

The Public Prosecution versus Hissène HABRE**SUMMARY OF THE TWENTY-FIRST HEARING HELD ON 6 OCTOBER 2015****I/ SYNOPSIS**

Proceedings were marked by the appearance before the court of three witnesses, victims of the Hissène Habré regime. The second witness made his testimony in Arabic with the assistance of two interpreters working into French.

II/ HEARING OF WITNESSES**A° - HEARING OF THE FIRST WITNESS/VICTIM**

NAME: BASSOU NGOLO

FIRST NAME: Zenaba

AGE: 52 years

OCCUPATION: Assistant secretary at the Ministry of Finance (MPS municipal advisor)

RESIDENCE: Ndjamen

✓ *Circumstances of her husband's arrest*

The witness averred that her husband told her he was leaving because he felt threatened. He left saying: "If Habré arrests me, he will kill me". He said that heads had to roll and therefore Mrs. Ngaba considers her husband a martyr. He took refuge in Mongo where he was later arrested by the DDS when his cousin apparently betrayed him. Saleh Ngaba would disguise himself as a farmer when he was in Mongo. He was taken back to N'Djamena after his arrest. In response to questions posed by the parties, the witness indicated that her husband was a founding member of the MOSANAT (political branch). The witness however swore that her husband had never used a weapon; he did not like them and his only weapon was his pen. She learned of her husband's arrest on the national radio of Chad and clarified that she had no information on the circumstances of his disappearance. The prosecution reminded her that the death of her husband was corroborated by documents found in the DDS archives. There was mention in these documents that Saleh Ngaba died of dysentery following the ill treatment he apparently suffered. The Minister of Information at the time however gave a different version regarding the death of Saleh Ngaba. He said that he was killed in the Guerra, where he was part of an armed group. The Ambassador of Chad in the United States at the time also declared that Saleh Ngaba was being held because he was found in possession of weapons and was accused of murder. He added: "He is currently in prison and is being treated like prisoners of his sort deserve to be treated". The witness emphasized that her husband was tracked because he was a Hajaraye and

as a journalist, he would write inflammatory articles against the Habré regime. He did not hesitate to condemn arbitrary arrests and detentions during the Habré regime. The witness avowed that it was friends who told her that her husband had been taken to the rapid intervention special brigade (BSIR), then to the President's Office and finally to the DDS. Saleh Ngaba was first arrested in 1984 and spent 10 days in prison. Mrs. Ngaba stated that she would take meals for husband while he was in detention but never saw him. When he was released, her husband told her of the difficult conditions of detention. He told his wife that he had not been tortured but others had been.

✓ *Habré's awareness of her husband's arrest*

The witness declared that Habré was aware of all that was going on and therefore of her husband's arrest. According to the witness, the President of the Republic was informed of everything. Following various questions on the alleged involvement of Habré in her husband's arrest, the witness consistently responded that Habré was indeed aware. Habré was informed via RFI of support from foreign journalists and of the actions of Human Rights Watch. In this regard, the prosecution provided the information that a French national called Christian, had been to see President Habré to request for the release of Ngaba. Habré apparently told him that it was too late for Ngaba had died in prison.

✓ *Consequences of her husband's arrest*

The witness declared that when her husband disappeared, her living conditions were very harsh. At the time, Mrs. Ngaba had a daughter and did not have sufficient income because she was still pursuing her education. She hence had to sell her husband's books as well as his cameras. She added that she was constantly followed when her husband was arrested and no-one came to see her then lest they were also arrested. Mrs. Ngaba averred that it was Ngali Ngoté who would often help them prior to his own arrest. She specified that he is not a Hajaraye, but rather a Sarakhana. Ngali Ngoté is a member of parliament under the current regime.

✓ *Credibility of the witness*

The witness was not able to provide concrete evidence on the alleged awareness of Habré of her husband's arrest and death. She would simply say that she was sure that President Habré was aware. She would give short answers and did not seem very informed about some of her husband's activities. Several statements made in the initial deposition of the witness were raised by the different parties that Mrs. Ngaba would not confirm. The prosecution noted that the witness was more forthcoming during her deposition with the Belgian judge.

B° - HEARING OF THE SECOND WITNESS/VICTIM

NAME: BRAHIM

FIRST NAME: Service

AGE: 51 years

OCCUPATION: Retired soldier

RESIDENCE: N'Djamena

The testimony of the witness focused on the following points.

