperial international justice system could be tried in their own countries or in neighboring states. While this is still some way off, the Habré trial in Dakar is a step in the right direction.