

**SPECIAL COURT FOR SIERRA LEONE  
OUTREACH AND PUBLIC AFFAIRS OFFICE**



**PRESS CLIPPINGS**

**Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office**

**as at:**

Wednesday, 12 September 2012

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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The New Citizen  
Wednesday, 12 September 2012

# UN EXTENDS UNIPSIL'S MISSION

**T**he United Nations Security Council today held a debate on the Situation in Sierra Leone following the release last week of the Ninth Report on the United Nations Integrated Peacebuilding Office in Sierra Leone by the UN Secretary General, Mr. Ban Ki-Moon. During the debate, the newly-appointed Executive Representative of the UN Secretary General, Mr. Jens Anders Toyberg-Frandzen; the Chair of the UN Peacebuilding Commission Sierra Leone Country Specific, Ambassador Guillermo E. Rishchynski of Canada and the Permanent Representative of Sierra Leone to the UN, Ambassador Shekou Touray delivered statements. Sierra Leone was represented at the Session by H.E. Ambassador Shekou Touray, the Minister Plenipotentiary Mr. Leeroy Wilfred Kabs-Kanu and the Focal Point for the PBC, Counselor Saidu Nallo of the Permanent Mission of Sierra Leone to the UN.

**Continued on page 8**





# UN Extends UNIPSIL's Mission In Sierra Leone: Read In Full UN Secretary General's Latest Report on Sa. Leone

We bring you the Secretary General's Report and the UN Resolution taken on Sierra Leone after today's debate:

## **Ninth Report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone**

### **I. Introduction**

1. The present report is submitted pursuant to Security Council resolutions 1886 (2009), 1941 (2010) and 2005 (2011) in which the Council requested me to submit a report every six months on the activities of the United Nations Integrated Peacebuilding Office of Sierra Leone. The report covers the period from 1 March to 31 August 2012.

### **II. Major developments**

2. During the reporting period, the presidential, parliamentary and local council elections, scheduled for 17 November 2012, continued to be the main focus of political activities in Sierra Leone. In a spirit of constructive dialogue and national ownership of the political process, the country's major stakeholders, including the ten registered political parties signed a "Declaration on the 2012 Elections" on 18 May 2012, committing themselves to peaceful, free and fair elections. Preparations for the elections have also reached a critical final stage with the completion of the biometric voter registration exercise and the announcement by the National Electoral Commission of timelines for the key phases of the electoral process, including the nomination of candidates and the beginning of the campaign period.

#### **A. Political developments**

3. The overall political situation in the country was dominated by preparations for the forthcoming elections, with political parties, particularly the ruling All Peoples Congress (APC) and the main opposition party, the Sierra Leone Peoples Party (SLPP), intensifying their electoral activities throughout the country. While no incidents of political violence were reported during the pe-

riod under review, the relationship between the ruling party and the major opposition party continued to be characterized by mutual mistrust and intense rivalry. The Political Parties Registration Commission has so far authorized ten political parties to contest the elections.

4. On 23 March, the Government released the White Paper on the report of the Shears-Moses Commission of Inquiry, which investigated incidents of political violence that occurred in Freetown, Bo and Kenema in March 2009. The Government accepted a number of recommendations made by the Commission, including the need to encourage political tolerance in educational institutions and to ensure the application of principles of impartiality in the country's security sector agencies. It also agreed with the Commission's recommendation that the Independent Media Commission needs to improve its monitoring procedures. However, the Government has yet to take steps to comply with the Commission's recommendation to ban the public officials who were implicated in the violence from holding office.

5. The Government has also taken initial steps towards the establishment of an Independent Police Complaints Committee, as agreed by the ruling party and major opposition parties in a joint communiqué signed on 2 April 2009. However efforts need to be accelerated to finalize the development of the terms of reference and draft legislation governing the complaint mechanism.

6. Following concerns expressed by various stakeholders, including the SLPP, over the Government's purchase of heavy weapons for the Sierra Leone Police, on 3 April the Government transferred these weapons to the Republic of Sierra Leone Armed Forces (RSLAF) to be used for military operations both domestically and in international peace operations.

**To Be Continued**



## President Sirleaf warns of grave security situation along border

**P**resident Ellen Johnson-Sirleaf of Liberia has warned that the unstable security situation along the country's border with neighbouring Cote d'Ivoire was "grave" and could threaten regional security if not handled through concerted regional action.

