

“A Monster and a Test Case”
Media framing in the Hissène Habré war crimes case

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Table of Contents

Acknowledgements	3
Abstract	4
Thesis	
I. “Somewhere there is Justice”	5
Introduction	
II. “Victims Demand Trial for ‘African Pinochet’”	13
Putting the Habré case in context	
III. “Despot Crusade”	26
The human rights frame	
IV. “Affaires comme celle-la sont des affaires africaines”	65
The African sovereignty frame	
V. “The Habré Legacy”	82
Conclusion and Epilogue	
References	87

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Abstract

In September 2005 the former dictator of Chad, Hissène Habré, was charged with war crimes, crimes against humanity, and torture. Following an extradition request, Habré was arrested in Senegal – the country he had been living in since 1990, when he was deposed in a coup. The Senegalese government, however, did not follow through on the extradition order. The charges and order had not come from a Chadian court but rather from a Belgian judge. Faced with the delicate issue of extraditing a former African head of state to stand trial in the court of a former colonial power, the Senegalese government turned to the African Union, asking the organization to recommend how to try Habré.

During the period between Habré's arrest in November 2005 and the African Union's ruling in July 2006, the Habré case appeared in the news framed in several different contexts. For human rights groups, the trial was not only the chance to bring Habré to justice; it was also a chance to further develop the legal precedent established in the Pinochet case. For the Senegalese government, the Belgian extradition order was a threat to African sovereignty.

The Habré case as it appears in the media and as it is framed by the involved parties reveals the complexities of the case, demonstrating that the Habré case is not simply about trying a former head of state; rather it is about the politics of war crimes, from the scope and limitations of international law to the emerging role of the African Union on the world stage.

I

“Somewhere, There Is Justice”¹

Introduction

In 1982, former defense minister Hissène Habré, captured the capital city N’Djamena and began his eight year rule of Chad. Habré’s rise to power occurred in the middle of a guerilla war between the Muslim north and the Christian south that had erupted thirteen years earlier. The war, combined with a severe drought, undermined the rule of Ngarta Tombalbaye, a Christian from the south and the country’s first president since it had gained independence from France in 1960. In 1975, Tombalbaye was killed and replaced by Felix Malbum, who in turn would be replaced by the Libyan backed Goukouki Oueddei.

During this time, Chad was also at war with Libya over the Aozou strip. It is widely believed that the French-educated Habré was backed by the CIA to serve as a bulwark against Libya’s Colonel Muammar Gaddafi.² One year after his successful coup, Habré, backed by the United States and France, drove the Libyans from the region. Despite this initial success, however, Habré’s position was far from secure. During his eight year reign, Habré faced a series of rebellions and the threat of Oueddei who had fled to the north and formed a rival government.

In 1990, Habré was deposed in a coup led by Idriss Déby, who would later be confirmed as president in Chad’s first election. Habré fled to Senegal, where he has lived in exile ever since. The case against Habré began almost immediately after he left office. In 1991, the Chadian Association of Victims of Political Repression and Crime (AVCRP)

¹ Brody, Reed. “Somewhere, There Is Justice.” International Herald Tribune. 6 Oct. 2005. 1-1.

² “Profile: Chad’s Hissène Habré.” BBC News. 25 June 2008. 15 Feb. 2009.

compiled information on each of the reported victims of Habré's regime. The following year, a Truth Commission report organized by the Chadian government accused Habré of 40,000 cases of political murder and 200,000 cases of torture. The majority of these abuses were attributed to the Documentation and Security Directorate (DDS), the political police force that Habré allegedly had direct control over.

The most notorious of the DDS detention centers was a converted swimming pool called the Piscine. It was in the underground Piscine and other detention centers – one was reportedly in the presidential palace – where victims were tortured. According to Amnesty International, “the Chadian government applied a deliberate policy of terror in order to discourage opposition of any kind.”³ The deliberate policy of terror that was applied was documented in the reports compiled after Habré's fall from power.

Survivors said the most common forms of torture were electric shocks, near-asphyxia, cigarette burns and having gas squirted into the eyes. Sometimes, the torturers would place the exhaust pipe of a vehicle in their victim's mouth, then start the engine, Amnesty says. Some detainees were placed in a room with decomposing bodies, others suspended by their hands or feet, others bound hand and foot. One man said he thought his brain was going to explode when he was subjected to ‘supplice des baguettes’ (torture by sticks), when the victim's head is put between sticks joined by rope which are then twisted. Others were left to die from hunger in the ‘diète noire’ (starvation diet).⁴

The prisoners subjected to this treatment were often members of ethnic groups considered to be in opposition to the government, including the Sara, the Hadjerai, Chadian Arabs, and the Zaghawa.

Despite the accusations made against Habré, the Chadian government did not issue an extradition order for Habré to be brought back from Senegal in order to stand

³ "Profile: Chad's Hissène Habré." [BBC News](#). 25 June 2008. 15 Feb. 2009.

⁴ Ibid.

charges. This was possibly because members of the current regime took part in the same abuses.⁵ Instead, the Chadian Association for the Promotion and Defense of Human Rights turned to Human Rights Watch. After conducting its own investigation, Human Rights Watch organized a coalition of Chadian, Senegalese, and international NGOs to support a complaint and a group of Senegalese lawyers to represent the case in court. Seven individual Chadians and one Frenchwoman (the wife of a murder victim), and the Chadian Association of Victims of Political Repression and Crime served as the private plaintiffs in a 2000 criminal complaint that was filed in a Dakar court. The complaint accused Habré of torture and crimes against humanity and was based on the international convention against torture, which Senegal had ratified in 1986. The Senegalese court, however, ruled that they did not have the jurisdiction to try Habré for crimes allegedly committed abroad.

The Senegalese court may not have believed they had the jurisdiction to try Habré for crimes committed abroad, but a judge in Belgium believed otherwise. Under Belgium's law of universal jurisdiction, Judge Daniel Franssen agreed to take the case. Judge Franssen and a police team launched a four year investigation in Chad where they interviewed victims and accomplices and were taken by ex-prisoners to their old cells and gravesites.⁶ In September 2005, Judge Franssen charged Habré with crimes against humanity and Belgium asked Senegal for Habré's extradition. But Senegal's president,

⁵ Human Rights Watch. "The Pinochet Precedent: How Victims Can Pursue Human Rights Criminals Abroad." Press release. Mar. 2000. 23 Oct. 2008
<[http://http://www.hrw.org/campaigns/chile98/precedent.htm](http://www.hrw.org/campaigns/chile98/precedent.htm).>

⁶ Ibid.

Abdoulaye Wade believed that the Habré case was an “African question” and turned to the African Union for guidance.⁷

The Habré case first came to international attention through the 1998 Pinochet case. When the former Chilean dictator was arrested in London under a Spanish extradition order, human rights activists took notice. The charges made against Pinochet were based on the principle of universal jurisdiction, a legal principle that allows individuals to be prosecuted for war crimes and crimes against humanity in any country, regardless of where the alleged offenses occurred. In two separate court decisions, the Audiencia Nacional upheld Spanish jurisdiction. Although the case against Pinochet was dismissed when Pinochet was found mentally incapacitated, human rights activists were inspired to bring cases against other former dictators. When charges against Habré were filed in the Senegalese courts, Habré was named as one of the dictators facing legal action as a result of the Pinochet case.⁸ The case against Habré was documented in the media, usually through the account of Souleymane Guengueng, the vice-president of the Chadian Association of Victims of Political Repression and Crime and a former victim of the Habré regime. Habré soon became known as the “African Pinochet.”

The media coverage devoted to the Habré case intensified when President Wade decided to refer the case to the African Union. While many media agents presented a fairly impartial view of the case, even attempting to place it in a larger historical context showing what the case means to international criminal law, an analysis of the media coverage from September 2005 to July 2006 reveals two media frames that emerged

⁷ Guengueng, Souleymane, and Reed Brody. "Bring Hissène Habré to justice." Mail and Guardian 17 Jan. 2006: 1-1.

⁸ Reynolds, James. "The Pinochet effect." BBC News 14 Aug. 2000. 05 Mar. 2009 <<http://news.bbc.co.uk/2/hi/americas/879887.stm>>.

during the period between when the Belgian extradition order was issued and when the AU announced its decision. In discussing the use of framing in social movements Gamson and Wolfsfeld write, “Events do not speak for themselves but must be woven into some larger storyline or frame; they take their meaning from the frame in which they are embedded.”⁹ Given the influential role that media frames can play in movements, it is important to study the media frames that have been created in the Habré case. There are several media agents involved in the case and each one has used the media to promote their particular view. By studying both the impartial media coverage and the two frames, one can gain a greater understanding of the main issues of the case.

The first frame that will be studied in this paper is the human rights frame. In 2000, the Chadian Association of Victims of Political Repression and Crime and Human Rights Watch began to work together to move the Habré case forward. Over the past nine years, the two groups have worked together combining their respective strengths: the Chadian Association of Victims of Political Repression and Crime has contributed eyewitness accounts from victims of the Habré regime while Human Rights Watch has brought thirty years of experience and resources to the effort to find a court that will try Habré. For these activists, the effort to try Habré for his alleged crimes represents a long search for justice. The two groups, led by Human Rights Watch’s access to the mainstream media, have put a considerable amount of effort into keeping the Habré case in the media.

The articles that have been produced by these activists and by sympathetic organizations and media agents comprise the human rights frame. The main objective of

⁹ Gamson, William A., and Gadi Wolfsfeld. "Movements and Media as Interacting Systems." Annals of the American Academy of Political and Social Science 528 (1993): 114-25.

the activists is to put Habré on trial. During the period being studied, the activists involved in the case believed that having Habré tried in Belgium was the only viable option. Thus, the articles falling within the human rights frame advocate Senegal's compliance with the Belgian extradition order. The Habré case is framed as a struggle for justice; emphasis is placed on the details and evidence of the abuses conveyed through graphic testimony from former victims, usually Souleymane Guengueng. The activists also make an effort to establish Habré's guilt and Habré is frequently referred to as the "African Pinochet." In order to strengthen the depiction of the case as a struggle for justice, the authors in the human rights frame place accounts of the case within a narrative structure. Not only are the details of the abuses given in news articles; attention is paid to profiling the two main figures in the prosecution, Reed Brody and Souleymane Guengueng. The analysis of the human rights frame in chapter three will focus on the resources and tactics of the human rights advocates, the narrative structure used in news coverage of the case, and why this narrative structure may have been chosen.

The next frame that will be analyzed in this paper is the African sovereignty frame. President Abdoulaye Wade of Senegal decided to refer the Habré case to the African Union because he believed that the case was an "African question" and because he was hesitant to set the precedent of extraditing a former African head of state to Europe. For some, the Habré case is not a question of whether or not justice will be served; instead it is part of the broader question surrounding Africa's role in the international community. The articles that comprise the African sovereignty frame focus on the political implications of the Habré case, particularly in what the case means for Africa.

Within the African sovereignty frame President Wade's decision to refer the case to the African Union is seen as an act of defiance against Western attempts to control Africa and a chance to strengthen the political influence and effectiveness of the African Union. The articles in this frame, echo the statement made by President Wade that the Habré case is an issue for Africa, and Africa alone, to resolve. The newspaper in which the African sovereignty frame is found is state-run; however, this obvious bias can be seen as positive because it allows the reader to understand the position of some of the other figures in the case, the governments themselves. Belgium's colonial past in Africa, especially its responsibility for widespread human rights abuses is often cited as one reason why Habré should not be tried in Belgium. On the other hand, the obvious bias, especially when viewed alongside the charges that have been made against the Senegalese government, calls the motives of those making these arguments into question. An analysis of the African sovereignty frame will examine the history of the African Union, including the expectations that have been placed on the organization and the challenges it currently faces. The significance of the Habré case to the future of the African Union will also be examined.

The more impartial media coverage will be discussed first in an effort to put the case in context. This coverage differs from the two frames in that it does not advocate a particular position; rather, the authors of these articles attempt to present an impartial discussion of all of the issues surrounding the case. Thus in this coverage, the Habré case is depicted as a complex legal case that affects future human rights cases, the African Union's position in the international community, and the developing field of international criminal law all at the same time. Brody and Guengueng are frequently quoted in these

articles which both incorporate elements of the human rights frame into a broader discussion and speak to the credibility of the two men. Likewise, President Wade and other members of the Senegalese government and African Union are quoted giving their opinions of the case, which further strengthens the position that the Habré case has significant political implications for Africa.

For these reasons, the impartial media coverage can be seen as a synthesis of the two frames, validating the positions taken in more partial depictions of the trial by suggesting that both sides have legitimate arguments. On the other hand, the impartial media coverage also widens the scope of the Habré case by also including a discussion of the international legal principles at play. While Habré is depicted as the African Pinochet in the human rights frame, the legal implications of the Pinochet case are discussed in further detail in the articles found in the context chapter. The principle of universal jurisdiction and the significance of the application of this principle in cases such as the Habré case are also discussed at length. The following context chapter will focus on first defining the legal principles alluded to in the articles in the impartial media coverage followed by an examination into how these principles both affect and are affected by the Habré case.

Thus, an analysis of the media coverage devoted to the Habré case reveals the legal and political implications of the case. If Habré is brought to trial, it will be considered a victory for human rights activists and supporters of universal jurisdiction. If the African Union successfully mediates the situation, the Habré case will strengthen the young organization's standing within the international community.

II

“Victims demand trial for ‘African Pinochet’”¹⁰ *Putting the Habré case in context*

The events discussed in the previous chapter are essential to understanding the history of the case; however, the media has placed the Habré case in a larger historical context. In order to understand the arguments found in the human rights and African sovereignty frames, one must first understand the legal principles that play an important role in the case. The articles discussed in this chapter focus on the law of universal jurisdiction and the prosecution of those accused of committing war crimes and crimes against humanity in general and how these laws have both affected and are affected by the Habré case. To understand the significance of the Habré case to international law – specifically international criminal law – the history and meaning of universal jurisdiction, crimes against humanity, and war crimes must be discussed. Of particular importance to the development of international criminal law are the Nuremberg War Crimes Tribunal, the Tokyo War Crimes Tribunal, and the Pinochet case. The latter helped establish the rule of universal jurisdiction and without the Pinochet case; it is unlikely that the Habré case would have progressed further than the first complaints in the Senegalese courts.

The news articles discussed in this chapter differ from those found in the following chapters because they attempt to address all aspects of the case. In both the human rights frame and the African sovereignty frame, the actors attempt to place the case in a larger context, showing that the case is significant to the overall struggle for human rights and Africa’s position in the international community respectively. The articles analyzed in this chapter, however, acknowledge both contexts attempting to

¹⁰ Hancock, Stephanie. "Victims demand trial for ‘African Pinochet’" Toronto Star 6 Aug. 2007: 1-1.

depict what the Habré case means to the international legal community as a whole, not just human rights law or Africa's political position.

Nuremberg, Tokyo, and international personality

The development of international criminal law is tied to the philosophical concept of the self. As society moved from a collective identity to an individual identity, the rights and responsibilities of the individual came to be recognized.¹¹ Legally, this has come to mean that individuals have certain rights that are protected under law while also having obligations to protect the rights of others. These rights and duties under international law, which make individuals and not just nation states subject to international law, are known as international personality.

The application of international personality to individuals came about in the aftermath of the Second World War. The principle of criminal responsibility of individuals for breaches of international law was found prior to the charter of the Nuremberg Tribunal; however, it was only in the Nuremberg trial that the principle was given formal recognition.¹² This principle was also recognized in the charter of the Tokyo War Crimes Tribunal. After the precedent set by the Nuremberg and Tokyo Tribunals, international law began to impose personal obligations on individuals separately attached from those attached to the state which they represented. War crimes, crimes against the peace, and crimes against humanity have become crimes for which an individual is personally responsible for under international law, irrespective of the laws of his or her own country.¹³

¹¹ Mettraux, Guenael, ed. Perspectives on the Nuremberg Trial. London: Oxford UP, 2008.

¹² Ibid.

¹³ Dixon, Martin. Textbook on International Law (Sixth Edition). Oxford University Press, London, England. 2007.

While there is a certain degree of overlap between war crimes and crimes against humanity, there are several key distinctions between the two. War crimes refer to acts committed in violation of the laws and customs that govern the conduct of war. The Fourth Hague Convention of 1907 set out the basic rules and customs of war while also introducing the concept of crimes against humanity. The Charter of the Nuremberg Tribunal, however, was the first instance where crimes against humanity codified expression. The preamble to the Fourth Hague Convention of 1907 invoked the laws of humanity and the Convention ruled that prisoners of war and civilians of hostile nations must be treated humanely; but it was the Charter of the Nuremberg Tribunal that formally established a category of criminal offenses under the name “crimes against humanity.”¹⁴

Crimes against humanity encompass more than war crimes: they include crimes committed against the belligerent nation’s own nationals as well as the citizens of the enemy nation, the persecution of an identifiable group of people for reasons of race, religion and so forth, and civilian targeted atrocities that take place during war and peace. While the last component was not included in the Nuremberg and Tokyo Charters, the two tribunals marked a significant step in the development of individual international personality and the crimes for which individuals can be held accountable.¹⁵

Hissène Habré has been accused of war crimes and crimes against humanity. These charges pertain to the war fought against Libya during Habré’s tenure as president of Chad. Like other international criminal cases, Habré is accused of committing these human rights abuses against his own people. Habré is accused of having direct control over the DDS and is therefore being held accountable for the police organization’s

¹⁴ Mettraux, Guenael, ed. Perspectives on the Nuremberg Trial. London: Oxford UP, 2008.

