

Public Prosecutor vs. Hissène Habré
HEARING REPORT NO. 49 OF DECEMBER 3, 2015

I / OVERVIEW

The main theme of today's hearing was about war crimes committed under the Habré regime. These crimes were allegedly committed in Faya, especially against prisoners of war. The only witness of the day, Mr. Mianmbaye Djétoldia DAKOYE, was a member of the AFL (Armed Forces of Chad) led by Kamougué, who fought with the GUNT coalition against the government of Habré on July 30, 1983. As the GUNT lost the Faya battle, Mr. DAKOYE was taken prisoner with "about 2,000" other fighters. Transferred with his colleagues to N'Djamena on August 5, 1983, he stayed in prison until January 13, 1989 under detention conditions he termed as "very poor and very difficult".

II/ HEARING OF THE WITNESS

SURNAME: DAKOYE

FIRST NAME: Mianmbaye Djétoldia

AGE: 46

OCCUPATION: Divisional Police Commissioner

RESIDENCE: Ndjamen

➤ **Context of the Witness' First Arrest**

At the beginning of his hearing, the witness said he was a policeman from the 1976-1977 cohort. At the time of the events he was a police officer working legal and civil identification department in Ndjamen. He had two superiors he reported to.

During the war in Ndjamen in the 1980s, he was forced to leave the city because there were, according to him, many rival groups and Ndjamen was divided. He realized very late that the majority of senior citizens from the South had left the city and that it was vital to leave. His two superiors who had ordered him to stay also left without saying anything, so he was left alone at work. He then decided to leave like all the others.

A counselor for the civil parties asked him if it was possible to say no to an order from the COCOFAN (Command Council of the Northern Armed Forces), led by Habré. The witness said: "it was impossible to say no to orders from the COCOFAN. If you disobeyed them you were dead. They were very powerful, even more powerful than my superiors". He had left his post to go to Moundou in 1982 and does not remember the exact date.

On his arrival in Moundou, he joined the legal and civil identification department of that area. Responding to a question from the plaintiffs, he explained that those who were there before him did not issue identity cards. It is only upon his arrival and with the help of the priests' printing facility that they could issue national identity cards because the printing facility of town was out of order.



Mr. Mianmbaye Djétoldia DAKOYE explained that during the night of February 5, 1983, turbaned men kidnapped him and put him in an unmarked vehicle that looked like a Toyota and drove him to a place called “Headquarters of the Sara Slaughterhouse”. Answering a question from the Presiding Judge, the witness explained that when he arrived, people called the place “slaughterhouse”. He added that no police officer knew about this place because he himself did not know it existed. It may be that the special unit officers did know but officers did not trust each other and no one could tell if someone was from the GUNT or the FAN.

Answering a question from one of the plaintiffs’ counselors who wanted to know if the name of the place was official, the witness said that the place was used as a slaughterhouse for animals. It is when Habré’s men came that it was renamed as such before it was transformed into a place where people were brought to be killed.

In the meantime, when Moundou was invaded, a group occupied a corner and would do whatever they wanted with the place. According to the witness, the place was located in the southeast of Moundou, along the river, between the prefecture and the Central Bank offices. “In this grimly famous place, I was subject to torture and harsh interrogations”, he said.

Trying to describe how the interrogations went, he stated that the first false accusation was made against him and the commander of the so-called “battalion”. The witness was also accused of establishing identity cards to soldiers and civilians to enable them to become rebels alongside Colonel Kamougué and the GUNT.

The second false accusation was the establishment of identity cards for the journalist referred to as Mékaougué Francis, who was wanted by the government of Habré. “Tell us where he is hiding, otherwise you will be severely punished” the witness said, adding: “while they talked, I was hit with firearm stocks and strings. I was profusely bleeding as one of my lips was split”

Subsequently, the witness realized that all the leaders were not convinced by the false accusations; they would murmur among themselves. According to him, this was the only reason why was not killed. He was the only prisoner in this place, and was interviewed by the commander and his five bodyguards.

He told the Court that, to his knowledge this unit was not a battalion: “it was not a legal army, for me it was just one section.” When they subjected him to the interrogation they called “judgment”, a woman came out of the corridor and watched.

Finally, the witness was detained by fighters who used him as a cook and car cleaner and he made them “Akada”, i.e. tea mixed with cocaine. According to the witness, “this mixture gave them the strength and cruelty they needed in order not to fear anything, even killing people.” Answering a question from the assessors about how he knew that was a drug, he replied: “it was tablets that their leader gave them and which they put straight into their tea. As a policeman, I knew this tablet”. The witness did this “dirty job” for 20 days. The woman who observed the interrogation occasionally came to drink tea with them; her name was Mariam. She had compassion for the witness because



whenever she came close to him, she would say: “ouch”. Mr. DAKOYE was tied at night so he could not run away and would do his job during the day.

