

Agreement between the Government of the Republic of Senegal and the African Union on the Establishment of Extraordinary African Chambers within the Senegalese Judicial System

Preamble

Recalling Assembly Decision/AU/Dec.401 (XVIII) adopted on 31 January 2012 by the Assembly of Heads of State and Government of the African Union requesting the African Union Commission and the Government of Senegal to examine the practical modalities as well as the legal and financial implications for the prosecution of international crimes committed on the territory of Chad from 7 June 1982 to 01 December 1990;

Recalling United Nations Convention Against Torture and Other Degrading or Inhuman, Cruel Treatment or Punishment, adopted in New York on 10 December 1984 and ratified by Senegal on 21 August 1986;

Recalling Decision ECW/CCJ/JUD/06/10 of 18 November 2010 of the Court of Justice of the Economic Community of West African States (ECOWAS);

Recalling the Decision of 20 July 2012 of the International Court of Justice on matters relating to the obligation to prosecute or extradite (Belgium v. Senegal);

Whereas the African Union, represented by the African Union Commission (hereinafter referred to as the “*Commission*”) and the Government of the Republic of Senegal (hereinafter referred to as “*the Government*”) have conducted negotiations for the establishment of Extraordinary African Chambers within the Senegalese judicial system for the prosecution of international crimes committed in Chad from 7 June 1982 to 01 December 1990 (hereinafter referred to as “*Extraordinary African Chambers*”);

The African Union and the Government of the Republic of Senegal have agreed as follows:

Article I Establishment

1. The Government and the Commission agree to establish Extraordinary African Chambers within the Senegalese judicial system to prosecute those most responsible for crimes and serious violations of international law, international custom, and international conventions ratified by Chad and Senegal committed on the territory of Chad from 7 June 1982 to 01 December 1990.

2. In furtherance of the implementation of sub-paragraph 1 of this Article, the Government shall undertake to adopt, where appropriate and as soon as possible, the legislative, statutory and administrative measures to establish the Extraordinary African Chambers within the Senegalese judicial system.

3. The Government and the Commission shall undertake to adopt a roadmap with a clear timetable for the establishment of the Extraordinary African Chambers and the commencement of prosecution.

4. Endowed with an international character, the Extraordinary African Chambers shall apply their status, international criminal law, the Penal Code and the Senegalese Code of Criminal Procedure and other relevant laws of Senegal.

5. The Statute of the Extraordinary African Chambers is annexed hereto and forms an integral part.

Article 2 Organization

The composition and operating rules of the Extraordinary African Chambers shall be determined by the Statute of the Extraordinary African Chambers and the laws of Senegal.

Article 3 Budget

1. The establishment and functioning of the Extraordinary African Chambers shall be funded by the budget approved by the Round Table of 24 November 2010.

2. Additional financial resources may be mobilized when needed.

Article 4 Framework and procedures for managing mobilized funds

The framework and procedures for managing mobilized funds shall be decided by the African Union, the Government and donors concerned.

Article 5 Immunity of funds, assets and other property

Funds, assets and other property for the operation of the Extraordinary African Chambers, wherever located and by whomsoever held, shall enjoy immunity from jurisdiction and execution.

Article 6 Privileges and Immunities

1. The Judges of the Extraordinary African Chambers of foreign nationality and members of their families who are part of their households, shall enjoy privileges and immunities, exemptions and facilities, including taxes, granted to diplomatic staff in accordance with the 1961 Vienna Convention on Diplomatic Relations. They shall also be exempted from tax on their salaries, emoluments and allowances in Senegal.

2. Judges, Prosecutors, Clerks, Administrator and other staff members of the Extraordinary African Chambers, of Senegalese nationality, shall enjoy the following privileges and immunities in accordance with the 1965 General Convention of the Organization of African Unity (OAU) on Privileges and Immunities:

- Immunity from criminal and civil jurisdiction for all acts, including words spoken or written, performed in the discharge of their duties. Such immunity shall continue after they have left the service of the African Extraordinary Chambers;
- Exemption from taxation and any tax on salaries, allowances and emoluments paid to them in the context of their participation in the Extraordinary African Chambers.

Article 7 Counsel

1. The Government shall ensure that the Counsel of a suspect, an accused recognized as such by the Extraordinary African Chambers or of a civil party shall not be subjected to any measure likely to affect his/her freedom or independence in the discharge of his/her duties.

