

**Public Prosecutor vs. Hissein HABRE****HEARING REPORT NUMBER 54 OF DECEMBER 14, 2015****I/ OVERVIEW**

Today's hearing focused on repression perpetrated against Zaghawa people in Chad and featured two witnesses. The first one, Oumar GOUDJA, a trader, spoke about his arrest by DDS officers at the Chad-Cameroon border. The second witness, Az-Ari Ibrahim, was detained at the President's prison. He holds Habré responsible for the suffering he endured because, he said, he was detained near his Palace. Like the first witness, he was released on December 1, 1990 when the MPS came to power. These 2 witnesses were heard via videoconference from Ndjamen. The second was assisted by the Court's interpreter.

**II/HEARING OF THE WITNESSES****A- HEARING OF THE FIRST WITNESS**

**SURNAME:** GOUDJA

**FIRST NAME:** Oumar

**AGE:** 60

**OCCUPATION:** businessman

**RESIDENCE:** N'Djamena

**OATH:** No/Plaintiff

➤ *Context of the witness' arrest*

The witness said he was arrested on April 17, 1989 in Ndjamen, at the Ngueli Bridge (on the border between Cameroon and Chad) as he returned from Cameroon. He said that he was not involved in politics and was just a businessman. Answering a question from the prosecutor on his notoriety at the time in Chad, he said: "Yes, everyone knows me in Ndjamen". Answering a question from the Presiding Judge on which area of trade he worked in, he said: "I imported rice, flour and sugar. I also had haulage and tanker trucks". The defense then asked him if it was possible for a businessman not to have links with politicians and he said: "this was perhaps impossible for other businessmen, but as far I am concerned, I did not have links with politicians".

The witness reported that he was with a friend on that day of April 17. After doing all the paperwork, a DDS (river safety) agent asked him to follow him. At around 5 pm they went directly to the DDS where he was questioned. After his interrogation, Ahmat ALACHI asked him to go home and come back at 10 pm. At the fixed time, he returned to the DDS where he



was again questioned by officers who asked him if he knew Djamous and Deby. He replied: "Who does not know these people? Everyone knows them". When they heard this answer, they put him aside before releasing him at 3:50 am.

"Three days later (April 20), the witness said, they arrived at my house aboard 7 Toyota cars full of soldiers". They asked him for his papers, including his passport and searched his office. The soldiers, however, found nothing in his office. Answering a question from an assessor on what had changed in the meantime for the soldiers to come back and arrest him again, he said: "I think they returned because they had instructions but they did not say that". Answering the assessor on whether Habré was aware of his arrest, he gave a positive answer.

The Presiding Judge then questioned the witness in relation to those who arrested him. Mr. GOUDJA said, "some were dressed in civilian clothes while the others were wearing uniforms. There were about thirty soldiers at my home and 10 of them even stayed there. It was mental torture for my family," he said.

When asked by the prosecutor about the identity of those who arrested him, he mentioned "ALACHI (director of the DDS) and Djibrine EL Jonto (assistant coordinator)". Before he mentioned their names he said, "yes, we knew each other. I hanged around with them before, even the torturers". Replying to the Presiding Judge on the questions they asked him when he was taken to the DDS, he revealed: "My wife is the sister of Hassan Djamous' wife. They asked me questions about Deby and other people. Mr. Judge, they were asking me stupid, dull questions that had no meaning". He also told the prosecutor that the question that kept coming up during the questioning was "Have Djamous and Deby given you any money?"

When the prosecutor again questioned him on the real reasons for his arrest or if he thought it was related to his Zaghawa ethnicity or to his status as a famous trader, he said: "If you like, Mr. Prosecutor, I am Zaghawa, but I do not differentiate between the other ethnic groups. I'm a Chadian". Then, the prosecutor informed him that his name was in the DDS records alongside the names of arrested Zaghawa people. He further told the prosecution that his arrest was indeed related to the events of April 1: "yes, that was the reason why I was arrested," he repeated.

Then the Prosecutor told him about the official reason for his arrest, reading out reference 2026-39 of his file: "you were recorded as a traitorous Zaghawa agent. It is written that you were a confidant for Djamous and an accomplice of traitors", the prosecutor emphasized. The witness then replied: "I'm neither a soldier nor a civil servant. I'm not concerned by these stories".

