Prosecute or Extradite

Student Materials

- Decided by the International Court of Justice in July 2012
- Key topics: criminal responsibility (universal jurisdiction); upholding international law (international legal enforcement, domestic legal enforcement)

Learning Objectives

- Understand and apply:
  - state obligations under the Convention Against Torture
  - how jurisdiction rules shape domestic legal enforcement

- Analyze and evaluate:
  - why Belgium had a legal interest in prosecuting crimes that occurred in Chad
  - competing claims by states and international organizations over where individuals should be prosecuted for international crimes

Background Information

Hissène Habré ruled as the dictator of Chad from 1982 to 1990. Under his rule, Chad's government committed widespread human rights violations, including disappearances, extrajudicial killings, and torture. After Habré was overthrown by a political rival, he moved to Senegal, which granted him political asylum. In 2000, a group of Chadian nationals sued Habré in Senegal's domestic courts for human rights violations. However, the case was ultimately dismissed because the case "concerned crimes committed outside the territory of Senegal by a foreign national against foreign nationals" and Senegal's domestic law did not allow universal jurisdiction.[1] At the same time, some of Habré's victims filed complaints with a judge in Belgium, a state that is well-known for asserting broad jurisdiction to try human rights violations. Belgium opened an investigation, and ultimately issued an arrest warrant for

[1] ICJ, *Prosecute or Extradite*, Judgment of 20 July 2012, para. 18.

Habré. After years of unsuccessfully seeking Habré's extradition from Senegal, Belgium filed a lawsuit at the ICJ in 2009.

Belgium argued that Senegal had violated its legal obligations as a member of the Convention against Torture (CAT), one of the core UN multilateral human rights treaties. Belgium's argument involved three major claims:

1. Senegal's domestic laws did not allow it to assert universal jurisdiction over torture, as required by the CAT;
2. Senegal did not adequately investigate allegations against Habré; and
3. Senegal had a legal obligation to either prosecute Habré or extradite him to Belgium.

The last claim was repeatedly referred to by the Court as *aut dedere aut judicare*. This phrase was previously included in the Convention for the Suppression of Unlawful Seizure of Aircraft (1970), which was written in response to a series of aircraft hijackings in the late 1960s. This treaty established broad jurisdiction for states to punish hijackings and asserted that members must either prosecute or extradite offenders. While some scholars and lawyers assert that *aut dedere aut judicare* has become a general principle of international law that applies to all serious international crimes, others disagree.

The Habré prosecution is important for both legal and political reasons. First, the case illustrates a growing trend in human rights litigation: the use of domestic courts to enforce international law. This trend has opened the door to many legal questions involving jurisdiction. Historically, states have claimed universal jurisdiction for those acts that occurred in the high seas (such as piracy and slave-trading), a geographical area that did not fall under the territorial jurisdiction of any state. If no state has sovereignty over the high seas, the logic went, then all states have authority to prosecute crimes that occur there. However, modern human rights litigation rarely involves the high sea. Human rights violations, such as those committed by Habré's government, almost always occur on territory over which a state claims sovereignty. Absent an additional jurisdictional basis (such as nationality), states that wish to prosecute such offenses often have little tangible connection to the actual human rights violations. Should citizens of Chad be able to use domestic courts in Senegal to litigate actions that occurred in Chad? Should they be able to litigate in Belgium? What are the limits on jurisdictional claims, and what should these limits be?

Second, the case illustrates the increasingly complex relationships between domestic, regional, and international legal enforcement. As described below, multiple regional bodies and courts became involved in the prosecution of Habré, sometimes reaching contradictory conclusions. At one point, Habré even sued Senegal, arguing that his own human rights were being violated! Individual complaints were also filed at the UN Committee against Torture, which is the special treaty body that oversees compliance with the CAT.

Most human rights advocates believe that the proliferation of human rights bodies will lead to greater respect for human rights. Yet the Habré case illustrates the complexities that arise when multiple domestic and international bodies have overlapping responsibilities. Under the most extreme conception of universal jurisdiction, every court in the world could be used to litigate a single crime. What are the consequences of a legal doctrine that creates hundreds of overlapping legal jurisdiction? What happens if different courts reach different conclusions? These are questions that international lawyers and scholars must address.