During a brief visit to the ECOWAS Commission on Friday, 7th September 2012 on the margin of a visit to Nigeria, the President affirmed that it was in response to the gravity of the situation that the country has reinforced security along the border but warned of the possibility that the situation could overwhelm the country's nascent security services with implications for both countries.

Apparently referring to roaming bands of armed elements that have recently attacked neighbouring Cote d'Ivoire from Liberia, the President suggested that "ECOWAS pay attention to the situation to ensure it does not escalate," during a meeting with the Vice President of the Commission, Dr Toga Gayewea McIntosh and Commissioners who were around to receive the visitor. She said the region was confronted with the twin problems of security and humanitarian disaster in the area and praised the management and staff of ECOWAS for their service to the Community.

The President noted however that because of the paucity of development in the region, the Community needed to be more aggressive in its strategy for

exploring available services to mobilize resources to develop the region's infrastructure. This, she said, would help stimulate intra-Community trade and the economies of Member States. The Vice President and the management used the opportunity to brief the President on regional programmes being implemented for Liberia including a 2.5 million dollar study to integrate the country into the West African Gas Pipeline Project under which gas from Nigeria is transported through a 450-kilometre pipeline to help meet the energy needs of neighbouring countries. The first phase of the programme covers Benin, Togo and Nigeria. Another study is also being undertaken to explore the possibility of integrating Liberia into the West Africa Power Pool Project which enables Member States to undertake energy trading, thereby promoting the efficient utilization of the region's energy endowments.

A third infrastructure project being proposed for the country would link it with Dakar as part of the Trans Africa highway project. Vice President McIntosh had, while welcoming the President, on behalf of President Kadre Desire Ouedraogo, briefed the visitor of the efforts being made by the new management to revitalize the organization in line with the mandate of regional leaders in order to make it more responsive to the needs of the citizens and the dynamics of the international economic environment.

## Diamond Jewellery

Tuesday, 11 September 2012

<http://www.jewelryne.ws/outreach-and-public-affairs-office-at-special-court-for-sierra-leone-says-defence-case-closes-final-arguments-in-bangura-et-al-contempt-trial/>

### **Outreach and Public Affairs Office at Special Court for Sierra Leone Says Defence Case Closes, Final Arguments, in Bangura, et. al. Contempt Trial**

Following the formal closure today of the Defence case, Prosecution and Defence delivered their closing statements in the contempt trial of three former AFRC leaders accused of tampering with a Prosecution witness.

Convicted AFRC leaders Ibrahim Bazzy Kamara and Santigie Borbor Kanu (aka “Five-Five”), and former AFRC member Alhassan Papa Bangura (aka “Bomblast”) are accused of offering a bribe to a witness to recant testimony he gave before the Special Court, and of otherwise attempting to induce a witness to recant his testimony. Kamara is also accused of knowingly revealing the name of a protected witness. A fourth co-accused, Samuel Kargbo (aka “Sammy Ragga”) pleaded guilty at his initial appearance in July 2011 and was convicted. Kargbo subsequently testified for the Prosecution. He remains free on bail pending his sentencing hearing.

The hearings are taking place before a single judge, Justice Teresa Doherty, who as a member of Trial Chamber II also sat on the AFRC trial in Freetown and the trial of former Liberian President Charles Taylor in The Hague.

The Independent Prosecutor called five witnesses during the prosecution case. In the defence case, Bangura and Kanu testified on their own behalf but called no other witnesses; Kamara also testified on his own behalf and called one additional witness. Two of the trial sessions were held in Rwanda where Kamara and Kanu are serving sentences of 45 and 50 years, respectively, on their convictions for war crimes and crimes against humanity committed against Sierra Leonean civilians. The courtrooms in Sierra Leone and Kigali were linked by a video stream.

Justice Doherty has retired to consider her judgement. Delivery of the judgement is expected in the coming weeks.

Meanwhile, in the contempt case of *The Independent Prosecutor v. Eric Koi Senessie*, the Defence waived its right to appeal, but asked the Appeals Chamber to review the judgement in light of new facts which had been discovered. The Appeals Chamber dismissed the application this week on the grounds that the facts were not new and were known to Senessie during his trial.