➤ The witness flees and joins the GUNT

The witness said that on the night of February 25, 1983, he made tea for the battalion, as he usually did. When the fighters drank the tea, they were deeply asleep because the dosage of tablets (so-called cocaine) was strong. Mariam, the woman, went to bring a knife to cut the rope with which he was tied and told him: “You can get along by yourself”. He told the Court that she was the one who probably increased the dose. He then left, leaving the fighters deeply asleep.

Mr. DAKOYE said:” I went through forests and lakes, and made a long journey to Cameroon”. He made the journey on foot, stopping several times, and it took him a month to get to Garoua, in Cameroon. He walked the whole night when he left Moundou. The next morning he reached Deli’s farm. He stayed there to work as a help to shepherds grazing their flocks. After a few days at the farm, he continued his journey on foot.

He stopped in small villages to drink water and get peanuts from the villagers. Some, more generous, even gave him food. When he got to Garoua, Mr. DAKOYE asked the children he met if they knew any a group of Chadian people. The children told him about a place where there were Chadians.

When he reached that location, he found some of his compatriots and even recognized a man called Ressa whom he had known in Ndjamen. When he approached him, the latter asked him where he came from. The witness then said that he came from Moundou and wanted to save his life.

The so-called Katbé Ressa NGUENA was a gendarme who had left Ndjamen to join the GUNT. He was in charge of recruiting fighters. He therefore helped him reach Maiduguri, in Nigeria, where he found a group of GUNT fighters who recruited him. They subsequently passed cross Lagos on their way to Cotonou, Benin, where they stayed for a few months. According to the witness, in Benin, there were several groups that met and formed a larger and each fighter chose where he could hide. The witness said that he chose Kamougué’s FAT.

They were flown to Sheba in Libya for military training. Answering a question from the prosecutor about the help received by the GUNT, Mr. DAKOYE said that Libya supported the GUNT because it was the legitimate government, providing weapons and vehicles.

The Libyans also managed communication, monitored equipment and put nurses at their disposal. He further stated that they had 45 days training after which he was appointed Secretary of the Goukouni WEDEYE’s presidential guards unit with a rear base in Bardai (far north of the country).

Responding to one of the plaintiffs’ counselors, the witness confessed that during the training, they were asked if anyone of them could speak English and had some knowledge of admin work. He

claimed he did and was thus appointed. The witness then said that some armed branches of the GUNT would consult each other from time to time, but there was no council of ministers.

➤ **Capture of the witness in Faya**

Mr. Mianmbaye Djétoldja DAKOYE reported to the House that he had been appointed secretary of the unit responsible for President Goukouni WEDEYE's security after joining the FAT. Answering a question from the plaintiffs he replied that at the end of their intensive training in Libya, they were asked about their skills before determining their functions. "We were asked who spoke English and had some knowledge of admin work. Since I met these conditions, I was appointed secretary of the President Goukouni's presidential guard", he said.

On July 30, 1983 at around 9 a.m., he was out with a driver to distribute cigarettes to the various units positioned in the field when he noticed that many horses and donkeys had returned to the town of Faya. His driver told him: "today, things are not right. There are camels with their saddles. I find this suspect". Mr. DAKOYE told the Court that he went on with his tour and suddenly heard a gunshot. However, he said he would go around the entire division before returning to the President's office.

When arrived there he realized there had been an invasion because he had found, in front of the headquarters, the bodies of some of their leaders including Mr. NAMBEDJIMBAYE, a minister of the GUNT. So fled the scene "by jumping over the wall of the President's residence, which was not high". Since he did not know the area very well, he was taken prisoner. The witness explained: "When I jumped over the wall of the President's residence, I walked towards the city. However, since I did not know the city well, I was stopped by two soldiers near the airport. When I saw they were wearing uniforms that were different from ours, I lifted my hands and I dropped my gun. They then took me to the hall of Faya airport".

Answering questions from the various parties, the witness explained he found, in the hall of the airport, other fighters of the GUNT's National Liberation Army who were also captured. Mr. DAKOYE claimed he saw some dust and a few moments later, a vehicle parked in front of them (they were still in the hall of the airport). White-skin and other dark-skinned troops came out of the car, followed by President HABRE. Mr. DAKOYE noted that HABRE weaved through the war prisoners and said: "these are the kids who are bothering us". Then, turning to the soldiers who accompanied him he said: "do whatever you want with these foreigners".