When the defense, in turn, questioned him about what April 1 meant for him, he replied: "April 1 corresponds to the day when some politicians who disagreed with the regime left the country. I was abroad and was told that many people were arrested and that many were running away from Ndjamená". Questioned by the defense about Djamous and Deby leaving the country, he said: "As far as I know, this was not an act of rebellion".

The witness said that Habré was aware of his arrest and played a part in it and added: "no one could arrest me without his agreement. I was famous and my wife is her niece. In addition, I

was one of his supporters. He knew me very well. He was informed. I was arrested on the order of Habré. Why did he have me arrested?"

➤ *Torture and detention conditions*

Oumar GOUDJA told the Court that he was locked in a 1.5 by 1 m cell at the DDS for 13 days. On the 14<sup>th</sup> day, he claimed the prison guards prepared him a "proper torture cell". He was electrocuted, beaten up and tied up in all sorts of manners from 9 am to 3 pm. After being tortured, he was thrown into Cell 1 in the basement where he found dying people. The cell was full and he could not even sit down, he said.

After 20 days in that cell, he was transferred to Cell 5. Goudja described his conditions of detention as "horrible". There was nothing to eat. During the three months he spent in that prison he never took a shower despite the heat. Every 2 or 3 days, he had to scratch his body in order to clean it. The witness said that, after three months at the DDS, he was transferred to the "Locaux" (premises) where he was locked in a packed Cell C.

Two months later, all prisoners were transferred to the gendarmerie at around 1 am. GOUDJA claimed that he was locked in the same cell as Goukouni's brother. He said that they had no toilets. He also said that while in prison some DDS agents tried to get sign him two checks in order to withdraw the 450,000,000 he had in his bank account, promising to release him on June 7 (a holiday). He refused because he believed signing the check equated to signing his death warrant. As a result of his refusal, they tortured him for two weeks in order to force him sign, but he did not give in. The witness said that he came out of prison on December 1, 1990 when the MPS seized power. That day, he was locked in a cell with three other inmates. Some people arrived in the prison and broke the door of their cell open and told them the prison officers had fled.

Questioned by the prosecution, Mr. GOUDJA said he knew who his torturers were as they hanged around together in the past. The witness claimed he was tortured by Mahamat Djibrine aka El Djonto himself and by Saleh Moundé he described as a giant with a small head. Still replying to the prosecution, the witness said that had he signed the checks he probably would have died. "If they took your money away, they would put you in a place and leave you to die. Those who signed checks died later", he said. According to him, this was the case of his cousin Abderrahmane BORDE who he advised not to sign a check because they promised to release him. Despite his advice he signed a check and the DDS agents put him in a small cell and reduced the amount of food they gave him. "That's how Hissene Habré's men killed people", he lamented.

The witness said that when they were in prison they were not visited by the DDS. They only saw Saria, the nurse, and Abba Moussa who came to recover bodies. Speaking about prison conditions on the prosecution and plaintiffs' request, the witness said that he did not get any care because Saria the nurse checked them but had nothing to treat them.

The prison was poorly ventilated and inmates hardly coped with the heat. There was some light from 2 pm, but the cells became dark again at around 3-4 pm. As for the food, Goudja said that even dogs did not like it. They were served cereal mixed with sand in a tin and a meat

ball. He said he ate the meatball and put water in the tin in order to decant the sand and eat the food. The witness added that some people lost their teeth as a result of the poor food they had to eat. They had no water for their ablutions.

Answering a question from one of the plaintiffs' counsels, the witness said that at the "Locaux", there was a toilet box in the cell. But he had said he would never sit on it in front of everyone. He said he urinated there, but never emptied his bowels there throughout his time at the "Locaux" because if you had nothing to eat it was impossible to empty your bowels. Asked whether he continued to observe Ramadan while in prison, the witness said: "I observed Ramadan for 2 years and there was no food to eat, not even to break our fast".

Responding to a counsel for the civil parties, Oumar GOUDJA said 3 to 4 people died every day and Abba Moussa and Sambo, a driver, came to collect the bodies at night. They put them in a bag and loaded them onto the "infamous 404" (as the witness called it)". Many people disappeared. DDS agents came to the "Locaux" at night to remove people from their cells, the witness added.

He also said that people suffered to death due to poor prison conditions. According to him, you cannot detain someone without giving him food or care for him.

