

The Public Prosecution versus Hisséne HABRE

SUMMARY OF THE THIRTY-FIRST HEARING HELD ON 22 OCTOBER 2015

I/ SYNOPSIS

Testimonies heard today, like others during the course of the week, revolved mainly around the torture and inhuman acts perpetrated in detention centres. The first witness, who was continuing her testimony from 21 October, stated that she was among the 9 women deported to Wadidoum. She provided further details on her conditions of detention at “the buildings” where she was held for two years with her then 12-year old daughter. Contrary to the statements of previous witnesses deported to Wadidoum who claimed that the older women were spared, this witness averred that she was sexually abused. The second witness, Fatimé Sakine, also talked about her conditions of detention at “the buildings”, where she was also sexually abused. She claimed that she was dubbed Mrs. Younouss given the number of times the DDS Director would summon her to his office.

II/ HEARING OF WITNESSES

A- HEARING OF THE WITNESS/VICTIM HADJI MERAMI ALI CONTINUED

Mrs. Ali stated that she had a few things she wanted to add to her testimony before being questioned. She thus stated: “My little girl, who at the time of her arrest was 12 years old, was put at the disposal of the soldiers who would sleep with her”. She added that during the war of 1979, she would cook for Habré without being paid, and in spite of this, “he arrested and imprisoned me; I would like to know what I did”, she continued.

Questions put to the witness focused primarily on the following:

✓ Clarifications regarding her arrests and detention conditions at “the buildings”

In an effort to provide further clarifications to the court regarding her testimony of 21 October, the witness further elaborated on her arrest and the general atmosphere at “the buildings”. She restated that she had been informed by a certain Khadija that her cousin Brahim Djida was ill and needed her support. At the time, she was on one of her business trips. She thus caught a flight to Ndjamena. At her arrival, she was arrested by Brahim and three other men. In response to a question from the prosecution, the witness stated that Brahim was the son of one of her maternal aunts. He was a police officer and was forced to arrest her. She averred that he had tears in his eyes when he saw her. The other men with him sprayed gas on her and took her to the DDS. She was questioned and tortured at the DDS by El Djonto and Issa Harwai, and another guard called James later took all her gold jewellery. She was then taken to “the buildings” where she spent two years with her 12-year old daughter Hazim Sakho who had been arrested and tortured the same day. Her father was a minister under the Tombalbaye and Bukkuni Weddei regime. The witness further stated: “They had no reason to arrest my daughter who was going to school”.

The prosecutor added that, according to the DDS archives, the official reason for Hazim's arrest was that she was allegedly in contact with Mabrouka, a Libyan spy. The witness responded in a forceful and assertive tone: "A lie". According to her, her daughter was arrested because of her. Talking about the atmosphere that reigned in "the buildings", the witness avowed that there was a generator which was constantly running with a deafening noise to the extent where she could hear nothing. The wire netting on the door of their cell allowed them to see, on several occasions, men who had been executed by the guards and whose corpses were piled in the courtyard. Abacar Torbo would sometimes take 3 to 4 corpses a day. Men would be allowed out only once a day to ease themselves. She added that many had died as a result of the difficult conditions of detention.

The witness also talked of her peers with whom she shared her cell, including Rose Lokicim, Raouda, Fatimé, Dija and Mariam. She explained that Raouda was a spy, as affirmed by Awa Brahim who had stated that Raouda was an informant. Her son was called Guihini Koré and she received preferential treatment in comparison to others; she was released on the eve of their deportation to Wadidoum. Rose was taken away one afternoon to be executed. The soldiers had found out that she was counting the number of corpses per day. The witness stated that, during her detention at the buildings, she never took the tablets given by Saria, the nurse, for lack of trust because many prisoners had died after taking them. These tablets had no effect on detainees who were in agony. She also added that the guards would have sexual intercourse with the detainees. She specified, regarding these sexual abuses, that as far as she was concerned: "Who was not abused"? In conclusion, she stated that one day a guard called Chaibo told her: "Left to us alone, we would never have imprisoned a woman like you". According to the witness, this statement implied that Habré was aware of what had been going on.

✓ *Confirmation of sexual abuse at Wadidoum*

Mrs. Ali reaffirmed that the soldiers would come every evening and take the six youngest women, including her 14-year old daughter, and sexually abuse them. However, after having said that the three older women (including herself) were spared from sexual abuse, she finally claimed that she also was raped.