¹⁵ Totani, Yuma. The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II. Cambridge: Harvard University Asia Center, 2008.

alleged torture of political prisoners.¹⁶ In particular, the DDS is accused of targeting members of ethnic groups that opposed the government's policies; thus, the charges against Habré fall under the first and second components of crimes against humanity described above.¹⁷ Additionally, the precedent set by previous international criminal cases, including the Nuremberg and Tokyo War Crimes Tribunals, establishes that Habré cannot claim immunity as a former head of state.

The Pinochet Precedent and universal jurisdiction

Dixon writes that “under international law, there are certain crimes that are regarded as so destructive of the international order that any state may exercise jurisdiction in respect of them.”¹⁸ Generally, the crimes considered to fall into this category include genocide, torture, war crimes, piracy, crimes against humanity, and in some cases hostage taking and hijacking. In theory, a person accused of one of these offenses can be tried in any court; however, as Dixon writes, “the precise reach of universal jurisdiction has not been determined by the International Court of Justice.”¹⁹

The International Court of Justice (ICJ) serves as the main judicial agent of the United Nations. It was founded in the UN Charter of 1945 and serves to adjudicate cases brought between states.²⁰ Individuals cannot be named parties in ICJ cases; however, they can be prosecuted in the International Criminal Court, which was established in 2002.

One of the first cases to utilize universal jurisdiction was that of General Augusto Pinochet, the former dictator of Chile. In October 1998, while in London seeking medical

¹⁶ Farah, Douglas. "Chad's Torture Victims Pursue Habre in Court, Pinochet Case Leaves Ex-Dictator Vulnerable." *Washington Post* 27 Nov. 2000. 15 Feb. 2009

¹⁷ "Profile: Chad's Hissène Habré." *BBC News*. 25 June 2008. 15 Feb. 2009.

¹⁸ Dixon, Martin. *Textbook on International Law* (Sixth Edition). Oxford University Press, London, England. 2007.

¹⁹ *Ibid.*

²⁰ *Statute of the International Court of Justice*. Accessed April 13, 2009.

treatment, Pinochet was arrested on the basis of a warrant for his arrest that had been filed by the Spanish government. The arrest warrant was the result of two separate, two-year investigations in Spain looking into the evidence of human rights abuses committed by Chile's military regimes. Due to the political climate in Chile at the time, the victims were not able to bring a case against Pinochet in a Chilean court. Additionally, some of the victims were Spanish nationals. After the arrest warrant was issued and challenged, the Audiencia Nacional upheld Spanish jurisdiction in two decisions issued in November 1998.²¹

Ultimately, Pinochet was not extradited to Spain and instead returned to Chile; however, this was not because the United Kingdom rejected Spanish jurisdiction but rather because Pinochet was found to be showing signs of dementia, making him unfit to stand trial. In the meantime, the Chilean courts became willing to try Pinochet and he returned to face similar charges in Chile and Argentina; however, in both cases he was once again found to be mentally incapacitated and thus incapable of standing trial.

Although the drama of the Pinochet case was played out in national courts, it provided a crucial practical test of the seriousness and depth of the commitment by sovereign states to apply the principle of universal jurisdiction for certain internationally recognized crimes. However, the case against [Pinochet] was only one part of a much broader investigation. Its outcome [...] does not signal any definitive resolution of the critical issues raised by the attempt to prosecute him.²²

The British ruling in the Pinochet case left the precise reach of universal jurisdiction still undefined. The Spanish court's ruling that Spain did in fact have jurisdiction in the case and the fact that the case against Pinochet was dismissed for medical and not

²¹ Davis, Madeline, ed. The Pinochet Case: Origins, Progress and Implications. London: Institute of Latin American Studies, 2003.

²² Ibid.

jurisdictional issues, offers some support for a wide arm for universal jurisdiction. The Pinochet case has inspired other victims and human rights activists to bring cases against former dictators in countries willing to try them; however, the lack of a definitive ruling regarding Britain's ability to extradite Pinochet shows that universal jurisdiction is still being developed. It will be seen in the next chapter that the Habré case is often portrayed in the human rights frame as an opportunity to strengthen the precedent set by the Pinochet case; had Habré been extradited to Belgium to stand trial or if Habré is eventually tried in Senegal, the case will serve as an example of the effective application of universal jurisdiction.

While the Pinochet case was unfolding, Belgium was establishing itself as a sovereign state with a serious commitment to applying the principle of universal jurisdiction. Other countries have laws of universal jurisdiction; however, Belgium had one that was particularly broad and judges that were "unusually willing to use it."²³ By the end of the twentieth century, Belgium had twenty-five cases pending specifically related to its law of universal jurisdiction. While the law was originally praised when first ratified, it became controversial in 2001 when a case was brought against Israeli prime minister Ariel Sharon concerning the 1982 massacres at the Sabra and Shatila refugee camps in Beirut by the pro-Israeli Christian Lebanese militia.²⁴ A Belgian appeals court dismissed the case, arguing for the first time that Belgium could only proceed against accused criminals who were physically within its territory. The ruling sparked a contentious debate in Belgium, as bills were presented in Parliament lobbying for and against returning the law to its original, wider scope. The international community

²³ "Debating Belgium's War-Crime Jurisdiction." *New York Times*. 25 January, 2003. 25 March, 2009.

²⁴ Sharon had served as Minister of Defense during the time of the massacres. (Ibid.)

became involved as well, with the governments of the United States and Israel arguing in favor of the court of appeals ruling and human rights advocates and Palestinian groups arguing against it.²⁵ In 2003, Belgium's universal jurisdiction law was repealed and replaced with a more restrictive law similar to the laws found in other countries; however, cases that had begun prior to the repeal, including the Habré investigation, continued.²⁶

Putting the Habré case in context

Unlike the two media frames, the articles featured here do not attempt to persuade the public. Instead, the authors of the articles in this chapter attempt to present an unbiased presentation of the politics and difficulties of trying Habré and by extension, other former rulers accused of human rights abuses. The articles in this chapter, which tend to be shorter than those belonging to the two frames, all contain the same elements: a discussion of the charges against Habré, an update on the status of the case, and a discussion of the legal issues of the case namely the application of universal jurisdiction. Specifically, the articles address the following legal issues: the legal roles of Senegal and Belgium in the case, the search for the proper venue to try Habré, and the issue of having an African head of state tried in the courts of a former colonial power.

At times, the articles in this chapter help fill in the gaps of the case, providing answers to questions that have been raised in other accounts. This can be seen in the September 30, 2005 article published in the *New York Times*, "Belgium Indicts Chad's Ex-Leader." The International Criminal Court (ICC) is currently the major venue through

²⁵ Ibid.

²⁶ "Belgium: Universal Jurisdiction Law Repealed." Human Rights Watch. 2003-08-01. <http://www.hrw.org/press/2003/08/belgium080103.htm>.

which war crimes and crimes against humanity cases are tried. Additionally, the court is located in The Hague which, like the United Nations, is considered to be a neutral ground. The ICC would therefore seem to solve the problem of providing Habré with a fair and timely trial while also avoiding postcolonial tensions. The ICC, however, is never mentioned as a viable option in the articles appearing in the human rights frame or the African sovereignty frame. This is because trying Habré in the ICC is actually not possible because the ICC cannot prosecute cases that occurred prior to 2002, the year its jurisdiction went into effect – a fact that is explained in “Belgium Indicts Chad’s Ex-Leader.”

While articles in the African sovereignty frame state that Senegal and President Wade faced international pressure regarding the Belgian extradition order, they do not provide specific examples. In “Ex-President of Chad Freed in Torture Case After Senegal Ruling,” which was published in the *New York Times* on November 26, 2005, the author elaborates on the “diplomatic quandary” President Wade found himself in at the time: President Déby urged President Wade to extradite Habré, claiming that Wade had promised to do so if asked. President Wade also risked international censure if he was seen as sheltering a former ruler accused of major human rights violations; however, President Wade was reluctant to set the precedent for extraditing former African heads of state to Europe. The Belgian government also stated at the time that if President Wade were to refuse to comply with the extradition order, Belgium could potentially invoke international conventions against torture signed by both countries or take the case to the International Court of Justice.²⁷

²⁷ “Ex-President of Chad Freed in Torture Case After Senegal Ruling.” *New York Times*. 26 November, 2005. 05 March, 2009.

This last claim is corroborated in the article, “Senegal court to rule on Habré extradition,” which was published on *expatica.com* on November 20, 2005. During the month of November 2005, when the Senegalese court ruled that it was not competent to deal with the Habré case and President Wade announced he would be referring the case to the AU, *expatica.com* published weekly updates on the case. *Expatica.com* is an online publication for Belgian expatriates. Because it is a Belgian publication directed at a Belgian audience, the publication also focused on Belgium’s role in the case, featuring quotes from members of the federal government who supported the judge’s extradition order. One such quote is from Justice Minister Laurette Onkelinx who stated: “The entire Belgian government is determined to go all the way to the end with this.”²⁸ This quote from a member of the government supports the claim made in “Debating Belgium’s War-Crime Jurisdiction” that the Belgian government was ready and willing to apply the principle of universal jurisdiction. This is interesting to note because the extradition order in the Habré case was issued only a few months after the country’s liberal universal jurisdiction law had been repealed and replaced with a more conservative law.

“No Belgian trial for ex-Chad ruler Habré” and “African Union Tells Senegal to Try Ex-Dictator of Chad,” both provide details of the AU’s ruling. The Senegalese courts originally refused to prosecute Habré in 2000, citing that they did not have the jurisdiction to prosecute Habré for crimes committed abroad. In “African Union Tells Senegal to Try Ex-Dictator of Chad,” which was published in the *New York Times* on July 3, 2006, the author reports that the AU recommended that Senegal pass a law to allow the courts to have jurisdiction over the alleged crimes. “No Belgian trial for ex-Chad ruler Habré,” published on *expatica.com* on the same day, explains the legal basis

²⁸ “Senegal court to rule on Habré extradition.” Expatica.com. 20 November, 2005. 05 March, 2009.

for the AU decision. The AU rejected Senegal's original claim that it did not have jurisdiction in the case, finding that Senegal in fact had a duty to try Habré under the Convention against Torture which Senegal ratified in 1986.

Prior to the AU's ruling, the United Nations cited the Convention against Torture in a ruling of its own. In "AU team in Habré Talks," an article published in May 2006 on the South African news site *news24.com*, the author reports that the ten member UN Committee against Torture ruled that Dakar was in breach of international human rights laws because it had failed to deal with the Habré case. "UN: Senegal must extradite Habré," another article published on the *news24.com* site in April 2006, offers a more detailed explanation of the UN ruling. The article explains that the 1984 UN Convention against Torture obliges signatories to either prosecute or extradite alleged torturers within their territory. The UN Committee therefore found that Senegal was breaking with international human rights law by not trying or extraditing Habré. The article notes, however, that while the committee has moral authority, it has no legal authority. The UN ruling therefore can do little more than put further pressure on the AU to make a decision that results in Habré being tried.

The articles in this chapter provide a more detailed account of the case than the accounts offered in the two media frames that will be studied. This could possibly be because, in an effort to present a particular view of the events, the agents in the two frames have chosen to focus only on specific aspects of the case that fit within their particular frame. Within the human rights frame, where the objective is to have Habré stand trial, preferably in Belgium, the most important aspect of the case to highlight is the magnitude of the human rights abuses Habré is accused of committing. It is important to

note the Belgian extradition order because it proves that there is a court system ready and willing to try Habré but it is not necessarily important to quote members of the Belgian government; the order itself speaks to the government's support of applying its law of universal jurisdiction in this case and so quoting an official would seem somewhat redundant and occupy space that could be used for further documenting Habré's alleged offenses.

The main objective of the authors in the African sovereignty frame, meanwhile, is to demonstrate that the Habré case should remain in Africa. Belgium's colonial past is mentioned – as it is in the articles discussed here – but Senegal's ratification of the international convention is not. This omission is interesting because on the one hand, it could be seen as useful to suggesting that the case should remain in Africa because it demonstrates that Senegal does in fact have jurisdiction in the case. On the other hand, discussing the convention could be seen as intensifying the pressure on Senegal to try Habré, which is portrayed as negative.

The articles in this chapter generally take a more impartial view of the trial. The *New York Times* article “Belgium Indicts Chad's Ex-Leader,” even acknowledges that Habré and his government were once supported by the United States. They document both the charges that have been made against Habré and the position of Habré and his attorneys. Two articles published on *expatica.com* present the two main arguments of the Habré defense: in “New case awaits Belgium under ‘genocide law,’” published on November 17, 2005, the author reports that Habré had no knowledge of the crimes being committed by the DDS while in “No Belgian trial for ex-Chad ruler Habré,” Habré and his attorneys claim that the Chadian commission that first accused Habré was politically

motivated. While it is highly unlikely that the commission completely fabricated the alleged abuses – especially since the victims of the regime are not associated with the current government and have brought the same charges – Habré’s claim is not completely unfounded since the current Chadian administration is led by Déby, the man who ousted Habré. Since current government officials have been accused of playing a role in the alleged crimes, it would not be completely unreasonable to suggest that the government had the motivation to place sole responsibility on Habré. The current government’s role in the past abuses is, according to human rights activists, one of the main reasons why Chad has not made an effort to try Habré.

Because the articles in this chapter offer a fairly objective account of the case, they can be seen as corroborating the claims made in the human rights and African sovereignty frames. The human rights frame emphasizes the long search for a court in which to try Habré, a claim that is substantiated in several articles including, “African Union Tells Senegal to Try Ex-Dictator of Chad,” which describes a “winding search for a court to try Habré, “Ex-President of Chad Freed in Torture Case After Senegal Ruling,” which claims that the Senegalese declaration of incompetence threw the case into a “legal limbo,” and “No Belgian trial for ex-Chad ruler Habré,” which states that the AU decision ended months of speculation over Habré’s immediate future. The articles in this chapter also quote some of the figures from the human rights frame, such as Reed Brody and Souleymane Guengueng, offering proof of these figures’ credibility. In articles announcing the AU’s decision, Brody is frequently quoted giving his opinion on the decision while Guengueng’s personal story is often used as a firsthand account of the crimes Habré is accused of committing. The article “African Union Tells Senegal to Try

Ex-Dictator of Chad” features a quote from another victim of the regime, Ismaïl Hachim Abdallah, the president of the AVCRP, who calls the AU decision a victory for human rights in Africa and states, “we hope to find justice at last,” adding further credibility to the human rights frame.

The articles in this chapter also quote African leaders, giving voice to the concerns expressed in the African sovereignty frame. The political pressure placed on President Wade is acknowledged in many articles and in some President Wade is quoted explaining his decision to refer the case to the AU. In “African Union Tells Senegal to Try Ex-Dictator of Chad,” Wade is quoted as saying, “Africans must be tried in Africa [...] that is why I refused to extradite Habré to Belgium.” A similar quote is found in “New case awaits Belgium under ‘genocide law’” where Wade explains that he consulted with Nigerian president and AU chairman Olusegun Obasanjo: “I spoke with President Obasanjo this morning about the Hissène Habré case and I will not do anything without consulting the AU because this is not a Senegalese problem, but an African problem, that we agree on.” The framing of Habré’s case as an African question, which is the main focus of the African sovereignty frame, is thus acknowledged in the relatively unbiased media. Senegal Foreign Minister Cheikh Tidiane Gadio is quoted in “Habré to stay in Senegal until African summit” as saying that Senegal opposes impunity but believes that it is the responsibility of the African continent to issue a collective ruling on Habré’s case. By quoting agents from both frames and discussing the major themes of both frames, the articles in this chapter offer support for both views, underscoring the complexities of the case by showing that each side has valid points.

III **Despot Crusade²⁹** *The human rights frame*

The 2005 Belgian extradition order was the result of nearly fifteen years of work on the part of human rights activists to try Habré. Survivors of the political prisons began gathering evidence after their release and in 1992 a Chadian Truth Commission report accused Habré of torture and political murders but Habré was still not brought up on charges. The government of Chad, implicated in the abuses as well, refused to prosecute Habré and some suspect presidential interference in the Senegalese court's decision to dismiss the case against Habré in 2000.³⁰ It is likely because of these obstacles that human rights activists decided to wage their campaign against Habré not just in the courts but in the media as well.

The product of this media campaign is the human rights frame. In this frame, the Habré case is constructed as a story of the search for justice. Of particular concern to activists is documenting the abuses suffered by political prisoners during the regime and Habré's direct connection to these abuses. These elements are used in two different ways, depending on the source. The pieces found in the human rights frame were either produced by human rights activists active in the Habré case or sympathetic media agents. The pieces produced by the former are usually direct appeals to those in a position of influence, urging a specific course of action while the pieces produced by the latter have a more educational purpose and are aimed at the general public.

