

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 Hissene Habre 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 Hissene Habre;
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 Hissene Habre Case as falling within the competence of the African Union;
 - ii) **MANDATES** the Republic of Senegal to prosecute and ensure that Hissene Habre 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.