Relevant Legal Texts

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

Preamble

The states parties to this Convention, … having regard to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, [and d]esiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world, have agreed as follows …

Article 5, paragraph 2

Each state party shall … [grant its courts] jurisdiction over [acts of torture] in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him[2] …

[2] Editor's note: States must usually pass domestic legislation to comply with this obligation.

Article 6, paragraph 2

Such state shall immediately make a preliminary inquiry into the facts.

Article 7, paragraph 1

The state party in the territory under whose jurisdiction a person alleged to have committed [torture] is found shall … if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

Judgment

Part I: Attempts to Prosecute Habré

The ICJ began by describing various attempts to hold Habré responsible for international crimes that were committed in Chad. These included: a trial in a domestic Belgium court; action by the African Union; and a complaint to the UN Committee against Torture.

> [In] September 2005, the Belgian investigating judge issued an international warrant *in absentia* for the arrest of Mr. Habré, indicted as the perpetrator or co-perpetrator ... of serious violations of international humanitarian law, torture, genocide, crimes against humanity and war crimes ...
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> [In] November 2005, [Senegal's] Court of Appeal ruled on Belgium's extradition request, holding that, as "a court of ordinary law, [it could] not extend its jurisdiction to matters relating to the investigation or prosecution of a head of state for acts allegedly committed in the exercise of his functions"; that Mr. Habré should "be given jurisdictional immunity", which "is intended to survive the cessation of his duties as President of the Republic"; and that [Senegal's Court of Appeal] could not therefore "adjudicate the lawfulness of [the] proceedings and the validity of the arrest warrant against a head of state".
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> The day after [the ruling], Senegal referred to the African Union the issue of the institution of proceedings against this former head of state. In July 2006, the Union ...

> decid[ed] to consider the "Hissène Habré case" as falling within the competence of the African Union, ... mandate[d] 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 [and] mandate[d] the Chairperson of the [African] Union … to provide Senegal with the necessary assistance for the effective "conduct of the trial" ...
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> The United Nations Committee against Torture considered a communication submitted by several [alleged victims] ... [In] May 2006, the Committee found that Senegal had not adopted such "measures as may be necessary" to establish its jurisdiction over the crimes listed in the Convention, in violation of Article 5, paragraph 2, of the [CAT]. The Committee also stated that Senegal had failed to perform its obligations under Article 7, paragraph 1, of the Convention, to submit the case concerning Mr. Habré to its competent authorities for the purpose of prosecution or, in the alternative, since a request for extradition had been made by Belgium, to comply with that request ...

Senegal began to take steps towards prosecuting Habré in 2007, when it passed a new law to create universal jurisdiction, as required by the CAT:

> In 2007, Senegal implemented a number of legislative reforms in order to bring its domestic law into conformity with Article 5, paragraph 2, of the Convention against Torture ... [It] indicated that it had established "a working group charged with producing the proposals necessary to define the conditions and procedures suitable for prosecuting and judging the former President of Chad, on behalf of Africa, with the guarantees of a just and fair trial", [and] Senegal stated that the said trial "require[d] substantial funds which Senegal cannot mobilize without the assistance of the [i]nternational community".

By 2009, Belgium was still attempting to extradite Habré, and Senegal claimed that it wanted to prosecute him but lacked the resources to do so:

> On 19 February 2009, Belgium ... [initiated] the present proceedings before [this] Court ... During the hearings …, it asserted that "[t]he only impediment ... to the opening of Mr. Hissène Habré's trial in Senegal [was] a financial one" and that Senegal "agreed to try Mr. Habré but at the very outset told the African Union that it would be unable to bear the costs of the trial by itself"…

Then in 2010, a regional African court ruled that a domestic prosecution of Habré in Senegal might violate his human rights. Since Senegal did not create universal jurisdiction until 2007, it reasoned, domestic prosecution for earlier crimes might violate the legal principle of non-retroactivity. This regional court believed that an international court (rather than a Senegalese court) must prosecute Habré:

> In a judgment of 18 November 2010, the Court of Justice of the Economic Community of West African states (hereinafter the "ECOWAS Court of Justice") ruled on an application ... in which Mr. Habré requested the court to find that his human rights would be violated by Senegal if proceedings were instituted against him. Having observed … that evidence existed pointing to potential violations of Mr. Habré's human rights as a result of Senegal's constitutional and legislative reforms, that Court held that Senegal should respect the rulings handed down by its national courts and … ordered it accordingly to comply with the absolute principle of non-retroactivity. It further found that the mandate which Senegal received from the African Union was in fact to devise and propose all the necessary arrangements for the prosecution and trial of Mr. Habré to take place, within the strict framework of special *ad hoc* international proceedings ...