Senessie was convicted on 21 June 2012 on eight counts of offering bribes to prosecution witnesses who had testified in the Taylor trial, and of otherwise attempting to interfere with prosecution witnesses, to induce them to recant their testimony. He is currently serving a two-year sentence in the Special Court’s detention facility.



## UN News Centre

Tuesday, 11 September 2012

### Greater efforts vital to prevent grave violations against children in conflict – UN official



*Special Representative for Children and Armed Conflict Leila Zerrougui.*

11 September 2012 – A top United Nations envoy today stressed the need for more action to prevent violations from being committed against children affected by conflict and for greater accountability for such violations.

“Justice and healing is most effectively achieved through national accountability mechanisms. For this, it is crucial to build national capacity – with international support – so that justice may be administered in accordance with international norms and standards,” said the Secretary-General’s Special Representative for Children and Armed Conflict, Leila Zerrougui.

Addressing the UN Human Rights Council in Geneva, the recently-appointed envoy noted that last year witnessed important positive developments for children affected by armed conflict. The 47-member Council is an inter-governmental body within the UN system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and making recommendations on them.

In her statement, the envoy noted that two verdicts passed by the International Criminal Court (ICC) and the Special Court for Sierra Leone this year against a former Congolese warlord, Thomas Lubanga, and the former Liberian president, Charles Taylor, respectively, set important international jurisprudence on the war crime of recruiting and using children.

“These two verdicts send a clear signal to commanders that child recruitment is a war crime and perpetrators will be held accountable,” said Ms. Zerrougui.

“These cases influence and may alter the behaviour, decisions and orders of parties to conflict. Indeed, the possibility of appearing before the ICC is increasingly serving as a deterrent against child recruitment in places where armed conflict is occurring,” she added.

At the same time, she emphasized that international justice cannot replace, but rather complement, national accountability mechanisms, specifically where national authorities are unable or unwilling to bring alleged perpetrators to justice.

“The challenge in conflict-affected developing countries is not always lack of will, but often one of capacity,” the envoy stated, adding that when the political will exists, the burden falls on UN Member States to join forces and ensure that national authorities have the capacity to translate their will and desire for accountability into reality.

Ms. Zerrougui, who took up her post on 4 September, highlighted the complex set of factors leading to child recruitment and the need to strengthen the capacity of Governments to investigate and prosecute adult recruiters before national courts.

She called on Member States to ensure that children and young people are provided with alternatives to recruitment, stressing that education and employment creation should be important components of national strategies to address the stabilization of conflict-affected areas.

In addition, she stressed the need for more long-term and sustainable support for the reintegration of conflict-affected children, including through swift support to the implementation of action plans between the UN and parties listed in the annexes of the Secretary-General Ban Ki-moon’s annual report on children and armed conflict.

The report for 2011, released in June, named 52 parties on its ‘list of shame’ of those who recruit and use children, kill and maim, commit sexual violence or attack schools and hospitals. It included four new parties in Sudan, Yemen and Syria.

On the positive side, Ms. Zerrougui noted that, since last September, five new action plans to halt and prevent the recruitment and use of children were signed, between the UN and parties in the Central African Republic, South Sudan, Somalia and Myanmar. In addition, last month, Somalia’s transitional authorities became the first party to sign an action plan to prevent the killing and maiming of children by its forces.

The signing of action plans is, however, only the first step, she added.

“The action plans signed between the UN and State security forces or armed groups set concrete and time-bound activities for the release and reintegration of children, and provide measures to prevent further recruitment,” stated Ms. Zerrougui. “This concrete and time-bound set of measures must be completed before we can be certain that a protective environment exists for children.”

The Human Rights Council’s current session runs until 28 September.



## The Observer (Uganda)

Tuesday, 11 September 2012

### Have no mercy for international criminals, Museveni tells judges

President Museveni has implored Commonwealth judges and magistrates not to have mercy on convicts of international crime if judiciaries are to remain relevant in the 21st century.



Museveni made the call in a speech read by Vice President Edward Kiwanuka Ssekandi yesterday, while opening the 16th Triennial Commonwealth Magistrates and Judges Association (CMJA) conference at Speke Resort Hotel Munyonyo, Kampala.

The conference, which draws its membership from all the 54 Commonwealth countries, provides a platform where issues of constitutionalism, rule of law, independence of the judiciary and good governance are discussed.

Museveni said suspects who should not be shown any mercy when

convicted are those engaged in international terrorism, piracy, human trafficking, cyber crime, genocide, war crimes and corruption.

