

Public Prosecutor vs. Hisséne HABRE**REPORT N°46 OF NOVEMBER 25, 2015****I/OVERVIEW**

Today's court session was held to hear witnesses about war crimes related to the Deli farm massacre. It featured one witness, Mr. Ngarhamnodji DOUMNANDE, an Agronomist and assistant to the Deli farm director in September 1984 when the Codos were supposed to join the regular army. Their integration ceremony which was due to be held on September 17th in the farm "turned into a carnage" he said, as 12 of his colleagues, his 9 year old son, his secretary, his maid, and many of the Codos were shot dead by soldiers.

II/ HEARING OF THE WITNESS

SURNAME : DOUMNANDE

FIRST NAME : Ngarhamnodji

PROFESSION: Agronomist

RESIDENCE: Moundou

➤ *Arrival of the Codos' and beginning of the massacre*

According to the witness, from the September 9 to 15, 1984, he noticed a mass arrival of Codos at the Deli farm. They were escorted by members of the armed forces on board vehicles belonging to the Cotton Tchad company. The Codos were in large numbers and, according to the witness, they were at least 1,000. In fact youngsters from the surrounding areas had joined them because of the money the Codos due to receive when they joined the Chadian army.

On September 16, an army commander arrived back from Moundou to tell the Codos to get ready for their integration. On September 17, the Codos cleaned – while singing- the surroundings of the farm, while waiting for the authorities to come. When the Presiding Judge asked how Mr. DOUMNANDE knew that those men were Codos, he answered: "The Codos were opposed to the central government and lived in the bush". Regarding their identification, he added: "the Codos themselves disclosed their identity to the farm's workers. They also informed them that they had signed agreements with the government in order to join the army".

Questioned by the prosecution about the agreements made between Codos and the government, he said: "This didn't happen at the farm, but the Codos said that they had signed agreements with the government in what is now the Prefecture of Bénouin".

Answering a question of the defense about how the Codos killed soldiers, the witness said: "there were ambushes and when they met face to face with soldiers, there were battles. But this happened in the bush. I cannot know if soldiers were killed. People were talking about those ambushes and that's how I knew about them.

According to the witness, on September 17, at about 10 o'clock, one vehicle boarded by armed and turbaned soldiers arrived at the farm. The farm's workers went out of their offices to attend the ceremony

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marking the Codos' integration into the regular army. However, they realized this was not a ceremony as the soldiers who arrived in the first vehicle walked straight to the Codos' and tried to force their weapons out of their hands. The other vehicle was parked in front of the building where the farm's workers were. The soldiers near that building ordered the farm's workers to join the Codos. The witness and his colleagues replied that they had nothing to do with the Codos and that they were State employees. The soldiers replied that at the Deli's farm there were no State employees and considered everyone to be Codos.

As the Codos refused to surrender their weapons, a heated exchange ensued between them and the soldiers who opened fire on the Codos. "The director of the farm ran to hide in his office, leaving us behind. The soldiers followed him and shoot him dead", said the witness. Four of the farm's workers who were standing on the veranda were killed and 3 survived. The survived are the witness himself, a guard and Mr. LAOUKOURA (the witness of the hearing of November 25). The latter and the witness escaped from the window of an office.

Mr. DOUMNANDE said: "Mr. LAOUKOURA fled towards the pond and I was lying down under a tree, behind the building". He added: "I did not know what happened afterwards but I saw my 4 colleagues falling to the bullets before I fled". Answering a question from the defense lawyers regarding the massacre, the witness said that from where they were, they could see that there were a squabble between the Codos and the soldiers, although they could not hear what they were telling each other.

Speaking on the same topic, a defense council asked the witness how he was able to tell the difference between "shots fired by the Codos and those fired by the soldiers". The witness answered: "all I know is that the soldiers who shot us were the same as those who shot the Codos; they wore the same uniforms. The weapons held by the Codos were nothing compared to those held by the soldiers".

Answering a question by one of the plaintiffs' lawyers about whether the farm's workers were informed about the arrival of the Codos, the witness said: "we were not informed. Even our director was not informed".

Questioned about the reason why a military event was being held in a non-military zone, Mr. DOUMNANDE said: "I can't find any explanation. The soldiers told us there were no State employees at the Deli farm and they considered everyone as Codos. So, the massacre was premeditated".

He added that the farm was 975 ha large (the same size was mentioned by the previous witness). "The soldiers could have installed the Codos further away from the farm's premises", he added. "They were houses near our offices for a reason. They could have warned us so that we could hide before they opened fire", the witness said.

Then the plaintiffs' lawyers asked him if the soldiers had come to the farm with the intention to kill. He explained: "normally, the authorities were supposed to attend the ceremony. But there was no administrative authority there; there were only soldiers. And when they arrived they were just trying to take the Codos' weapons away".