The African Union then continued to insist that Senegal should "to try Hissène Habré on behalf of Africa". Meanwhile, Belgium repeatedly and unsuccessfully tried to get Senegal to extradite Habré to Belgium:

> [In] March 2011, Belgium transmitted to the Senegalese authorities a second request for the extradition of Mr. Habré.
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> On 18 August 2011, [Senegal's] Court of Appeal declared this second request for extradition inadmissible because it was not accompanied by the documents required under Senegalese law ... The [Court of Appeals] further observed that Belgium had instituted proceedings against Senegal before the International Court of Justice; it therefore concluded that
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> > th[e] dispute [was] still pending before the [ICJ], which ha[d] sole competence to settle the question of the disputed interpretation by the two states of the extent and scope of the obligation *aut dedere aut judicare* under Article 4 of the [CAT]

> [In] September 2011, Belgium transmitted to Senegal a third request for the extradition of Mr. Habré. On 10 January 2012, [Senegal's] Court of Appeal declared this request for extradition inadmissible on the grounds that the copy of the international arrest warrant placed on the file was not authentic, as required by [Senegal's laws] ...
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> [On] 17 January 2012, Belgium addressed to Senegal ... a fourth request for the extradition of Mr. Habré ...

In sum, numerous states and international organizations wanted for Habré to be prosecuted. But they could not agree on where Habré should be prosecuted.

Part II: Is the Case Admissible?

Senegal first argued that the case was inadmissible. Namely, Senegal argued that Belgium lacked standing to sue Senegal because neither Belgium as a state nor any Belgian nationals were harmed by Habré's actions. Therefore, Senegal argued, Belgium did not have a special interest in the outcome of the case.

> Senegal objects to the admissibility of Belgium's claims. It maintains that "Belgium is not entitled to invoke the international responsibility of Senegal for the alleged breach of its obligation to submit the H[issène] Habré case to its competent authorities for the purpose of prosecution, unless it extradites him". In particular, Senegal contends that none of the alleged victims of the acts said to be attributable to Mr. Habré was of Belgian nationality at the time when the acts were committed.

In response, Belgium argued that it did not need a special interest to have standing to sue Senegal under the Convention Against Torture. It argued that any treaty member has standing to sue.

> Belgium does not dispute the contention that none of the alleged victims was of Belgian nationality at the time of the alleged offences … Belgium argued that "[u]nder the Convention, every state party, irrespective of the nationality of the victims, is entitled to claim performance of the obligation concerned, and, therefore, can invoke the responsibility resulting from the failure to perform".

The ICJ argued that all CAT members have a common interest in compliance. This common interest creates a legal interest, which in turn creates standing to sue for treaty violations.

> The divergence of views between the parties concerning Belgium's entitlement to bring its claims against Senegal before the Court with regard to the application of the Convention in the case of Mr. Habré raises the issue of Belgium's standing ... As stated in its Preamble, the object and purpose of the Convention is "to make more effective the struggle against torture ... throughout the world". The states parties to the Convention have a common interest to ensure, in view of their shared values, that acts of torture are prevented and that, if they occur, their authors do not enjoy impunity. The obligations of a state party to conduct a preliminary inquiry into the facts and to submit the case to its competent authorities for prosecution are triggered by the presence of the alleged offender in its territory, regardless of the nationality of the offender or the victims, or of the place where the alleged offences occurred. All the other states parties have a common interest in compliance with these obligations by the state in whose territory the alleged offender is present. That common interest implies that the obligations in question are owed by any state party to all the other states parties to the Convention. All the states parties "have a legal interest" in the protection of the rights involved ... These obligations may be defined as "obligations *erga omnes partes*" in the sense that each state party has an interest in compliance with them in any given case. In this respect, the relevant provisions of the Convention against Torture are similar to those of the Convention on the Prevention and Punishment of the Crime of Genocide, with regard to which the Court observed that
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> > In such a convention the contracting states do not have any interests of their own; they merely have, one and all, a common interest, namely, the accomplishment of those high purposes which are the *raison d'être* of the Convention ...
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> The common interest in compliance with the relevant obligations under the Convention against Torture implies the entitlement of each state party to the Convention to make a claim concerning the cessation of an alleged breach by another state party. If a special interest were required for that purpose, in many cases no state would be in the position to make such a claim. It follows that any state party to the Convention may invoke the responsibility of another state party with a view to ascertaining the alleged failure to comply with its obligations *erga omnes partes* ... and to bring that failure to an end.

