

The Public Prosecution versus Hisséne Habré

Summary of the sixth hearing held on 10 September 2015

I/ SYNOPSIS

At the opening of the session, the Court instructed the clerk to verify the presence of the witnesses in the courtroom. One expert witness and two context expert witnesses were hence called to the stand. These were respectively: Yakhara Gassama Diop (psychologist), Faustin Facho Balaam (former Secretary General of the GUNT), and Jean Bawoyeu Alingué (former Speaker of the National Assembly).

II/ HEARING OF WITNESSES

A/ The expert witness

LAST NAME: Gassama DIOP

FIRST NAME: Yakhara

AGE: 46 years

NATIONALITY: Senegalese

OCCUPATION: Consultant clinical psychologist, Lecturer and Head of the Training Department at the National School of Specialised Social Workers (ENTSS).

At the behest of the investigating judge she had prepared a report on Habré's personality. Her work was obstructed by a number of factors: impossibility to meet with Habré and his close relations, to travel to Chad, and insufficient time allotted for this assignment. The report comprises four sections:

- Habré's background and career;
- Current family and social circumstances of the defendant;
- Material and personal resources;
- Areas of interest to Habré.

The parties then proceeded to examine the witness. Parties to the trial each criticised the witness for the insufficient information she gathered to conduct her inquiry. In their opinion the data was insignificant in size and derived from limited sources, which undermined the scientific value of her work. Out of professionalism, she should have declared that she could no longer continue the inquiry. She justified herself by citing difficulties faced in the performance of her work.



B/ Hearing of the first context expert witness

LAST NAME: Facho

FIRST NAMES: Faustin Balaam

AGE: 68 years

OCCUPATION: Veterinarian

NATIONALTY: Chadian

COUNTRY OF RESIDENCE: France

KINSHIP WITH THE VICTIMS AND THE DEFENDANT: He replied no in the case of the defendant but yes in the case of the victims. Under the Habré regime the witness had a brother who was tortured and a nephew who was arrested for being related to him.

UNDER OATH: Yes

Having heard that the witness had ties to the victims, the defence questioned his objectivity. Following clarifications provided by the prosecution, the court authorized the witness to continue with his testimony.

The witness began to read from his notes but the presiding judge asked him to make an oral statement, which he then did starting with an overview of the general context of events in Chad between 1979 and 1990. The judge again interrupted him with a request to move straight on to his testimony.

Appearing a little disconcerted, the witness stated that he was a signatory to the Lagos agreement of 1979 between the GUNT and the FANT. This agreement failed and led to a split as well as the repression of the GUNT by the FANT. Repressions included arrests such as those of his nephew Clément Abel Fouta, his brother-in-law Souleymane and the head of a district. They were tortured at the hands of the DDS and some died, including his cousin. Mr Facho ended his statement by declaring that he was not seeking vengeance but rather that justice be served.

In his response to questions from the parties, the witness laid emphasis on the violation of signed agreements, perpetration of repressive acts, and his own political activities under the Habré regime.

-Violation of signed agreements: The court learned through his various responses that his conflict with Habré was due to the violation of these agreements. The witness reminded that the Lagos agreement was supposed to lead to the creation of a unified army and a government of national unity. Regarding the Baghdad agreements, he averred that he had not been involved in these, but that they were supposed to ensure the release of political prisoners.

- Repression: a consequence of the failed agreements, he indicated that this led to the existence of the DDS, which spread terror throughout the country. Repressive acts were also perpetrated against the Hadjaray, notably with the deaths of Idriss Miskin and the Zaghawas. In the opinion of



the witness, the “Black September” events in the South were tantamount to ethnic cleansing. For Facho, repression was the work of Habré as both an individual and a leader.

-On issues relating to his duties, he stated that as a politician, “I was Secretary of the National Democratic Union. In this capacity, I participated in negotiating the Lagos agreement. As a member of the GUNT, I was in charge of foreign relations and provided intellectual assistance. I also provided political training to the CODOS rebels who had joined forces with the GUNT. We needed to keep them focused to the extent of putting in place regulations urging them to stop their atrocities against civilians. Finally, after the Baghdad agreement, I was appointed Secretary of State by Habré without my knowledge. On three occasions, I asked in vain for the reasons for this appointment. There were no meaningful discussions on matters of the State during cabinet meetings nor any personal relations with the President.”

C/ Hearing of the second context expert witness

FIRST NAMES: Jean Alingué

LAST NAME: Bawoyeu

AGE: 78 years

OCCUPATION: Special advisor to the President of the Republic

RESIDENCE: Ndjamena

LINKS WITH THE VICTIMS AND THE DEFENDANT: Yes, with the victims

UNDER OATH: Yes

The witness stated that he remained in exile in France after the termination of his duties in 1980 as ambassador, and that he established the Democratic Front of Chad in concert with other Chadians abroad. It was not until after the 1985 agreements that he returned to the country and was appointed Second Vice-President of the National Advisory Council. The witness also averred that, from 1989 onwards, he participated in the process which led to the adoption, by referendum, of a new constitution and the organization of legislative elections following which he was elected Speaker of the National Assembly; a position he held until Habré's fall from power.

Responding to questions from the prosecution and lawyers of victims, the witness stated that it was the context of war and repression that prompted them to create their party, and that they returned back to the country following the Libreville agreement of December 1985. Also questioned on the need for a new constitution, he pointed out that this revealed the flaws in the system. He further maintained that they were prompted to join the UNIR but he never attended a meeting, nor obtained a membership card, and in fact, only met the President in 1989 when he became Chairman of the Constitutional Committee.



Furthermore, he justified the introduction of an article in the draft constitution, which provided for Habré's immediate election, with the need to save on public spending and the lack of potential opponents as a result of the one-party system. Following the meeting of 30 November 1990 between the President of the Court of Appeal, the UNIR bureau, the Assembly bureau and the President, “full powers” were granted to Habré to address the crisis situation. The witness stated that the Treasurer General signed a cheque in the amount of 3.5 billion for Habré before his departure. He also alluded to the withdrawal of funds from social security coffers.

In conclusion, the witness insisted on pointing out that the granting of “full powers” was not, under any circumstances, an authorization to empty the State coffers.

NB: The defence is yet to cross-examine the witness. Proceedings were suspended until the following day.

III/ TIME MANAGEMENT

The hearing began at 9:22 am and ended at 5:22 pm. The first session of the morning ran from 9:22 am to 11:42 am and the second from 12:05 pm to 12:35 pm. Only one recess occurred throughout these sessions. The first session of the afternoon got underway at 2:10 pm and finished at 3:25 pm and the second from 3:47 pm to 5:22 pm. Time management allowed the court to hear the testimonies of three witnesses even though it resulted in an extended first session of the day. In comparison to the fifth hearing of 9 September, today's hearing ended 38 minutes earlier.

*Attribution Policy: TrustAfrica should be acknowledged in all reproductions of this report and use of its contents. A statement similar to the following will be acceptable: “**The production of this report has been made possible by TrustAfrica.**”*