

## **The Public Prosecution versus Hisséne HABRE**

### **Summary of the sixteenth hearing held on 28 September 2015**

#### **I. OVERVIEW**

Proceedings commenced at 9:20 am. The presiding judge called the witness, Ahmat Maki Outman, to the stand for his testimony. Upon resumption of the morning session at 11:23 am, Mr. Garba Akhaye was also invited to be heard as a witness. The judge stipulated that it was not necessary for the two witnesses to take the oath because they were both victims and plaintiffs. Contrary to common law, this is not allowed under civil law.

#### **II. HEARING OF WITNESSES**

##### **A- Testimony of the victim, Ahmat Maki Outman**

**Name:** MAKI

**First Name:** Ahmat Outman

**Born** in 1967 in Mongo

**Occupation:** Educator

**Residence:** Mongo in central Chad

##### **❖ Arrests at the Protestant mission.**

The witness stated that these arrests in 1987 were due to the escape of Maldoum Bada Abass and Haroun Godi. The latter, tracked by the presidential security force (SP), had hidden in a cave. They were Hajarayes, who had managed to escape. Consequently, orders were given to retaliate against their relatives, thereby triggering arrests at the Protestant mission. According to the witness, Saleh Ngaba was the first Hajaraye to be arrested. There were three waves of arrests.

The first was conducted in broad daylight by elements of the SP, DDS and the popular militia led by Mahamat Saker Bidon. Mr. Maki averred that he personally witnessed this arrest for he was at the mission at the time. He indicated that Hajaraye military officers were the first to be arrested. They were then taken to the gendarmerie.

The second wave of arrests was conducted at night. Relatives of Haroun Godi and Maldoum Bada Abass were arrested. Two pastors from the mission and two of their followers were also taken to the gendarmerie.



The third wave of arrests coincided with the release of pastors Abet Ibet and Abakar Hachem. Indeed, they had no ties with Maldoum Bada Abass and his associates. In general, these arrests were targeted at supposed relatives of the latter. This, in the witness' opinion, is what led to the release of the pastors and certain followers.

❖ **Detention and torture.**

The witness stated that people arrested were tortured and beaten. Some had stalks inserted in their penis and others were executed. This was the case, for instance, of Bayayo Godi, interim head of the Protestant mission. The witness claimed that he obtained this information from the pastors who were released. He asserted that he was arrested precisely so as not to divulge this information. He was arrested by members of the popular militia (Mahamat Souhati and Abdel Aziz) and detained at the Bureau of Veterans' Affairs. This place served as their premises. This was where he was tortured and beaten with electrical wires (with the authorization of the court, he showed the scars). He was detained for 11 days before being released.

❖ **Extrajudicial killings.**

The witness then talked about the circumstances of the Hajaraye killings. According to him, the SP did not intend to kill them when they referred the matter to Daour Kinéfour, Prefect of Guéra and a Hajaraye. It was the latter who insisted that "this is an order, let us execute it". On this basis, the witness declared that the Hajaraye sold their own brothers.

Regarding the mass graves found at Mandian, near Mongo, he affirmed that this information was given to him by the driver of Mahamat Bidon and farmers requisitioned by the SP to bury the bodies. There were 12 Hajarayes, all of whom were executed at the foothills of the mountain late at night. Finally, he provided clarifications on the fate of Saleh Ngaba and a certain Ngothbé. They were apparently taken on-board an army aircraft. The witness asserted that he saw the area commander, Hassan Djamouss, descend from the aircraft with a small panther. That was how he recognized him. He concluded by stating that Hassan Djamouss finally released Ngothbé because the latter would visit his food store to have something to eat often free of charge. In the case of Saleh Ngaba, the witness said that he never saw him again and assumed that he was dead.

❖ **Behaviour and credibility of the witness.**

Throughout his testimony, the witness was concise, determined and particularly fiery in his responses. Regarding certain questions he was asked, he insisted on the fact that he was only telling what he had lived. He supported his responses by specifying that he was a believer and was aware that one day he would account for his words. He even went as far as asking the court if he could show his scars to substantiate his torture claims.

**B- Testimony of the second victim Garba Akhaye**

**Name:** AKHAYE

**First Name:** GARBA

**Age:** 75 to 76 years

He was accompanied by an interpreter (Chadian Arab/French), Idriss Mohamat Abakar, teacher and journalist.

