

**Public Prosecutor vs Hissène Habré****REPORT No. 51 of December 8, 2015****I / OVERVIEW**

As part of the series of hearings on the treatment of war prisoners, today's session mainly focused on the testimony of BICHARA Djibrine Ahmat (helped by an interpreter), the sole survivor of a group of 150 war prisoners executed in Ambing. As for the second witness, Bechir SABOUNE, he was heard in connection with repression perpetrated against members of the ZAGHAWA ethnic group. This hearing was conducted by videoconference from Ndjamenana with the help of the same Arabic-French interpreter [used by the court during previous hearings].

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

**SURNAME:** BICHARA

**NAME:** DjibrineAhmat

**AGE:** 58

**OCCUPATION:** Army veteran, Farmer

**HOME:** Ndjamenana

**OATH:** NO

➤ *Witness captured in Faya and transferred to Ndjamenana*

The witness started his testimony by saying that he fought for the GUNT in 1980. However, following questions from the Presiding Judge on his inclusion in the ranks of the GUNT, he explained: "I had been a CDR fighter since 1977". The witness did join the GUNT and was integrated into the gendarmerie (with other fighters); some joined the army or the police. He further declared: "Habré was ousted from power in 1980 and Goukouni WEDEYE became president of Chad. In 1982, Habré returned to Chad and kicked him out in turn. Therefore, we moved to Libya. In 1983 the GUNT returned to Faya in order to expel Habré".

According to him, they were caught in Faya by Hissène Habré's troops and made war prisoners. The witness also revealed that he was at the airport at the time of his capture by the FAN troops. Replying to the Presiding Judge, the witness further said: "The GUNT was a coalition formed by CDR, FAP, FAT and the first army. The leaders of these factions were Acek Ibn OUMAR, Goukouni WEDEYE, General KAMOUGUE and Mouhamat ABASSI, respectively". The witness said: "We were in very large numbers", since he no longer remembered the exact number of GUNT fighters that took part in the Faya battle. However, when the Presiding Judge asked him to give a rough estimate of the number, he said there were some 5000 or 6000 men.



According to the witness, all the war prisoners were first gathered at the airport and taken to the Faya prison. At the Faya airport, he estimated there were about 100 war prisoners. He also informed the Court about 3 GUNT leaders (including a man called Dr. NOUKOURI) who were captured in Faya.

Following questions from an assessor and the prosecutors on whether they had been executed, he replied: “Those three were taken prisoners in Faya. In any case, no one has seen them again. They are no longer here”. Mr. BICHARA further revealed he saw President Habré with his men at Faya Airport. The second assessor then asked about how far away from the prisoners Habré was and the witness replied: “He did not walk towards. He walked towards the aircraft. He was accompanied by white and black people”. He then added that Habré was dressed in an army combat uniform.

All of those war prisoners were transferred from Faya to Ndjamena. They were driven through Korotorro, Baraxasal (where they were beaten up by Zairian soldiers) and Dagana before reaching the capital. Responding to a question from the prosecution on abuse they were subjected to as war prisoners by the FAN on the journey from Faya to Ndjamena, he replied, “they made us suffer a lot; they did not consider us as Chadian brothers”. When they arrived in Ndjamena, they were “paraded” around the streets and people were calling them Libyan mercenaries. At the prison in Ndjamena, the press came to film them and they were locked up in different cells.

#### ✓ *Selection and execution of 150 war prisoners*

Mr. BICHARA told the Court that there were many of them and that they were crammed tight in their cells. Like the previous witness, he showed the Court how they were arranged in the cell (he sat down, knees bent). “We didn’t eat or drink; we were like abandoned dogs”, he said.