✓ *The occupation of the witness: soldier*

The witness joined the army on 2 February 1984 and retired on 31 November 2011 with the rank of sergeant major. He worked as a military police (currently referred to as the gendarmerie) for 20 years and discipline was one of their values. He emphasized that their mission was to ensure the safety of populations and their property. He claimed that he could not recall everything he did at that time, but was part of the territorial brigade. As a military police they would carry out arrests, and in this regard, the witness stated: “I am a soldier; the leader gives me orders. When we bring in a person who has been summoned, it is the head of the brigade who conducts the interrogation”. In response to the question whether he considered it normal for soldiers to kill civilians, he responded: “Everyone has their faults and sins”. Responding to questions posed by the parties, Mr. Brahim stipulated that there were no connections between the BSIR and the military police (gendarmerie). BSIR agents wore red berets and were under the authority of the President’s Office in the same way as the presidential security force (SP). The military police was under the authority of the Ministry of Defence and they wore green berets.

✓ *Circumstances of his arrest*

The witness averred that a man came and took him from his house to go and see the commander of his brigade. “Upon arrival, the commander asked me what I had done and I replied that I had done nothing”, he said. The witness claimed to have spent 6 or 7 days at the brigade. Then the commander of the brigade asked the men to take him to the company commander. He arrived handcuffed and was asked by the latter what was happening in the North, to which the witness responded that he did not know. The commander then said: “You are organizing yourselves for rebellion” and the witness retorted: “others maybe but I am not part of them”. The witness claimed that after this interrogation, he was sent back to prison where he found 4 detainees. Two days later, a woman was brought to their cell. One night, the 4 men and himself were taken aboard a Toyota vehicle leaving the woman behind. As they arrived at the foothills of a small mountain between Dama and Bokora, they were tied up and blindfolded. The brigade commander told the detainees that if they spoke the truth, they would be released. Given the lack of satisfactory responses, the commander asked his men to shoot them. The witness averred that they all fell to the ground and he was shot in the leg. He pretended to be dead until they left and he then crawled (from 1 to 3 am in the morning) until he saw a herder who took him to the village chief where he received first aid. The village chief (who even had an argument with his wife about him) then took him to the Bokora brigade where they found the zone commander as well as the commander of the local DDS unit. The latter asked the witness if he was a Hajaraye and he replied in the affirmative. The witness claimed that he was taken to the foothills of the mountain along with the four other men because they were all Hajarayes. He also emphasized that he was not treated badly when the village chief took him to the Bokora brigade. The following day, the commander took him to the hospital and he was later taken to Ndjaména, directly to the BSIR. One day around 2 am, Bidon called the witness to his office to interrogate him again. Bidon told him that the Hajarayes had organized themselves for rebellion and asked the witness, on three occasions, to tell the truth. The witness responded that he was not informed. Then Bidon asked 3 of his elements to hang the witness and beat him up. He was later taken back to Bidon’s office and the latter again asked the same questions. Afterwards, he was taken to the BSIR cell where the witness claimed he had already spent 5 days. After the BSIR, the witness was taken to the DDS where a certain Mr. Hissein told him: “you have arrived where people speak the truth”. The witness asserted that he was taken to an underground cell where he found 3 detainees who were also soldiers. The witness claimed that on the third day around 1 am, he was tortured until he lost consciousness and was taken back to his cell. The witness affirmed that he spent over 3 months in the DDS prison.

One day at around 2 am, he was taken back to the BSIR where he was for 5 days. During his stay, his company commander arrived (the witness claimed to have recognized him) at the prison and had discussions with the BSIR commander. About forty minutes later, the BSIR commander called for the witness and asked the company commander to hang him and get the truth out of him. The witness affirmed that the latter took care of him and did not take him back to prison. He asserted that around 7 pm, the company commander took him to the house of a cousin and asked him to look after himself and come back to see him. The witness thanked him.

✓ *Conditions of detention*

Mr. Brahim began by condemning the conditions under which he was arrested. He asserted that it was not fair that he was arrested for no other reason than the fact that he was a Hajaraye. He affirmed to have been tortured throughout his detention. He was beaten (consequently losing his teeth), he was hungry and thirsty all the time. The witness explained that they were given water in a tomato can once a day and if the chief guard was generous, he would secretly give them one litre. The food (rice with sauce) was served on a cardboard “or sometimes on anything”. A half-barrel was placed inside the cell for their bodily needs. He specified that the number of prisoners at the BSIR would fluctuate. Detainees were not there to stay, but sometimes there would be so many detainees that it was difficult to sit. The witness declared that the conditions of detention were the same at the BSIR and the DDS.