²⁹ Vogt, Heidi. "Despot Crusade." Associated Press 2 July, 2006: 1-1.

³⁰ Farah, Douglas. "Chad's Torture Victims Pursue Habre in Court, Pinochet Case Leaves Ex-Dictator Vulnerable." Washington Post 27 Nov. 2000.

The pieces discussed in this chapter, with the exception of the documentary film *The Dictator Hunter*, were found in the press release section of the Human Rights Watch web site. These articles were selected because Human Rights Watch is one of the leading figures in the Habré case and therefore one of the main contributors to the human rights frame. Undoubtedly, the object of the press release section is to provide curious members of the public an easy opportunity to learn about the case, a tactic that fits with the activists' efforts to generate awareness of the case. Additionally, articles appearing on the web site that were not authored by members of the prosecution were presumably selected because they present a view of the trial that is in accordance with the goals of the organization.

An analysis of the human rights frame will focus on the elements of the narrative presented in the frame as well as the possible reasons these elements were emphasized. The media coverage of the Habré case prior to 2005, in which the foundations of the human rights frame were laid, will be compared to the human rights frame during the period from September 2005 to July 2006 to demonstrate how activists responded to the controversy surrounding the Belgian extradition order. In discussing the narrative elements of the frame, the role played by key individuals and organizations will also be discussed.

The Key Agents

According to James Jasper in *The Art of Moral Protest*, one of the goals of social movements is to change public perception. If the public is supportive of the goals of a movement, then the public is more likely to take action that furthers the goals of the movement. Strategically, media coverage can be used by activist groups to get their

message to the public.³¹ This is arguably the reason why part of the various activist groups involved in the Habré case have used the media to get their message to a wider audience. On the prosecution side, the Habré case is the work of a coalition of various human rights organizations. Each organization has made a unique contribution. Because the media coverage in the human rights frame is either created by or utilized by the activist organizations involved in the case, a brief discussion of these organizations is necessary before moving to a discussion of the media coverage they have engineered.

The survivors of the regime, organized through the Chadian Association of Victims of Political Repression and Crime (AVCRP) and the Chadian Association for the Promotion and Defense of Human Rights, began compiling evidence of the Habré government's abuses shortly after Habré was deposed and fled to Senegal in 1990. In 1991, AVCRP compiled information on each of the reported 792 victims of Habré's regime.³² Meanwhile, the Déby government organized a Truth Commission investigating the Habré administration. In 1992, the Truth Commission issued a report tying Habré to the abuses of the DDS and accused Habré of 40,000 cases of political murder and 200,000 cases of torture.³³ Many of the members of the Habré government, including Déby himself, were still in power, and so the report was locked away. Fearing repercussions, the Chadian activists hid their own evidence in various locations throughout the country.³⁴ Eight years later, when Souleymane Guengueng, the vice

³¹ Jasper, James M. The Art of Moral Protest. Chicago: University of Chicago P, 1999.

³² Human Rights Watch. "The Pinochet Precedent: How Victims Can Pursue Human Rights Criminals Abroad." Press release. Mar. 2000. 23 Oct. 2008
<<http://www.hrw.org/campaigns/chile98/precedent.htm>>.

³³ Farah, Douglas. "Chad's Torture Victims Pursue Habre in Court, Pinochet Case Leaves Ex-Dictator Vulnerable." Washington Post 27 Nov. 2000.

³⁴ Ibid.

president of AVCRP, went to Senegal to testify against Habré he did so in secret and against the advice of friends, who feared for his safety.³⁵

Given the political climate in Chad, trying Habré in Chad would be impossible and potentially dangerous for former victims wishing to testify. It is not surprising, therefore, that the two Chadian human rights groups turned to an outside organization for aide. When the Chadian government did not issue an order for Habré's extradition to Chad to stand charges, the Chadian Association for the Promotion and Defense of Human Rights requested the assistance of Human Rights Watch.³⁶ As an international organization, Human Rights Watch could pursue Habré's prosecution without the threat of government interference. Furthermore, Human Rights Watch has an established and international reputation which would allow the organization to bring the Habré case to the attention of a wider audience.

Gamson and Wolfsfeld write, "Receiving standing in the media is often a necessary condition before targets of influence will grant a movement recognition and deal with its claims and demands."³⁷ Both the Chadian Association for the Promotion and Defense of Human Rights and AVCRP are regional organizations based out of a country that is unwilling to pursue a case that may indict its current leaders. It is therefore highly unlikely that either organization would be able to generate the type of visibility that would enable them to achieve standing in the international media. Furthermore, individual members of these organizations may be hesitant to publicize their involvement

³⁵ "He Bore Up Under Torture Now He Bears Witness." New York Times. 31, March 2001. 01, April 2009.

³⁶ Human Rights Watch. "The Pinochet Precedent: How Victims Can Pursue Human Rights Criminals Abroad." Press release. Mar. 2000. 23 Oct. 2008
<<http://http://www.hrw.org/campaigns/chile98/precedent.htm>>.

³⁷ Gamson, William A., and Gadi Wolfsfeld. "Movements and Media as Interacting Systems." Annals of the American Academy of Political and Social Science 528 (1993): 114-25.

in the case out of concerns for their safety. An established organization such as Human Rights Watch, however, would have such standing.

Founded in 1978, the non-profit, nongovernmental organization was originally formed to support the citizens groups formed throughout the Soviet bloc to monitor government compliance with the Helsinki Accords.³⁸ Since then, the organization has expanded to a multinational organization that uses fact-finding investigations and targeted advocacy – including media coverage – to pressure governments and the international community to take action where human rights abuses are concerned. By its own account, Human Rights Watch has supported and critiqued the international tribunals of Rwanda and Yugoslavia, sought prosecutions for abusive leaders such as Augusto Pinochet, and played a prominent role in the drafting of the Rome Statute to create the International Criminal Court. Recently, Human Rights Watch worked with local rights groups in Yemen to pressure the government into releasing sixty-nine detainees who had been arbitrarily arrested in a conflict between the government and rebels in the north.³⁹

While Human Rights Watch has been criticized by some to be a partisan group and direct a disproportionate amount of its criticism toward the United States and Israel, the organization is frequently quoted in major media outlets.⁴⁰ In reporting on human rights abuses, media agents such as the *New York Times*, *BBC News*, and the *Washington Post*, all cite reports issued by Human Rights Watch in their coverage of human rights cases. Additionally, the U.S. Department of State cites reports produced by Human

³⁸ "Our History." Human Rights Watch. 2008. 17 Feb. 2009.

³⁹ *Ibid.*

⁴⁰ "NGO Monitor's 2007 Report on HRW: Bias and Double Standards Continue." NGO Monitor. 29 Apr. 2008. 10 Apr. 2009.

Rights Watch in its own reports on human rights in China, Western Sahara, Afghanistan, and other countries.⁴¹ In 1997, Human Rights Watch shared the Noble Peace Prize as a founding member of the International Campaign to Ban Landmines.

Human Rights Watch also works closely with regional groups, which can be seen in the organization's involvement in the Habré case. After joining the case, Human Rights Watch conducted its own investigation in Chad and organized a coalition of Chadian, Senegalese, and international NGOs to support a complaint and a group of Senegalese lawyers to represent the case in court.⁴² In addition to working on the legal aspects of the Habré case, one of the organization's attorneys, Reed Brody, is the coordinator of the victim's legal team, Human Rights Watch has worked to keep the case in the public eye. As previously stated, all but one of the pieces discussed in this chapter are organized on the Human Rights Watch web site, most likely to provide the public with the resources to learn more about the Habré case. In the pieces not produced by members of the organization, the key agents in the case are quoted giving their opinion of the Habré case and their respective roles are discussed. Finally, it was Human Rights Watch that first referred to Habré as the African Pinochet, a moniker that is featured prominently in the media coverage of the case.⁴³

In the human rights frame, Guengueng and Brody are the two most visible individuals. Guengueng and Brody's visibility is the result of the prominent roles both men play in the case – Guengueng is the vice president of the AVCRP and Brody is counsel with Human Rights Watch and the coordinator of the victims' legal team. An

⁴¹ "Human Rights." US Department of State. 10 Apr. 2009.

⁴² Human Rights Watch. "The Pinochet Precedent: How Victims Can Pursue Human Rights Criminals Abroad." Press release. Mar. 2000. 23 Oct. 2008
<<http://http://www.hrw.org/campaigns/chile98/precedent.htm>.>

⁴³ "Profile: Chad's Hissène Habré." BBC News. 25 June 2008. 15 Feb. 2009.

analysis of the depictions of Guengueng and Brody, which will be discussed in detail in the following two sections, demonstrates the relationship dynamic between the victims groups and Human Rights Watch. Guengueng plays a key role in the human rights frame, serving as the hero figure in the Habré narrative. He is featured in nearly every account of the case, detailing his personal experiences as a political prisoner. While there are other survivors involved in the case, Guengueng is the most visible. Rights officials consider Guengueng the most fearless of the survivors and Djekourninga Katour Lazare, secretary general of the Chadian Association for the Promotion of Defense of Human Rights, says of Guengueng, "Others tend to be more reticent [...] He has always been the most outspoken."⁴⁴ Brody is profiled in the article "Despot Crusade," published in the *Associated Press*, and the documentary *The Dictator Hunter*, but for the most part, he is quoted giving his opinion of Guengueng's efforts and recent developments in the case. Brody's role in the Habré narrative is indicative of the role played by Human Rights Watch in the case; he plays an important role but the main focus remains on the survivors. Guengueng and Brody also collaborate on some of the activist produced documents found in the human rights frame.

Media Coverage Prior to 2005

The Habré case first gained international press coverage in 2000, when charges were brought against Habré in a Senegalese court. The case was unprecedented; it marked the first time that an African nation had brought charges against the former head of state of another country.⁴⁵ It is in the early coverage of the Habré case that the human rights frame begins to appear. The articles studied in this section therefore serve as the

⁴⁴ "He Bore Up Under Torture, Now He Bears Witness." *New York Times*. 31, March 2008. 01, April 2009

⁴⁵ "Chad's Torture Victims Pursue Habre in Court, Pinochet Case Leaves Ex-Dictator Vulnerable." *Washington Post* 27 Nov. 2000.

foundation of the human rights frame that emerges in the period between September 2005 and July 2006; however, there are certain key differences between the articles belonging to the two periods. The articles published prior to 2005 present a broad depiction of the Habré case, the abuses allegedly committed by Habré's government, the political issues obstructing the trial in Senegal, and the role of the West in the Habré government are all discussed in detail. The majority of these articles, with a few exceptions, are the product of sympathetic media agents. After 2005, however, the majority of the coverage is the product of those directly involved in the case.

This early period in the human rights frame can be understood through Gamson and Wolfsfeld's finding that events take on significance from the storyline in which they are embedded.⁴⁶ In the Habré case, the events in question are the human rights abuses Habré and his government are accused of committing and the work of his former victims and human rights groups to bring Habré to court. Human rights groups report that Africa accounts for fifty-five percent of torture and mistreatment cases worldwide.⁴⁷ This statistic alone could account for the Habré case potentially escaping international attention; with the public hearing of so many human rights cases it can be difficult for one case in particular to stand out. The Habré case may be unprecedented in Africa, but in a media climate where coverage is devoted to international criminal tribunals such as those established for Rwanda and Serbia/Montenegro, this significance may be lost on the general public.

The first task of human rights activists is therefore to make the public aware of the case itself and why it is significant. By weaving the facts of the Habré case into a

⁴⁶ Gamson, William A., and Gadi Wolfsfeld. "Movements and Media as Interacting Systems." Annals of the American Academy of Political and Social Science 528 (1993): 114-25.

⁴⁷ "He Bore Up Under Torture, Now He Bears Witness." New York Times. 31, March 2008. 01, April 2009

narrative, human rights activists are able to organize the evidence into a structure that is easy for the average person who knows little about the case or international law to follow. Thus, the Habré case becomes the story of a tyrant guilty of atrocities against his own people, pursued in court by victims unwilling to rest until justice is served. This framing is accomplished in several ways. A narrative requires central figures, and in the early human rights frame the figures that occupy the hero and villain categories are Souleymane Guengueng and Hissène Habré. There are other figures that emerge including President Wade and other human rights activists such as Reed Brody, but Guengueng and Habré receive the most media attention. The other key element that emerges in the human rights frame during this early period is the placement of the facts of the case into a wider historical context. The efforts of human rights groups to bring Habré to court are depicted as examples of the often long struggle for justice while the legal implications of the case are simultaneously emphasized.

Based on the media coverage studied in this chapter, the purpose of the human rights frame is to garner public awareness and support for a trial. Dardis argues that “frame alignment – an individual’s acceptance of or agreement with at least some of the collective action frames advocated by an SMO [Social Movement Organization] – is essential in furthering a social movement’s cause [...] logic dictates that achieving frame alignment – in some capacity – is a necessary step in guiding an individual’s beliefs and opinions (and therefore any subsequent actions) regarding a sociopolitical issue.”⁴⁸ In his study Dardis notes the four functions communication and social movement theorists have indicated are effective in achieving frame alignment: defining an issue as a problem,

⁴⁸ Dardis, Frank E. "The Role of Issue-Framing Functions in Affecting Beliefs and Opinions about a Sociopolitical Issue." *Communication Quarterly* 55 (2007): 247-65.

blaming a cause, suggesting solutions, and invoking moral appeal. Dardis reports that while blame is the strongest in producing frame alignment, there is some evidence to suggest that using all four functions can also be effective in producing frame alignment.

An analysis of the collective media coverage in the human rights frame shows all four of these functions at play. The historical narrative found in these articles defines the issue and places blame. A violation of human rights has been committed on a massive scale and the person responsible for this violation has not had to face the consequences of his actions. Further, Habré has fled the country where he committed these abuses with a large portion of the Chadian treasury which he has reportedly used to buy political allies.⁴⁹ The blame placed on Habré is twofold, not only is he guilty of human rights abuses, he is also guilty of obstructing justice in his case. A trial for Habré is presented as the solution while the details of the human rights abuses and emphasis on justice for the victims serve to invoke moral appeals.

The first set of articles that will be studied in this section includes articles that were not produced by human rights activists but are sympathetic to the position taken by said activists. Souleymane Guengueng is featured in all of these articles, helping him achieve international attention as one of the leaders of the movement. Without media attention, Guengueng would still be seen as one of the leaders; however, his story would remain confined to those already familiar with the case and not to the wider audience the human rights organizations are clearly seeking. Guengueng emerges as a hero figure in this frame, a depiction that is accomplished through several ways. Guengueng is first seen as a survivor of the horrors of an oppressive regime. In the 2001 article “He Bore Up Under Torture, Now He Bears Witness,” which was published in the *New York Times*, the

⁴⁹ "A Monster and a Test Case." *The Globe and Mail* 5 Oct. 2005. 15 Jan. 2009.

reasons for Guengueng's arrest are explained. Guengueng was a civil servant who worked for the Lake Chad Basin Commission. When civil war broke out in Chad, the commission moved its headquarters to Cameroon to escape the violence in the capital city. Rebels passed through Cameroon, causing Guengueng to be accused of working for the opposition. Guengueng was arrested and spent two years in prison during which time he was tortured and his family was left to assume he was dead. Guengueng was only freed after Habré was deposed. Guengueng's story shows that he was an innocent victim of an oppressive regime, subjected to inhumane treatment on weak, circumstantial evidence.

Guengueng's ordeal in prison is also documented in "He Bore Up Under Torture, Now He Bears Witness." The author reveals that Guengueng was kept in a darkened room which caused him to nearly lose his sight. Guengueng is usually described as wearing eyeglasses, the result of his treatment in prison. This detail is included in nearly every article concerning Guengueng possibly because it helps establish a visual image of the effects of torture in the eyes of the reader. In "He Bore Up Under Torture, Now He Bears Witness," it is also reported that Guengueng and others were sometimes kept from washing and were forced to lick drops of water off the floor "like dogs." Additionally, Guengueng and his fellow prisoners were not allowed to pray because the guards believed that the prisoners could be praying for God to kill Habré.

Guengueng's experience is documented in several other articles. In "An African Dictator Faces Trial in His Place of Refuge," which was published in the *New York Times* in 2000, Guengueng states that he and his fellow prisoners were sometimes placed ten people in a cell meant for one person. According to the article, three to four people died

every day from malaria, flea infestation, lack of food, suffocation, or sheer heat. In “Chad’s Torture Victims Pursue Habré in Court, Pinochet Case Leaves Ex-Dictator Vulnerable,” which was published in the *Washington Post* in 2000, asphyxiation and starvation are listed as common causes of death for prisoners. The bodies of the deceased were often left to decompose in the cells for two to three days afterwards.