GOUDJA explained that one day Mahamat Bidon saved his life at the "Pool" prison while he was very ill. Saria, the nurse, consulted him and wanted to give him an injection. He refused and punched her instead. Saria went to inform Mahamat Bidon who came down into the "Pool" to investigate the situation. According to the witness, Bidon was surprised by the heat he felt on entering the Pool and ordered the officers to open all the cells and allow prisoners to get some fresh air. The witness told the Court: "That day was a holiday and we were happy. It was like the day when you celebrate the end of Ramadan with your wife and children".

Answering a question from the prosecutor, Oumar GOUDJA said that detention conditions in Cell C (Locaux) were better than at the Pool because there were barrels used as toilets. However, there were frequent deaths (3, 5, 7, 8 deaths per day). He believed detention conditions were even better at the gendarmerie because he was jailed in a cell with members of Goukouni's family and a different kind of food was cooked for them and he benefited from that.

➤ *Relationship between the witness and the Habré regime*

Answering questions from the prosecution, Mr. GOUDJA told the Court he was a successful trader known throughout Ndjamena. He went to live in Maroua for 3 years when Chad was ruled by the GUNT. He said that he had interests with President Goukouni Wedey but refused to join his government. "I am a Habré and FAN supporter; I preferred to wait for his return before going back to Chad".

At the time, the witness was a member of UNIR and, according to him, all the Zaghawas were supporters of the FAN. He was a member of the UNACOT (Chad National Traders Union) which was the equivalent of a Chamber of Commerce and was affiliated to UNIR. "Since I was an

important trader, Habré knew me well and I too knew him well. In fact he was held in high esteem in the UNIR“.

Answering a question from the plaintiffs, the witness added, “I’m not friends with Habré. He was just my president. I was a UNIR supporter and that’s it”. Answering another question from the plaintiffs, Mr. GOUDJA said that as a member of UNACOT and a UNIR supporter, he had to raise people’s awareness and encourage them to support the war.

In turn, the defense asked the witness about UNIR’s economic ambitions for Chad. In his answer he said: “What ambitions? Chad was a single-party country and we supported Habré. In fact I was not the only one supporting him. The entire population of Chad supported and followed Habré”. The witness added people had to be genuine supporters or live in fear forever. That is why he chose to support Habré. The defense then asked him if the service he provided to Adoum Togay was not a betrayal of UNIR. The witness replied: “This was a personal relationship that was in no way linked to UNIR; I have never betrayed my party. Politics had nothing to do with my relationship with this brother”.

After his release, the witness realized he had lost none of his money at the bank. He explained that EL DJONTO tried to rob him of all his property. He added that this was widespread practice against traders under the Habré regime. His banker, who was also his friend, showed him two documents that made it possible to block his account: a document signed by the Chief of Staff of President Habré and a second from the national security. The witness said: “I had 450 million at the time in my account because I am a businessman and I had been in this business for 38 years. This is a small amount for a businessman and that’s why the DDS agents arrested me”.

Answering a question from the civil parties regarding transactions in his bank account, the witness said: “My bank was a private one; it did not belong to the State, but the then regime could do what they wanted and no one could stop them. If the director refused to execute orders, he could be beaten up.

The defense asked the witness whether blocking his account and prohibiting any transaction was not a precautionary measure that ultimately protected his accounts. He replied: “These measures were not taken to protect my accounts. These agents were planning to loot me because they presented me with 2 checks hoping that I was going to sign them. They failed and then blocked the accounts to stop me running away with the money”. The defense insisted that in any case the decision to block the account has proved good. The witness then replied: “Sir, you think this decision was good, but that’s not what I think”. However, the defense made him confirm that his buildings were not confiscated by the DDS, despite all his possessions being listed.

➤ *The sequelae of the witness’ detention and his expectations*

The witness said he still has to go to France every three months for treatment at his own expense. Answering a question from one of the plaintiffs’ lawyers about treatment he received after his release, he replied: “it took good medical professors to prevent me becoming blind”. He said he already had surgery twice on his right eye and twice on his left eye.

Replying to the same lawyer about what he expected from the Court, Oumar GOUDJA replied: “I am very happy with the Court and we Chadians never thought that we would be in this situation. This makes us very happy. The trial is being held in Africa”. Answering a question from one of the plaintiff’s lawyers about what he wanted to say to the accused, he said: “I have nothing to say, he must take responsibility. African justice must do its work”.

