



Directorate of Information and Communication

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The Chairperson of the African Union Commission appoints the Judges of the Trial Chamber of the African Extraordinary Chambers within the Courts of Senegal

Addis Ababa – 6 April 2015: The Chairperson of the African Union Commission H.E. Dr. Nkosazana Dlamini Zuma appointed the Judges of the Trial Chamber of the African Extraordinary Chambers (AEC) within the Courts of Senegal in accordance with Article 11 of the Statute of the AEC. As recommended by the competent authorities of the Republic of Senegal, the Chairperson of the Commission appointed for a period of ten (10) months the following Judges:

- 1) Mr. Gbertao Gustave KAM, Presiding Judge (Burkina Faso);
- 2) Mr. Amady DIOUF, Judge (Senegal);
- 3) Mr. Moustapha BA, Judge (Senegal); and
- 4) Mr. Pape Ousmane DIALLO, Alternate Judge (Senegal).

Justice Gbertao Gustave KAM, the President of the Trial Chamber of the AEC is from Burkina Faso. He is a professional Judge who held important positions in the past, both in the Judiciary of Burkina Faso and within the International Criminal Tribunal for Rwanda (ICTR). He is currently the Technical Adviser of the Minister of Justice of Burkina Faso. Furthermore, the Senegalese Judges appointed by the Chairperson of the Commission are also professional Judges who held recently important positions in the Judiciary of Senegal.

It should be recalled that vide Assembly Decision/AU/Dec.401 (XVIII) adopted on 31 January 2012, the Assembly of Heads of State and Government of the African Union requested the African Union Commission and the Government of Senegal to examine the practical modalities as well as the legal and financial implications for the prosecution of those most responsible for international crimes committed on the territory of Chad from 7 June 1982 to 01 December 1990 including Mr. Hissein Habré, former President of Chad. To implement this decision, the African Union and the Government of the Republic of Senegal signed in Dakar, Senegal, on 22nd August 2012, the Agreement on the establishment of African Extraordinary Chambers within the Courts of Senegal.

The establishment of the AEC is one of various concrete steps taken by the African Union and its Member States to fight against impunity on the continent in accordance with the Constitutive Act and other relevant instruments of the AU. In this regard, it should be noted that the fight against impunity –including the crime of genocide, war crimes and crimes against humanity- constitutes a fundamental principle in the basic law of the African Union, and is part of the shared values of the Union to which all Member States have committed themselves. Indeed the Constitutive Act of the Union characterizes the commission of war crimes, crimes against humanity and genocide as unacceptable to AU Member States and as a sufficient legal basis for intervention by the Union in a Member State, without the consent of the concerned State in accordance with the provisions of Article 4 (h) of the Constitutive Act of the AU.

Additionally, the Commission wishes to recall the adoption on 27 June 2014 in Malabo, Equatorial Guinea by the Assembly of the Union of the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights which gives criminal jurisdiction to the African Court of Justice to try international and transnational crimes on the basis of the principle of complementarity with national criminal jurisdictions.

Mr. Hissein Habré, Former President of Chad is charged by the African Extraordinary Chambers with crimes against humanity, war crimes and torture during his presidency from 1982 to 1990. On 2 July 2013, he was arrested and placed in pre-trial detention in Dakar (Senegal). The investigation stage and the confirmation of charges in the case the Prosecutor V. Hissein Habré were closed on 13 February 2015. Thus, the investigating judges decided that there was sufficient evidence to send Mr. Habré to trial.

Following the confirmation of charges and appointment of the Judges of the Trial Chamber of the AEC, the Trial of Mr. Hissein Habré will begin in earnest as may be decided by the Judges of the Trial Chamber. In this regard, the Commission reiterates its support for the African Extraordinary Chambers and wishes to thank the Investigating Judges, the Judges of the Pre-Trial Chamber and Police Officers of the AEC whose term of office came to an end on 15 February 2015.

Finally, the Commission wishes to commend the Government of the Republic of Chad for its continuous support to the AEC and for recently organizing in Ndjamena (Chad) the trial of the top security agents, some of whom were indicted with Hissein Habré but were still held in Chad.

For more information, visit: <http://www.chambresafricaines.org> or <http://www.au.int>

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