“Judges and magistrates should give attention to these current international challenges with a need to clearly send a strong signal to the perpetrators that when arrested and tried, no mercy will be afforded to them, but they will accordingly be severely punished,” Museveni said.

He added that the main reason why Uganda supported its own judges to sit on international tribunals was to help bring to book perpetrators of international crime. **Such judges include Julia Ssebutinde** at the International Court of Justice (ICJ) and Salome Bbosa on the International Criminal Tribunal of Rwanda (ICTR), sitting in Tanzania.

Meanwhile, Her Majesty the Queen of United Kingdom, Elizabeth II, in her capacity as CMJA patron, paid tribute to the Association’s outgoing president, Justice Norma Wade-Miller from Bermuda.

“As your patron, I must appreciate your continued support and, in return, send my best wishes to all those who will be present for a memorable and successful event,” the Queen stated in her message.

On her part, Wade-Muller, who will hand over to her successor after an election of a new CMJA president on Friday, thanked the delegates for entrusting her with such responsibility three years ago.

CMJA, which was formed in 1970, is expected to discuss a range of issues, including: increasing productivity on the bench, keeping up with technology in the law, post-genocide in Rwanda, how to improve the quality of justice, and justice for children.

Uganda is the fourth African country to host the CMJA after Zimbabwe (1994), South Africa (1997) and Malawi (2003). More than 340 judicial officers, including chief justices, judges, registrars and magistrates, are attending this year's six-day event.

Some of the delegates include Chief Justices Tan Dato Zakaria Arifin (Malaysia), Sir Charles Declan Margan (Papua New Guinea), Sam Rugege (Rwanda), Egonda-Ntende (Seychelles) and Mohammed Othman Chande (Tanzania).

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# Human Rights Watch

Wednesday, 12 September 2012

## **Chad/Senegal: The Case of Hissène Habré**

### Questions and Answers About Plans for Chad Ex-Dictator's Trial

(Brussels, September 12, 2012) – Human Rights Watch issued a question-and-answer document today about the upcoming case in Senegal against the former Chadian dictator Hissène Habré for alleged crimes during his rule, from 1982 to 1990. On August 22, 2012, Senegal and the African Union signed an agreement to establish special chambers within the Senegalese judicial system which will prosecute Habré.

The document is designed to provide more information on the Habré case and what lies ahead. Human Rights Watch has worked alongside Habré's victims and local human rights groups since 1999.

"We have been fighting for our day in court for more than two decades," said Souleymane Guengueng, 63, who nearly died during almost three years of mistreatment in Habré's prisons and later founded an association of victims to seek justice. "Senegal's agreement with the African Union provides a ray of hope that Habré's victims will finally see justice done."

###

On August 22, 2012, Senegal and the African Union (AU) signed an agreement to establish special chambers embedded in the Senegalese judicial system to prosecute the person or persons most responsible for international crimes committed in Chad between 1982 and 1990. It is expected that only the former dictator of Chad during those years, Hissène Habré, who is accused of thousands of political killings and systematic torture, will be prosecuted.

Habré has been living in exile in Senegal for more than 21 years but has yet to face justice there. He is also wanted by Belgium on charges of crimes against humanity, war crimes, and torture.

The following questions and answers provide more information on the case and what lies ahead.

### **1. Who is Hissène Habré?**

Hissène Habré was president of the former French colony of Chad from 1982 until he was deposed in 1990 by Idriss Déby Itno, the current president. Habré fled to Senegal in 1990 and has since been living there in exile.

Habré's one party rule was marked by widespread atrocities. He periodically targeted various ethnic groups such as the Sara (1984), Hadjerai (1987), Chadian Arabs and the Zaghawa (1989-90), killing and arresting group members en masse when he believed that their leaders posed a threat to his rule.

A 1992 Chadian Truth Commission accused Habré's government of 40,000 political murders and systematic torture. Most abuses were carried out by his dreaded political police, the Documentation and Security Directorate (DDS), whose directors all came from Habré's small Gorane ethnic group and which reported directly to Habré.

