

**Public prosecutor vs. Hissène Habré****HEARING REPORT No. 43 OF NOVEMBER 19, 2015****I / OVERVIEW**

As part of proceedings on the repression of political opponents, today's hearing was the continuation of the interrogation of Souleymane Guengueng, Chairman of the first association of the Hissène Habré regime's victims. This was followed by the hearing of Ginette Ngarbaye who was arrested when she was 4 month pregnant. She gave birth during her detention. The Court then heard witness Maibe Komandje Gabin who was suspected of being Gukuni Wedeye's spy. He was arrested in Pala on his way back from the Central African Republic where he was pursuing higher education studies.

**II / HEARING OF THE WITNESSES****A CONTINUATION OF THE HEARING OF Mr GUENGUENG**

The witness was questioned by both prosecution and defense lawyers. He recalled the circumstances of his arrest, his conditions of detention and also his links with Facho Ballam (a witness who testified before the judge and was a leader of a political party with an armed wing). Speaking about the conditions of his detention, the witness showed the Court small objects he made during his time in prison (a wooden fork he used to eat with), part of the pants he used to wear while in prison, a rotten tomato (now turned black due to the long time that has elapsed since), a fly-whisk made from the tail of an ox killed in prison, and a spoon made from a "corned beef" pot.

Answering a question from the defense, the witness spoke about a cellmate who was ill. The witness himself removed, with his own hands, the excrement stuck in his cellmate's rectum. He was constipated and very ill. He could no longer move and his knees were swollen. After recalling this story, the witness began to cry.

- *Links with Facho Ballam*

The witness stated that Facho Ballam was only his son-in-law (married to one of his nieces); they were not friends. They respected each other and therefore had no politically-motivated relations. In Maroua, he sometimes distributed letters sent through his address. He also welcomed many people in his house. He did not make a distinction between supporters of the regime and its opponents: "I was only helping" he said. Then the defense lawyers asked him: "Despite the situation prevailing at the time you allowed opponents in your home. Are you surprised that the Chadian government arrested you?" The witness replied he did nothing wrong and that even if he was arrested for this reason, he should have been brought to the justice, to say the least. This was not the case.

- *Why the witness said Habré was aware of his arrest*

According to Mr. Guengueng, there are several reasons why Habré undoubtedly knew he had been arrested. Firstly, the witness said that his cousin, the personal pilot of President Habré, sent him a message in Maroua to inform him that his name was on a file at the President's Office and advised

him not to return to Ndjamen. Prior to his return to N'Djamena as an official of the Lake Chad Basin Commission, the witness said the Commission's Head of Mission and Executive Director went to see President Habré to inform him about the relocation of the headquarters back in N'Djamena. According to the delegation, the President gave them assurances about the safety of all the staff of the Commission.

Further, according to Guihini Korei, Samuel Yaldé from the DDS wanted to release him, but his name was written in red on a file at the Office of the President. Guihini was indeed under the orders of President Habré. The witness did not know the meaning of the red color on those files.

Speaking after the witness, the defense deplored the presence of Mr. Guengueng in the room during the hearings of most of the witnesses before the Court. Besides, Mr. Guengeung responded that his presence was justified because he is an observer. A similar question from the Court helped clarify that the witness was present as a Human Rights Watch observer.

- *Credibility of the Witness*

The witness had a propensity for elaborating on his answers. He answered questions to the extent possible and cried at times. He seemed to be on the defensive when questioned by the defense lawyers.

## **B – HEARING OF THE SECOND WITNESS**

**SURNAME : NGARBAYE**

**FIRST NAME : Ginette**

**AGE : 49**

**OCCUPATION : Secretary**

**RESIDENCE : Ndjamen**

- *Physical torture and rape suffered by the witness while in custody*

Ginette Ngarbaye began her testimony by recalling the details of her arrest. She said that on January 16, 1985, two people came to her home to see her. It was a Sunday morning, she said. She told one of them (Sabe Ribé) she had no idea why he had come to look for her. The latter replied that her aunt wanted to cross the Chari river and needed help. She then asked Sabe Ribé why he had come to see her for this. The witness' cousin, who was with her at the time said: "Today it's your turn. They have come to arrest you". But she responded to her cousin that was not possible and that she could not understand why they would arrest her. In addition she knew Sabe Ribé. Her cousin told her she would swear on the Bible that Sabe would even arrest his mother. He asked her to follow them and to reassure her; he told her he did not mean to arrest her, but wanted to interrogate her.