Adding to the framing of Guengueng as a heroic survivor are accounts of Guengueng’s actions after his release. In “Face to Face with those he Tormented: War Crimes Trial for Tyrant of Chad,” which was published in the *Independent* in 2003, it is reported that Guengueng testified against Habré in secret using hidden documents to support his testimony. The reason that Guengueng was forced to hide the documents is given in “Chad’s Torture Victims Pursue Habré in Court, Pinochet Case Leaves Ex-Dictator Vulnerable.” According to the article, the Truth Commission organized by the Déby government issued a report that charged Habré with 20,000 political murders and 400,000 cases of torture. Because many of those still in the Chadian government, including Déby, are accused of playing a role in these abuses, the report was locked away. Fearing repercussions for their role in the investigation against Habré, the victims hid the evidence they had compiled in secret locations throughout the country.

The personal risks taken by Guengueng and others in their pursuit of justice are corroborated in several other articles. In “He Bore Up Under Torture, Now He Bears Witness,” the author reports that with Habré’s allies still in power in Chad, Guengueng risked his personal safety to travel to Senegal to testify. Guengueng is quoted as saying that his friends and family urged him not to go but such pleas left him undeterred: “When I left Chad for Senegal, I had accepted the idea of dying. I thought when I return to Chad

and get off at the airport, they can cut off my head if they want. I would die a hero. That's all I wanted out of life now.” Although Guengueng survived, his role in the Habré case eventually caused him to lose his job with the Lake Chad Basin Commission.⁵⁰ In “Face to Face with those He Tormented: War Crimes Trial for Tyrant of Chad,” the author writes: “It has been an emotional journey for Mr. Guengueng, supported by Human Rights Watch, in his long quest for justice against the man known as the ‘African Pinochet.’” In the same article, Guengueng is quoted as saying, “I will not be complete until Habré is in jail. I can’t have psychological peace. We are doing this to prevent it happening again for future generations.” The sacrifices made by Guengueng, the personal effect of the case on Guengueng, and Guengueng’s concern for future generations all help contribute to Guengueng’s position within the human rights frame as one of the heroes of the case.

Strengthening Guengueng’s position as a hero are quotes praising Guengueng and his efforts. In “Face to Face with those he Tormented: War Crimes Trial for Tyrant of Chad,” it is reported that Guengueng was honored at a Human Rights Watch ceremony in London and Reed Brody, counsel for Human Rights Watch, is quoted praising Guengueng’s work: “Souleymane Guengueng has harnessed his own suffering into a campaign to break the cycle of impunity [in] his country and all of Africa.” In “He Bore Up Under Torture, Now He Bears Witness,” the author offers his own praise of Habré: “But on a continent where ordinary men are tortured, killed and forgotten without a second thought, Mr. Guengueng, 52, has done something extraordinary: fought back.”

⁵⁰ “Face to Face with those he Tormented: War crimes trial for tyrant of Chad.” Independent, 17, Oct. 2003. 10, April 2009.

The same article also offers an explanation as to why Guengueng is considered one of Africa's most famous torture survivors and the most visible survivor of the Habré regime. Djekourninga Kaoutar Lazare, secretary general of the Chadian Association for the Promotion and Defense of Human Rights is quoted as saying, "Others tend to be more reticent [...] He has always been the most outspoken. Guengueng's ethos is apparently so high that it has enabled him to escape criticism from accepting a monetary gift from President Déby, which could potentially be seen as an effort on the part of the current administration to silence the rights groups."⁵¹

The significance of presenting Guengueng as one of the heroes of the rights movement is twofold. While organizing the events of the case into an overall narrative structure makes it easy for the public to follow the arguments of the activists, creating hero and villain characters plays into the emotions of the public. Having a hero the audience can both sympathize with and admire, makes the public more emotionally invested in the outcome of the storyline in which the events of the case have become embedded. If one of the goals of the human rights groups is to gain and sustain public interest in the case, the public must first become emotionally invested in the case. Additionally, emphasizing the personal risks and emotional impact of the case on Guengueng adds to the significance placed on the case within the frame; Guengueng and the other survivors would not be risking their lives and livelihoods to bring Habré to court if the case were not of significant importance.

While documenting the experiences of Guengueng and others presents Guengueng as a heroic survivor, the evidence cited in these articles also presents Habré as the villain. It is difficult to argue against the efforts of the human rights activists when

⁵¹ "He Bore Up Under Torture, Now He Bears Witness." New York Times. 31, March 2008. 01, April 2009

the treatment described above is so disturbing. The challenge for human rights activists both in court and in the media is proving that Habré was directly responsible for the atrocities committed during his time in power by his police force, the DDS.⁵² In the media, this means the issue of Habré's guilt must move from what Gamson and Wolfsfeld refer to as the realm of contested discourse to the realm of uncontested discourse.

One realm of media discourse is uncontested. It is the realm where the social constructions rarely appear as such to the reader and may be largely unconscious on the part of the writer as well. They appear as transparent descriptions of reality, not as interpretations, and are apparently devoid of political content. Journalists feel no need to get different points of view or balance when they deal with images in this realm.⁵³

Gamson and Wolfsfeld note that it is often considered an achievement for social movements when they move an issue from the uncontested realm to the contested realm. If activists can convince the public to accept Habré's guilt as a fact, then they are more likely to achieve frame alignment since the public has accepted one of the functions used in achieving frame alignment, blaming a cause.

In the human rights frame, this is accomplished by presenting the evidence against Habré. In "Face to Face with those he Tormented: War Crimes Trial for Tyrant of Chad," Guengueng is quoted saying, "It was Habré who set up the political police. He was kept informed of everything." This quote is paired with the information that one of the prisons Guengueng and others were held in was located in the presidential palace, presumably making it impossible for Habré to not know what was going on in at least one of the prisons. The evidence gathered by the survivors that reportedly links Habré to the

⁵² "Face to Face with those he Tormented: War crimes trial for tyrant of Chad." Independent. 17, Oct. 2003. 10, April 2009.

⁵³ Gamson, William A., and Gadi Wolfsfeld. "Movements and Media as Interacting Systems." Annals of the American Academy of Political and Social Science 528 (1993): 114-25.

actions of the DDS is referenced in all of the articles found in this section. In “He Bore Up Under Torture, Now He Bears Witness,” the author visits Guengueng at his home in Chad and Guengueng shows him the gray filing cabinet filled with evidence of the cases of torture compiled by the rights groups’ interviews with survivors of the political prisons. The 1992 Truth Commission report that accused Habré of widespread human rights abuses is also referenced and in “Chad’s Torture Victim’s Pursue Habré in Court, Pinochet Case Leaves Ex-Dictator Vulnerable,” the author quotes the report which found that, “There were no intermediaries between the DDS and Hissène Habré.”

In addition to presenting the evidence against Habré, several of the articles implicate Habré simply by the wording in their headlines. Habré is labeled a tyrant and tormentor in “Face to Face with those he Tormented: War Crimes Trial for Tyrant of Chad,” and a dictator in “An African Dictator Faces Trial in His Place of Refuge.” Judging from these articles, Habré has been tried and found guilty in the media. This can be seen in “Justice Denied in Senegal,” which covers the decision of the Senegalese court not to try Habré based on lack of jurisdiction. By saying that no trial for Habré is denying justice, the author indicates that Habré is in fact guilty of the crimes he has been accused of because justice would not have been denied if Habré were in fact innocent.

Jasper explains that assigning blame is an important tactic in movements because in order for mobilization to occur, the moral shock that has occurred must be given boundaries. Jasper notes that having a target makes it easier for people to conceptualize what they are fighting against.⁵⁴ The moral shock that readers of the human rights frame experience is produced by the accounts of the abuses suffered by the political prisoners during Habré’s regime. In order for the public, and rights activists who arguably play a

⁵⁴ Jasper, James M. The Art of Moral Protest. Chicago: University of Chicago P, 1999.

more significant role in the case, to be mobilized, someone must be blamed. Someone, or some persons, must be held accountable for the human rights abuses that have been committed and every criminal case requires a defendant. Jasper notes that there are two sources of blame, causal and remedial. As the leader of Chad and the person directly responsible for the actions of the DDS, according to human rights activists, Habré is seen as the causal source because he is responsible for the abuses that have been committed. One of the main goals of the human rights frame in documenting the abuses committed during the regime and establishing the link between Habré and the DDS is to put Habré in this position so that the person who must be held accountable and who should appear in court as the defendant is Hissène Habré.

The human rights frame also presents remedial sources of blame – those who should be fixing the problem but who are not – in its narrative of the Habré case. Several of the articles address the roles played by the governments of Chad and Senegal, casting suspicions on the actions of the two. In “Chad’s Torture Victims Pursue Habré in Court, Pinochet Case Leaves Ex-Dictator Vulnerable,” the author notes that the 1992 Truth Commission report was locked away and that rights groups were forced to hide their own evidence, fearing reprisals. President Déby is quoted as saying that “the time for justice has come,” and pledging to fire all government officials with ties to the torture cases of the previous administration but the government’s response to the Truth Commission report casts some doubt on the sincerity of these claims. In the same article, it is reported that President Wade appointed one of Habré’s attorneys, Madicke Niang, special legal advisor within his government and that President Wade moved the chief investigating judge off of the case. The article also documents rights groups’ disappointment in the

Senegalese government, quoting Alioune Tine of the African Assembly for the Defense of Human Rights, who stated that, “This is the most important human rights case in Senegal's history, and we are behaving like a banana republic [...] Sacking and promoting judges in the middle of a sensitive case are shenanigans unworthy of Senegal's democracy.”

In “Justice Denied in Senegal,” the author notes that the dismissal of charges “looks suspiciously like presidential interference.” Like the author of the previous article, the author here considers the president’s actions detrimental to Senegal’s reputation, noting that Senegal enjoys one of Africa’s most independent judiciaries, Senegal was the first nation to ratify the International Criminal Court, and that Senegalese lawyers hold prominent positions in judicial and human rights organizations worldwide. In “An African Dictator Faces Trial In His Place of Refuge,” the author remarks that it is impossible to know the exact scale of the abuses of the former government because the commission was organized by President Déby who served as military commander under Habré, implying that the government may be attempting to cover up their own role in the crimes by either minimizing the scale of the offenses or by attempting to shift all of the blame onto Habré.

Thus, Habré’s supporters and the governments of Chad and Senegal are seen as the remedial causes of blame in the human rights frame because of their apparent interference in the case. Having a remedial source of blame further harnesses the public’s moral outrage; not only is there a dictator guilty of human rights abuses, there are also those in power obstructing the pursuit of justice. The combination of these two sources of

blame helps move the public's shock at the magnitude of the crimes to anger at the delays in the trial.

There are two other remedial sources of blame found in the early human rights frame: the United States and France. The two Western countries' support of the Habré regime is mentioned in "Justice Denied in Senegal" and "An African Dictator Faces Trial in His Place of Refuge." The role played by the U.S. and French governments is explained in detail in "Chad's Torture Victims Pursue Habré in Court, Pinochet Case Leaves Ex-Dictator Vulnerable." The author of the latter article notes that Habré was willing to fight Libya's Colonel Muammar Gaddafi, who was seen by the Regan administration as a "Soviet puppet" and supporter of international terrorism. According to the article, the DDS was trained by the CIA and the U.S. financially supported Habré's government – even with evidence of the government's human rights abuses. Donald Norland, the U.S. ambassador to Chad from 1979 to 1981 is quoted as saying, "The CIA was so deeply involved in bringing Habré to power. I can't conceive they didn't know what was going on." The article also states that Norland knew Habré and tried in vain to get the government to back off from their support.

The purpose of implicating the French and U.S. in the crimes of the Habré government is somewhat unclear. Neither government is named as a party in the case nor is there any evidence to suggest that either government has interfered in the case. "Justice Denied in Senegal" and "An African Dictator Faces Trial in His Place of Refuge" were published in the *New York Times* and "Chad's Torture Victims Pursue Habré in Court, Pinochet Case Leaves Ex-Dictator Vulnerable" was published in the *Washington Post*. Both are American newspapers with American readers. The inclusion of the French and

U.S. governments – particularly the U.S. government’s – role in the Habré regime may be to present all sides of the story; however, it also furthers the objectives of the human rights frame by instilling a certain degree of guilt in its readers. The public may be more likely to support a trial for Habré if they feel that they, through the actions of their government, share some responsibility for the crimes that were committed.

In addition to emphasizing the hero and villains of the Habré narrative, the human rights frame also emphasizes the legal and historic significance of the case. In “Face to Face with those he Tormented: War Crimes Trial for Tyrant of Chad,” the author writes, “It has been an emotional journey for Mr. Guengueng, supported by Human Rights Watch, in his long quest for justice against the man known as the ‘African Pinochet.’” Habré was first called the African Pinochet by Human Rights Watch.⁵⁵ The link between Habré and Pinochet can be seen in the early articles of the human rights frame, as all of the articles discussed here state that the Habré case was inspired by the case brought against Pinochet in the Spanish court. The precedent set by the Pinochet case inspired human rights activists to attempt to apply the principle of universal jurisdiction to other human rights cases abroad including the Habré case. Comparing Habré to Pinochet, which appears more in the 2005-2006 period of the human rights frame, serves not only to depict Habré as another dictator facing his crimes; it also attempts to underscore the significance of the Habré case to human rights law.

Several of the articles in the early human rights frame narrow the historical context and focus on the impact a Habré trial will have on Africa rather than the international community as a whole. The author of “Face to Face with those he Tormented: War Crimes Trial for Dictator of Chad,” states that the Habré case is a

⁵⁵ "Profile: Chad's Hissène Habré." [BBC News](#). 25 June 2008. 15 Feb. 2009.

“landmark case which will show African dictators they should no longer assume they can commit human rights abuses with impunity.” The prospect of holding African dictators accountable is echoed in “He Bore Up Under Torture, Now He Bears Witness,” in which the author writes: “This [prosecuting Habré] could be done under the precedent set by the Pinochet case. If they succeeded – still a big if – other African despots might then think twice about abusing citizens at home and taking their shopping trips abroad in Paris and New York.” It is also found in “Chad’s Torture Victim’s Pursue Habré in Court, Pinochet Case Leaves Ex-Dictator Vulnerable,” where Brody argues that the case “shows that accountability is actually possible.”

Meanwhile, the author of “An African Dictator Faces Trial in His Place of Refuge,” notes that the case is being watched closely in Africa. The author also quotes Delphine Djiraibe, the president of the Chadian Association for the Promotion and Defense of Human Rights, who remarks that the Habré case is “a message to other African leaders that nothing will be the same any longer [...] It shows that Africa can also play a role in the fight for human rights and can fight on its own soil.” The author of “Chad’s Torture Victims Pursue Habré in Court, Pinochet Case Leaves Ex-Dictator Vulnerable,” notes that the charges brought against Habré in 2000 are unprecedented in Africa and that it is equally significant that the case has not been thrown out. In “Justice Denied in Senegal,” the author comments that the Habré case has energized democracy activists and terrified former tyrants. The author also further narrows the historic scope of the case by pointing out what trying Habré would mean for Senegal: “If it tried Mr. Habré, Senegal could make a signal contribution to human rights on a continent that has suffered more than any other from murderous leaders and the absence of the rule of law.”

Discussing the significance of the Habré case is important to the construction of the narrative because it puts the case within a historic context. This helps the public understand the issues at play in the case as well as why putting Habré on trial is so important. Theoretically, when paired with the hero/villain figures also established in the human rights frame, the historical significance of the case would help foster public support for Habré's trial. The trial is portrayed as a means to rectifying the abuses suffered by political prisoners and as a means for holding others accountable for the same abuses. There is also the possibility that the trial will help prevent future abuses from happening, which is at one point explicitly stated by Guengueng: "I will not feel complete until Habré is in jail. I can't have psychological peace. We are doing this to prevent it happening again, for future generations."⁵⁶

The activist produced media during this time contains all of the elements discussed above, yet the "open letters" authored by the activists are addressed specifically to President Wade. Unlike the previously discussed articles, which are addressed to the general public, the two open letters discussed here focus on a specific target and make specific demands of that target. "Lettre ouverte des victimes au Président Wade," (Victims' open letter to President Wade) was published on August 9, 2000, in the aftermath of the Dakar court's incompetence ruling. The victims' frustration can be seen as they document the instances of government interference in the case:

Par ailleurs, nous sommes plutôt surpris par la volte-face que semble avoir effectuée le gouvernement sur la question de la compétence du Sénégal dans ce dossier et plus particulièrement quant à ses engagements relatifs à la Convention contre la Torture.

⁵⁶ "Face to Face with those he Tormented: War crimes trial for tyrant of Chad." Independent, 17, Oct. 2003. 10, April 2009.

Moreover, we were rather surprised by the about face that seems to have been carried out by the government in regards to the question of Senegal's competence in the case and particularly with regard to Senegal's commitments under the Convention against Torture.

The signatories – which include Souleymane Guengueng and the AVCRP as a whole – describe the transfer of the judge who originally charged Habré, Demba Kandji, off the case. The activists quote the UN Convention against Torture as proof of Senegal's competence and legal obligations in the case and make it clear that they want the court's ruling reversed.

Nous faisons donc appel à vous pour vous demander de vous assurer que le Procureur Général affirme la compétence du Sénégal sur les actes de tortures commis au Tchad, conformément à la Convention contre la Torture.