2. The Counsel shall particularly enjoy:

- immunity from personal arrest or detention for acts performed in the discharge of his/her functions and seizure of his/her personal effects;
- inviolability of all documents relating to the discharge of his/her functions as Counsel of a suspect, accused or plaintiff;
- immunity from criminal or civil jurisdiction for acts performed in his/her capacity as Counsel, including words spoken and written. Such immunity shall continue after he/she has ceased the functions as Counsel of a suspect, an accused or a civil party;
- Immunity from all immigration restrictions during his/her stay and during the journey to and from Senegal.

Article 8 Witnesses and experts

1. The Government shall undertake to facilitate the entry, stay and exit from the territory of Senegal, of experts and witnesses residing outside Senegal.

2. These experts and witnesses shall not be subjected to any measure which could prevent them from discharging their duties in complete freedom and independence. The provisions of sub-paragraphs (a) and (d) of paragraph 2, Article 7 shall apply to them.

Article 9 Safety and protection of persons referred to in this Agreement

The Government shall ensure, on its territory, the safety and protection of staff of the African Extraordinary Chambers, suspects, defendants, victims, witnesses, experts and civil parties participating in the trial in Senegal in accordance with the laws of Senegal.

Article 10 Mutual legal assistance

The Commission shall facilitate the signing of any instrument of judicial cooperation between Senegal, Chad or any other State concerned in pursuance of implementation of this Agreement.

Article 11 Settlement of disputes

Any dispute between the Parties concerning the interpretation or application of this Agreement shall be settled by negotiation or by any other means agreed between the Parties.

Article 12 Amendment

This Agreement may be amended by written agreement between the Parties. Amendments shall enter into force in accordance with Article 13.

Article 13 Entry into force

This Agreement shall be provisionally applied from the date of its signature by both Parties. It shall finally enter into force after its ratification by the Government in accordance with its constitutional procedures and the deposit of the instrument of ratification with the Chairperson of the African Union Commission.

Article 14 Termination

1. This Agreement shall take effect once the decisions have finally been taken by the Extraordinary African Chambers.
2. Either party may terminate this Agreement upon a six (6) months written notice. The termination shall take effect from the date of expiry of the notice period.

In witness whereof the undersigned, duly authorized representatives of the African Union and the Government of the Republic of Senegal, have signed this Agreement.

Done in Dakar, Senegal on 22 August 2012, in duplicate in French.

For the Government of the Republic of Senegal

For the African Union

ANNEX: Statute of the Extraordinary African Chambers within the Senegalese judicial system for the prosecution of international crimes committed on the territory of the Republic of Chad during the period from 7 June 1982 to 1 December 1990

Article 1 – Purpose

The purpose of this Statute is to implement the decision of the African Union concerning the Republic of Senegal's prosecution of international crimes committed in Chad between 7 June 1982 and 1 December 1990, in accordance with Senegal's international commitments.

Article 2 – Establishment of the Extraordinary African Chambers

Extraordinary African Chambers are hereby established within the judicial system of the Republic of Senegal, as follows:

- a Pre-Trial Chamber within the Dakar Special Regional Court;
- an Indictment Chamber at the Dakar Court of Appeals;
- a Trial Chamber at the Dakar Court of Appeals; and
- an Appeals Chamber at the Dakar Court of Appeals.

Article 3 – Jurisdiction

1. The Extraordinary African Chambers shall prosecute and try the person(s) most responsible for crimes and serious violations of international law, customary international law and international conventions ratified by Chad, committed on the territory of Chad during the period from 7 June 1982 to 1 December 1990.

2. The Extraordinary African Chambers may choose to prosecute the most serious crimes within their jurisdiction.

Article 4 – Crimes within the jurisdiction of the Extraordinary African Chambers

The Extraordinary African Chambers shall have jurisdiction in accordance with this Statute with respect to the following crimes:

- i the crime of genocide;
- ii crimes against humanity;
- iii war crimes; and
- iv Torture.

Article 5 – Genocide

For the purpose of this Statute, “genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a Killing members of the group;
- b Causing serious bodily or mental harm to members of the group;

- c Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d Imposing measures intended to prevent births within the group; or
- e Forcibly transferring children of the group to another group.

Article 6 – Crimes against Humanity

For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population:

- a Rape, sexual slavery, enforced prostitution, enforced sterilization, or any other form of sexual violence of comparable gravity;
- b Murder;
- c Extermination;
- d Deportation;
- e The crime of apartheid;
- f The enslavement or massive and systematic practice of summary executions, kidnapping of persons followed by their enforced disappearance;
- g Torture or inhumane acts intentionally causing great suffering or serious injury to body or to physical or mental health, on political, racial, national, ethnic, cultural, religious or gender grounds.