The ICJ therefore concluded that Belgium's case was admissible.

> For these reasons, the Court concludes that Belgium, as a state party to the Convention against Torture, has standing to invoke the responsibility of Senegal for the alleged breaches of its obligations ... Therefore, the claims of Belgium ... are admissible ...

Part III: Did Senegal Violate the CAT?

The ICJ then proceeded to the merits of the case. It began by mapping out the various violations that were alleged by Belgium, and their relationship to one another:

> Belgium requested the Court to adjudge and declare that Senegal is obliged to bring criminal proceedings against Mr. Habré and, failing that, to extradite him to Belgium. In its final submissions, it requested the Court to adjudge and declare that Senegal breached and continues to breach its obligations under Article 6, paragraph 2, and Article 7, paragraph 1, of the Convention by failing to bring criminal proceedings against Mr. Habré, unless it extradites him.
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> Belgium has pointed out during the proceedings that the obligations deriving from Article 5, paragraph 2, Article 6, paragraph 2, and Article 7, paragraph 1, are closely linked with each other in the context of achieving the object and purpose of the Convention, which according to its Preamble is "to make more effective the struggle against torture". Hence, incorporating the appropriate legislation into domestic law (Article 5, paragraph 2) would allow the state in whose territory a suspect is present immediately to make a preliminary inquiry into the facts (Article 6, paragraph 2), a necessary step in order to enable that state, with knowledge of the facts, to submit the case to its competent authorities for the purpose of prosecution (Article 7, paragraph 1).

The ICJ then summarized Senegal's defense to the allegations. Namely, Senegal argued that it had complied with its CAT obligations:

> Senegal contests Belgium's allegations and considers that it has not breached any provision of the Convention against Torture. In its view, the Convention breaks down the *aut dedere aut judicare* obligation into a series of actions which a state should take. Senegal maintains that the measures it has taken hitherto show that it has complied with its international commitments. First, Senegal asserts that it has resolved not to extradite Mr. Habré but to organize his trial and to try him. It

> maintains that it adopted constitutional and legislative reforms in 2007–2008, in accordance with Article 5 of the Convention, to enable it to hold a fair and equitable trial of the alleged perpetrator of the crimes in question reasonably quickly. It further states that it has taken measures to restrict the liberty of Mr. Habré, pursuant to Article 6 of the Convention, as well as measures in preparation for Mr. Habré's trial, contemplated under the aegis of the African Union, which must be regarded as constituting the first steps towards fulfilling the obligation to prosecute laid down in Article 7 of the Convention. Senegal adds that Belgium cannot dictate precisely how it should fulfil its commitments under the Convention, given that how a state fulfils an international obligation, particularly in a case where the state must take internal measures, is to a very large extent left to the discretion of that state.

The ICJ then assessed each step in Belgium's allegations. First, it examined the obligation (under Article 5, para. 2) to pass domestic legislation giving courts universal jurisdiction over torture:

> [The Court] notes that the performance by the state of its obligation to establish the universal jurisdiction of its courts over the crime of torture is a necessary condition for enabling a preliminary inquiry (Article 6, paragraph 2), and for submitting the case to its competent authorities for the purpose of prosecution (Article 7, paragraph 1). The purpose of all these obligations is to enable proceedings to be brought against the suspect, in the absence of his extradition, and to achieve the object and purpose of the Convention, which is to make more effective the struggle against torture by avoiding impunity for the perpetrators of such acts.
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> The obligation for the state to criminalize torture and to establish its jurisdiction over it finds its equivalent in the provisions of many international conventions for the combating of international crimes. This obligation, which has to be implemented by the state concerned as soon as it is bound by the Convention, has in particular a preventive and deterrent character, since by equipping themselves with the necessary legal tools to prosecute this type of offence, the states parties ensure that their legal systems will operate to that effect and commit themselves to coordinating their efforts to eliminate any risk of impunity. This preventive character is all the more pronounced as the number of states parties increases. The Convention against Torture thus brings together 150 states which have committed themselves to prosecuting suspects in particular on the basis of universal jurisdiction.