We are making this appeal to you to ask you to assure that the Attorney General affirms Senegal's competence in the acts of torture committed in Chad, conforming to the Convention against Torture.

The activists also refute the accusation that they are mere puppets of Western human rights organizations attempting to impose their values on Africa, revealing that the charges of Western interference were present before the Belgian extradition order was issued.

Rien de cela n'est vrai. Africains, nous sommes, et nous croyons en la justice. Nous croyons en la justice africaine. C'est pourquoi, nous avons dès la chute d'Hissène Habré commencé à réunir les preuves de ses crimes. Et c'est pourquoi, nous avons décidé de porter plainte au Sénégal.

None of that is true. Africans, we are, and we believe in justice. We believe in African justice. That is why after the downfall of Hissène Habré we began to collect evidence of his crimes. And it is why we decided to bring a complaint against him in Senegal.

Souleymane Guengueng follows a similar format in “Lettre ouverte de Souleymane Guengueng au Président Wade,” published in February, 2001 (Open letter from Souleymane Guengueng to President Wade). Guengueng again refutes the accusation made against the rights activists: “Monsieur le Président, que votre pays ne se trompe pas de combat: c'est pour la justice (et non contre un prétendu néocolonialisme moral de l'Occident) qu'ensemble, frères sénégalais et tchadiens, devons lutter.” (Mr. President, so that your country does not make a mistake in this fight: it is for justice (and not against an imaginary neocolonial threat from the West) that together, Senegalese and Chadian brothers, must fight.) In both letters, the activists employ rhetoric of transcendence to refute the accusation that the trial is nothing more than the West trying to impose its morals on Africa; the Habré case is not simply a court case, it is a fight for justice that concerns all Africans. By reminding the president of Senegal’s legal obligations under the Convention against Torture, the activists are also arguing that Senegal is not only morally, but legally obligated to participate.

The significance of the trial is further explained in Guengueng’s letter, when he presents the argument that trying Habré will set a precedent showing other dictators that they will be held accountable for their actions.

[...] ainsi les anciens chefs d'état, criminellement responsables de graves violations des droits de l'homme, ne pourraient plus, à l'avenir, trouver de refuges à l'étranger pour jouir d'une paisible retraite une fois leurs méfaits accomplis.

[...] thus, former heads of state, criminally responsible for grave human rights violations, in the future will no longer be able to find refuge in foreign countries, enjoying a pleasant retirement after their misdeeds have been accomplished.

In highlighting Senegal’s moral and legal obligations the activists continue to frame the case as the search for justice. By coupling an emphasis on the significance of the trial

with an indictment of the government's interference, the activists are also subtly invoking a sense of shame; the government is obligated to join the fight for justice but has failed to live up to this obligation. The difference between the framing done by the media and the framing done by activists is that the activists directly address one audience. While gaining public support for their cause is important, the activists have undoubtedly recognized that the people in a position to actually affect the outcome of the case are members of the Senegalese government. The significance of using activist written open letters and editorials in the human rights frame will be discussed in further detail in the next section, where these forms of discourse play a more prominent role.

Media coverage from September 2005 to July 2006

The Belgian extradition order issued in September 2005 marked an important turn of events in the Habré case. As seen in the articles in the previous section, human rights activists were cautiously optimistic that the charges filed in a Dakar court would result in a trial. When this did not happen, the human rights activists turned to Belgium and its liberal law of universal jurisdiction. Judge Daniel Franssen agreed to take the case and conducted a four year investigation in Chad and in September 2005, charged Habré with war crimes and crimes against humanity.⁵⁷ Belgium then asked for Habré's extradition, but the extradition was controversial from the beginning: President Wade of Senegal declared that the Habré case was "an African question" and refused to extradite Habré, choosing instead to refer the case to the African Union.⁵⁸

⁵⁷ Human Rights Watch. "The Pinochet Precedent: How Victims Can Pursue Human Rights Criminals Abroad." Press release. Mar. 2000. 23 Oct. 2008
<<http://http://www.hrw.org/campaigns/chile98/precedent.htm>>.

⁵⁸ Guengueng, Souleymane, and Reed Brody. "Bring Hissène Habré to justice." Mail and Gaurdian 17 Jan. 2006: 1-1.

In 2005, Human rights activists believed that the Belgian courts were the most viable option for trying Habré.⁵⁹ The pieces produced during this period contain many of the elements developed during the foundational period. The Habré narrative is still constructed as the victims' pursuit of justice; however, during the 2005-2006 period the key element of the Habré narrative is no longer that in order for justice to be achieved Habré must be tried but that in order for justice to be achieved Habré must be extradited to Belgium. In order to accomplish this, the authors and director once again focus on documenting the abuses committed during the Habré regime and establishing Habré's guilt. Guengueng is still presented as one of the hero figures of the case; however, more emphasis is placed on Brody here than during the previous period of media coverage. The main difference between media coverage from this period and media coverage from the previous period is the increased use of activist produced discourse found in the period from September 2005 to July 2006.

As previously stated, the original Habré narrative follows Gamson and Wolfsfeld's observation that events take their significance through the frames in which they are constructed. The original narrative makes the events of the case significant by framing the Habré case as a search for justice and accountability. The basic structure of the Habré narrative does not change when the activists begin to advocate for Habré being tried in Belgium because a Belgian trial fits into the original frame's argument. Repeating the same arguments strengthens the human rights frame by reinforcing the overall construction of the case as the search for justice. It also subtly creates a sense of urgency, a sense that action must be taken now because by repeating the same arguments and appeals, the activists show that nothing has changed.

⁵⁹ Ibid.

The research of Iyengar and Kinder in media priming theory has found that public opinion of a particular issue is affected by what aspects of that issue are primed in the media.⁶⁰ In their studies on priming and the public's evaluation of Presidents Reagan and Carter, Iyengar and Kinder found that the public's view of both a president's performance and his personal qualities depends on which aspects of national life television news chooses to cover and which to ignore. This can be applied to the human rights frame, in which the connection between international justice and Habré appearing in court is primed. As seen in the previous section, the articles that make up the human rights frame focus on Habré's guilt and the potential end to impunity that the case could signify. Since repetition is often necessary for committing something to memory, it is not surprising that rather than making new arguments, human rights activists have simply continued to prime the same connections.

Guengueng and Brody once again emerge as the two main figures in the human rights narrative. "Eight of Us Were Held in a Cell for A Single Person," published in the *Independent* on September 29, 2005, was written the day after Habré's indictment in the Belgian court and begins with Guengueng's story. Guengueng's vision is once again used as a vivid and lasting reminder of the torture he was subjected to while in prison. The author reports that Guengueng nearly lost his eyesight in jail where he was subjected to periods of total darkness followed by periods of intense light: "I did not know if it was night or day. There were eight of us in the cell built for a single person: my skin peeled off in the stifling heat." Brody, meanwhile, is the eponymous figure in the documentary film *The Dictator Hunter*. The film, which was included in the 2008 Amnesty

⁶⁰ Iyengar, Shanto, & Kinder, Donald R. (1987). *News That Matters: Television and American Opinion*. Chicago, IL: The University of Chicago Press.

International Film Festival, shows Brody's dedication to the case and the impact that commitment has had on his own life. Brody was filmed for several years, during which time he and his family move several times. Brody's commitment to the case is seen when he turns down a position with the United Nations Human Rights Commission, a position that Brody acknowledges would give his family more financial security. Brody, however, states that he cannot leave the case without seeing it through to its conclusion.

The Dictator Hunter also provides the public with a visualization of the human rights abuses committed during the Habré administration. Brody and other activists visit the Piscine, giving the audience a tour of the underground prison, explaining the torture that occurred in each room. The viewer is given the opportunity to see the conditions prisoners like Guengueng were held in while also being given information to picture for themselves the treatment the prisoners experienced. In another scene, Brody visits one of the mass grave sites. A group of widows meets Brody, and the viewer is able to witness a mourning ritual. The women weep loudly for those who were killed. The deeply emotional scene, allows the viewer to see the victims of the regime as individuals whose deaths were felt by families. After the mourning ritual, the women crowd around Brody, crying and embracing him, and thanking him for his work on the case.

The mourning scene accomplishes two things. In showing the impact the Habré regime has had on the women and their families and their gratitude toward Brody, the film elicits the sympathies of the viewers. Jasper notes the importance of emotions in social movements, observing that emotional arousal is necessary for mobilization and once mobilized; emotions play a key role in sustaining involvement in a social

movement.⁶¹ The emotional intensity visible in the scene arouses the emotions of the audience, creating the moral shock Jasper argues is necessary for individuals to be moved to action. In doing so, the scene creates a sense of urgency, further aligning the viewer's sympathy for Habré being placed on trial: Something horrible has happened to these women and their families and they deserve to see justice served. The image of the grieving women and the now empty rooms of the Piscine further enable the public to visualize the abuses described in the articles from the previous period of media coverage.

The images in the documentary are also indictments against Habré, since he is seen as the person most responsible for the human tragedy on display. This indictment is found in other sympathetic media coverage during the 2005-2006 period of the case. The documents allegedly proving Habré's direct responsibility for the DDS that human rights activists discovered are cited in "Eight of Us Were Held in a Cell for a Single Person." The author states that these documents show that Habré organized ethnic cleansings and prove that Habré kept tight control over DDS operations. The article also references the investigation conducted by Judge Fransen which produced witness statements and included a visit to mass grave sites. Meanwhile, the author of "A Monster and a Test Case," an article appearing in the Canadian newspaper the *Globe and Mail*, contrasts the inhumane treatment experienced by the government's prisoners to the comfortable conditions Habré is currently living in. In the article, the DDS prisons are "ghoulish torture chambers and dungeons" and the prisoners once held there give "heartbreaking testimony." Habré by contrast lives in "comfortable" exile in Senegal but he has "finally" been indicted.⁶² The facts of the case are framed in such a way as to create a narrative

⁶¹Jasper, James M. *The Art of Moral Protest*. Chicago: University of Chicago P, 1999.

⁶² "A Monster and a Test Case." *The Globe and Mail* 5 Oct. 2005. 15 Jan. 2009.

that any reader would recognize: the corrupt ruler who's day of judgment has finally come. The monster in "A Monster and a Test Case" is clearly Habré, a further establishment of Habré as the causal source of blame.

The legal significance of the case and the impending AU ruling in particular, is also discussed in the sympathetic media coverage produced during this time period. Brody is the subject of the *Associated Press* article, "Despot Crusade:" "you begin with an idea that you're going to develop the 'Pinochet precedent,'" says Brody, referring to the Chilean dictator convicted for overseeing atrocities in 1998. "But as you go on, you get to know many of the victims ... I feel like I've made a commitment to these people."⁶³ Brody's statement incorporates the two main arguments of the frame: the case is both an opportunity for Habré's victims to finally achieve justice and an opportunity for human rights activists to hold other dictators accountable. Brody is also quoted in "Africa's Pinochet' Faces Extradition and Trial for Crimes against Humanity," an article published in the *Independent*. The author of the article notes that if Habré is extradited to Belgium, "he would become the first former dictator to be extradited by a third country to stand trial for human rights atrocities." Brody meanwhile states that: "This is a great day for Habré's thousands of victims and a milestone in the fight to hold the perpetrators of atrocities accountable for their crimes." In *The Dictator Hunter*, Brody discusses the significance of the AU ruling not just to the future of international law but to the future of the Habré case itself, arguing that if the AU does not order Senegal to try or extradite Habré it will be the end of the case.

⁶³ As discussed in the previous chapter, Pinochet was never actually convicted. The charges against him were dropped in both British and Chilean courts when he was deemed medically unfit to stand trial.

While the sympathetic media coverage produced during this time period incorporates many of the same elements used during the previous period of media coverage, the coverage here also contains a new element. In both “Despot Crusade” and *The Dictator Hunter*, the media agents and activists explicitly discuss the movement’s relationship with the media. In *The Dictator Hunter*, this relationship is only briefly touched on but its importance is difficult to miss. In one scene, Brody appears in a press conference in Senegal with President Wade. The latter is quoted showing his support for the AU’s ruling and a possible trial for Habré. Given the controversy surrounding the Belgian extradition order, having the president’s support of a trial in general is a gain for the human rights activists.

The author of “Despot Crusade” devotes even more attention to the activists’ need to keep the case in the media. The author includes two quotes from Brody on the subject. In the first, Brody explains how media coverage can help pressure the Chadian government – whose support for the trial is still needed – to cooperate: “You make a big deal on this, say the world is watching.” In the second, Brody addresses the role the media plays in general: “These things don't happen unless someone digs in and pushes and pushes [...] You just need somebody who won't give up.” The acknowledgement of the role the media plays in the case is interesting because it does not directly further the activists’ agenda. It neither indicts Habré nor does it further develop the public’s emotional investment in the victims’ cause. On the other hand, it does add to the argument that the case is significant within a wider historic context. The author of “Despot Crusade” notes that the Habré case has been eclipsed by other world events – including the genocide in Darfur – but that during the AU summit, people were talking

about the Habré case mostly thanks to Brody's efforts. The article can therefore be seen as augmenting the argument that the Habré case will mean that dictators will now be held accountable for their crimes because the media coverage means that their crimes will now no longer be forgotten in the first place.

The most significant development in the media coverage from this time period, however, is the fact that the majority of the discourse produced was generated by the activists themselves. The majority of the media coverage during this time period takes the form of editorials appearing in major newspapers written by either Guengueng or Brody. While no reason is given for this change, a possible explanation is the controversy surrounding the Belgian extradition order. The colonial history between the West and Africa – in which Western powers including Belgium were guilty of widespread human rights abuses of their own – put intense political pressure on President Wade. President Wade, not wanting to set the precedent of extraditing a former African head of state to Europe to stand trial, declared that the Habré case was an African question that concerned the entire continent.⁶⁴ As will be discussed in more detail in the next chapter, there were other members of the Senegalese government who saw the Belgian government and international human rights organizations' roles in the case as examples of the West trying to impose their values on Africa.

Having Guengueng author the majority of the media activism can be seen as a response to these arguments since the arguments being made for Habré being put on trial are being made by an African personally involved in the case. The demand for Habré to be put on trial is therefore not Western interference but rather the efforts of Africans to

⁶⁴ "African Union Tells Senegal to Try Ex-Dictator of Chad." New York Times. 03, July 2006. 10, April 2009.

see justice served for Africans. Although Brody is American, the fact that he is frequently quoted both in the sympathetic media coverage found in this chapter and the more objective coverage discussed in the last chapter suggests that he has the necessary standing in the media that would result in his opinions of the case being respected by the international community whose support is needed for the trial.

This explanation is supported by an examination of the main arguments made in the activist produced media coverage. In “Lettre Ouverte des victims de Hissène Habré à la nation Senegalese,” (Open Letter from the victims of Hissène Habré to the Senegalese) Guengueng and other members of AVCRP directly address the Senegalese people. While previous open letters were addressed to President Wade, this letter is addressed to the general public, showing that the activists are attempting to gain public support for Habré’s extradition.

Nous adressons la présente lettre à la nation sénégalaise car nous connaissons son soutien à ses frères tchadiens et avons confiance dans le fait que le Sénégal doit aujourd’hui donner l’exemple en prouvant au reste de l’Afrique et au monde entier qu’il est respectueux du droit international.

We are addressing the present letter to the Senegalese people because we know of your support for your Chadian brothers and we have confidence in the fact that Senegal should set an example today and prove to the rest of Africa and the entire world that it respects international law.

Guengueng and others address the charges against Habré and discuss the evidence proving Habré’s guilt. The authors also explain the treatment suffered by prisoners in the DDS prisons; however, this description takes on a more personal dimension than past coverage since it is coming directly from the survivors themselves:

Certains d’entre nous ont été emprisonnés dans des conditions inhumaines, d’autre ont été gravement tortures, et tous ont été

témoins des assassinats et de la souffrance subie par d'autres victimes n'ayant pas eu la chance de survivre à la répression orchestrée par l'ancien dictateur.

Some of us were imprisoned under inhumane conditions, others were gravely tortured, and all of us were witnesses to the assassinations and sufferings of those victims who did not have the chance to survive the repression orchestrated by the former dictator.

By speaking of their own experiences, the activists refute the claim that the case is an example of the West trying to impose its morals on Africa. The activists involved in the case are people who personally survived the abuses of the Habré government and who are fighting so that justice can be served for those among them who did not survive.

The activists also focus on Senegal's legal obligations under the Convention against Torture. This is a reminder both that Senegal is legally obligated to either try or extradite Habré and that the protection of human rights is something Senegal has always valued. The latter, is highlighted in the activists' description of Senegal's history in the field of human rights law and its reputation in the international community.

Le Sénégal, qui est le premier pays à avoir ratifié les statuts de la nouvelle Cour Pénale Internationale, doit aussi nous prouver, à nous les victimes tchadiennes, qu'il peut appliquer et respecter ses engagements écrits en montrant que les violations des droits de l'homme exercées au Tchad et que l'immunité des responsables de la dictature Habré sont choses du passé. De plus, nous savons que Monsieur le Président Abdoulaye Wade a personnellement lutté au Sénégal pour un gouvernement responsable et respectueux des droits de la personne.

