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## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Pasqualina Napoletano and Ana Maria Gomes,

on behalf of the PSE Group

on impunity in Africa and in particular the case of Hissène Habré

**European Parliament resolution on impunity in Africa and in particular the case of Hissène Habré**

*The European Parliament,*

- having regard to the Treaty on the International Criminal Court,
  - having regard to the United Nations Security Council resolution 1638, requiring the UN Mission in Liberia to apprehend and detain former President Taylor in the event of a return to Liberia and to transfer him or facilitate his transfer to Sierra Leone for prosecution before the Special Court for Sierra Leone,
  - having regard to its previous resolutions on Chad and Liberia, in particular that of 24 February 2005 on the extradition of Charles Taylor,
  - having regard to the African Commission on Human and People's Rights meeting at its 38th Ordinary Session in Banjul, The Gambia from 21 November to 5 December 2005,
  - having regard to Article 115 of its Rules of Procedure,
- A. recalling the Rome Statute of the International Criminal Court and stressing that it has been 50 years since the United Nations first recognised the need to establish an international criminal court to prosecute crimes such as genocide;
- B. whereas Kofi Annan, the UN Secretary-General, has stated that amnesty for gross human rights violations remains unacceptable to, and unrecognisable by, the UN unless they exclude genocide, crimes against humanity and war crimes;
- C. noting with concern the numerous human rights abuses in parts of the African continent and that the perpetrators of these crimes are rarely brought to justice, while the victims are frequently denied an effective remedy;
- D. whereas international law clearly states that war criminals must be tried at all times and that states are obliged to extradite people suspected of having committed war crimes;
- E. noting that the Constitutive Act of the African Union, Art. 3(h) and 4(o), expressly condemns and rejects impunity;
- F. further noting that 27 African states have ratified the Rome Statute and that some of them have made efforts to give legal effect to the application of the Rome Statute nationally,
- G. whereas an international arrest warrant has been issued, charging Chad's exiled former president, Hissène Habré, with human rights crimes committed during his 1982-1990 rule;

- H. whereas the victims have used the Habré case to seek broader justice and open up new avenues for justice in Chad and elsewhere;
- I. whereas the African Union decided on 24 January to create a group of legal experts to recommend where and how Hissène Habré should be tried, giving preference to "an African mechanism";
- J. whereas Nigerian President Obasanjo should announce in the near future that he will surrender Charles Taylor to face trial for his alleged crimes, giving him an opportunity to demonstrate Nigeria's commitment to the rule of law in West Africa;
- K. whereas the Special Court for Sierra Leone was set up in 2002 to try those most responsible for war crimes committed during Sierra Leone's armed conflict; Charles Taylor has been accused of 17 counts of war crimes and crimes against humanity by the Special Court;
1. Recalls that without an international criminal court for dealing with individual responsibility as an enforcement mechanism, acts of genocide and egregious violations of human rights would often go unpunished;
  2. Stresses that it has become customary international law that perpetrators, irrespective of their status will not enjoy amnesty or immunity for human rights violations and strongly supports bringing to justice those responsible for crimes and atrocities;
  3. Reiterates that the fight against impunity is one of the cornerstones of the Union's policy in the field of human rights and calls on the Commission , the Council and the Member States of the African Union to continue to give due attention to this question;
  4. Considers that sustainable peace cannot be achieved through deals to protect those who have been responsible for systematic human rights abuses;
  5. Urges Member States of the African Union that have not yet done so to ratify the Rome Statute and to adopt a national action plan for the effective implementation of the Rome Statute at the national level;
  6. Encourages the Assembly of Heads of State and Government of the African Union to urge its Member States to condemn and reject impunity;
  7. Invites the African Union to take practical measures which would contribute to regional efforts in the fight against impunity;
  8. Recalls that the international community had established an accountability mechanism by ad hoc tribunals for the perpetrators of crimes and atrocities in Darfur and in Sierra Leone, for instance, and underlines that the international community has to speak with one voice in order to help promote effective accountability;
  9. Considers particularly shocking that the massacre of civilians in the DRC - where, during the six years of conflict, at least three million people died - and in the Great Lakes region too, those perpetrating human rights abuses continue to enjoy impunity;

10. Calls on Senegal to guarantee a fair trial to Hissene Habré, if needed through his extradition to Belgium, in accordance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
11. Calls on the African Union, within the framework of the case against Hissène Habré, to ensure that Senegal respects its international engagements as a state party to the Convention against Torture;
12. Calls on the Government of Nigeria to act in the continued interests of the Liberian peace process and in support of the rule of law by surrendering Charles Ghankay Taylor forthwith to the jurisdiction of the Special Court for Sierra Leone;
13. Points out that Liberia's newly-elected President Johnson-Sirleaf said her presidency will stand for accountability and the rule of law and she must seize this chance by requesting that Nigeria surrender Charles Taylor to the Special Court for Sierra Leone;
14. Instructs its President to forward this resolution to the Council, the Commission the ACP-EU Council of Ministers, the governments of Chad, Liberia, Nigeria and Senegal, the African Union and the Secretary General of the United Nations.