Three days after the arrival of the press, some soldiers came to the prison with their commander called Issa and singled out 150 prisoners. Responding to a question from the Presiding Judge, he said “they did not even come close to us; they would just point their fingers at us saying hey you ‘hey you!’, because we were nothing other than fecal material in their eyes.” Then they singled out 150 inmates. At around 4 pm, the 150 prisoners singled out were all loaded onto a truck while the others were sent back in their cells. They were escorted by army vehicles and arrived at the “execution” scene at sunset.

Before they even came off the truck, the soldiers opened fire on them but the commander told to them that they should proceed differently. They were then taken out of the truck before being executed.

The witness reported the prisoners were tied up in groups of 2 or 3 with light chains. Answering a question from an assessor, he said these that they were bound together with padlocked chains. To make him describe the length of the truck that took them to the massacre scene, the Presiding Judge asked the witness to measure it using the rows of seats in the room. The witness walked along the rows and stopped in the sixth one from the seat of Me. BALLAL, defense attorney.

Following a question from the plaintiffs’ lawyers, the witness added that at the time of the execution, the prisoners invoked God and recited verses from the Quran. Besides, the defense lawyers did not miss the opportunity to emphasize their confusion at the way the witness claimed the prisoners came

out of the truck. The witness clarified that they were made to jump out of the truck in one block because they had their feet tied up.

After the massacre, the soldiers stayed on the scene for a while, smoking and drinking. A projector connected to the engine of their car provided some lighting. Thus the witness claimed he played dead until the troops departed the scene of the massacre. “I was shot in the finger, forearm and thigh”, he said. One of the bullets hit his finger, but the others just scratched him, hence minor injuries on his thighs.

Questioned by an assessor about his wounds, the witness said he had not lost much blood, “the blood did not flow for a long time, I recited a Quranic verse and it stopped”. He also said that he remained conscious throughout the massacre: “I did not move, and there were prisoners lying on my body”. After they left, he stood up and tried to open the lock. According to him, it was at that moment that he realized he was the only survivor. Explaining how he opened the padlock, the witness said that it did not take him long. He noticed a gap in the chain that held his feet and used “one of the teeth” of the chain and introduced it into the lock to open it. Once released from his bonds, he got up on his feet, staggering and walked into the night. It took him until around 11 pm to reach a village called Abdiogane. “It took me some time but I couldn’t tell the exact distance that separated the village from the scene of the massacre. The witness also said that he walked slowly and stopped often to catch his breath.

Following a question from the prosecutor, the witness reminded the Court that he was an experienced soldier and that he received some commando training that enabled him to cope with that kind of situation: “it’s actually my training that helped survive”, he emphasized.

✓ *The witness, only survivor of the Ambing massacre*

Mr. BICHARA DjibrineAhmat specified that after he managed to reach Abdiogane, he headed for Ndjamenafara. Once there, he knocked on the door of someone he knew. That person was shocked to see him and asked him what happened and why he was in such a state. Mr. BICHARA said: “I explained to him what happened and asked him to help me cross the river so that if I were to die, I died in Cameroon and not in Chad”. He told me he was afraid because the DDS agents were on both sides of the river. He said, “try to manage on your own and go where God wants you to go”.

The witness then explained that he decided to continue his journey and reached Ambey which was a bit far away. In Ambey he met a young shepherd called Khala who helped him cross with a canoe after seeking the authorization of the village chief (his father. He said that Khala was executed upon his return because of the help he had given him. Questioned about the execution by the plaintiffs’ lawyers, he said, “even the dogs know that executions during Habré’s time were arbitrary”. At that point, the Presiding Judge reminded him that he “must stay calm and talk without anger and give a sincere account of the fact”.

After crossing the river, M.BICHARA said he reached the first locality of Cameroon around 7 or 8 am and spent the day there, near the train station which was close to the market. “People were afraid of me and avoided me; they thought I was crazy because I had a lot of hair and my uniform was covered with blood”, he said. At dusk, he called an old man who came often to his home in Ndjamen, but the old man found it difficult to recognize him. “He helped me and gave me some



basic medical care. He also helped me join Kousseri. From there, I went to Maiduguri and Lagos where I flew to Libya”.

