

Justice for crimes in Chad after 25 years

Wolfgang Kaleck, 6 June 2016

Life imprisonment for rape, war crimes, crimes against humanity and torture – the Extraordinary African Chambers in Dakar made legal history with its recent conviction of former Chadian president Hissène Habré. The judgment marks the successful culmination of over 25 years of fighting for justice by survivors of Habré's reign of terror.

Between 1982 and 1990 Habré oversaw the torture and murder of tens of thousands of oppositionists and prisoners of war as well as the sexual enslavement of women. These crimes are documented in reports by human rights organizations from Chad and around the world.

As a key ally of the US government against Gaddafi's Libya, Habré was able to enjoy a life of luxury in exile in Senegal after 1990. But torture survivor Souleymane Guengueng and a group of activists began documenting witness testimony to build the case against him. Together with international lawyers they called on courts in Belgium, on the International Criminal Court (ICC) and finally on the tribunal in Dakar, thus overcoming the political obstacles to prosecution in Chad and Senegal. The survivors and activists not only secured long-overdue justice for Habré's victims but also attracted global attention to the case and triggered criminal proceedings with a significance that extends far beyond Chad and Senegal.

Beyond its domestic importance, the case showed the international community how criminal proceedings in which survivors are closely involved can have an important symbolic role in a society's process of addressing past atrocities.

The sexual slavery that occurred under Habré brought to light a topic that is so often shrouded in secrecy and silence. In Dakar, allegations of sexualized violence were not included in the initial charge sheet. But this did not stop the survivors of these crimes from testifying about the suffering inflicted on them. One victim, who was raped by Habré himself, spoke openly about her shame and how she would not let it silence her. Her evidence and the evidence of other survivors are a striking indication of how victim statements given in open court, victims confronting their former tormentor and the recognition of their stories and the injustice they suffered can empower supposedly passive victims to move away from being the objects of absolute power and take on an active role.

This was the first conviction of a former African head of state to be handed down in another African country and thus has great significance for the process of addressing human rights violations across the whole continent. Members of the African elite have repeatedly rallied against the international criminal law system, which they reject as a neocolonial structure. This was the approach taken by Kenyan president Uhuru Kenyatta when the ICC launched investigations against him. It's true that to date the ICC has charged only Africans and that national criminal proceedings based on universal jurisdiction are often aimed at representatives of weaker states, while western crimes go unpunished. But this criticism is difficult to take at face value when expressed by people who themselves face the prospect of prosecution for human rights abuses.

The Habré trial, which was supported by the African Union, takes the wind out of the sails out of these hypocritical arguments. It shows that seeking justice for human rights abuses is not an idea forced on the world by the West but instead an important achievement hard won by Chadian activists and their international colleagues.