> The Court considers that by not adopting the necessary legislation until 2007, Senegal delayed the submission of the case to its competent authorities for the purpose of prosecution. Indeed, [Senegal's] Court of Appeal was led to conclude that the Senegalese courts lacked jurisdiction to entertain proceedings against Mr. Habré, who had been indicted for crimes against humanity, acts of torture and barbarity, in the absence of appropriate legislation allowing such proceedings within the domestic legal order ... Thus, the fact that the required legislation had been adopted only in 2007 necessarily affected Senegal's implementation of the obligations imposed on it by Article 6, paragraph 2, and Article 7, paragraph 1, of the Convention …

Second, the ICJ examined the obligation (under Article 6, para. 2) to investigate allegations of torture via a preliminary inquiry:

> Under the terms of Article 6, paragraph 2, of the Convention, the state in whose territory a person alleged to have committed acts of torture is present "shall immediately make a preliminary inquiry into the facts".
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> Belgium considers that this procedural obligation is obviously incumbent on Senegal, since the latter must have the most complete information available in order to decide whether there are grounds either to submit the matter to its prosecuting authorities or, when possible, to extradite the suspect. The state in whose territory the suspect is present should take effective measures to gather evidence ... Belgium takes the view that Senegal, by failing to take these measures, breached [the CAT] ...
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> Senegal ... has maintained that [an] inquiry is aimed at establishing the facts, but that it does not necessarily lead to prosecution, since the prosecutor may, in the light of the results, consider that there are no grounds for such proceedings. Senegal takes the view that this is simply an obligation of means, which it claims to have fulfilled.
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> In the opinion of the Court, the preliminary inquiry provided for in Article 6, paragraph 2, is intended, like any inquiry carried out by the competent authorities, to corroborate or not the suspicions regarding the person in question. That inquiry is conducted by those authorities which have the task of drawing up a case file and collecting facts and evidence; this may consist of documents or witness statements relating to the events at issue and to the suspect's possible involvement in the matter concerned ...

> The Court observes that Senegal has not included in the case file any material demonstrating that the latter has carried out such an inquiry ... It is not sufficient, as Senegal maintains, for a state party to the Convention to have adopted all the legislative measures required for its implementation; it must also exercise its jurisdiction over any act of torture which is at issue, starting by establishing the facts ...
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> While the choice of means for conducting the inquiry remains in the hands of the states parties, taking account of the case in question, Article 6, paragraph 2, of the Convention requires that steps must be taken as soon as the suspect is identified in the territory of the state, in order to conduct an investigation of that case. That provision must be interpreted in the light of the object and purpose of the Convention, which is to make more effective the struggle against torture. The establishment of the facts at issue … became imperative in the present case at least since the year 2000, when a complaint was filed in Senegal against Mr. Habré ...
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> The Court observes that a further complaint against Mr. Habré was filed ... after the legislative and constitutional amendments made in 2007 and 2008 ... But there is nothing in the materials submitted to the Court to indicate that a preliminary inquiry was opened following this second complaint. Indeed, in 2010 Senegal stated before the ECOWAS Court of Justice that no proceedings were pending or prosecution ongoing against Mr. Habré in Senegalese courts.
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> The Court finds that the Senegalese authorities did not immediately initiate a preliminary inquiry as soon as they had reason to suspect Mr. Habré, who was in their territory, of being responsible for acts of torture ... The Court therefore concludes that Senegal has breached its obligation under Article 6, paragraph 2, of the Convention ...

Third, the ICJ examined the obligation (under Article 7, para. 1) to either prosecute Habré or extradite him to Belgium:

> As is apparent from the *travaux préparatoires* of the Convention, Article 7, paragraph 1, is based on a similar provision contained in the [1970] Convention for the Suppression of Unlawful Seizure of Aircraft ... The obligation to submit the case to the competent authorities for the purpose of prosecution (hereinafter the "obligation to prosecute") was formulated in such a way as to leave it to those authorities to decide whether or not to initiate proceedings, thus respecting the

independence of states parties' judicial systems. These two conventions emphasize, moreover, that the authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of the state concerned ... It follows that the competent authorities involved remain responsible for deciding on whether to initiate a prosecution, in the light of the evidence before them and the relevant rules of criminal procedure ...