Article 7 – War Crimes

1. For the purpose of this Statute, a war crime means any of the following acts concerning members of the armed forces, prisoners of war, or civilians, or property protected under the provisions of the Geneva Conventions of 12 August 1949:

- a Murder;
- b Torture or inhuman treatment, including biological experiments, or willfully causing great physical or mental suffering;
- c Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- d Compelling a prisoner of war or other protected person to serve in the armed forces;
- e Depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- f Unlawful deportation or transfer or unlawful confinement;
- g Taking of hostages.

2. The Extraordinary African Chambers shall have jurisdiction to try persons who have committed serious violations of the provisions of Article 3, which are common to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Armed Conflicts and to the Second Additional Protocol to the Geneva Conventions of 8 June 1977. These violations include:

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- a Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- b Collective punishments;
- c Taking of hostages;
- d Acts of terrorism;
- e Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- f Pillage;
- g the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable by civilized peoples;
- h Threats to commit any of the foregoing acts.

Article 8 – Torture

For the purpose of this Statute, the term “torture” shall encompass any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.

Article 9 – Non-Applicability of Statutory Limitations

The crimes within the jurisdiction of the Extraordinary African Chambers shall not be subject to any statutory limitations.

Article 10 – Individual Criminal Responsibility and Irrelevance of Official Capacity

1. The Extraordinary African Chambers shall have jurisdiction over natural persons pursuant to this Statute.
2. A person who committed, ordered, planned or instigated others to commit, or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 5 to 8 of this Statute, shall be individually responsible for the crime, as a principal or accomplice.
3. The official position of an accused, whether as Head of State or Government, or as a high-ranking government official, shall not relieve him or her of criminal

responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.

4. The fact that any of the acts referred to in Articles 5 to 8 of this Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if the accused knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

5. The fact that an accused acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment.

Article 11 – Composition of the Extraordinary African Chambers and Appointment of Judges

1. The Extraordinary African Pre-Trial Chamber within the Dakar Special Regional Court shall be composed of four (4) Prosecutors of Senegalese nationality and two (2) alternate prosecutors of Senegalese nationality, who shall be nominated by the Senegalese Minister of Justice and appointed by the Chairperson of the African Union Commission.

2. The Extraordinary African Indictment Chamber at the Dakar Court of Appeals shall be composed of three (3) judges of Senegalese nationality and one (1) alternate judge of Senegalese nationality, who shall be nominated by the Senegalese Minister of Justice and appointed by the Chairperson of the African Union Commission.

3. The Extraordinary African Trial Chamber at the Dakar Court of Appeals shall be composed of one (1) President, two (2) judges of Senegalese nationality and two (2) alternate judges of Senegalese nationality, who shall be nominated by the Senegalese Minister of Justice and appointed by the Chairperson of the African Union Commission. The President of the Chamber shall be a non-Senegalese judge from another African Union Member State.

4. The Extraordinary African Appeals Chamber shall be composed of one (1) President, two (2) judges of Senegalese nationality and two (2) alternate judges of Senegalese nationality, who shall be nominated by the Senegalese Minister of Justice and appointed by the Chairperson of the African Union Commission. The President of the Chamber shall be a non-Senegalese judge from another African Union Member State.

5. The judges shall be chosen from among persons of high moral character, impartiality and integrity, and shall have exercised judicial functions for a period of at least ten (10) years. The Presidents of the Extraordinary African Trial and Appeals Chambers shall possess the qualifications required by their respective States for appointment to the highest judicial offices.

Article 12 – Office of the Prosecutor

1. The Office of the Prosecutor of the Extraordinary African Chambers shall be represented by the Chief Prosecutor or his or her deputy prosecutors. The Chief Prosecutor and his or her three (3) deputy prosecutors of Senegalese nationality shall be nominated by the Senegalese Minister of Justice and appointed by the Chairperson of the African Union Commission.

2. The Prosecutors shall be persons of high moral character, impartiality and integrity, and shall have at least ten (10) years of professional experience, as well as the requisite experience in conducting investigations and criminal prosecutions. Prosecutors shall be fully independent in the performance of their functions.