➤ *Credibility and behavior of the witness*

The witness seemed very comfortable at his hearing and seemed to be used to speaking in public. He showed a great deal of character and told the Presiding Judge that the lawyers had to ask him normal questions. He experienced a difficult situation and would not stand being told certain things. However, the parties noted a contradiction with his initial hearing report. In Ndjamena he said he was introduced to Habré during his detention. Before the Court he argued that he was never brought before the President and blamed this error on those who wrote the report.

**B- HEARING OF THE SECOND WITNESS**

**SURNAME:** Az-Ari

**FIRST NAME:** Ibrahim Moura

**AGE:** 53

**OCCUPATION:** Civil servant

**RESIDENCE:** N’Djamena

➤ *Arrest of the witness and his detention conditions*

Mr. AZ-ARI Ibrahim Moura told the Court that he returned to Chad in 1984 after graduating in Sudan. He opened a school in which he taught as a volunteer.

In 1985 the school was officially recognized by the State and was even assigned teaching staff. On April 1, 1989, he claimed that he was arrested by Ahmat DAHOUSSA accompanied by soldiers on the orders of the Sub-Prefect of Iriba, Tahir Mono.

Questioned by the prosecution on the conditions of his arrest, Az-Ari said that DAHOUSSA was a civilian who regularly visited the Sub-Prefect. He said he also knew the Sub-Prefect because he visited him sometimes in relation to his teaching activities. Az-Ari explained: “Mr. DAHOUSSA and the agents who came to arrest me did not find me in my village of Mayba. They tricked my brother into believing that it was the sub- Sub-Prefect who wanted to see me. That's why he explained to them that I was in Tiné to see my uncle Issa”.

When they found the witness in Tiné, DAHOUSSA said the Sub-Prefect wanted to speak to him. They put him in car and drove him to Iriba, to the presidential security camp. Answering a question from the prosecutor, the witness explained that this camp was located on Mount Dourboussi near Tiné, and hosted soldiers of the presidential security”. It was a well-



organized squad,” he stressed. He spent a night there before being flown to Ndjamena the next day with another person.

Az-Ari said that at the airport of Iriba, before boarding the plane, he asked the Sub-Prefect, “Why have we been arrested? He said: “you’ll know once in N’Djamena”. I told him that even in N’Djamena God’s will prevail. He threatened me with a gun and said I was not supposed to tell him about God’s will”.

When they arrived in N’Djamena, they were taken directly to the prison of the presidential palace by a tarp-covered vehicle that was waiting at the airport. Answering a question from the Court and the prosecution, the witness said: “we were at the prison of the presidential palace because the car that picked us up at the airport had SP (Presidential Security) written on it and the guards found at the prison told us this was the prison of the presidential palace”.

Az-Ari said that they “had found there numerous soldiers from the Presidential Security and many arrested people who were all members of the Zaghawa ethnic group. The number of inmates increased every day. On the 15<sup>th</sup> day there were 360 people spread in 5 cells (3 small and 2 larger cells”. He also spoke about interrogations during which he was asked for his full name, his links with Hassan DJAMOISS, Idriss Deby and Ibrahim Mahamat Itno and why he was arrested. Answering a question from the prosecution and the plaintiffs, he explained that he was arrested not because he had political activities or provided any support to the perpetrators of the April 1, 1989 actions, but because he had an ethnic link with them. “I am a Zaghawa like them and when Hissène Habré has problems with someone he attacks all members of this ethnic group; it is a habit for Habré. Besides, 90% of those arrested were arrested for ethnic reasons; they were all innocent”, he said.

The witness later said “because of the torture, there were only 40 of us left. We were detained in horrible conditions. We were very tight and at night they tied us up with SONASUT (National Sugar Company of Chad) strings and it was very difficult to live in these conditions.

Answering a question from the prosecution, he explained that the fact that they were tied up at night was “some kind of torture” because they were locked and watched and the walls of the prison had barbed wires. He also spoke about the insufficient quantity of food served at the prison and about the heat in the cells. He explained that “many people died of hunger and thirst, a lack of air and diseases; people suffocated. After the first 15 days, we started becoming ill. We were served some rice in tin cans. We did not have clothes anymore and our skin stuck onto the cemented floor on which we lied down”.