She then followed them. The witness said that Sabe and his colleague called Mahamat Donoh came to her house by motorcycle. Sabe handed the key to Mahamat and told him to take the witness to the DDS. There, the witness stated there were many DDS agents in the courtyard and in the offices. It was very hectic as many soldiers and civilians were present there.

A tall man with a blood-stained shirt welcomed them at the DDS. This man was Issa Arwaï who asked her to follow him into a room and sit on a chair. There he asked her to turn her tongue seven times in her mouth and tell the truth and nothing but the truth. She replied she did not understand what he was saying. Arwaï asked her if she saw any opponents when she was in Kousseri, including Kamougué and the others. She replied she did not know any opponent. Arwaï then took a folder from which he read the following sentence: “Ginette Ngarbaye served food to Kamougué”. Issa added: “a fault confessed is half redressed”.

He started fondling her and she told him she was pregnant. According to the witness, Issa Arwaï took her into another room and made her sit on an iron chair. The latter had tortured on her private parts. He electrocuted in her breasts and behind the shoulders until she lost consciousness. He then brought her into the women’s cell.

Putting his hand on her right breast, she said: “When you’re electrocuted here it hurts”. She said the electrocution has left scars. The witness said that for a week, someone took her to the electric chair where she was electrocuted for one hour until she lost consciousness. “When the prison officers took you back into your cell after you had been tortured, they beat you and treated you as they wanted” she said.

Mrs. Ngarbaye said that one day she saw prison officers bringing back in his cell a prisoner who had just been tortured. They pulled his testicles until he lost one of them. There was a lot of blood on the floor; the prisoner was screaming and crying. He died two or three days later. As for accusations against her, Ms. Ngarbaye reported that in 1982 she went shopping in Kousseri. She took the opportunity to visit her friend Lamia who was living there with someone called Felicitée. Felicitée went to the DDS before her and was tortured. They certainly asked her who was in the house and she mentioned her name and said she served food to Kamougue.

Mrs. Ngarbaye hinted that she was also tortured in a different way. At the DDS, she noticed, several times when she woke up, that she was naked. She said that it was Issa Arwaï and Goukouni who abused her. Sometimes they forced her to sleep. One of her fellow inmates who knew about the sexual abuses told her to endure them. She stayed at the DDS from January to April in an enclosed area where women were locked. One night, people came in a car and drove all the women away to the “premises”. Ms. Ngarbaye reported that the day before their arrival at the premises, some women were deported to Kalaïth. In the premises too, women were raped, but she was not among those raped. Soldiers came to take them out of their cells for one or two hours to abuse them.

Questioned by the prosecution and the defense on the participation of Bandjim Bandoum in the torture she suffered, the witness maintained that the latter did not take part in the torture but was in the room while she was being tortured. She knew him when he was on duty in Sarh. Ms. Ngarbaye added that Bandjim was always at the DDS and said, “Badjim knows the DDS more than he knows his mother” (same words she used in the video “Hunting a dictator”).

- ***Witness gives birth in prison and conditions of detention of other women in the “premises”.***

During her testimony, Ms. Ngarbaye told the Court she was 4 months pregnant at the time of her arrest. She was transferred from the DDS to the “premises” while other women were deported the previous day to Kalaïth. There, she gave birth to a baby girl. Responding to questions from one of the prosecution lawyers, she said that she delivered her baby without any medical assistance. “I

gave birth right on the floor. There were worms, maggots and lice and I had only one piece of cloth on me”. The Presiding Judge pointed out to her that some witnesses already told the Court that nurses were present in the “premises” and wondered how she could then say she gave birth without any medical assistance. Responding to the Chairman, the witness said: “Medical assistance for what? They put us in this prison to kill us. The nurses were certainly there, but they did nothing for me. In fact there was nothing they could do”.

The witness also revealed that only her fellow prisoners helped her by asking the guards to heat water for her. A guard called Dulgé gave her some medicines because he was an old acquaintance of her cousin’s. He was punished for doing that.