The United States and France supported Habré, seeing him as a bulwark against Libya's Muammar Gaddafi. Under President Ronald Reagan, the United States gave covert CIA paramilitary support to help Habré take power in 1982 and then provided his government with massive military aid. The United States

also used a clandestine base in Chad to organize captured Libyan soldiers into an anti-Gaddafi force in the late 1980s. Despite the abduction of the French anthropologist Françoise Claustre in 1974 and the death of Captain Galopin who came to negotiate her release in 1975 by Habré and his men, France also supported Habré after he arrived in power. France provided him with arms, logistical support, and information and launched military operations “Manta” (1983) and “Hawk” (1986) to help Habré’s regime push back Libyan forces.

## **2. What are the charges against Habré?**

Habré has yet to be charged before the new chambers, but is accused of responsibility for thousands of political killings and systematic torture during his reign in Chad.

In January 2000, after seven of Habré’s victims filed a criminal complaint, a Senegalese judge indicted him on charges of torture, crimes against humanity, and barbaric acts. Appellate courts later dismissed the case for lack of jurisdiction.

In September 2005, a Belgian judge indicted Habré on charges of crimes against humanity, war crimes, and torture.

## **3. What is the evidence against Habré?**

There is both documentary and testimonial evidence against Habré.

In 2001, Human Rights Watch uncovered the files of the DDS in its abandoned N’Djamena headquarters. Among the tens of thousands of documents were daily lists of prisoners and deaths in detention, interrogation reports, surveillance reports, and death certificates. The files detail how Habré placed the DDS under his direct control and kept tight control over DDS operations. Analysis of the data by the Human Rights Data Analysis Group of the Benetech Initiative reveals the names of 1,208 people who were killed or died in detention and 12,321 victims of human rights violations. In these files alone, Habré received 1,265 direct communications from the DDS about the status of 898 detainees.

Human Rights Watch and the International Federation of Human Rights (FIDH) have also gathered testimony from hundreds of victims who suffered abuse at the hands of the DDS and from former members of the DDS who say that Habré was informed regularly of all DDS activities.

## **4. Why has it taken so long to bring Habré to justice?**

Habré’s victims have been fighting to bring him to justice for more than 21 years. In July 2010, the Nobel Peace Prize winner Archbishop Desmond Tutu and 117 groups from 25 African countries described the victims’ struggle as an “interminable political and legal soap opera.”

Senegal took no legal action against Habré from 1990 until the victims’ complaint led a Senegalese judge to indict Habré in February 2000 on charges of torture, crimes against humanity, and barbaric acts. However, after political interference by the Senegalese government, which was denounced by two UN human rights rapporteurs, appellate courts dismissed the case on the grounds that Senegalese courts lacked jurisdiction to try crimes committed abroad.

Other Habré victims, including three Belgian citizens of Chadian origin, then filed a case against him in Belgium in November 2000. The Belgian authorities investigated the case for four years, then indicted Habré on charges of crimes against humanity, war crimes, and torture, and sought his extradition in 2005. A Senegalese court ruled that it lacked jurisdiction to decide on the extradition request.



Senegal then turned to the AU, which in July 2006 called on Senegal to prosecute Habré “on behalf of Africa.” Senegal’s president at that time, Abdoulaye Wade, accepted the AU mandate and had Senegalese law amended to give the country’s courts explicit extraterritorial jurisdiction over international crimes. However, the Senegalese government contended that it needed full up-front funding of €27.4 million (US\$36.5 million) from the international community before beginning any investigation and prosecution. Three years of halting negotiations over the trial budget ensued, until Senegal and donor countries finally agreed in November 2010 to a budget of €8.6 million (US\$11.4 million) for Habré’s trial.

Just days before the budget agreement, the Court of Justice of the Economic Community of West African States (ECOWAS) ruled that Habré must be tried before a “special ad hoc procedure of an international character.” The ECOWAS decision is discussed in more detail below. In January 2011, the AU responded to the ECOWAS ruling by proposing a plan for special chambers within the Senegalese justice system with some judges appointed by the AU. Senegal rejected the plan, but Senegal and the AU nonetheless continued discussions. In March 2011, they agreed in principle to a new plan creating an ad hoc international tribunal. In May 2011, however, Senegal withdrew from negotiations with the AU over creation of the tribunal.

In July 2011, Senegal threatened to expel Habré to Chad but, days later, retracted its decision in the face of an international outcry. In announcing the retraction, Senegal’s foreign minister ruled out holding Habré’s trial in Senegal. The Chadian government then announced its support for extraditing Habré to Belgium to face trial.