Belgium, while recognizing that the time frame for implementation of the obligation to prosecute depends on the circumstances of each case, and in particular on the evidence gathered, considers that the state in whose territory the suspect is present cannot indefinitely delay performing the obligation incumbent upon it to submit the matter to its competent authorities for the purpose of prosecution. Procrastination on the latter's part could, according to Belgium, violate both the rights of the victims and those of the accused. Nor can the financial difficulties invoked by Senegal ... justify the fact that the latter has done nothing to conduct an inquiry and initiate proceedings ... The same applies, according to Belgium, to Senegal's referral of the matter to the African Union in January 2006, which does not exempt it from performing its obligations under the Convention ...

With regard to the legal difficulties which Senegal claims to have faced in performing its obligations under the Convention, Belgium contends that Senegal cannot rely on its domestic law in order to avoid its international responsibility. Moreover, Belgium recalls the judgment of the ECOWAS Court of Justice ..., which considered that Senegal's amendment to its Penal Code in 2007 might be contrary to the principle of non-retroactivity of criminal laws, and deemed that proceedings against Hissène Habré should be conducted before an *ad hoc* court of an international character ... Belgium emphasizes that, if Senegal is now confronted with a situation of conflict between two international obligations ..., that is the result of its own failings in implementing the Convention against Torture.

For its part, Senegal has repeatedly affirmed, throughout the proceedings, its intention to comply with its obligation under Article 7, paragraph 1, of the Convention, by taking the necessary measures to institute proceedings against Mr. Habré. Senegal contends that it only sought financial support in order to prepare the trial under favourable conditions, given its unique nature, having regard to the number of victims, the distance that witnesses would have to travel and the difficulty of gathering evidence. It claims that it has never sought, on these grounds, to justify the non-

performance of its conventional obligations. Likewise, Senegal contends that, in referring the matter to the African Union, it was never its intention to relieve itself of its obligations.

Moreover, Senegal observes that the judgment of the ECOWAS Court of Justice is not a constraint of a domestic nature. While bearing in mind its duty to comply with its conventional obligation, it contends that it is nonetheless subject to the authority of that court. Thus, Senegal points out that that decision required it to make fundamental changes to the process begun in 2006, designed to result in a trial at the national level, and to mobilize effort in order to create an *ad hoc* tribunal of an international character, the establishment of which would be more cumbersome.

The Court considers that Senegal's duty to comply with its obligations under the Convention cannot be affected by the decision of the ECOWAS Court of Justice.

The Court is of the opinion that the financial difficulties raised by Senegal cannot justify the fact that it failed to initiate proceedings against Mr. Habré ... Moreover, the referral of the matter to the African Union, as recognized by Senegal itself, cannot justify the latter's delays in complying with its obligations under the Convention ...

The Court observes that ... Senegal cannot justify its breach of the [CAT] by invoking provisions of its internal law, in particular by invoking the decisions as to lack of jurisdiction rendered by its courts in 2000 and 2001, or the fact that it did not adopt the necessary legislation [required by the] Convention until 2007.

While Article 7, paragraph 1, of the Convention does not contain any indication as to the time frame for performance of the obligation for which it provides, it is necessarily implicit in the text that it must be implemented within a reasonable time, in a manner compatible with the object and purpose of the Convention.

The Court considers that the obligation on a state to prosecute, provided for in Article 7, paragraph 1, of the Convention, is intended to allow the fulfilment of the Convention's object and purpose, which is "to make more effective the struggle against torture" (Preamble to the Convention). It is for that reason that proceedings should be undertaken without delay.

> The Court finds that the obligation provided for in Article 7, paragraph 1, required Senegal to take all measures necessary for its implementation as soon as possible, in particular once the first complaint had been filed against Mr. Habré in 2000. Having failed to do so, Senegal has breached and remains in breach of its obligations under Article 7, paragraph 1, of the Convention ...

Postscript: As described in chapter 11, Hissène Habré was eventually prosecuted by the Extraordinary African Chambers, a special international tribunal created by the African Union. In 2016, he was found guilty of torture, crimes against humanity, and war crimes. He was sentenced to life in prison and ordered to pay over 100 million euros to a victims' compensation fund.