The witness was not the only woman to have given birth in prison because she also mentioned the names of other women. She deplored the case of a woman called Bilal who was taken to hospital at the time of delivery because she belonged to the Gorane ethnic group, the same ethnic group as Habré. After giving birth she returned with many gifts; she was released on the same day. The child was named after Abakar Torbo. Ms. Ngarbaye added that she wore the same cloth throughout her detention time (even after delivery)

As regards the conditions of detention of the other women she was imprisoned with, the witness said that upon their arrival at the “premises” there were in total between 22 and 23 women, not including the other four (4) they found there. “It’s not even worth talking about the food. Sometimes there was even no food. Sometimes they would slaughter an ox and give us a small piece of meat”, she said. The prisoners spent a long time without having a shower. They were very dirty. One day, one of them, Fatime Sakine, asked a guard (Bishara Chaïbo) for soap so that she could take a shower. He brought them boxes of soap. One of the prisoners, Rose Lokissim, kept the empty boxes (made of cardboard) and later used them to record everything she saw in the prison.

The witness confessed she never witnessed executions of prisoners during her time in prison. She was released on January 17, 1986 leaving Lokissim Rose there. She later learned that the latter was extracted from her cell and never returned. The witness also revealed that her daughter, who was born in prison, is suffering from permanent health issues. She began walking very late and is also lagging behind in her studies.

- *Credibility and behavior of the witness*

The witness was calm and serene. She refrained from talking about things she was not sure about. She was explicit in her answers. However, the Court could not understand the story of the prisoner whose testicle was pulled off at the DDS.

### **C HEARING OF THE THIRD WITNESS**

**LAST NAME:** MAYBE KOMANDJI

**SURNAME:** Gabin

**AGE:** 55

**OCCUPATION:** Official at the Ministry of the Environment

**HOME**: Ndjamena

• *Arrest and time spent in various prisons*

At the beginning of his detention, the witness explained that he left Chad in 1983 to travel to the Central African Republic (CAR) to study management. Then, he decided to go to Lagos to complete a Master degree that was not taught in the CAR. Answering a question from the Prosecutor, Mr. Maïbe Komandje Gabin said that his father was a big road transport operator when Habré came to power in 1982. They inherited a considerable amount of money from him, which allowed him to pursue his studies without needing a scholarship.

In 1987, the witness ran out of money and decided to leave Burkina Faso and return to Chad to seek support from his family. He then left Ouagadougou and traveled across Cotonou, Maïdigourie and Maroua. In Maroua, he took a car which drove him to Pala, Chad where stayed at the home of the Sub-Prefect who was his brother. Then a man called Mbaïtadé came to see him and told him he was needed at the police station. They arrested him in the house of the Sub-Prefect who had tears in his eyes and could not do anything. On his arrival at the police station, they set him aside for 72 hours because the Police Commissioner was in Ndjamena. The witness explained that it was a man called Bourouma who interviewed him at the police station in Pala and subsequently handed him over to the DDS.

The witness added that the DDS agents had set up offices at the Pala prison. The officers went to fetch his two suitcases but did not find any incriminating documents.

Responding to defense lawyers, the witness said: “if they had found something, I wouldn’t be here”. The witness revealed that the Pala Police Commissioner seized a Peugeot 505 vehicle that Senoussi Katir, a very important man, had bought. He jailed the driver and used the car to transfer the witness to Ndjamena. The police Commissioner believed that the witness did not understand Arabic and spoke in that language to communicate with the DDS duty officer. The latter wanted to know where the witness’ papers were, but the Police Commissioner said he didn’t have any. Mr. Maïbe Komandje Gabin then said : “Why are you saying I don’t have papers? What about the papers you took away from me? This was when the DDS officer asked that he be led to the “pool”.

The witness spent a week in this prison, before he was taken to the BSIR. The Pala Police Commissioner joined him in jail on the third day of his detention. He was arrested because of the theft of the car. After he was detained at the BSIR for a month, the prison officers moved him to the Martyrs Camp where he spent nine months before being transferred to the “premises” and then to the gendarmerie.