3. Except as provided in this Statute, the Office of the Prosecutor shall carry out prosecutions before the Extraordinary African Chambers. The Office of the Prosecutor shall, in this respect, have powers as provided by the Senegalese Code of Criminal Procedure.

Article 13 – Registry

1. The Extraordinary African Chambers shall be assisted by one or several registrars whose duties shall be determined pursuant to the Senegalese Code of Criminal Procedure.

2. The registrars of the Extraordinary African Chambers shall be appointed by the Minister of Justice of Senegal.

Article 14 – General Principles governing Victims' Participation as Civil Parties

1. Civil parties may be formed at any stage during the investigative phase by submitting a request in writing to the Registrar, either by a victim or his or her rightful claimants. The Registrar shall submit the request to the relevant Chamber, as well as to the Office of the Prosecutor and to the Defence.

2. Victims may choose to form groups and decide to be represented by a jointly selected representative. When the interest of justice so requires, the Extraordinary African Chambers may, with assistance from the Administrator where necessary, offer the victims or a group of victims the choice of having one or more joint representatives. The mandate thus given may be revoked at any time.

3. If the victims are unable to select one or more joint representatives within the time allotted by the relevant Chamber, the latter may request that the Administrator appoint one or several representatives.

4. If a group of victims does not have the means to pay a joint representative, it may request assistance from the Administrator who shall rule on the request.

5. Unless otherwise provided by this Statute, the conditions for the participation of victims shall be governed by the Senegalese Code of Criminal Procedure.

Article 15 – Administration of the Extraordinary African Chambers

1. The Minister of Justice of the Republic of Senegal shall appoint the Administrator of the Extraordinary African Chambers. The Administrator shall be responsible for the non-judicial aspects of the administration and the servicing of the Extraordinary African Chambers. In conjunction with the Presidents of the Chambers and the Office of the Prosecutor, the Administrator shall also be responsible for managing the human resources of the Extraordinary African Chambers. In the performance of his or her functions, the Administrator shall be assisted by personnel necessary for the functioning of the Extraordinary African Chambers.

2. The Administrator shall represent the Extraordinary African Chambers in their relations with the international community, including the Management Committee set up by the Final Document of the Donors' Round Table of 24 November 2010.

3. The Administrator of the Extraordinary African Chambers may enter into agreements necessary for conducting awareness activities and for informing both the African and international public on the work of the Extraordinary African Chambers.

4. The Administrator shall guide and assist in the appropriate manner, the witnesses and victims who appear before the Extraordinary African Chambers as well as other individuals who may be at risk or danger on account of the testimonies of witnesses, in addition to taking the necessary measures and making arrangements to ensure their protection and security. In this regard, the Administrator shall coordinate actions with the governments of Chad, Senegal, and other States involved.

5. The Administrator shall assist in establishing a judicial cooperation mechanism between Senegal and other States.

Article 16 – Applicable Law

1. The Extraordinary African Chambers shall apply this Statute.

2. For those cases not provided for in this Statute, the Chambers shall apply Senegalese law.

Article 17 – Procedure and Initiation of Prosecutions

1. The Extraordinary African Chambers shall apply, in the first place, this Statute, and, for cases not provided for herein, the Senegalese Code of Criminal Procedure.

2. The crimes referred to in Articles 5 to 8 of this Statute shall not be subject to mediation.

3. The Office of the Prosecutor for the Extraordinary African Chambers shall be the only body that may initiate prosecutions.

4. The Prosecutor may initiate investigations *proprio motu* or on the basis of information obtained from any source, particularly from governments, international organizations and non-governmental organizations, or on the basis of complaints filed by victims notwithstanding their place of domicile.

Article 18 – Investigations and Prior Judicial Proceedings

1. The Extraordinary African Chambers shall make all arrangements for judicial cooperation generally, and where necessary, for the reception and use of results of investigations carried out by the judicial authorities of other States into the crimes which are the subject matter of this Statute.

2. They may request the transfer of any criminal prosecutions and in this context may validate the statements and any piece of evidence established by the competent authorities of the requested state.

Article 19 – Ne bis in idem

1. Except as provided in this Statute, no person shall be tried before the Extraordinary African Chambers with respect to conduct which formed the basis of crimes for which the person has been convicted or acquitted by the Chambers.

2. No person shall be tried by another court for the crimes referred to in Articles 5 to 8 for which that person has already been convicted or acquitted by the Extraordinary African Chambers.