Answering a question from the prosecution regarding the identification of HABRE, he revealed that "he was dressed in a desert-colored uniform. Besides, I was a policeman when he was Defense Minister and Prime Minister of the GUNT; I was, several times, assigned to the security of the mosque where he would go to pray. I saw him many times before. "With that, the prosecutor pointed out that the witness' declaration was confirmed in the context report prepared by the history expert Arnaud DINGAMMADJI. It also confirms what the witness of the previous hearing, Bashir Bichara DAGACHENE, said. However, the defense reminded the witness that he reported in his hearing's records that HABRE also told the guards who accompanied him: "If you consider them your



Chadian brothers, give them a drink. Do whatever you want if you consider them as foreigners.” Mr. DAKOYE refused to respond by making it clear to the lawyer: “I made my main statement and I do not want to repeat myself.”

Questioned by the plaintiffs’ lawyers regarding this statement by President HABRE, the witness stated: “When a warlord, especially a president, opens his mouth to say a word, his troops apply it to the letter. This is exactly what happened because when he left, the guards seriously hassled us and we spent the day without eating or drinking”

The witness further explained that HABRE had come as a war leader because he was in uniform and commanded his troops. “He did participate in the Faya battle of July 30, 1983 as a warlord”. (he confirms again what the witness DAGACHENE said).

Mr. DAKOYE also mentioned that they stayed in the Faya Airport lobby until about 5 pm before being driven to the N’Djamena prison, on board army vehicles. They found other GUNT fighters. All were beaten before joining their “colleagues”.

Answering question from various parties he said that those who fought in the GUNT on July 30, 1983 were all Chadians, but there were Libyan technicians and nurses. He made it clear that they were also captured with officials of the GUNT. However, he did not know the fate that was reserved to them because they were separated from the fighters.

➤ **Conditions of detention**

The witness described the condition of the various places where he was held with other prisoners of war as very difficult. After his capture in 1983, Mr. DAKOYE and other war prisoners were taken to the Faya prison where they stayed from July 30 to August 5 without food. On the night of August 5, army vehicles arrived and took them away in successive groups.

They were taken to Korotoro where they were stayed in a large hall . The witness said: “Life was very difficult because from Faya to Korotoro, we had neither water nor food.” From Korotoro to Mossoro “we were taken in a large building and life was unbearable there. We were greeted by Zairian mercenaries (from ex-Zaire) who came as reinforcements to HABRE. “These mercenaries beat them.

After Mossoro they reached Dagana and were then taken to Ndjamen. Once there, the troops paraded them around the city, to show them to the the people. “They called us “wild mercenaries from Libya,” he said. When they arrived at the prison in N’Djamena, a delegation from the prison service and journalists came to register them. Each prisoner’s details were taken and a list was established.

Later they were distributed in various cells numbered from 0 to 18. The prosecutor asked him a question about how prisoners were allocated cells. He said that “ in cells 0 to 7 , there were only prisoners who were light-skinned, i.e. Arabs. And the rest of the prisoners were a mixture of various people: we the Southerners and other ethnic groups”.

The witness and other prisoners were in cell 15. They were 16 prisoners in total in this “small” cell. All the other cells were full of prisoners. “They were packed with people and in ours, we were squatting. As soldiers, we got organized and some remained standing while others were sitting. We slept right on the floor”, he said.

During the seven months spent in this prison, the conditions were difficult, the witness highlighted again. Answering a question from the judge about the food, he said, “we were served raw red sorghum mixed with dirt and broken bottles. In my cell, the meal was put in a cup and we shared it. We would get water when we went out in the morning. We would go to the tap and drink from the palm of our hands. However, in the cell, there was no water to drink”. A lawyer for the plaintiffs asked him who would be served in normal life. He replied: “even camels and horses would refuse the food. We meant nothing for them; we were not even considered as human beings.

However, he clarified that it was with the arrival of the ICRC that they had food. Thus, answering a question from the prosecutor on meals, he explained: “It’s the Red Cross through a Westerner called Collette that often brought us sweet biscuits. Also, the ICRC gave us flour and meat that prisoners cooked themselves”. Responding to a question from the Judge, he said: “ we relieved ourselves in the cells; too bad for us.”

Regarding medical care, the witness said they were non-existent for 7 months. However, there were two nurses (Yelna and Djimdoum) among the prisoners but they had no medicines to treat them. However, “it was during the ICRC’s visit from March 7 to 27 that these nurses were associated with the Red Cross and that prisoners were given care”.

While they were in prison, the witness identified several “*abductions*” of prisoners who never returned to prison. Thus, the first day they arrived at the prison, four people were taken away and never returned. Then in 1983, the year of their arrival, he claimed “150 of our colleagues were taken away”.