In response to Mr. Balaal's persistent questioning on whether the older women were really spared from sexual abuse, she asserted: "They slept with everyone, including me. I have children and I cannot talk about it all. I managed to resist a few soldiers but others passed through". Mr. Sène informed her that Hawa Brahim had maintained that the older women were not raped. She replied saying that the others were not present when she was being raped. A question was asked whether they ever thought of escaping, to which she replied: "We never tried to escape. And go where? We were in the middle of the desert".

The witness avowed that, after their release, Mr. Sakho, her husband, brought doctors to treat their daughter for a month. A few months after, Mr. Sakho gave away their daughter, Hazim Sakho, for marriage. She gave birth to twins, twice (the four children currently live in the US). She was three months pregnant at the time of his death.

✓ *Her relations with the Habré family*

Prior to her detention: Mrs. Ali declared: "During the war of 1979, I was the one cooking for Habré and I would only give the food to the officials (Idriss Miskine in particular) who came to pick it up".

In response to a question from the defence, she specified that she was still running a restaurant. She however maintained: “I never received any money”. Miskine would often bring journalists to eat at her place. She considered them as “brothers” because “during the war, they would eat without paying. I told myself that once in government, they would give me something, but they imprisoned me instead”. (Money in exchange for the food she would serve them or a position in the government for a member of her family at least. There was laughter in the courtroom).

After her release. Mrs. Ali maintained that she did know Habré and his wife. After she was released, Mrs. Habré Fatimé sent her driver to fetch her and take her to the Office of the President. Mrs. Ali was a trader and Mrs. Habré had taken some clothing items from her, which she later refused to pay. One day, Mrs. Habré apparently told her: “You will waste your money if I give it to you; wait until you are going on a business trip and I will give it to you then”. The witness claimed that Mrs. Habré subsequently accused her of being behind the murder of a certain Bintou, who she did not know. She affirmed that Mrs. Habré knew she had been detained and that she had just been released even though she never said a word in this regard. The witness indicated that she did not see the President during her visits to the Office of the President to meet with Mrs. Habré. Besides, she had never met him. She added that she preferred to leave the country. “I went into exile to Bangui because I sensed that Mrs. Habré wanted to have me arrested” she said.

✓ *Credibility and behaviour of the witness*

During her testimony, Mrs. Ali referred several times to her gold jewellery which she lost during her detention at the DDS. She also talked, on several occasions, about the money Mrs. Habré owes her. At the end of her testimony, she again talked of this money that was owed to her. She found it difficult to give short and focused answers; she would often give a lengthy account and the question had to be repeated once or several times.

B- HEARING OF THE SECOND WITNESS/VICTIM

NAME: SAKINE

FIRST NAME: Fatimé

AGE: 50 years

OCCUPATION: Secretary at the National Assembly

RESIDENCE: Ndjamena

NATIONALITY: Chad

✓ *Arrest and detention of the witness at the DDS*

The witness, Mrs. Fatimé Sakine, affirmed that she was arrested on 24 October 1984 on the river Chari while travelling in a canoe to Koussiri to buy goods. An officer in civilian clothes stopped and asked them to return to the riverbank. He called her by her name and asked her to climb off the canoe. She hence believed that it was someone who knew her who had informed the officer of her

identity for she wasn't known in that area. The witness further stated that she was taken to a shed where she was thoroughly searched and her hair combed through. The officers in civilian clothes, whom she did not know, asked her why she was going to Koussiri. She told them that she was going to buy goods to sell. The witness stated that the same officers took her to another shed where they searched her again. She was then taken to a third shed and told to sit on a chair. One of the officers called another on the phone and asked him in Goran to come and pick her up. The officer, who was to take her to the intelligence unit on a motorbike, received instructions to shoot her down if she tried to escape. Mrs. Fatimé Sakine affirmed that an intelligence officer called Ahmat Tidiani interrogated her the evening she arrived. He asked her about the whereabouts of Ousmane Nani, Harouna Nani and Saleh Nani. She replied that she did not know. The witness however affirmed that she knew them because they were relatives (Arabs from Bata like her) but knew nothing about them.

Ahmat Tidiani maintained that she was going to Koussiri to supply information to the CDR (Democratic Revolutionary Council). The witness then said that she was taken that night to a room where some men were tied and beaten. They told her: "Here, you will speak the truth. Men do. They even urinate in front of us". She nonetheless told them that she knew nothing. The witness averred that Moussa Goukouni then took her to the river. She stated: "he whipped me, beat me". Mrs. Sakine asserted she was kept 8 days at the intelligence unit. She indicated that one morning, she was taken with eight other men to the DDS. There again she was asked to speak the truth and she replied that she knew nothing. She was consequently taken to Saleh Younouss' office where she found Issa Harrwaï.