Senegal, which was the first country to ratify the statutes of the new International Criminal Court, should also prove to us, the Chadian victims, that it can apply and respect the obligations written in the statute and show that the human rights violations committed in Chad and the immunity of those responsible during the Habré dictatorship are things of the past. Also, we know that President Wade personally fought for Senegal to have a government that is responsible and respectful of human rights.

The direct appeal from the Chadian victims to the Senegalese people frames the Habré case as a court case that is significant to Senegal's reputation within the international community. The West is not imposing their values on Senegal because Senegal has always respected human rights – in fact in its role in the International Criminal Court, it is a leading figure in the fight for human rights – and in order to preserve this reputation, it must support Habré's extradition.

The activists also directly address the controversy around the extradition order, explaining the Senegalese should support Habré's extradition to Belgium.

Également, nous aurions fortement espéré que le responsable de nos souffrances soit jugé dans un pays frère comme le Sénégal. Nous avons en effet placé beaucoup d'espoir dans la justice sénégalaise lorsque le doyen des juges d'instruction de Dakar avait inculpé Hissène Habré pour complicité de crimes contre l'humanité, d'actes de torture et de barbarie et l'avait placé en résidence surveillée en février 2000. La déclaration d'incompétence pour juger Habré pour des crimes commis à l'étranger par la Cour de Cassation de Dakar en mars 2001 a toutefois mis fin à notre espoir de voir notre ancien tyran se voir poursuivi dans votre pays.

Equally, we strongly wished that the person responsible for our sufferings would be judged in a brother country like Senegal. In fact, we placed a great hope in Senegalese justice when the senior investigating of judge in Dakar charged Habré with complicity in crimes against humanity, acts of torture and Barbary and placed Habré under house arrest in February 2000. The declaration of incompetence in judging Habré for crimes committed abroad by the Court of Cassation in Dakar in March 2001 at once point an end to our hope to see our former tyrant pursued in your country.

In describing the history of the case in the Senegalese courts, the activists convey that their first choice was to have Habré tried in an African court. It was only after Chad refused to order Habré's extradition and Senegal declared that it did not have the proper jurisdiction to try Habré, that the activists were forced to look outside of Africa.

Belgium's role in the case is therefore not an act of Western interference, but rather the last resort of a group of African activists fighting for justice.

Guengueng repeats this argument in "Send Habré to Belgium for Trial" and "Bring Hissène Habré to Justice." In "Send Habré to Belgium for Trial," Guengueng writes:

I would also prefer to see Hissène Habré tried in Africa. But Senegal refused to prosecute him when it had the chance to do so, Chad could not guarantee him a fair trial, and no other African country has asked for his extradition. Some have suggested creating an 'African tribunal,' but that would entail enormous political will, years of delay and spending at least \$100 million.

Guengueng discusses the reports of President Wade's interference in the case as evidence of Senegal's refusal to prosecute when they had the chance. Guengueng and Brody also express concern for Habré's rights in "Bring Hissène Habré to Justice":

If the goal is justice, the AU's [African Union] choice is easy. After four years of work, Belgium is ready and able to hear the case and offers the most concrete, realistic and timely option for ensuring that Habré is able to respond to the charges against him with all the guarantees of a fair trial. Indeed, the Chadian government has consistently supported Habré's extradition to Belgium, inviting the Belgian judge to Chad and even going so far as to waive Habré's state of immunity so that he could be tried in a 'neutral forum'.

Expressing concern for Habré's rights shows that the main goal of the activists truly is justice since they are concerned that Habré have the opportunity to address the charges against him. If the case against Habré was not in the pursuit of justice but rather in the pursuit of a Western agenda, there would only be concern for finding Habré guilty and not for Habré's legal rights. In addition to arguing that Belgium would provide Habré with a fair trial, Guengueng and Brody argue that the four years of investigative work Judge Franssen conducted in Chad demonstrates that Belgium is also familiar enough with

the case to conduct a proper trial. Finally, the authors discuss Chad's support of the Belgian extradition order, implying that the order is not an unwelcome intrusion from the West since it is even supported by the country where the alleged offenses took place. While Chad's support is potentially a contentious issue – on the one hand a guilty verdict would put their political enemy in prison while on the other hand the government's own crimes could come to light in the trial – over all, the Chadian government's support shows more of a partnership between Africa and the West rather than a neo-colonial patriarchal relationship.

Brody's editorials meanwhile feature the same content as the other articles found in the human rights frame. In "Les enjeux de l'affaire Hissène Habré," (The stakes of the Hissène Habré affair), Brody writes of the Senegalese court's decision: "Elle est contraire au droit international et plus particulièrement à la Convention des Nations unies contre la torture et autres peines ou traitements cruels, inhumains et dégradants, ratifiée par le Sénégal en 1986." (It is contrary to international law, particularly the UN Convention against torture and other cruel, inhumane and degrading forms of punishment, ratified by Senegal in 1986.) Brody also focuses on the evidence against Habré. In "Wake Up Call for Tyrants," Brody writes that there are "Tens of thousands of documents strewn on the floor, including daily lists of dead prisoners, surveillance reports and arrest records, detailed how Habré had placed the DDS under his direct control, attacked rival ethnic groups and organized the repression of political opponents." Given his standing in the media and his position as the counsel for the victim's legal team, Brody appropriately focuses on the legal aspects of the case. When Brody does document the abuses of the Habré government, he emphasizes the role that the survivors

have played in their own case and not on his own efforts: “Justice came because of Souleymane Guengueng, a modest civil servant who watched hundreds of cell-mates perish from torture and disease during two years in Habré's prisons. Guengueng took an oath before God that if he ever got out of jail alive, he would bring his tormenters to justice.”⁶⁵ Given the controversy surrounding Western involvement in the case, it is fitting that while Brody plays a prominent role in the case, the main figure in the Habré narrative remains Guengueng.

Guengueng and Brody also seem to be well aware of the subtleties involved in presenting their story to multiple audiences. Both Brody and Guengueng author editorials published in mainstream international newspapers; Guengueng’s “Send Habré to Belgium for Trial” appears in the *International Herald Tribune*, while Brody’s “Wake Up Call for Tyrants” was published in the *Los Angeles Times* and “Les enjeux de l’affaire Habré” was published in the French newspaper *Le Monde*. For a Western audience, the role played by Belgium and international rights organizations such as Human Rights Watch, is not as much of an issue. In fact, as seen in “Despot Crusade,” the main issue for Western audiences is making people aware of the case. Essentially, it does not matter which one of the two main activists in the Habré narrative is speaking; the media coverage discussed in the last chapter demonstrates that both men are respected.

The same cannot be said, however, when the primary audience is an African audience. Because of the controversy surrounding the Belgian extradition order, it becomes important to emphasize the leading role played by African activists such as Guengueng and the AVCRP. “Bring Hissène Habré to Justice” was published in the South African newspaper the *Mail and Guardian*, accordingly, it was co-authored by

⁶⁵ Brody, Reed. “Wake-Up Call for Tyrants.” *Los Angeles Times* 2 Oct. 2005.

Guengueng and Brody, presenting the relationship between the AVCRP and Human Rights Watch as an equal partnership. “Lettre Ouverte des victimes de Hissène Habré à la nation Senegalese” was authored by Guengueng and other members of the AVCRP.

An analysis of the human rights frame shows that the main objectives of the activists’ media campaign are to raise public awareness and support for trying Habré. This is accomplished by organizing the facts of the case into the familiar narrative of the victims search for justice. Within this narrative, the activists emphasize the activism of the survivors, Habré’s guilt, and what the trial means for human rights and international law in general. The controversial Belgian extradition order resulted in an increased focus on the activists’ efforts and Senegal’s legal obligations in an effort to refute the accusation made by opponents that the trial was simply another case of the West trying to interfere in Africa’s affairs.

IV
“Des affaires comme celle-là sont des affaires africaines.”⁶⁶
(Affairs such as this are African affairs.)
The African sovereignty frame

In “Bring Hissène Habré to Justice,” Brody and Guengueng acknowledge that Belgium’s colonial past is problematic for trying a former African head of state.⁶⁷ Brody and Guengueng also acknowledge that to some African leaders, trying Habré in a European court would be “an insult to African dignity.”⁶⁸ In the same article, Senegal’s president Abdoulaye Wade describes the Habré case as “an African question,” further highlighting the fact that for some, the case is not simply about prosecuting an alleged war criminal; it is also an opportunity for Africa to solidify its autonomy.

In order to understand the main arguments of the African sovereignty frame, one must first understand the significance of the African Union (AU) in the international community. The AU succeeded the Organization of African Unity (OAU) in 2002 as the pan-African organization aimed at promoting unity, democracy, and growth throughout the continent. Loosely modeled on the European Union, the AU includes a pan-African parliament and a Peace and Security Council that has participated in several peacekeeping missions. The AU has also announced plans to create a human rights court, a central bank and monetary fund, and by 2023 an African economic community with a single currency.⁶⁹ An examination of the AU and the international community’s reaction to the AU shows that while the organization faces financial and organizational

⁶⁶ Cissé, Mamadou. “Me Abdoulaye Wade sur L’Affaire Hissène Habré: « Je vais mettre l’Afrique devant ses responsabilités .»” *Le Soleil* [Dakar] 1 Dec. 2005: 1-1.

⁶⁷ Although Chad was a colony of France, Belgium has an extremely negative history in the Congo region.

⁶⁸ Guengueng, Souleymane, and Reed Brody. “Bring Hissène Habré to justice.” *Mail and Guardian* 17 Jan. 2006: 1-1.

⁶⁹ “Profile: African Union.” *BBC News*. 4 Apr. 2008. 2 Dec. 2008
<http://http://news.bbc.co.uk/2/hi/africa/country_profiles/3870303.stm>.

challenges, there is hope that the AU will be able to make a significant positive impact on the continent.

The African sovereignty frame can be found in an analysis of the case in the Senegalese newspaper, *Le Soleil*.⁷⁰ The majority of articles from the time period in question support Wade's decision to refer the case to the AU. The authors do not attempt to refute the charges against Habré, in fact Habré himself is hardly discussed; instead the authors of these articles focus on what Wade and the AU's decisions mean for Senegal and for Africa.

Le Soleil, however, is a state-run newspaper. This is both a strength and a hindrance to its coverage of the Habré case. Because *Le Soleil* is controlled by a government that has played a prominent role in the case, its articles enable the reader to understand the position taken by one of the cases' key figures. On the other hand, the clear bias found in these articles means that *Le Soleil* presents the political implications of the case without acknowledging the possible political motivations behind why the government may be presenting this particular view.

Some journalists believe that the Senegalese government is reluctant to try Habré, or has been bought by his allies, and see the delays in the case as the government's attempts to avoid fulfilling its legal obligations.⁷¹ President Wade himself has been accused of interfering in the case.⁷² As seen in chapter two, President Wade removed one of the main investigating judges from the case while also appointing one of Habré's

⁷⁰ There are several state-run Senegalese newspapers; however, *Le Soleil* was the only paper whose database contained articles on the Habré case during the time period in question.

⁷¹ "Senegal doubts over Habré trial" [BBC News](#) 18 August 2008: 1-1.

⁷² "Justice Denied in Senegal." [New York Times](#) 21 July 2000. 1-1.

attorneys his special legal advisor.⁷³ This raises the possibility that in denouncing Western influence and supporting deference to the AU, the government may actually be attempting to shirk its legal responsibilities.

In discussing the possible implications of the political bias found in the African sovereignty frame, the articles from *Le Soleil* will be compared to articles published on the *News24* web site. While the articles from *News24.com* place more emphasis on the AU and its decision making process than the other articles discussed in chapter two, they do not take a particular position like the articles that comprise the African sovereignty frame. The articles from *News24.com*, a South African news site, are included in this chapter to demonstrate that the African sovereignty frame is not representative of the coverage given to the Habré case in the African newspapers, but rather, in only appearing in state-run newspapers, the African sovereignty frame has certain political implications.

The African Union

The Organization of African Unity was founded in 1963 on the principles of state sovereignty and non-interference.⁷⁴ Formed during the decolonization struggles of the 1960s, the OAU was an opportunity for the leaders of newly formed states to promote political and economic growth. Instead, the OAU came to be known as “dictator’s club,” and the organization drew criticism throughout the 1990s for its lack of intervention in the crises in Rwanda, the Democratic Republic of Congo, and Somalia.⁷⁵

⁷³ Farah, Douglas. "Chad's Torture Victims Pursue Habre in Court, Pinochet Case Leaves Ex-Dictator Vulnerable." *Washington Post* 27 Nov. 2000.

⁷⁴ Hanson, Stephanie. "The African Union." *Council on Foreign Relations* (2008): 1-1. *Council on Foreign Relations*. 29 Apr. 2008. 16 Mar. 2009 <http://www.cfr.org/publication/11616/african_union.html>.

⁷⁵ Ibid.

Conceived by Muammar Gaddafi of Libya, who proposed a “United States of Africa,” the African Union was formed in 2002.⁷⁶ The AU consists of fifty three member states, although the memberships of Mauritana and Guinea were suspended after coups in those countries in 2008. Morocco is the only country not a member of the AU, having withdrawn from the OAU in 1984 after the OAU granted membership to the Saharan Arab Democratic Republic set up by the independence movement in the disputed territory of Western Sahara.⁷⁷

The AU “supports political and economic integration among its members,” and lists as its aims promoting unity and peace among African nations, encouraging democracy and good governance, and fostering sustainable growth.”⁷⁸ The AU oversees the New Partnership for Africa’s Development (NEPAD), which attempts to strengthen the African economy by promoting good political and economic practices in exchange for aid from the West. In 2004, the AU inaugurated a pan-African parliament and a Peace and Security Council. The latter is an effort to reform the OAU’s policy of noninterference, the Peace and Security Council has the power to deploy military forces in situations which include genocide and war crimes and can authorize peacekeeping missions.

The AU has already participated in several peacekeeping missions with varying degrees of success. An intervention in Burundi in 2003 was widely acknowledged as a success, experts say that the AU force was crucial to maintaining security during cease

⁷⁶ "Profile: African Union." *BBC News*. 4 Apr. 2008. 2 Dec. 2008
<http://http://news.bbc.co.uk/2/hi/africa/country_profiles/3870303.stm>.

⁷⁷Hanson, Stephanie. "The African Union." *Council on Foreign Relations* (2008): 1-1. *Council on Foreign Relations*. 29 Apr. 2008. 16 Mar. 2009 <http://www.cfr.org/publication/11616/african_union.html>.

⁷⁸ "Profile: African Union." *BBC News*. 4 Apr. 2008. 2 Dec. 2008
<http://http://news.bbc.co.uk/2/hi/africa/country_profiles/3870303.stm>.

fire negotiations; however, a successful intervention in Anjouan in 2008 attracted little attention outside of Africa while an intervention in Somalia was less successful.⁷⁹ The most high profile peacekeeping effort to date has been in Darfur where the AU is participating in an “unprecedented joint peacekeeping operation with the UN” that is seen by the international “litmus test” of the AU’s effectiveness.⁸⁰

In keeping with its mission, the AU has announced a series of plans for the near and distant future including a human rights court, a central bank and monetary fund, an African economic community with a single currency by 2023, and a standby rapid reaction force for peacekeeping missions by 2010.⁸¹ The international community’s evaluation of the young organization has been mixed. “Experts say the AU has a long way to go before it is fully functional, and express concerns about the burdens and expectations that have been placed on the body thus far.”⁸² The AU faces “tremendous organizational and financial barriers.”⁸³ The AU seeks to be funded by member nations; however, many of these states are battling poverty within their own borders leading to some doubts over whether or not the AU is able to afford the goals it has set forth. Some of the member states are run by dictators, which calls into question the organization’s commitment to promoting democracy. Additionally, critics point out that many of its leaders are the same people who presided over the OAU while “others say that AU reform and peacekeeper deployment are also subject to the will of its strongest leaders,

⁷⁹ Hanson, Stephanie. "The African Union." Council on Foreign Relations (2008): 1-1. Council on Foreign Relations. 29 Apr. 2008. 16 Mar. 2009 <http://www.cfr.org/publication/11616/african_union.html>.

⁸⁰ Ibid

⁸¹ "Profile: African Union." BBC News. 4 Apr. 2008. 2 Dec. 2008 <http://news.bbc.co.uk/2/hi/africa/country_profiles/3870303.stm>.

⁸² Hanson, Stephanie. "The African Union." Council on Foreign Relations (2008): 1-1. Council on Foreign Relations. 29 Apr. 2008. 16 Mar. 2009 <http://www.cfr.org/publication/11616/african_union.html>.