The witness said that one day, some prison officers told them: “Deby and the others are in Béchir, so be brave!”. “Then 24 hours later Habré has fled”, he said. Answering a question from the defense lawyers, the witness said: “there is no justice in the DDS system. I was not put on trial because there is no way you can defend yourself when the DDS arrests you. There was a justice system, but prisoners were not taken to court”. When asked about the reasons for his arrest, the witness said that had he known that crossing the Beninese territory would cause him harm, he would have taken a plane.



The witness claimed he endured torture twice while in the “pool” prison. The first time the DDS officers used “baguettes”, i.e. pieces of wood, on his head. He added, “you get dizzy when they do that”. Prior to torturing him, the officers asked him: “Why did Gukuni Wedeye send you to collect information and come back?”; “I’ve never seen him except when he talks on TV”, he replied. “This torture session lasted 2 hours until I passed out”. “Most people who were inflicted the “baguette” torture method died, but each one of us has their own fate”.

“The second time, they tied me arbatachar-style”. He had 3 torturers, including Abba Moussa. Following a question from the defense lawyers relating to the prevalence of torture at the BSIR, he replied: “People cried at the BSIR. When a man cries, it means what it means”.

Speaking about his conditions of detention, the witness said he was transferred to the Martyrs Camp after a month of detention at the BSIR. In this prison, a half-barrel was used as a toilet pot and he was responsible for emptying it into a hole, every day. “This is the way I was tortured at the Martyrs Camp”, he said. Following a question of the prosecution lawyers about how the prisoners were coping with a sharp half-barrel when they were emptying their bowels, the witness said, “When we used the half-drum, we put wood boards on it”.

The witness said: “In Cell number 7 where I was, I saw Saleh NGABA’s name and the date of his arrest written with blood on the wall”. Answering a question from the defense team about whether it was NGABA’s blood, he said: “I assume it was his blood since he was the one who occupied the cell. I’m sure what I saw on the wall was blood”. Souleymane Guengueng joined him in this prison.

After suffering dysentery, the witness was transferred to Cell A of the “premises” for a month. It was in this cell that 10 brothers of Gukkuni Wedeye’s were imprisoned. They had a better diet than the other prisoners. According to Mr. MAIBE, he was taken to the Wedeyes’ cell because the officers believed I had ties with them since they did intelligence work. They transferred me because they didn’t find anything”.

The witness was then taken to the cell occupied by the Zaghawas. He stayed there three months and became the cell leader. The guards came to him and asked what the situation was. He used to tell them about inmates who were ill and about people who were suffering. However, Mr. MAIBE did not realize the guards just wanted to have additional information about the prisoners and wanted to use him as a mole.

One day a prisoner said that the witness wanted to escape with some Zaghawa people in the prison. For that reason, he was demoted from his role as cell leader and taken to Cell “C” which he described as the “cell from hell” because it had no window. Thus, following a question from the prosecutor, he explained: “I can assure you there was no air in this cell; when the door opened it was like a bomb was thrown at you. You would be chatting to people and see them die suddenly, right in front of you. “Abba MOUSSA could leave bodies 48 to 72 hours in the cell before they were taken out, because he would not take 2 or 3 bodies at a time”, he added.

Some of the prisoners from the “premises” (including the witness) were transferred to the newly-built gendarmerie prison. Speaking about the quality of the meals served in prison, he said: “we had to wash the yellowish rice we were served in order to be able to eat it”. Answering a question from the prosecutor, he said : “the food was even worse in this prison”.



The witness described the consequences of the arbatachar torture method on the body as follows: “I am a two-stripe lieutenant for the rest of my life”. He was speaking about marks of injury he had on the arm and showed them to the Court. In addition, M.MAIBE confided: “physically I’m not myself anymore. You saw me walk. I can’t satisfy my wife any more. I have memory problems, but not all the time”.

- ***Witness’ credibility and behavior***

The witness gave a very detailed testimony and, even after questions from the prosecution lawyers he made many comments before giving an answer. The Presiding Judge even described him as “a talkative witness”.

### **III / TIME MANAGEMENT**

Today’s hearing started at 9:04 am. The first break was taken at 10:51 am and the session resumed at 11:21 am, while the lunch break was from 12:35 pm to 2:00 pm. The afternoon break was from 3:40 pm to 4:04 pm. The hearing was finally adjourned at 5:48 pm. The Courts tends to keep to break times.

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