The witness further stated: "That is where I went through the worst and most arduous". Issa Harrwaï asked her to say where her relatives were, and when she gave a negative reply, he pulled her, stamped his feet on her and she fell. He then said: "You shall see if you will not speak the truth". Issa Harrwaï claimed that she had supplied information to her uncles. He tortured her. Mrs. Sakine maintained that the latter again interrogated her in the evening asking the same questions. Holding her ground, he would retort: "Even men shudder before Harrwai". She would go through the same the next day. She also maintained that she was taken to "the buildings" a week later, and after 3 months of detention there, was subsequently returned to the DDS. She spent 40 days under the sun before being taken back to "the buildings". Questioned by the prosecution and the defence on her possible involvement in politics, Mrs. Sakine stated: "I was only 17 years when I was arrested. I did not know politics or any opposition leader". Continuing her testimony, she declared that prior to her arrest, she had lived in Ndjamena for about two years. She came there in 1982 to support her family before Hissène Habré came into power. "Since I was the eldest, I had to work because there were no men to take care of us", she added. Her father, a retired soldier, and her elder brother had left for Ndoucoum towards Sudan because many Arab men had been killed during the hostilities in Bata. Talking about the reasons for her arrest, Mrs. Sakine believes that it was certainly because she was an Arab from Bata that she was arrested and detained (she could be identified by the two marks – 11 – which are still visible on her face). Arabs from Bata were among the majority in the "CAC CDR" armed group. To dispel suspicions about her travel, she maintained that she was only crossing the Chari river to buy goods for her store prior to her arrest.

✓ *Conditions of detention at the buildings*

Mrs. Sakine talked about their conditions of detention at the buildings. She explained that there were cells A, B, C, D, E and F; women were in Cell F. The guards would sometimes allow them to fetch water and they could wash themselves in the shower room of the guards. When they stepped out at night to use the toilet, they would see dead bodies in the corridor and couldn't sleep anymore. The male detainees had a half-barrel in the cell for use to ease themselves. She listed almost 24 female detainees including Aïcha, Ginette, Sarah, Didja, Rose, Soutouma, etc. She further stated that men were crammed into Cell C to the point where the guards took the detainees out, one day, to spray the cell. According to the witness: "Detainees would die each time they filled up Cell C and yet they brought more. There was nothing to eat; there was water, but without food how can you drink?" The guards would only give them dry rice which they put in cans of water so they could swallow it more easily. She stated that for the male detainees: "They were given rotten wheat and their stomachs would bloat until they consequently died". Mrs. Sakine also explained that visits were not allowed at "the buildings"; her family members did not know she was there and thought she had died. Speaking of the conditions of female detainees, Mrs. Fatimé Sakine asserted that some of them were brought in pregnant and she had to play the role of a midwife when she helped Didja and Ginette give birth. "I cut the umbilical cord with a knife borrowed from the cooks", she claimed. She declared that the guards put bayonets in the vagina of another woman, Fatim Elimane, who was pregnant. As a result, the child was born premature and eventually died as well as the mother. She also stated that other babies had died in prison because there was no milk or food for them. Mrs. Sakine said that she was ill during her detention and had never seen the doctor at "the buildings".

One day, the guards told about ten women that they were going to be released. These women prepared themselves early in the morning, but in reality they were taken to Kalait. She claimed that according to information from Félicité and Rama (survivors of Kalait), they were taken there to satisfy the sexual needs of the soldiers. The witness explained that they would talk among detainees but were more careful when they realized there were spies among them. For instance, Rose was with the women and she wrote down everything she saw in the prison. A spy then gave her away to Abba Moussa who beat her up and put her in Cell C (with the men). According to the witness, three days after she was released, Rose was executed just like other women (Didja, Kaltouma Khadidja, Kouéssi, etc.). She avowed that hundreds of people died at "the buildings" estimating them at 4 to 7 per day. She affirmed: "They brought 57 young Arabs and killed them in front of me. Gravediggers, including Clément, would take the bodies and put them in empty bags of rice". She further stated that she would write the names of those who died on a piece of paper which she hid in a pipe but was however unable to retrieve the paper on the day she was released. When the CDR joined forces with the government troops, they had asked that all Arab political prisoners be released. When he arrived, the CDR official had a list of their politicians and when they could find none of them (because they were all dead), they were forced to release the ordinary Arabs. They were hence told on a Friday that they were free but had to wait in a corner outside of the cell. On Monday 17 January 1984, the guards took them to the central police station to be released. They were filmed on that day, with each detainee holding a slate with his last and first names and date of birth written on it. She said that at the police station: "All the released detainees left. I did not know where I was because I was confused. I stayed there until some relatives recognized me and came to get me".