3. No person who has been tried by another court for conduct also proscribed under articles 5, 6, 7, or 8 shall be tried before the Extraordinary African Chambers with respect to the same conduct unless the proceedings in the other court:

- a Were for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Extraordinary African Chambers; or,
- b Otherwise were not conducted independently or impartially in accordance with the norms of due process recognized by international law and were conducted in a manner which, in the circumstances, was inconsistent with an intent to bring the person concerned to justice.

Article 20 – Amnesty

An amnesty granted to any person falling within the jurisdiction of the Extraordinary African Chambers with respect to the crimes referred to in articles 5 to 8 of this Statute shall not be a bar to prosecution.

Article 21 – Rights of the Accused

1. All persons shall be equal before the Extraordinary African Chambers.
2. The accused shall be entitled to a fair and public hearing, subject to measures ordered by the Extraordinary African Chambers for the protection of victims and witnesses.
3. The accused shall be presumed innocent until proven guilty, according to the provisions of the present Statute.
4. In the determination of any charge against the accused pursuant to the present Statute, he or she shall be entitled to the following minimum guarantees:
 - a To be informed promptly, and in detail, in a language which he or she fully understands, of the nature and content of the charge levelled against him or her;
 - b To have adequate time and facilities for the preparation of his or her defence and to communicate freely with counsel of his or her own choosing;
 - c To be tried without undue delay;
 - d To be present at his or her trial, and to conduct the defence in person or with legal assistance of his or her choosing; and if he or she does not have legal assistance, to be informed of this right, and to have legal assistance assigned without charge whenever the interests of justice so require, if the accused is unable to pay;
 - e To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;
 - f To have, without cost, the assistance of an interpreter if he or she cannot understand the language used in the Extraordinary African Chambers;
 - g Not to be compelled to testify against him/herself or to confess guilt.

Article 22 – Hearings

Hearings shall be held in public and questions concerning the manner in which they are carried out shall be governed by the Senegalese Code of Criminal Procedure.

Article 23 – Sentencing

1. The Extraordinary African Trial Chamber shall impose sentences, penalties and sanctions on persons convicted of serious violations of human rights, international law and customary international law.
2. The sentence shall be pronounced in public by a majority of judges of the Extraordinary African Trial Chamber. It shall be in writing and shall state the reasons therefor.

Article 24 – Applicable Penalties

1. The Extraordinary African Chambers may impose one of the following penalties on a person convicted of a crime under articles 5 to 8 of this Statute:

- a Imprisonment for a maximum of 30 years; or
- b A term of life imprisonment, when justified by the extreme gravity of the crime and the individual circumstances of the accused.

2. In addition to imprisonment, the Extraordinary African Chambers may order:

- a A fine determined by criteria provided for in Senegalese law;
- b A forfeiture of proceeds, property and assets derived directly or indirectly from the crime, without prejudice to the rights of bona fide third parties.

Article 25 – Appeals

1. The Extraordinary African Appeals Chamber shall hear and give final decisions in respect of appeals made by the Prosecutor or persons convicted by the Trial Chamber, or civil parties with regard to their civil interests solely, on the following grounds:

- a Procedural error;
- b An error on a question of law invalidating the decision, including an error of jurisdiction;
- c An error of fact which has occasioned a miscarriage of justice.

2. The Extraordinary African Appeals Chamber may, on a case-by-case basis, affirm, reverse or revise the decisions taken by the Extraordinary African Trial Chamber.

3. The judges of the Extraordinary African Appeals Chamber may draw upon the jurisprudence of international criminal courts and tribunals.

4. The judgments rendered by the Extraordinary African Appeals Chamber shall be final.

Article 26 – Measures for Provisional Detention and Enforcement of Sentences

1. All provisional detention and custody measures ordered by the Extraordinary African Chambers prior to pronouncing judgment shall be executed in Senegal within existing penitentiaries and in accordance with Senegalese practices and law.

2. All prison sentences shall be served in accordance with international standards. If the circumstances so require, the convicted person may serve his or her prison sentence in one of the African Union Member States with which Senegal has signed an agreement on the enforcement of prison sentences.

3. All detention conditions, whether in Senegal or in another African Union Member State, shall be governed by the laws of the State of enforcement, in conform-

ity with international standards. The State of enforcement shall be bound to comply with length of the sentence.

4. The national courts shall be in charge of all procedures, in particular those related to detention, which may arise after the dissolution of the Extraordinary African Chambers.

5. The relevant national authorities shall be responsible for enforcing fines and forfeiture measures regarding assets and property ordered by the Extraordinary African Chambers pursuant to Article 24 above, and in accordance with the law of the State wherein the property and assets are located.