In August 2011 and January 2012, a Senegalese appeals court refused to rule on two more Belgian extradition requests because it concluded that the legal papers were not in order. In both instances, the Senegalese government apparently did not transmit the Belgian legal papers intact to the court. Belgium submitted a fourth extradition request to Senegalese authorities in January 2012 but the request has yet to be transmitted to the courts.

There was no progress until Macky Sall defeated Wade in Senegal’s presidential elections in March 2012. The new Senegalese government quickly indicated that it planned to prosecute Habré in Senegal rather than extradite him to Belgium and has undertaken steps toward that end, including the recent agreement with the AU.

## **5. What impact does the recent decision by the International Court of Justice have on the case?**

On July 20, 2012, the International Court of Justice, in the case “Questions relating to the Obligation to Prosecute or Extradite” (Belgium v. Senegal), found that Senegal had failed to meet its obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ordered Senegal to prosecute Habré “without further delay” if it did not extradite him.

The decision, which under the UN Charter is binding on Senegal, brought an end to the suit Belgium filed in February 2009, following Senegal’s refusal to extradite Habré and continued stalling on his trial before domestic courts.

The new Senegalese government reacted quickly to the decision, however, expressing regret that Habré’s trial had not taken place sooner and reaffirming its commitment to begin proceedings by the end of the year.

## **6. Why was it necessary to create special chambers with an international element?**

Habré filed a complaint with the ECOWAS court in October 2008, contending that his trial in Senegal, on the basis of Senegal’s 2007-08 legislative changes, would violate the prohibition against retroactive application of criminal law.

On November 18, 2010, the ECOWAS court ruled that to avoid violating the principle of non-retroactivity, Habré would have to be tried before a “special ad hoc procedure of an international character.” International law experts have unanimously questioned the decision, as the principle expressly does not apply to acts which, at the time of their commission, were already prohibited by international conventional and customary law (such as, in this case, torture and war crimes and crimes against humanity).

Nonetheless, the ECOWAS ruling – which is also binding on Senegal – requires the creation of a “special ad hoc procedure of an international character.” The proposed chambers respond to the ECOWAS ruling by creating a new judicial structure within the Senegalese justice system, specifically the Dakar District Court and the Appeals Court in Dakar, which will include other African judges and apply international criminal law, but which will rely on Senegalese procedural law and existing infrastructure to limit costs and additional delays.

### **7. Habré’s lawyers argue that he has already been tried. Is that correct?**

Habré has never been tried in Senegal, Chad, or elsewhere for crimes against humanity, war crimes, or torture related to events that took place during his reign, from 1982 to 1990.

Senegalese courts dismissed the charges against Habré in 2000-2001 on the grounds that they did not have jurisdiction to try him. The merits of the charges were therefore never considered.

Habré was tried in absentia and sentenced to death by a Chadian court in August 2008 for his alleged role in the attempt to overthrow the Chadian government in February 2008. However, these charges are unrelated to the crimes at issue and therefore have no bearing on Habré’s trial before the new chambers in Senegal.

### **8. How will the chambers be structured**

The new agreement calls for “Extraordinary African Chambers” to be created inside the existing Senegalese court structure in Dakar, namely the Dakar District Court and the Appeals Court in Dakar. The chambers will have four levels: an investigative section with four Senegalese investigating judges, an indicting chamber of three Senegalese judges, a trial chamber, and an appeals chamber. The trial chamber and the appeals chamber will each have two Senegalese judges and a president from another African country.

### **9. How will the prosecutors and judges be named?**

The prosecutors and judges will be nominated by Senegal’s justice minister and appointed by the chairperson of the AU Commission. They are to be chosen for their high moral character, in particular their impartiality and integrity.

The prosecutor and three deputy prosecutors are to be Senegalese nationals and should have at least 10 years’ experience, especially in investigations and criminal prosecutions.

All judges must have at least 10 years of experience as a judge.

### **10. How will the chambers be administered?**

The chambers will have an administrator to ensure the smooth functioning of their activities and to handle all of the non-judicial aspects of the work. The administrator’s responsibilities will include financial



management of personnel, outreach and media information, witness protection and assistance, and judicial cooperation between Senegal and other countries, such as Chad.

### **11. Will victims be allowed to participate in the trial?**

Victims will be permitted to participate in proceedings as civil parties, represented by legal counsel. Victims and their heirs may write to the chambers' registry and ask to appear as a civil party. The fact that someone becomes a civil party does not mean that the prosecutor will pursue that person's individual case, however.