✓ *Torture and sexual abuse*

During her questioning, Fatime Sakine explained the physical torture and sexual abuse she suffered while in detention. She declared that on the day she was arrested on the Chari river, she was taken to the intelligence unit at the central police station. She was interrogated by Ahmad Tidjani who then took her to "a room where they tied the men up" and threatened her saying: "Here, you will speak the truth. Men do. They even urinate in front of us". Subsequently, Moussa Goukouni took her to the river banks and whipped her while ordering her to tell the truth. She affirmed that Issa Arwai interrogated her in Saleh's office when she was transferred to the DDS. She hence stated: "That is where I experienced the worst and the most arduous. Issa Arwai threw me off the chair and stamped his feet on me. He tied me to the arbatachar and electrocuted me on my head and I lost consciousness. It was as if my head was boiling". She further declared that after three months at "the buildings", she was taken back to the DDS where she spent 40 days under the sun. The witness claimed that when she returned to "the buildings", there was a guard who would hit her every time he saw her for he was "like a mad dog; he wanted to eat me". Moreover, she affirmed that the numerous dead bodies that were piled in front of their cell, the conditions of detention and the deliveries of certain women in prison were unbearable and shocked her to the point where she could not sleep. The witness also provided information on the sexual abuse she suffered. She declared: "They would take me so often to the office of Saleh Younouss that the other detainees called me Mrs. Saleh Younouss". Responding to the questions of parties on the reasons for her presence in the latter's office, the witness replied: "They took us there to play with us. They would take all the women in turns. They would come and get us around 5 pm and bring us back at night. Sexual abuse at the buildings was almost routine but it is very difficult to talk about these things". Mrs. Fatime Sakine also claimed that all the women who were deported to Kalait "had to perform chores but were especially there to serve as wives to the soldiers". She stated that she still carries the scars from the torture: "I cannot hear or see well and my head still carries the scars from the electrocution".

In response to questions from the lawyers of victims on her presence at the witness stand, she said the following: "I am very pleased and happy to be here. Al hamdoulillah, thank God, thank you to the Senegalese authorities, and thank you to President Macky Sall who allowed us to be here. I would like to see him if I'm allowed to stay another two days. Today I am before Habré, the Supreme chief of the army, the lion of the desert". Carried away by a question from the defence, the witness declared: "This man ruined my life, my studies and my youth. Hissein betrayed Chad, he destroyed it. Those who tortured me had received orders. I was an Arab and Hissein harboured a grudge against Arabs. I had only seen him on TV; besides, I never wanted to see him because he exterminated my people". An altercation occurred between the witness and one of the defence lawyers. At the end of her hearing, she insisted on meeting with President Macky Sall and the presiding judge referred her to the prosecution which promised "to try and do something".

Credibility of the witness

Mrs. Sakine seemed spirited and prepared to respond to all questions without hesitation. She was however initially reluctant to answer certain questions relating to the sexual abuse she suffered. She was categorical and sure of what she was saying.

III/ IMPORTANT PROCEDURAL MATTERS

At the end of the hearing, the presiding judge asked the court bailiff to copy and distribute to all parties the documents which the first witness had presented. However, the judge added that following inspection, the documents were “medical x-rays and the court does not have the means to scan these. It can make them available to all parties for consultation”. He informed that the documents will be returned to the witness at the end of the trial. The defence lawyer, Mr. Balaal added: “The defence would like these documents to be verified; in order to do so we will rely on the wisdom of the court”.

After being thanked by the court, the witness stated: “What about my money and my medical exams?” (laughter in the courtroom). Mrs. Ali added: “I ask that a medical doctor examine my medical papers”. The presiding judge asked the interpreter to tell her that her lawyers are in the courtroom and will explain to her where things stand with her claim and her x-rays will indeed be examined by a medical doctor. The presiding judge had to tell the witness “Madam, you can now step down because we are not done yet, other witnesses should take the stand”.

IV/ TIME MANAGEMENT

Proceedings commenced at 9:15 am. The morning break began at 11:11 am and ended at 11:44 am, i.e. 33 minutes. Lunch break lasted 2 hours and 16 minutes (from 12:56 pm to 2:42 pm). The afternoon break was held from 3:45 pm to 4:05 pm. Court was adjourned at 5:09 pm. Given that there are no more hearings on Fridays, the trial will resume on Monday at 9 am. The presiding judge also announced that the trial could be adjourned during the week of 2 to 6 November 2015.

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