⁸³ Ibid

namely President Umaru Yar'Adua of Nigeria and President Thabo Mbeki of South Africa."⁸⁴

In 2006, President Robert Mugabe of Zimbabwe blocked the AU from adopting a much anticipated democracy charter that would have strengthened the electoral process, ended military coups, and stopped constitutional changes to allow presidents to stay in office.⁸⁵ In a testimony before the African Affairs Subcommittee of the Senate Foreign Relations Committee, Jennifer Cooke, co-director of the Africa Program at the Center for Strategic and International Studies, discussed the present state of the AU: "This pivotal change is still at an early, fragile stage. The new norms are still an aspiration. They are often violated, as the case of Zimbabwe shows only too clearly. Implementation of the change remains uneven and the AU remains heavily dependent on external support."⁸⁶ Nonetheless, Cooke remains cautiously optimistic, acknowledging that regional bodies, such as the European Union which has served as a model for the AU, often take time before significant progress is seen: "The AU experience will not be fundamentally different. It is equally important to note that the advent of the AU has generated high expectations within Africa and in the international community and has begun to generate some early promising returns."⁸⁷

While the Habré case has not generated as much international attention as some of the other issues the AU has taken on, namely Darfur, the case does provide the AU with an opportunity to gain credibility within the international legal community and the

⁸⁴ Hanson, Stephanie. "The African Union." Council on Foreign Relations (2008): 1-1. Council on Foreign Relations. 29 Apr. 2008. 16 Mar. 2009 <http://www.cfr.org/publication/11616/african_union.html>.

⁸⁵ Ibid.

⁸⁶ Cooke, Jennifer. "Options for Strengthening the African Union." African Affairs Subcommittee of the Senate Foreign Relations Committee Hearing on African Organizations and Institutions. Dirksen Senate Office Building, Washington, D.C. 17 Nov. 2005. 17 Nov. 2005. Center for Strategic and International Studies. 16 Mar. 2009 <http://www.csis.org/index.php?option=com_csis_congress&task=view&id=177>.

⁸⁷ Ibid

African political community. President Wade's decision to refer the case to the AU demonstrates African leaders' belief that the organization is equipped to address the political issues facing the region. As discussed in the previous chapter, Habré's guilt is not debated; therefore, if the AU can be seen as bringing Habré to justice, the organization will gain more credibility in its efforts to promote and protect human rights in the area and peacefully handle regional issues.

News24.com (South Africa)

Like the articles discussed in chapter two, the *News24.com* articles quote the responses of human rights activists to President Wade's decision to refer the case to the AU. In "Decision on Habré case 'OK,'" the author focuses primarily on the response of African rights groups. The author quotes representatives of several different organizations, including Sidiki Kaba, president of the International Federation of Human Rights, who is quoted as saying: "This is the first time that the heads of state have strongly affirmed that it is necessary to fight against impunity ... that appears to me to be helpful." The author notes that overall, African rights groups have welcomed the decision. This claim is corroborated in "Senegal told to Prosecute Habré," which was published on the web site on June 29, 2006. The author of "Senegal told to Prosecute Habré," notes that the Coalition against Impunity, an organization composed of 300 African and international civil society bodies, said that "the AU must force Senegal to abide by its international obligations and ensure Habré faced justice." The author also quotes Kolawole Olaniyan, the director of Amnesty International's Africa Program, who notes that "Habré's victims have been fighting for 16 years to see justice done."

The authors of the *News24.com* articles also focus on the legal and historic significance of the Habré case. As discussed in chapter two, both “UN: Senegal must extradite Habré” and “AU team in Habré talks,” explain the UN ruling that Senegal violated the 1984 Convention against Torture by not attempting to try or extradite Habré. Habré’s reputation as the “African Pinochet” is noted in the latter article as well as in “Decision on Habré case ‘OK,’” serving as a reminder of the case’s relationship to the application of universal jurisdiction. In “Senegal told to prosecute Habré,” the author highlights the significance of universal jurisdiction to Africa, noting that the Habré court case will follow the trial of Charles Taylor, the former president of Liberia, currently on trial for similar charges in The Hague. The author of “Senegal told to prosecute Habré” also notes that: “Few former African strongmen had [sic] faced charges for past wrongs and many lived [sic] comfortable lives in exile, but activists said the extradition of Habré would reflect a stiffening resolve on the continent to seek justice over impunity.”

What distinguishes the *News24.com* articles from other articles that attempt to put the Habré case in a wider context is the articles’ focus on the details of the AU deliberations. In “Decision on Habré case ‘OK,’” the author explains that the AU panel charged with making the decision is a commission of legal experts created during a summit in Sudan. The commission was given six months to examine “all aspects of the case and make concrete recommendations.” The author of “AU team in Habré talks,” which was published on May 22, 2006 quotes AU deputy commission chief Patrick Mazinklaka as saying: “They [the commission] have three days to deliberate and do the job, that’s why they have to be protected from any kind of pressure.”⁸⁸ This pressure is

⁸⁸ It is unclear why it is reported in this article that the commission had three days to deliberate when all other accounts of the case report that the commission was given six months to make a recommendation.

most likely a reference to the political pressure placed on African leaders such as President Wade not to extradite Habré to Belgium discussed in chapter two and discussed further in the next section.

Le Soleil (*Senegal*)

Le Soleil is a French language Senegalese newspaper based out of the nation's capital, Dakar. The daily newspaper covers national issues and, like many of the nation's newspapers, is state-owned.⁸⁹ Following President Wade's decision to refer the case to the AU, *Le Soleil* published several pieces that were in favor of Wade's decision. "Au-delà de L'affaire Hissène Habré" ("On the Hissène Habré Case") by Mamour Cissé the president of the social democrat party, published December 1, 2005, is the most detailed response to President Wade's decision. The article raises all of the issues found in other pieces: what the case means for Senegal's reputation, the reluctance to allow Habré to be tried in Europe, and the significance of the AU's involvement. Cissé begins by acknowledging the difficult position that Senegal is placed in, especially with the international community watching. According to Cissé, the case puts Senegal's very reputation at stake:

Cet hôte si encombrant aux yeux des autorités sénégalaises a tout de même passé quinze bonnes années de sa vie dans notre pays réputé pour sa démocratie, sa tolérance, sa « téranga » et son engagement quasi sacré en faveur du respect des droits humains.⁹⁰

This exile, while cumbersome in the eyes of the Senegalese authorities, at the same time allowed Habré to pass fifteen good years of his life in our country known for our democracy, our tolerance, our hospitality and our quasi-sacred engagement in favor of respect for human rights.

⁸⁹ "Country Profile: Senegal." *BBC News*. 25 June 2008. 15 Feb. 2009.

⁹⁰ Cissé, Mamour. "Au-delà de l'affaire Hissène Habré." *Le Soleil* 1 December, 2005; 1-6.

Although Senegal is not without its own economic and political problems, the country has a reputation for democracy and has played important roles in the developing field of human rights law. Senegal was the first nation to ratify the International Criminal Court and its lawyers hold prominent positions in judicial and human rights organizations worldwide.⁹¹ Additionally, Senegal has a long record of participating in international peacekeeping missions.⁹² Senegal prides itself on its “téranga,” or hospitality. From Cissé’s perspective, Habré’s fifteen year exile in Senegal has been positive for Senegal’s reputation: it is another example of the country’s respect for all peoples as well as Senegal’s reputation as one of the few democratic countries in the region.

According to Cissé, extraditing Habré to Belgium would be a threat to this reputation. From this perspective, Habré is another refugee having come to Senegal because he was forced to flee his home country. Extraditing Habré to Belgium would be akin to denying any other displaced person seeking refuge. That Habré is accused of committing war crimes while in office, is only briefly mentioned at the beginning of the article. Cissé’s negative opinion of extradition seems to be less a reflection of his opinion of the charges against Habré than it is of his opinion of the West’s involvement in the case. Cissé’s disdain for L’Occident (the West) is clear throughout the article:

En revanche, elles sont si promptes à déstabiliser les Etats et les pays africains mais demeurent aphones quand il s’agit de mefaits et d’autres crimes commis par les occidentaux. Lorsqu’on affiche toujours une indignation selective, on deviant forcément suspect. Loin de nous l’idée de minimiser les crimes humains, mais ils ne sont pas les seuls. Des crimes politiques, économiques et sociaux aussi souvent perpétrés par les puissances du nord.⁹³

⁹¹ "Justice Denied in Senegal." *New York Times* 21 July 2000.

⁹² United States. CIA. *CIA World Factbook: Senegal*. 5 Mar. 2009. CIA. 16 Mar. 2009 <<https://www.cia.gov/library/publications/the-world-factbook/geos/sg.html>>.

⁹³ Cissé, Mamour. “Au-dèla de l’affaire Hissène Habré.” *Le Soleil* 1 December, 2005; 1-6.

In revenge, they [the West] are quite prompt in destabilizing African states and countries but they are quiet when the wrongs and other crimes are committed by the West. Because they always show a selective indignation, one is forced to become suspect. Far be it from us to minimize the idea of crimes against humanity, but they are not alone. Crimes, political, economic and social are also frequently perpetuated by the powers of the North.

The crimes committed by the powers of the North are possibly a reference to the genocide in Darfur; however, the focus of Cissé's disdain is on Europe and the United States. In support of the above accusations, Cissé points to France and Belgium's colonial pasts, the Holocaust, the United States' refusal to ratify the Kyoto Treaty, and Israel's actions in the Gaza Strip among other historic events.

While Cissé's observation that the West is also guilty of human rights abuses is valid, Cissé's argument utilizes the tu quoque logic fallacy which weakens the overall argument. Cissé also has a tendency to use dramatic language, which can not only be seen in his accusations against the West listed above; it can also be found in Cissé's denouncement of the liberal policies of the West. Cissé views the West's involvement in the case as an attempt to impose Western values on Africa, something that Cissé believes should be avoided: "Les valeurs et croyances de l'Occident ne seront jamais les nôtres."⁹⁴ (The values and beliefs of the West will never be ours.)

Nonetheless, Cissé acknowledges the present limitations of the AU. While it is obvious that Cissé wants the Habré case to remain in Africa and supports the AU's involvement in the case, Cissé acknowledges that the AU does not have a judiciary body to try Habré. (Cissé does not offer a recommendation of his own as to what should be done concerning the Habré case.) Cissé's hopes for the AU are similar to the organization's own:

⁹⁴ Ibid.

L'installation d'une telle court est une exigence de l'heure parce qu'elle participe de la promotion de la dignité de l'Afrique et du renforcement de sa souveraineté.⁹⁵

The installation of such a court [High Court of Justice] is an exigency because it is part of the promotion of the dignity of Africa and the reinforcement of its sovereignty.

While the High Court of Justice is not the same as the AU's proposed human rights court, the idea behind the two courts – as seen in Cissé's article – are the same. The AU's human rights court would enable to try African's accused of war crimes in Africa. It would also give the AU credibility as an organization committed to promoting human rights. Cissé's article confirms the expectations and hopes placed on the AU reported by Cooke. President Wade's decision to refer the case to the AU shows his faith in the organizations ability to handle the case. Additionally, Cissé's proposal of a High Court of Justice is an acknowledgment on the part of the Senegalese (the government at least), that the AU still has work to be done before it can completely fulfill its promise.

“Me Abdoulaye Wade sur L’Affaire Hissène Habré: « Je vais mettre l’Afrique devant ses responsabilités »” (“President Abdoulaye Wade on the Hissène Habré case: I have put Africa at the front of its responsibilities”) was published on the same day but is fairly objective. The headline quote is attributed to President Wade:

Je vais mettre l’Afrique devant ses responsabilités en présentant le dossier Hissène Habré au Sommet des chefs d’Etat africains qui devra se réunir en janvier 2006 au Soudan.⁹⁶

I am going to put Africa at the front of its responsibilities [the AU's] in presenting the dossier on Hissène Habré at the Summit of the African Union which will be meeting in January 2006 in Sudan.

⁹⁵ Cissé, Mamour. “Au-dèla de l’affaire Hissène Habré.” *Le Soleil* 1 December, 2005; 1-6.

⁹⁶ Cissé, Mamadou. “Me Abdoulaye Wade sur L’Affaire Hissène Habré: « Je vais mettre l’Afrique devant ses responsabilités .»” *Le Soleil* [Dakar] 1 Dec. 2005: 1-1.

President Wade's comment that he is putting Africa at the front of its responsibilities is in keeping to his statement that the Habré case is an African question. By presenting the Habré dossier to the AU, rather than honoring the Belgian extradition order, President Wade is agreeing with the argument that the Habré case is important to maintaining Africa's sovereignty. This can be seen in his statement that he is putting Africa and not the case, although that is really what he is referring to, at the front of the issues the AU leaders will be discussing at the summit. This sentiment is reinforced in another quote from President Wade:

Des affaires comme celle-là sont des affaires africaines. Il ne faudrait pas qu'on ferme les yeux en faisant la politique de l'autruche. L'Afrique devrait avoir des tribunaux pour juger tout ce qui peut arriver en Afrique, et ne pas, comme disait l'autre, faire filer la patate chaude aux voisins.

Affairs such as this are African affairs. We must not close our eyes and practice ostrich politics. Africa should have a tribunal for judging what happens in Africa and not, as others have said, pass the hot potato to our neighbors.

Ostrich politics is a French term for what happens when politicians figuratively stick their heads in the sand. For President Wade, the creation of an African court – like the one Cissé refers to and the one announced by the AU – are necessary for judging the actions of Africans in Africa. President Wade's statement goes a step further than Cissé's; the Habré case is an African question but it is up to African leaders, like Wade and the AU, to take responsibility for such issues. It is important to note that in both articles, the government and its press believe that the Habré case is not simply about whether or not Habré is guilty; it is also about Africa's ability to handle its own affairs.

Unlike the articles discussed in the previous section, this article provides little background information about the case. This could be bias on the part of the author, not

wishing to theoretically confirm the charges against Habré by repeating them as though they were already proven fact as is done in the Western media. Most likely, however, the lack of details of the case is the result of the fact that the paper's audience, who after all reside in the country where the case is unfolding, is more familiar with the case than the international audience. An account of the history of the case may not be necessary.

Another pro-AU referral article appearing in *Le Soleil* is "Affaire Hissène Habré - Landing Savané: « La position du gouvernement honore le pays »." ("Hissene Habré Case – Landing Savané: The government's position honors the country.") The author, Mamadou Cissé who is also the author of the previous article, calls President Wade's decision wise. Cissé quotes Landing Savané, Minister of State at the time: "La position du gouvernement honore le pays." (The government's position honors the country.) According to Cissé, President Wade's decision puts the responsibility for the case on Africa and Africans. The opinions offered in the article are not any different from the previous articles: Habré should not be judged in Belgium, President Wade was right in referring the case to the AU, and the decision keeps responsibility for the case within Africa. The reason this article is significant is because it reinforces this view of the case. While it is obviously to the government's advantage to portray its president's decision as the right thing to do, the position taken by the government highlights the political dimension of the case.

The Habré case is not unique in its political dimensions. Given the nature of the alleged offenses, war crimes trials tend to be high profile cases where politics can play an important role. In his essay, "Law and Politics in Subsequent Nuremberg Trials, 1946-1949," Jonathan Friedman discusses the politics at play during the original war crimes

case. Friedman notes that a shift in U.S. policy toward Germany from occupation and denazification to reconstruction and integration led to public apathy on the part of the American people: “Accordingly, many observers began to feel that in this new context the prosecution of former Nazis had become counterproductive, if not entirely pointless.”⁹⁷ Friedman argues that this shift in policy was influenced by the developing Cold War: “I would argue that political considerations played at least some role from the very beginning; whether this involved situating the trials within the overall strategy of denazification or containing communism.” Friedman is careful to note, however, that it is not his intention to imply that the decisions of the tribunals were politically motivated; “Even so, one could hardly have failed to notice the political significance of the decisions, especially in the industrialist cases, where a strict application of the law dovetailed conveniently with the need to employ German industry in the struggle against communism.”

Friedman also argues that the American need for steel during the Korean War may have been a determining factor in clemency rulings in several of the industrialist cases. Friedman suggests that the U.S. government needed to rebuild German industry during the Cold War and that in order to be able to do so on American terms, the government needed the support of West German chancellor Konrad Adenauer, support which could be secured through court decisions that were favored by the German public. The U.S. therefore, potentially stood to benefit politically from its decisions in the cases.

It is unclear what political advantages or disadvantages participation in the Habré case could pose to Senegal. In fact, given the 2006 UN ruling, it would seem that it would

⁹⁷ Friedman, Jonathon. “Law and Politics in Subsequent Nuremberg Trials.” Heberer, Patricia, and Jurgen Matthaus, eds. Atrocities on Trial: Historical Perspectives on the Politics of Prosecuting War Crimes. University of Nebraska, 2008.

be to Senegal's advantage to try Habré. Habré has been accused of fleeing Chad with the contents of the country's treasury and using that money to buy political allies in Senegal, which could explain the government's apparent reluctance to go forward with the trial.⁹⁸ The government may also be reluctant to move forward with a trial that would in all likelihood – if the accusations made by human rights activists are true – indict current members of the Chadian government, Senegal's neighbor, including the country's president. An indictment of these officials, coupled with a guilty ruling for Habré, could produce diplomatic tensions between the two countries since if Habré were to be found guilty of charges also made against members of the Chadian government, the implication would be that those government officials should also be tried.