In addition, answering a question from the prosecutor on how certain prisoners were singled out, he explained that “I was there when the 150 and then 19 prisoners were taken away. We were out for the morning coffee. They selected the people from of a list. As for us who remained in the prison, we were beaten and taken back to our cells.”

It was after his release that the witness was informed that all but of these 150, BISHARA Djibrine Ahmat, were executed. According to Mr. DAKOYE BISHARA is still alive and is in Ndjamena. Also, “for the 4 extracted from the cell on the first of their imprisonment, I did not know them but I know that 4 were taken away,” he said. Responding to a question from a lawyer of the plaintiffs,



he confirmed that 12 officers were also taken away: “Marcos, Adonay, Diabolo, Bombo; I don’t remember who the others were”.

As for the wounded, the witness pointed out that there were some in the prison. Questioned by the plaintiffs’ lawyers about those seriously injured he recognized that “someone called Gilbert was seriously injured. He survived thanks to his strong morale. It was hard to find plants to treat him. But once we went out, he cleaned his wound quickly before we go back into the cell”.

Answering a question from the plaintiffs’ lawyers, Mr. DAKOYE also revealed that there were civilians in the prison. He said: “the civilians were in the corridor, we were in the big building”. He added that “since the corridor had its own door, we could not see if ordinary prisoners were receiving medical care”.

➤ **Release of the witness**

Mr DAKOYE said he was released on January 13, 1989. He said that the release of the third wave which he belonged to occurred following the Baghdad agreements in November 1988.

Answering a question from the prosecutor, he explained that they were released in turns and with “discretion”. The first prisoners released were members of People’s Armed Forces (FAP) in 1987; the second group was composed of members of Democratic Revolutionary Committee (CDR) followed by members of the Chadian Armed Forces (FAT) of 13 January 1989 (which he belonged to).

He responded to the plaintiffs’ lawyers that they were surprised by the release, since every morning, members of the COCOFAN, who were the prison guards, would tell them in Arabic: “we will kill you one by one”. Answering a question from the defense on his feelings after his release, he said: “I really hate HABRE; I spent 5 years 6 months and 13 days in prison without seeing my father nor my mother. My father and my brother died while I was in prison”.

Mr. DAKOYE also claimed that he rejoined the national police. He remained a junior police officer until 1996. He became a senior police officer in 2004 following a test organized by the Embassy of France in Chad. He is currently chief superintendent and is still in office.

The prosecutor, at the end of his interrogation, informed him that he was the only witness who dared a confrontation with HABRE in front of the investigating judge. He asked him how he felt in front of the accused who opted to keep silent. The witness said: “I was very happy to make this confrontation but HABRE answered no accusation, he pretended he didn’t care. His silence was a sign of defeat since and meant he consented to what I said. HABRE perfectly knew how prisoners of war should be treated under the third Geneva Convention, ratified by Chad in 1970.

He knew how the Faya prisoners of war were treated because he controlled everything. He was President of the Republic, President of UNIR and CCFAN He had associations (UNCT, RAJENIR, COCOFAN , DDS, BSIR...)

➤ **Credibility and behavior of the witness**

The witness was very detailed in his statements. He gave concise, accurate answers to the various questions he was asked. He did not hesitate to rectify lawyers when issues came out of context: “This is not in the context of what we’ve come here to discuss.” He informed the House that he felt strong hatred for President Habré and his entourage.

NOTE:

At the beginning of the second morning session, the Presiding Judge asked the prosecutor to inform the Court on the status of the hearings of the remaining witnesses. The Prosecutor General informed the Court that the witness who was to be heard after Mr. DAKOYE died during the weekend before his hearing in N’Djamena and that he was informed about his death by the plaintiffs’ lawyers.

Therefore, only one witness was heard. Another group of witnesses is scheduled for Monday, December 7th. The President replied to him, “why did you not share this information to all the parties?” The prosecutor replied, “They are now informed”, A lawyer for the civil parties pointed out that they had informed the Prosecutor of the death and thought he had already informed the House.

III / TIME MANAGEMENT

The hearing started at 9:15 am, and a break was observed at 11:00. The session resumed at 11:24. The lunch break was taken from 12:24 to 2:18 p.m. The hearing was adjourned at 3:38 p.m. since there was only one witness. GAMAL, the witness who was scheduled to be heard by videoconference, died the weekend before his hearing.

*Attribution Policy: TrustAfrica should be acknowledged in all reproductions of this report and use of its contents. A statement similar to the following will be acceptable: **“The production of this report has been made possible by TrustAfrica.”***