✓ *Credibility of the witness*

The statements of the witness were consistent and he provided a lot of factual details. Disconcerted by the failure of the prosecution to understand him, the witness went as far as asking the prosecution to listen well. Mr. Brahim seems to regret having served under the Habré regime and declared that if he had the opportunity again, he would rather join his people.

C °-HEARING OF THE THIRD WITNESS/VICTIM

NAME: KOURTOU GAMAR

FIRST NAME: Djede

AGE: 64 years

OCCUPATION: Permanent Secretary at the Ministry of Infrastructure

✓ *Attack on the witness*

The witness, Mr. Djede Kourtou Gamar, declared that on 21 April 1983 while he was chief editor of the Chad Press Agency, he was followed by a vehicle filled with BSIR agents. He tried to slow down and park on the sidewalk when they shot him at close range. All the gunshots hit his right leg and he lost a lot of blood. He was accompanied by three colleagues but they were not hit during the attack. With the help of a soldier who \

was in the crowd, he was evacuated to the Ndjamen central hospital where he was operated on by a French military doctor. He claimed to have been on artificial respiration for a while. Finally, his leg was amputated at the hip joint and he now wears a femoral prosthesis. As a result of this attack, he also had nerve and eyesight problems.

According to the witness, this attack was warranted by the budding distrust between Habré and his Prime Minister Idriss Miskin, who had become more popular than Habré. The latter believed he was threatened by the Hajarayes. Mr. Gamar believes that Habré wanted to kill him because he was the only official who had both a political and military background in the Hajaraye community, an "intellectual combatant". This was corroborated by a statement President Habré made on international radio accusing Miskin of plotting with the whites to threaten his regime (statement made in 1983). The witness also recalled the assassination in Moundou of a Hajaraye official called Nasrir Zahim. According to the witness, this was when the cleansing of the Hajaraye community began. A few months later, Idriss Miskin was assassinated as well as other Hajaraye officials such as Saleh Ngaba.

The witness affirmed that he never held secret meetings with the Hajarayes, and yet he was not spared. According to him, Habré's regime was a dictatorship and no-one could take the responsibility of creating any situation without his knowledge. It was unthinkable and unrealistic to lodge a complaint against Habré's agents.

✓ **Relations between Habré and the witness.**

During his questioning, the witness declared that he was a longstanding companion of Habré. They grew close as of 1977 when Habré became Prime Minister in the Maloum government following the Khartoum agreement. The witness confirmed that he was actively present in the field by 1978. It is for this reason he considers himself as an "intellectual combatant". According to the witness, when the war erupted in Ndjamen on the night of 20 to 21 March 1980, he was fighting alongside Habré. He further declared that on 7 April 1980, at the suggestion of Habré, they established the newspaper "Al Watan", a daily paper comprising 12 to 14 pages. A teacher by profession, he was appointed head of this paper by Habré and he managed it throughout the 9 months of hostilities in N'Djamena. The witness affirmed that after their defeat on 15 December 1980, they took to the maquis towards Sudan and Habré entrusted him with the management of the radio "Tchad Libre" in addition to the newspaper. He thus stayed by Habré's side up to the takeover on 7 June 1982. In July 1982, Habré appointed him Director of the Chad Press Agency and the audiovisual media. In 1984, Habré again appointed him Director of the national radio, a position he held until 1988 when he resigned and joined the Ministry of National Education. After the events of 1 April 1989, he returned to the Chad Press Agency by decision of the Executive Secretary of UNIR. The latter told him that it was President Habré who wanted him back. The witness declared that he was a close associate of Habré to the point where, after his attack, Habré sent his Minister, Secretary General of the Government, to visit and check on him. He further emphasized that when tensions were high between Habré and the Hajaraye community, of which he is a member, Habré wanted to fire him from his position as Director of the national radio. However, Hassan Djamous and Ibrahim Mahamat Itno dissuaded him by reminding him of the witness' engagement by their side during the rebellion.

✓ ***Credibility of the witness***

The witness initially appeared calm and confident, but was perturbed and a bit confused by the questions of the defence towards the end. The consequences of the attack he suffered were noticeable.

III/ TIME MANAGEMENT



The first morning session began at 9:23 am and ended at 11:22 am. The second session commenced at 11:45 am and the second witness was called to the stand to be questioned by the prosecution. The hearing was adjourned at 12:41 pm for lunch. The afternoon session commenced at 2:12 pm and the second witness was questioned by the lawyers of victims and the defence. The third witness was then called to the stand and the hearing adjourned at 4:11 pm. The final session of the day, held from 4:31 pm to 6:13 pm, was marked by the questioning of the third witness by the defence.

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