The chambers may order the victims to choose a common legal representative to ensure the effectiveness of the proceedings. Indigent victims may seek financial assistance from the chambers for the legal representation. The mode of participation of the victims at trial is governed by Senegalese procedural law.

The chambers may order reparations to be paid into a victims' fund that will be augmented by any voluntary contributions by foreign governments, international institutions, and non-governmental organizations. Reparations from the victims' fund will be available even to victims who do not participate in Habré's trial.

### **12. What will be done to ensure the trial does not drag on for years?**

To ensure that trials are efficient and do not drag on for years, prosecutors may pursue "the most serious" of Habré's crimes, rather than charging him with all the acts of which he is accused, as explicitly provided in the chambers' statute. Human Rights Watch suggests that prosecutors select a representative sampling of the gravest crimes for which there is the strongest evidentiary basis. That selection should reflect the severity and the wide scope of the crimes committed by the Habré government, respecting, in particular, the crimes carried out against several of the major ethnic groups in Chad.

Prosecutors may also introduce as evidence the results of prior Belgian and Chadian investigations into Habré's alleged crimes to avoid duplication of work. A Belgian judge and his team spent nearly four years investigating Habré's crimes before indicting him on charges of crimes against humanity, war crimes, and torture. A 1992 National Truth Commission in Chad accused Habré's government of systemic torture and up to 40,000 political assassinations and meticulously documented the methods used to carry out torture.

### **13. What will be done to make the trial accessible to the people of Chad?**

The chambers' statute provides for trial proceedings to be recorded for broadcast in Chad and for public access to the trial by journalists and non-governmental organizations.

It is hoped that international donors will finance a robust outreach program to ensure that the trial is meaningful to the people of Chad, arguably the most affected by this trial. The 2010 proposal by the European Union that formed the basis of the approved budget (see below) called for "outreach, press information, and trial monitoring" to be carried out by third parties. Among the activities anticipated are transmitting trial proceedings to Chad, translating proceedings into local Chadian languages, producing audio and video summaries and written materials with regular updates about progress in the case, and bringing Chadian journalists and civil society leaders to Senegal to observe the court proceedings. The November 2010 budget included 1.33 million euros for outreach.

### **14. How will the chambers be funded?**

The chambers will be funded in large part by the international community, but a final budget has yet to be established and agreed upon between Senegal and donors.

In November 2010, after years of wrangling, Senegal and a number of donor countries agreed to a budget of €8.6 million (US\$11.4 million) to cover Habré's trial. The commitments made in 2010 were by: Chad (2 billion CFA francs or US\$3,743,000), the European Union (€2 million), Belgium (€1 million), the Netherlands (€1 million), the African Union (US\$1 million), Germany (€500,000), France (€300,000), and Luxembourg (€100,000).

Since nearly two years have elapsed, Senegal must seek new pledges of funding. The Senegalese justice minister has indicated that her office will reach out to donors soon and that, unlike the previous government, Senegal's new government will not delay the start of proceedings until full funding has been obtained.

During US Secretary of State Hillary Clinton's trip to Senegal on August 1, she pledged "to help in every way" with Habré's prosecution.

### **15. What is the maximum punishment Habré could receive?**

If Habré is found guilty, the chambers could impose a sentence of up to life in prison depending on the circumstances and the gravity of the crime(s). They can also order him to pay a fine or can confiscate any property or assets derived directly or indirectly from the crime(s).

### **16. What are the next steps?**

Senegal has indicated that it will now seek funding from the international community. Senegal has also promised to ask Parliament to approve the creation of the new chambers and to submit formal ratification of its agreement to the AU.

Before the chambers are set up, Senegal and Chad are expected to meet to discuss the necessary judicial assistance for investigations and the trial, and the Senegalese justice minister is expected to name candidates for the prosecutor and judge positions.

### **17. When will the trial take place?**

The first step in bringing Habré to justice will be an investigation of his alleged crimes. It is expected that the investigative phase of the case will begin in October and will last approximately one year. Habré's trial could thus begin in late 2013.

### **18. Why can't Habré be prosecuted by the International Criminal Court?**

The International Criminal Court has prospective jurisdiction, meaning that it can only address crimes committed after July 1, 2002, when its statute entered into effect.