

OPEN LETTER TO THE EXTRAORDINARY AFRICAN CHAMBERS IN THE COURTS OF SENEGAL

Failing to Prosecute Hissène Habré for Sexual Crimes Would be Missing a Historic Opportunity

Mr. President of the Extraordinary African Chambers,
Mr. Chief Prosecutor,

We welcome the creation of the Extraordinary African Chambers, a special tribunal created by the African Union and Senegal to prosecute international crimes committed in Chad during the rule of Hissène Habré, from 1982 to 1990. The indictment of 13 February 2015 provides a list of acts committed during that period and concludes that there is sufficient evidence suggesting that Hissène Habré committed crimes against humanity, war crimes and crimes of torture.

Regrettably, the indictment does not include charges of rape, sexual enslavement or other forms of sexual violence of comparable gravity, while it does describe instances of rape and sexual violence. Many witnesses have reported that sexual violence was used systematically during the eight-year reign of Hissène Habré, including against women prisoners - some as young as 13 years old. The report by Human Rights Watch *La Plaine des Morts* (The Plain of the Dead), which is based on an analysis of thousands of archive documents and on more than 300 interviews with victims, includes a section describing the treatment of women in detention. During the government of President Habré human rights groups, such as Amnesty International, had already denounced acts of rape by state agents. More recently, during the press conference of the *Association des victimes de crimes du régime de Hissène Habré* (Association of Victims of Crimes of the Hissène Habré regime), held before the trial resumed in Dakar, two women testified having suffered rape, one of them saying that she was deported with other women in a military camp where they were victims of sexual slavery.

Not to prosecute Hissène Habré for sexual crimes would be a missed historical opportunity: it would deprive a large number of victims of the recognition of the crimes they suffered because they are women. We deplore the little attention that the issue of sexual violence has received so far in the proceedings against Hissène Habré, including against men. This omission is reminiscent of the Akayesu case before the International Criminal Tribunal for Rwanda (ICTR), whose indictment, at first, made no reference to sexual violence. Following further investigations and specific questions on sexual violence against victims in the cases, the indictment was amended to include such charges. In 1998, the ICTR convicted Akayesu in a landmark judgment recognizing rape as an act of genocide. Since then, international tribunals have developed extensive case law on sexual crimes recognizing sexual violence, according to the circumstances in which they were committed, as acts of torture, persecution, enslavement, cruel and inhumane treatment, outrages upon personal dignity as crimes against humanity or war crimes. In many of these cases, the accused were convicted on the basis of command responsibility.

We respectfully ask that you invite more women to testify and that you make sure each witness, each victim, called to the stand who might have relevant information be questioned about his or her knowledge of the use of sexual violence in places of detention, during arrests, military operations and in military camps. These alleged crimes should not go unpunished and forgotten.

Thank you for your attention,

Signatories

- **Women's Initiatives for Gender Justice -** www.4genderjustice.org/
Contact: Brigid@iccwomen.org
The organization advocates for accountability and prosecution of sexual and gender-based violence crimes and gender justice before the International Criminal Court and domestic courts and mechanisms.
- **Equality Now -** www.equalitynow.org/
Equality Now works to end sexual violence both through prevention and effective response.
- **Réseau Hommes pour la défense des droits de la femme et de la fille – Senegal**
Contact : daoudagenredo@yahoo.fr
- **West African Refugees and Internally Displaced Persons Network - Coalition of NGOs in West Africa**
Contact: Sniass@yahoo.fr
- **Ligue pour la Solidarité Congolaise, Women rights organization - DRC**
- **Allard K. Lowenstein International Human Rights Clinic, Yale Law School - USA**
www.law.yale.edu/academics/AllardKLowensteinIHRC.htm Contact: james.silk@yale.edu
The clinic undertakes a number of litigation, research, and advocacy projects on behalf of human rights organizations and individual victims of human rights abuses.
- **Initiatives Alpha, Women rights organization - DRC (South Kivu)**
- **Encadrement des Femmes Indigènes et des Ménages Vulnérables, Women rights organization - DRC (North Kivu)**
- **Institute for Justice and Reconciliation (IJR) – South Africa** www.ijr.org.za/ Contact: KBluen@ijr.org.za
The Institute helps to build fair, democratic and inclusive societies in Africa in supporting transitional justice and reconciliation initiatives.
- **Greater North Women's Voices for Peace Network – Uganda**
- **Panzi Foundation Democratic Republic of the Congo (DRC) and Panzi Foundation USA** www.panzihospital.org/
Contact: naama@pfusa.org
The Foundations of Dr Denis Mukwege, winner of numerous human rights prizes, support survivors of sexual violence and engages in strategic advocacy to end violence against women.
- **Centre d'Education et Recherche pour les Droits des Femmes, Women rights organization - DRC (Orientale Province)**
- **International Criminal and Humanitarian Law Clinic of the Laval University – Canada**
www.cdiph.ulaval.ca/
Contact : Fannie.Lafontaine@fd.ulaval.ca
The Clinic supports lawyers and judges from international courts, victims of human rights violations involved in trials and human rights defense NGOs.
- **International Center for Advocates Against Discrimination (ICAAD) –** www.icaad.ngo/
Contact: info@icaadglobal.org
The center aims at building multidisciplinary partnerships and strategies to combat structural discrimination globally, including against women and victims of sexual violence.
- **International Action Network for Gender Equity & Law (IANGEL)-** www.iangel.org/
Contact: info@iangel.org
IANGEL is a network of lawyers who try to help secure equity and rights for women and girls around the world.
- **Cardozo Law Institute in Holocaust and Human Rights et Cardozo Human Rights and Atrocity Prevention Clinic**
www.cardozo.yu.edu/CLIHHR
Contact: jocelyn.getgen@yu.edu
The Institute and Clinic are working to strengthening laws, norms and institutions to prevent mass atrocities.
- **International Refugee Rights Initiative (IRRI) – Uganda** www.refugee-rights.org/
Contact: andie.lambe@refugee-rights.org
IRRI advocates for redress for international crimes and the implementation of the principle of the responsibility to protect in Africa.