Article 27 – Reparations

1. The award for reparations ordered by the Extraordinary African Chambers shall include restitution, compensation and rehabilitation.

2. The Extraordinary African Chambers may order that the award for reparation be made through the Trust Fund provided for in Article 28 below.

3. Before making an order under this article, the Extraordinary African Chambers may invite observations from the convicted person, victims, and other interested persons or States.

4. Nothing in this article shall be interpreted as prejudicing the rights of victims under national or international law.

Article 28 – Trust Fund for Victims

1. A Trust Fund shall be established for the benefit of victims of crimes within the jurisdiction of the Extraordinary African Chambers, and of the rightful claimants of such victims. The Trust Fund shall be financed by voluntary contributions from foreign governments, international institutions, non-governmental organizations and other entities wishing to support the victims.

2. Reparations may be awarded to victims, individually or collectively, whether or not they participated in the proceedings before the Extraordinary African Chambers.

Article 29 – Privileges and Immunities

1. Foreign judges, as well as members of their family household, shall enjoy the privileges and immunities, exemptions and facilities, including all those financial, accorded to diplomatic agents in accordance with the 1961 Vienna Convention on Diplomatic Relations. Such officials shall enjoy exemption from taxation in Senegal on their salary, emoluments and allowances.

2. Senegalese Judges, Prosecutors, Registrars and the Administrator, as well as other Senegalese personnel of the Extraordinary African Chambers shall enjoy, in

accordance with the General Convention on the Privileges and Immunities of the Organization of African Unity (OAU), the following privileges and immunities:

- a Immunity from criminal and civil prosecution for all acts (including spoken or written words) in the course of their official duty. Such immunity shall continue after they have left the service of the Extraordinary African Chambers.
- b Exemption from taxation on salary, emoluments and allowances that they receive throughout the course of their involvement in the Extraordinary African Chambers.

Article 30 – Working Language

The working language of the Extraordinary African Chambers shall be French.

Article 31 – Practical Arrangements

1. The Extraordinary African Chambers shall be set up in the following chronological order:

- a Prosecutors, Deputy Prosecutors and Judges of the Extraordinary African Indicting Chamber within the Dakar Court of Appeals, as well as Registrars shall be appointed during the first phase of the establishment of the Extraordinary African Chambers.
- b During the investigation phase, the judges of the Extraordinary African Indictment Chamber shall examine and rule on any appeals lodged pursuant to the Senegalese Code of Criminal Procedure. All decisions rendered by the Extraordinary African Indictment Chamber shall be final and unappealable.
- c Judges of the Extraordinary African Trial Chamber shall take permanent office upon completion of investigations. Judges of the Extraordinary African Appeals Chamber shall take permanent office when and if an appeal is lodged against the decision rendered in the first instance by the Extraordinary African Trial Chamber.

2. The terms of the judges shall end when their respective phases of work are completed.

Article 32 – Budget

1. The establishment and functioning of the Extraordinary African Chambers shall be financed in accordance with the budget approved by the Donors' Round Table held on 24 November 2010.

2. If necessary, additional financial resources may be mobilized at an appropriate time.

Article 33 – Access to the Trial

All reasonable measures shall be taken to guarantee access to the trial for all concerned parties as well as to representatives of the press, to international and African Union observers, and to representatives of civil society.

Article 34 – Protections of Parties and Witnesses in Trials

The government of Senegal shall ensure, within its territory, the protection of all parties and witnesses in the trial for the entire duration of the proceedings.

Article 35 – Protection of Witnesses and Experts

The protection of witnesses and experts for acts performed during the course of proceedings before the Extraordinary African Chambers shall be governed by the Agreement between the African Union and the Government of the Republic of Senegal on the establishment of the Extraordinary African Chambers.

Article 36 – Recording of Hearings

The proceedings of the Extraordinary African Chambers shall be filmed and recorded, under the supervision of the Chief Prosecutor, for broadcasting purposes, except as necessary for the protection of witnesses and other participants.

Article 37 – Duration of the Extraordinary African Chambers

1. The Extraordinary African Chambers shall be dissolved automatically once all judgments have been pronounced.
2. Upon dissolution of the Extraordinary African Chambers, all records and case files shall be archived with the Registry of the Dakar Court of Appeals.
3. National courts shall examine all matters which may arise subsequent to the dissolution of the Extraordinary African Chambers.