

DECISION ON THE HISSÈNE HABRÉ CASE AND THE AFRICAN UNION
(Doc.Assembly/AU/8 (VI)) Add.9

The Assembly :

1. **TAKES NOTE** of the briefing by President Abdoulaye Wade of Senegal and President Olusegun Obasanjo, the outgoing Chairperson of the African Union, on the Hissène Habré case and reiterates AU's commitment to fighting impunity in line with the relevant provisions of the Constitutive Act;
2. **DECIDES** to set up a Committee of Eminent African Jurists to be appointed by the Chairperson of the African Union in consultation with the Chairperson of the Commission of the African Union. The Committee shall be assisted in its work by the AU Commission (Office of the Legal Counsel);
3. **MANDATES** the Committee to consider all aspects and implications of the Hissène Habré case as well as the options available for his trial, taking into account the following benchmarks;
 - a) Adherence to the principles of total rejection of impunity;
 - b) Adherence to international fair trial standards including the independence of the judiciary and impartiality of proceedings;
 - c) Jurisdiction over the alleged crimes Mr. Habré should be tried;
 - d) Efficiency in terms of cost and time of trial;
 - e) Accessibility to the trial by alleged victims as well as witnesses;
 - f) Priority for an African mechanism.
4. **FURTHER MANDATES** the Committee to make concrete recommendations on ways and means of dealing with issues of a similar nature in the future;
5. **REQUESTS** the Committee to finalize its work and submit a report to its next Ordinary Session in July 2006.

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