

SUMMARY OF THE TWELFTH HEARING HELD ON FRIDAY, 18 SEPTEMBER 2015

I/ SYNOPSIS

The hearing commenced at 9:25 am and the witness, Patrick BALL, was called to the stand. Questions were put to him by the parties after his testimony. At the end of this interrogation, court suspended proceedings until Monday.

II/ KEY ISSUES RAISED DURING THE HEARING OF THE WITNESS

Prior to commencing his testimony, the witness introduced himself as well as the interpreters accompanying him, namely Abdou DIAGNE, 42 years old and Hawa BOCOUM. Both are conference interpreters.

Name: Ball

First Name: Patrick

Age: 50 years

Occupation: Mathematician, sociologist and statistician

Kinship with victims or the defendant: None

Under oath: Yes

A° - Professional career of the witness

The parties asked the witness questions on his professional career. He stated that he began to work as a statistician in 1981 in Salvador, then from 1983 to 1984 in Ethiopia, from 1984 to 1985 in Guatemala and Haiti, in 1986 in South Africa and Mozambique, in 1998 in Kosovo and Sierra Leone, in 2003 in Peru, in 2006 in Liberia and Columbia, and in 2014 in Chad.

The witness mentioned that he has been called as a witness before various jurisdictions handling cases of war crimes, genocide and crimes against humanity such as the ICTY during the Milosevic trial, the national tribunal of Guatemala and the Sierra-Leone tribunal. He also maintained that he has been called upon by the United Nations to work with truth and reconciliation commissions. Mr. Ball also declared to have worked with Human Rights Watch (HRW) on specific issues in Kosovo in 1998 and in Chad in 2003. He declared that he had no personal or financial ties with this

organization and avowed not to have been paid for these missions. He however underscored the fact that he acts as advisor to a colleague working for HRW.

B° - Analysis of the expert

In his testimony, the expert ventured to demonstrate the scientific value of his research work. His entire work consisted of gathering documents and developing a database for analysis. The witness indicated that he thus had access to documents from the Association of Victims of Repression in Exile (AVRE) and the DDS as well as testimonies. Furthermore, his work was based on documents authenticated by the DDS that the Chadian authorities had handed over to him. He therefore had to conduct a statistical analysis of these documents. During this period (from 1 to 6 June 2014), the expert and his team were able to draw objective conclusions on the mortality rate in the DDS premises. He focused his work on the period from 31 May 1985 to 31 May 1988 for the purpose of objectivity. Indeed, all DDS documents could not be used, but those covering the above-mentioned period were detailed enough to develop a database and conduct a statistical analysis. The witness explained this analysis which consisted of determining the number of prisoners that entered and died each day at the DDS. The witness' analysis centres on two points:

-calculation of the crude mortality rate,

-the peak value.

As a scientist, the witness declared that it was customary to take into account age categories for this type of work. However, based on the documents received, the age of prisoners could not be taken into account and hence the choice of crude mortality rate. Regarding the peak, he asserts that based on his calculations, 0.6% of prisoners died each day. He gave the example of 200 students in a class over a period of one year, and they would all be dead by the end of the year. He concluded that this mortality rate was extremely high. This rate is calculated as follows:

$$\frac{\text{number of deaths among prisoners per day}}{\text{number of prisoners alive per day}} \times 100.$$

Based on this scientific analysis, the expert also concludes that the mortality rate in DDS prisons was 90 to 400 times higher than the normal mortality rate of Chadians aged 15 to 60 years between 1985 and 1988. Moreover, this rate is higher than among American prisoners-of-war in Japan (1.3 to 4.5 times higher) and German prisoners-of-war in the Soviet Union (1.5 to 2.4 times higher).

C° - The status of Human Rights Data Analysis Group (HRDAG)

In his responses, the expert explained that the NGO, of which he is a member, is a non-profit organization. It relies on three committees: a statistics committee, a committee comprising part-time



statistics consultants and political experts, and an IT committee. The NGO is funded by a certain number of foundations and institutions such as the Mac Arthur Foundation, Open Society and an anonymous organization based in the United States. It also contracts with the United Nations.

III/ TIME MANAGEMENT

The hearing commenced at 9:25 am and after a short presentation by the witness, which ended at 9:55 am, the prosecution and civil parties began their questioning. The break was at 11:04 am. The last session of the day was held from 11:42 am to 12:15 pm during which the defence cross-examined the witness.