One night, at around 1 or 2 am, some agents came with a list of people and it was Lieutenant Sabanê who called out the names of 250 inmates and ordered them out of their cells. 2 to 3 minutes later, a guard returned to the cell and called the witness. When he came out, he saw the other inmates being tied up and the guard who called him ordered he be tied up as well. The witness said: “I started invoking Allah. Then the person checking how we were tied up came close to me, looked at me and ordered me back into the cell. I left the others outside and I did not know where they were taken. However, they were tied up in that manner for a reason. When we came out of prison we learned that they had been executed”.

Az-Ari also said that Umar ABDELKOY, deputy commander of the SP, spread out some black mud near their prison cells in order to attract mosquitoes. As a result, the cells were infested with mosquitoes and several prisoners died of malaria. Omar ABDELKOY also introduced in the cells some worms whose sharp bites caused bleeding among inmates.

Every night, people were taken out of the cells and were never seen again. The witness also mentioned an inmate called SIBORO KAYABO he found in prison. This person, 15 days after his imprisonment, was extracted from his cell one night. On his return 2 to 3 hours later, the witness asked him where he was and what happened there. He explained: “I was taken to Habré. I was asked if I was from the same family as Idriss Deby. I told them we were relatives and that he had even informed me of his departure from Chad, but I did not follow him because I have always been a supporter of the GUNT. I helped Wedeye and yourself come to power. That’s why I refused to follow Deby. The people detained in prison did nothing. After listening to me, Habré just nodded and ordered his men to take me back to the prison”.

Mr. Az-Ari said: “That’s when I realized that our prison was attached to Habré’s house. KAYABO told me that he even went there on foot. However, after his meeting with Habré he was executed with 250 other people; he was the first one to be called [for execution]”.

Questioned by the prosecutor and the civil parties on those responsible for what he experienced in prison, he said he considered Habré as the only person responsible: “I hold Habré responsible for what I experienced. It was Moussa Habré, his brother, who came to the prison every morning with secretaries in order to conduct interrogations. He was a soldier at the SP. He drew a list of prisoners he handed to the President. Our prison was close to his house. Habré was therefore aware of our situation”. Answering the civil parties, he said, “who else could Moussa give the lists he drew to? He was the president's brother and a soldier at the SP”.

Questioned by the civil parties about the month of Ramadan and Fridays he missed because he was in prison, he said he also holds Habré responsible for “the serious prejudice he suffered as a devout Muslim”.

➤ ***Release of the witness and sequels of his imprisonment***

After describing his conditions of detention to the Court, the witness spoke about his release when the MPS came to power. “After the Habré regime was toppled, all prisons were opened early in the morning, except ours because the populations were unaware of the presidential palace prison”, he said. A man called Ganji finally came to our prison at around noon and opened it. Ganji was detained in that prison with them for 15 days before being released. That’s how he knew of its existence. “There were only 40 of us left”, the witness clarified.

Az-Ari also explained that the old building of the presidential palace is now the office of the current Prime Minister. The prison was just near where Habré used to live. The witness believes Habré was aware of their arrest and had the choice to release them or keep them in prison. “I hold him responsible for everything that happened to me”, he added.





Answering a question from the prosecutor regarding his possessions, the witness said that during his arrest he was stripped of his watch and the money he had on him, i.e. approximately CFA F 500.000. He also left some cattle behind, but there was no one to care for them and he finally lost it. I came out of prison with illnesses, he added: “I suffer from some prostate disease, hypertension, diabetes and incurable stomach pain”. He claimed he traveled to many countries (Egypt, Sudan, and Libya) for treatment, but his illnesses have not been cured. He claimed he has medical certificates that confirm that. After his release, he was unable to resume teaching. It was only later that he was able to join the civil service.

Note: The witness did not finish his hearing as the defense is yet to ask him any question.

### **III / TIME MANAGEMENT**

Today’s hearing started at 10:30 and there was only one session in the morning. It took a long time to set up the videoconference with Ndjama. The lunch break was observed at 12:46. The hearing resumed at 14:25 and a pause was observed at 4:11 pm. The second session of the afternoon began at 4:30 and the hearing was suspended at 5:41 pm.

*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.**”*