He also said that even if the Codos had agreed to surrender, they would be killed. Answering a question by the plaintiffs' lawyers he said: "the soldiers had weapons commonly known as Kalashnikov and on the vehicle parked in front of us, there was a machine gun pointed at us. A defense attorney asked the witness how he knew the soldiers came from Ndjamena and he said: "with their kind of attire and equipment they could only come from the capital".

➤ *Continuation of the Deli farm massacre*

After his escape, the witness said the soldiers continued to perpetrate their crime, but he could not know what was happening. Baourou was disabled and as he could not run away, he was able to see the massacre continue. He told him that the soldiers searched the entire farm: the houses, offices and stores. When they came close to the witness' house, his 9 year old son was trying to flee but the soldiers shot him dead. The witness said that his secretary and his maid were hiding under the bed in his room but the soldiers took them out and executed them. After brutalizing the witness' wife, they asked her where her husband was. She answered that he was gone to the office. Then they broke the cupboard and took some personal belongings.

Then the soldiers walked to the building sites and met a builder and killed him, alongside a farm supervisor. They also entered the house of a young man and killed him with his wife and baby, taking the number of farm workers killed to 12, according to the witness.

In addition, the witness said that until the soldiers left at around 10:45 am, he did not know what happened at his home. In the evening of the same day, some surviving workers went to the farm and ascertained the killings. They decided to bury the corpses of the civilians in holes already dug out by the Codos and intend as septic tanks. The son of the witness was buried in an individual hole.

In this respect, the Prosecutor told the Court that Argentinean experts had found human remains belonging to a male child aged between 6 and 11, which according to him corroborates the statements made by the witness. The experts also found bullet marks in the pelvis and lower limbs of the body.

The witness also added that a farmer called Jonas took his wife and other children to a village. A villager showed him the place where his family was and Jonas went to join them. Almost all the villagers took refuge in the bush. He spent 4 days with his family and decided to go to Moundou with them. He was looking for a vehicle to drive him there when soldiers arrived and questioned him about the reasons for his departure. He explained that they had to leave. Therefore, the soldiers stopped a car coming from Kelo which drove his family to Moundou. The witness finally went back to the village of Biramaho.

Answering a question by an assessor of the Court, the witness clarified that these soldiers were definitely there before the Deli massacre. They were asked to hunt Codos down but interacted with the population. Meanwhile the corpses of the Codos were in a state of decomposition and the Moundou administrative authorities called workers from the Public Health Department to see what happened. The soldiers requisitioned the population to bury the corpses.

At the end of his statement, the witness added: "it was a veritable carnage. We could not imagine than the authorities would accommodate Codos at the farm despite knowing it was an agricultural institution. What's more, they did it in order to trap the Codos and slaughter us, we the farm's workers. They said they would give F 60,000 to the fit Codos and discharge the disabled ones. Among the Codos were some youngsters who were not Codos but it was so hard to count them". The witness explained that it was a strategy of the government of the time who was fighting against the rebels. They thought all the workers were Codos while the farm was not a hideout for the Codos. In addition, according to the witness, no investigation was conducted in order to punish those responsible. The administrative authorities did not even come to express their sympathy to the villagers.

➤ *Witness' behavior and credibility*



Throughout his hearing, the witness seemed to be sure of his allegations. He was calm. He answered questions without difficulty but refused to speculate: “I tell about things I know, things I have seen”. On several points, he confirmed the words of Mr. MBAINADJIBE. The only differences noticed were the time when the soldiers at the farm on September 17 and the date when the Codos arrived at the farm.

III/ IMPORTANT PROCEDURAL ISSUES

Following a question from the prosecution in relation to the exact number of armed Codos in the farm, the Presiding Judge told the prosecution that they were not supposed to ask to the witness to say the exact number of people killed since he said in his testimony that the Codos had in their possession less than 10 weapons. The Prosecutor told the Presiding Judge that he asked the witness that question for the sake of precision: “let him clarify, Mr. Judge”, he said. After some discussions on the issue between the Presiding Judge and the Prosecutor, the latter continued his questioning.

During the witness’ questioning by the defense, one of the counsels, through a question relating to the Codos’ weapons, wanted to infer from the witness’ answer that “the Codos were heavily armed”, which caused reactions from the plaintiffs’ counsels (whispers and murmurs). Furious, the defense counsel denounced the behavior of the plaintiffs’ counsels: “when you ask questions, I suffer; I whisper but in an inaudible way”. Hearing these words, one of the plaintiffs’ counsels stood up before the Court and said that the defense counsel tended to “exaggerate” regarding their questions. Still furious, the defense counsel asked the Court to tell to the plaintiffs’ counsel to withdraw his remarks. At that point, the Presiding Judge asked all of them to calm down, and reminded them it was within their competence to direct the debates: “the Court is responsible for regulating the hearing”, he concluded.

IV- TIME MANAGEMENT

The day’s hearing began at 9:12, was suspended at 11 am for a break and resumed at 11:47. At 12:50 it was suspended until the following Monday because only one witness was scheduled to attend on that day. Due to the other witnesses being unavailable, the Court was not in a position to plan a session for the following day.

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