❖ **Arrests and detention conditions**

After stating his identity, the witness indicated that he was arrested at the same time as his two brothers in June 1986 at his village in the CHARIWARI. He declared that he was separated from his brothers and taken to Ndjaména at the DDS. At night, he was taken by Abacar Torbo, Hadjy, Aba Moussa and Sambo to the BSIR to be heard by Commissioner Touka. Suspected of knowing the whereabouts of the cows of Hajaraye rebels, he was whipped several times before being subjected to torture. In a bid to make him confess to something he had no knowledge of, he was first tied (two arms two feet) and then severely beaten with electrical wires (the witness showed the scars left by this beating). He claimed he was then untied and subjected to Arbatachar. Showing traces left by the ropes, the witness emphasized that his limbs were tied, he was put on a tyre and water forced into his mouth. He further explained that he was electrocuted with wires placed on his head and his toes. He lost consciousness and woke up at the martyrs' camp where he was imprisoned for 6 months. The witness stated that, during this period, they would sleep in turns given the size of the cell. He was later taken on a pick-up by Abba Moussa and Torbo and transferred to the "buildings" where he met Clément and Garga Ousmane. In response to questions posed by the different parties, the witness highlighted the case of the woman called Madjina, who after being tortured had difficulties to walk, like a mutilated woman. The witness declared that according to rumours, the woman was subject to electrocution of her private parts. The defence requested that the court take note of the different versions put forward by the witness with regard to the case of Madjina. The witness stated that women and men were kept in different cells. Often, late at night, the guards would take out prisoners (mostly Hajarayes) who would never return. Also, occasionally some would be released, for example those who were released following the intervention of Facho Balaam. The witness stated that they were 63 to be released. The agents took photographs of them and made them swear to say that they never saw nor heard anything. They were asked to return for their documents granting them free movement within the country. He further stated that "Hadjy had refused to sign mine". With the help of Torbo, the witness finally received the authorization for free movement. Torbo warned him saying that his report was kept in a "little corner at Hissein's".

❖ **Activities during his detention**

The witness performed two functions during his detention: cook and gravedigger.

After six months at the martyrs' camp prison, the witness was transferred to the prison in the DDS buildings where he worked as a **cook**. He stated that his work was difficult because he was alone. The people he was working with during the early stages were released. He declared that he would prepare 10 to 11 drums of rice per day with sauce and meat for the 3,253 detainees (according to the prison secretary). One cow was killed each week for the detainees. For service, each cell had a head (and a deputy) who would come with the trays; each prisoner had their portion. Food was served once a day at 5 pm. Regarding the food, doctor BRAHIM claiming to come from the President's office,



checked detainees and concluded that “the detainees had eaten a lot of rice with no meat or oil; this resulted in the death of many among them”. The witness declared that there was another doctor called Barka who was in charge of prisoners at the “buildings”. He further stated that people fell ill every day due to this lack of food. Those who could barely stand were taken out in a vehicle and released along the way. That is how the members of his group (with whom he would cook) were released. He said that he stayed and continued cooking for the prisoners.

The witness claimed that he was also a *gravedigger*. He averred that, with his group, they would put the bodies in rice bags (2 bags per body) and take them to Ambralgoz aboard a pick-up vehicle. He described how on one occasion he removed twelve dead bodies to be taken to that same place. They were buried two in a hole, a total of six holes. Two days later, they again took four bodies to Ambralgoz and buried them one per hole. The witness stipulated that the holes he dug, in this regard, were not deep. An average of two to three persons would die each day at the “buildings” and they would always proceed the same way to bury them. As an Arab, the witness affirmed that he buried people of the same ethnic background. He claimed that he never handed a body to the relatives. He further stated that he could often smell that the body had begun to decompose; but could not confirm for how long the person had been dead. Muslim or Christian burial rites were not performed. They washed the bodies, put them in rice bags and took them to Ambralgoz. For tortured persons, he stated that he did not witness those acts; they were simply asked to come and take the bodies. However, there were detainees that died of hunger and thirst. Regarding the number of bodies he buried, the witness declared that he did not keep a count but knew that 2, 3 to 5 people died each day and were buried. This average relates to deaths at their prison (“buildings”) and at the martyrs’ camp.

#### ❖ Credibility of the witness

The witness was precise and convinced of what he was saying. At the start, when asked a question he would recount the entire story. He constantly emphasized that he had lived what he was telling the court “at my age, there is absolutely no interest in lying”. He substantiated his words with the scars on his skin and meticulously described the acts of torture he suffered. Furthermore, regarding the case of the woman, Madjina, he put forward two versions (the version of the investigating judge differs from that of today).

#### I- TIME MANAGEMENT

The hearing commenced at 9:20 am, and the morning break at 10:53 am at the end of the deposition of the first witness. The session resumed at 11:23 am and the second witness was called to the stand. Court suspended proceedings at 12:50 pm for lunch. The afternoon session commenced at 2:26 pm and a break was observed at 4:12 pm. The presiding judge suspended hearings for the day at 5:24 pm after the second witness was questioned. Significant delays are observed in the passage of witnesses to the point where the prosecution asked “whether at this rhythm there wasn’t a risk of arriving at 2016”.



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