Meanwhile, President Wade's claim that he did not want to set the precedent of extraditing a former African head of state to stand trial in Europe has merit. The AU agreed to deliberate on the case, suggesting that Wade is not the only African leader wary of revisiting the colonial past. Additionally, given the AU's goal – and the international community's high expectations – to mediate conflicts on the continent and establish a human rights court of its own, the Habré case is an opportunity for the organization to play a decisive role in a high profile human rights case. The president and AU leaders' position on the paper is quoted in international news sources including the *New York Times* and *News24.com*, suggesting that the international community recognizes the merits of the position taken in the African sovereignty frame. Unfortunately, the legitimacy of the arguments in the African sovereignty frame is undermined by questions concerning the government's true motives. The government may genuinely believe in the

⁹⁸ "Senegal doubts over Habré trial" [BBC News](#) 18 August 2008: 1-1.

arguments it is putting forth or it may be using these arguments to hide the fact that the government does not want to take a stand in the case.

V

The Habré Legacy⁹⁹ *Conclusion and Epilogue*

In July 2006, the African Union concluded that Habré should be tried in Senegal, a decision that President Wade accepted. Nearly three years later, the Habré trial has still not taken place. There are several explanations – not necessarily mutually exclusive – that have been offered for this delay. One is that the Senegalese government faces legal and financial difficulties in putting Habré on trial. The government has had to pass laws, including an amendment to its constitution, to allow the trial to take place. Additionally, Madicke Niang, the Justice Minister of Senegal, has stated that putting Habré on trial would cost the country an estimated 18 billion CFA francs or approximately 43 million dollars.¹⁰⁰ Niang has asked for international aid in raising said funds, but Human Rights Watch has reported that several countries have offered to provide financial support but Senegal has yet to provide any of these countries with a budget.¹⁰¹

There are other recent events that have also played a role in the delay. On August 15, 2008, Habré was sentenced to death in absentia by Chad for armed rebellion. According to *BBC News*, Niang expressed doubts over the legality of Habré's pending trial in Senegal, claiming that Habré could not be judged twice on the same facts. Human rights activists refute this claim, arguing that the human rights abuse charges Habré is facing in Senegal are different. This claim is supported by the Chadian government, which has also stated that its case and the case pending in Senegal are unrelated.¹⁰² The *BBC's* Tidiane Sy is suspicious of Niang's statements, alleging that the Senegalese

⁹⁹ "Chad: The Habre Legacy." *Amnesty International*. 15 Oct. 2001. 10 Apr. 2009.

¹⁰⁰ "Senegal doubts over Habré trial" *BBC News* 18 August 2008: 1-1.

¹⁰¹ Human Rights Watch. "UN: Press Senegal on Habre Trial." Press release. *Hrw.org*. 5 Feb. 2009. 4 Mar. 2009 <<http://www.hrw.org/en/news/2009/02/05/un-press-senegal-habr-trial>>.

¹⁰² "Lawyers: Habré's trial 'unfair'" *News24* 24 August 2008 1-1.

government has long shown reluctance to try Habré and that this latest statement from Niang may be an attempt to find a way out of the trial or at least delay it.¹⁰³

Human rights organizations have continued in their efforts to bring Habré to trial. In September 2008, new complaints were filed against Habré with a Senegalese prosecutor but according to Human Rights Watch, the Senegalese authorities have refused to act on the complaints. In November 2008, the UN Committee against Torture met with the Senegalese ambassador in Geneva to express its frustration that Senegal had not complied with its 2006 ruling.¹⁰⁴ In February, 2009, Human Rights Watch reported that five African and international human rights organizations called on the United Nations Human Rights Council and the African Union to ask Senegal to move forward with the case. These five organizations are the original organizations involved in the case: the Chadian Association for the Promotion and Defense of Human Rights, the Chadian Association of Victims of Political Repression and Crime, Human Rights Watch, the African Assembly for the Defense of Human Rights, and the International Federation of Human Rights. Souleymane Guengueng stated, “Senegal has mocked us for 18 years and now it is mocking the United Nations [...] The Human Rights Council needs to tell Senegal to comply with the UN ruling and bring Habré to justice.”¹⁰⁵

In March 2009, Belgium brought a case against Senegal in the International Court of Justice. Belgium has asked the ICJ to issue an interim ruling that would require

¹⁰³“Senegal doubts over Habré trial” [BBC News](#) 18 August 2008: 1-1.

¹⁰⁴ Human Rights Watch. "UN: Press Senegal on Habre Trial." Press release. [Hrw.org](#), 5 Feb. 2009. 4 Mar. 2009 <<http://www.hrw.org/en/news/2009/02/05/un-press-senegal-habr-trial>>.

¹⁰⁵ Ibid.

Senegal to guarantee that they will not allow Habré to flee the country and to compel the country to either extradite or try Habré.¹⁰⁶ The ICJ has agreed to hear the case.

Gamson and Wolfsfeld write that events take their significance from the narrative or storyline in which they embedded.¹⁰⁷ An analysis of the media coverage of the Habré case during the period between September 2005 and July 2006 revealed two media frames: the human rights frame and the African sovereignty frame. Human rights activists embedded the events of the case into a narrative focused on the pursuit of justice. The abuses suffered by the prisoners and Habré's responsibility for these abuses were emphasized. Additionally, the significance of the Habré case to the development of international criminal and human rights law was also discussed in detail. The main objectives of the human rights frame were to raise public awareness and support for Habré's prosecution. The activists responded to the controversy surrounding the Belgian extradition order by emphasizing the role played by African activists and what the case means for Africa.

That the AU's decision was met with cautious optimism by the activists is proof of their experience with both the Habré case and human rights cases in general. Three years later, Habré still has not appeared in court. Within the human rights frame this means that justice has still not been achieved. The agents within the human rights frame are still advocating for Habré to be tried and are still working to keep the case in the public eye, but they have altered their strategy to address the current issues stalling the trial. The major issue is establishing that the death sentence issued in the Chadian court is based on unrelated charges and therefore does not interfere with the case pending in

¹⁰⁶ "UN court to hear Belgian case against Senegal." Expatica.com [Brussels] 13 Mar. 2009: 1-1.

¹⁰⁷ Gamson, William A., and Gadi Wolfsfeld. "Movements and Media as Interacting Systems." [Annals of the American Academy of Political and Social Science](#) 528 (1993): 114-25.

Senegal.¹⁰⁸ Additionally, human rights activists are attempting to convince the United Nations and the African Union to get involved by urging the two organizations to put pressure on Senegal.¹⁰⁹

The authors of the human rights frame are clearly biased in favor of Habré standing trial; however, their motives behind framing the case in such a way are transparent, making an analysis of the Habré narrative easier to make than an analysis of the African sovereignty frame. Given the reports of suspected government interference and delays in the more impartial media accounts, it is difficult to not regard the arguments made in the African sovereignty frame with some skepticism. The main arguments of the African sovereignty frame are that the Habré case is an African question and should therefore be turned over to the African Union. The AU's involvement is seen as an opportunity for Africa to both combat Western interference and strengthen Africa's position in the international community. Belgium's colonial past and the West's own guilt in human rights abuses – including its role in the Habré case – are offered as proof that President Wade made the right decision in turning the case over to the AU.

These arguments are found in the state-run newspaper of Senegal *Le Soleil*. While the arguments made in the African sovereignty frame are corroborated in more impartial media coverage, the fact that the arguments are being made by such a biased source – and one that is suspected of being reluctant to try Habré – makes one question the true reasons behind the arguments. The argument that the Habré case is an African question may be an attempt by the government to demonstrate that Africa is capable of leading in human rights case or it may be an attempt by the government to shirk its legal

¹⁰⁸ "Lawyers: Habré's trial 'unfair'" *News24* 24 August 2008 1-1.

¹⁰⁹ Human Rights Watch. "UN: Press Senegal on Habre Trial." Press release. [Hrw.org](http://www.hrw.org), 5 Feb. 2009. 4 Mar. 2009 <<http://www.hrw.org/en/news/2009/02/05/un-press-senegal-habr-trial>>.

obligations. The main argument of the African sovereignty frame is certainly valid; a former African head of state being extradited to Europe to stand trial does have certain neo-colonial undertones and if an African country is capable of giving Habré a fair trial then that would be the ideal situation. Unfortunately, this argument is hurt by suspicions that the Senegalese government has interfered negatively in the case.

An analysis of the media coverage of the Habré case therefore reveals that the case against Hissène Habré is not simply an effort to try a former head of state accused of human rights abuses; it is also a study in the complexities and issues facing international criminal law today. The scope of universal jurisdiction and accountability will no doubt be influenced by the eventual outcome of the trial. The effectiveness of the African Union in mediating conflicts and the relationship between the West and Africa will also likely be affected by if and where Habré is eventually tried. Given the fact that as of today, no trial has taken place, just what kind of affect the Habré case will have on these issues remains to be seen.

References

- "Chad: The Habre Legacy." Amnesty International. 15 Oct. 2001. 10 Apr. 2009.
- "Country Profile: Senegal." BBC News. 25 June 2008. 15 Feb. 2009.
- "Profile: African Union." BBC News. 4 Apr. 2008. 2 Dec. 2008
<http://http://news.bbc.co.uk/2/hi/africa/country_profiles/3870303.stm>.
- "Profile: Chad's Hissène Habré." BBC News. 25 June 2008. 15 Feb. 2009.
- "Senegal doubts over Habré trial" BBC News 18 August 2008: 1-1.
- Brody, Reed. "Les enjeux de l'affaire Habré." Le Monde. 27, Feb. 2001. 10, April 2009.
- Brody, Reed. "Somewhere, There Is Justice." International Herald Tribune. 6 Oct. 2005.
- Brody, Reed. "Wake-Up Call for Tyrants." Los Angeles Times 2 Oct. 2005.
- Cissé, Mamadou. "AFFAIRE HISSÈNE HABRÉ - Landing Savané : « La position du gouvernement honore le pays .»" Le Soleil. [Dakar] 1. Dec. 2005: 1-1.
- Cissé, Mamadou. "Me Abdoulaye Wade sur L'Affaire Hissène Habré: « Je vais mettre l'Afrique devant ses responsabilités .»" Le Soleil [Dakar] 1 Dec. 2005: 1-1.
- Cissé, Mamour. "Au-dèla de l'affaire Hissène Habré." Le Soleil 1 December, 2005; 1-6.
- United States. CIA. CIA World Factbook: Senegal. 5 Mar. 2009. CIA. 16 Mar. 2009
<<https://www.cia.gov/library/publications/the-world-factbook/geos/sg.html>>.
- Cooke, Jennifer. "Options for Strengthening the African Union." African Affairs Subcommittee of the Senate Foreign Relations Committee Hearing on African Organizations and Institutions. Dirksen Senate Office Building, Washington, D.C. 17 Nov. 2005. 17 Nov. 2005. Center for Strategic and International Studies. 16 Mar. 2009
<http://www.csis.org/index.php?option=com_csis_congress&task=view&id=177>.
- Dardis, Frank E. "The Role of Issue-Framing Functions in Affecting Beliefs and Opinions about a Sociopolitical Issue." Communication Quarterly 55 (2007): 247-65.
- Davis, Madeline, ed. The Pinochet Case: Origins, Progress and Implications. London: Institute of Latin American Studies, 2003.
- Dixon, Martin. Textbook on International Law (Sixth Edition). Oxford University Press, London, England. 2007.
- "Habré to stay in Senegal until African summit." Expatica.com. 28, Nov. 2005. 05, March 2009.
- "New case awaits Belgium under 'genocide law.'" Expatica.com. 17, Nov. 2005. 05, March 2009.
- "No Belgian trial for ex-Chad ruler Habré." Expatica.com. 3, July 2006. 05, March 2009.
- "Senegal court to rule on Habré extradition." Expatica.com. 20 November, 2005. 05 March, 2009.

- "UN court to hear Belgian case against Senegal." Expatica.com [Brussels] 13 Mar. 2009:
- Farah, Douglas. "Chad's Torture Victims Pursue Habre in Court, Pinochet Case Leaves Ex-Dictator Vulnerable." Washington Post 27 Nov. 2000. 15 Feb. 2009
- Friedman, Jonathon. "Law and Politics in Subsequent Nuremberg Trials." Heberer, Patricia, and Jurgen Matthaus, eds. Atrocities on Trial: Historical Perspectives on the Politics of Prosecuting War Crimes. University of Nebraska, 2008.
- Gamson, William A., and Gadi Wolfsfeld. "Movements and Media as Interacting Systems." Annals of the American Academy of Political and Social Science 528 (1993): 114-25.
- "A Monster and a Test Case." The Globe and Mail 5 Oct. 2005. 15 Jan. 2009.
- Guengueng, Souleymane, and Reed Brody. "Bring Hissène Habré to justice." Mail and Guardian 17 Jan. 2006: 1-1.
- Guengueng, Souleymane. "Lettre Ouverte de Souleymane Guengueng au Président Wade." Feb. 2001. 10, April 2009.
- Guengueng, Souleymane, et al. "Lettre Ouverte des victimes au Président Wade." 9, Aug. 2000. 10, April 2009.
- Guengueng, Souleymane, et al. "Lettre Ouverte des victimes de Hissène Habré à la nation Senegalese." 10, Oct. 2005. 10, April 2009.
- Guengueng, Souleymane. "Send Habré to Belgium for Trial." International Herald Tribune. 17, Jan. 2006. 10, April 2009.
- Hancock, Stephanie. "Victims demand trial for 'African Pinochet'" Toronto Star 6 Aug. 2007: 1-1.
- Hanson, Stephanie. "The African Union." Council on Foreign Relations (2008): 1-1. Council on Foreign Relations. 29 Apr. 2008. 16 Mar. 2009 <http://www.cfr.org/publication/11616/african_union.html>.
- "Belgium: Universal Jurisdiction Law Repealed." Human Rights Watch. 2003-08-01. <http://www.hrw.org/press/2003/08/belgium080103.htm>.
- "Our History." Human Rights Watch. 2008. 17 Feb. 2009.
- Human Rights Watch. "The Pinochet Precedent: How Victims Can Pursue Human Rights Criminals Abroad." Press release. Mar. 2000. 23 Oct. 2008 <http://http://www.hrw.org/campaigns/chile98/precedent.htm>.
- Human Rights Watch. "UN: Press Senegal on Habre Trial." Press release. Hrw.org. 5 Feb. 2009. 4 Mar. 2009 <<http://www.hrw.org/en/news/2009/02/05/un-press-senegal-habr-trial>>.
- "'Africa's Pinochet' Faces Extradition and Trial for Crimes against Humanity." Independent. 29, Sept. 2005. 10, April 2009.
- "Face to Face with those he Tormented: War crimes trial for tyrant of Chad." Independent. 17, Oct. 2003. 10, April 2009.
- Iyengar, Shanto, & Kinder, Donald R. (1987). *News That Matters: Television and*

- American Opinion*. Chicago, IL: The University of Chicago Press.
- Jasper, James M. The Art of Moral Protest. Chicago: University of Chicago P, 1999.
- Mettraux, Guenael, ed. Perspectives on the Nuremberg Trial. London: Oxford UP, 2008.
- "AU team in Habré talks." News24. 22, May 2006. 05, March 2009.
- "Decision on Habré Case 'OK.'" News24. 01, Jan. 2006. 05, March 2009.
- "Lawyers: Habré's trial 'unfair'" News24 24 August 2008 1-1.
- "Senegal told to prosecute Habré." News24. 29, June 2006. 05, March 2009.
- "Senegal to try Habré." News24. 02, July 2006. 05, March 2009.
- "UN: Senegal must extradite Habré." News24. 22, May 2006. 05, March 2009.
- "African Union Tells Senegal to Try Ex-Dictator of Chad." New York Times. 03, July 2006. 10, April 2009.
- "An African Dictator Faces Trial in His Place of Refuge." New York Times. 2000. 10, April 2009.
- "Belgium Indicts Chad's Ex-Leader." New York Times. 30, Sept. 2005. 25, March 2009.
- "Debating Belgium's War-Crime Jurisdiction." New York Times. 25 January, 2003. 25 March, 2009.
- "Ex-President of Chad Freed in Torture Case After Senegal Ruling." New York Times. 26 November, 2005. 05 March, 2009.
- "He Bore Up Under Torture Now He Bears Witness." New York Times. 31, March 2001. 01, April 2009.
- "Justice Denied in Senegal." New York Times 21 July 2000. 1-1.
- "NGO Monitor's 2007 Report on HRW: Bias and Double Standards Continue." NGO Monitor. 29 Apr. 2008. 10 Apr. 2009.
- Reynolds, James. "The Pinochet effect." BBC News 14 Aug. 2000. 05 Mar. 2009
<<http://news.bbc.co.uk/2/hi/americas/879887.stm>>.
- Statute of the International Court of Justice. Accessed April 13, 2009.
<http://easybib.com/cite/edit/34041954>
- Totani, Yuma. The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II. Cambridge: Harvard University Asia Center, 2008.
- "Human Rights." US Department of State. 10 Apr. 2009.
- Vogt, Heidi. "Despot Crusade." Associated Press 2 July, 2006: 1-1.
- "Chad's Torture Victims Pursue Habre in Court, Pinochet Case Leaves Ex-Dictator Vulnerable." Washington Post 27 Nov. 2000.