DECISION ON THE HISSENE HABRE CASE AND THE AFRICAN UNION

DOC. ASSEMBLY/AU/3 (VII)

The Assembly:

1. **REFERRING** to its Decision Assembly/AU/Dec.103 (VI) taken in Khartoum, The Sudan, in January 2006;

2. **TAKES NOTE** of the Report presented by the Committee of Eminent African Jurists appointed in conformity with the above-mentioned Decision;

3. **OBSERVES** that, according to the terms of Articles 3 (h), 4 (h) and 4 (o) of the Constitutive Act of the African Union, the crimes of which Hissène Habré is accused fall within the competence of the African Union;

4. **CONSIDERING** that, in its present state, the African Union has no legal organ competent to try Hissène Habré;

5. **CONSIDERING** the jurisdiction of the International Court of Justice in this case, and the ratification by Senegal of the United Nations Convention Against Torture;

   i) **DECIDES** to consider the Hissène Habré Case as falling within the competence of the African Union;

   ii) **MANDATES** the Republic of Senegal to prosecute and ensure that Hissène Habré is tried, on behalf of Africa, by a competent Senegalese court with guarantees for fair trial;

   iii) **FURTHER MANDATES** the Chairperson of the Union, in consultation with the Chairperson of the Commission, to provide Senegal with the necessary assistance for the effective conduct of the trial;

   iv) **REQUESTS** all the Member States to cooperate with the Government of Senegal on this matter;

   v) **CALLS UPON** the International Community to avail its support to the Government of Senegal.
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