Questioned by all parties on his endurance during this trip he said: “I was tired, I was hungry and I suffered from my wounds. However, my commando training helped through. A soldier is more resilient than a civilian. He can manage in all circumstances. “The witness said that he was still suffering when he arrived in Libya where he found Acek Ibn OUMAR, Goukouny WEDEYE and other GUNT officials. Thus he was taken to the hospital in Syrte and spent 6 to 7 months there before joining the camp.

Answering a question from the defense, he explained: “I spent a long in hospital, not because of my injuries but because I had trauma”. The witness informed the Court that his commander, Acek Ibn OUMAR, told him that he could not go to the front and ordered him to return to the Chadian gendarmerie in Syrte. “I returned to the camp because I had a lot of motivation and resentment; and a soldier believes he only has two alternatives: live or die. I wanted to stay in the resistance, but things panned out differently”.

Answering a question from the prosecutor, the witness spoke at length about Mr. MAHAMAT Hassan ABAKAR: “He is a magistrate, a good patriot who loves his country. He was saddened by our suffering and reached out to us in order to defend our rights”. The witness was then asked, by the Presiding Judge, to focus on telling the Court whether he contacted Mr. Hassan ABAKAR or whether it was the other way round. He said: “I myself went to his home when the other war prisoners informed me that they had already met him. I myself took him to the massacre scene in Ambing. The villagers were there too because everyone was aware of the existence of this place. But I did not attend the exhumation of the bodies”.

#### ✓ *Credibility and behavior of the witness*

Throughout his testimony, the witness emphasized the relevance of the questions put to him: “Thank you for your question which is very relevant; I will answer you” (which made the people in the room smile). He liked giving broad answers, as stressed by the Presiding Judge. He also spoke with great determination and often raised his voice giving the impression that he felt some resentment, which he did acknowledge he felt.

**Note:** Today, the Presiding Judge took a long time to question the first witness. This is the first time that the Court engaged in asking questions qualified “exhaustive” by the Prosecutor General.

### **B- HEARING OF THE SECOND WITNESS**

**SURNAME:** SABOUNE

**FIRST NAME:** Bichara Bechir

**AGE:** 58 years

**OCCUPATION:** Trader

**HOME:** Iriba

**OATH:** No

✓ *Circumstances of the arrest of the witness*

The witness SABOUNE said, the start of his hearing, that he is a victim because Hissène Habré jailed him and killed his parents. He limited his statement to that one sentence. Only after being questioned by the Court did he speak in detail about the facts.

He claimed that he was arrested in Iriba, village, on October 11, 1989, six months after Idriss DEBY and Hassan DJAMOUS' rebellion (he referred to his notes where he had written the dates of his arrest and release). He was arrested at his home by Ousmane Berdeï LONI, head of the Iriba DDS at the time. He was a relative of President Hissène Habré, the witness added.

Berdeï LONI took him to the Iriba prison where he spent two days. The witness stated that he did not know why Hissène Habré's DDS arrested him. He was told that it is because he had ZAGHAWA parents who had rebelled [against the regime]. He maintained he was arrested just because he was ZAGHAWA. He saw no other reason. Mr. SABOUNE said that, during the time he spent in the Iriba prison, he was visited by his family who brought him food.

Answering a question from the Court, the witness said that there were indeed numerous mass graves in Iriba. He knew a mass grave located on the road near the airport. He had seen individuals being executed and knew where they were buried (a grave with 6 bodies). As for the other graves, Mr. SABOUNE claimed that there were other witnesses who can confirm their existence. On the road to Wadi Diougoudi, witnesses discovered 12 bodies that were buried in a pit. Those people were gathered and executed near a well. "They almost emptied the town of Iriba," he said, adding that all those DDS agents were responsible for all those and they gathered herders and traders carrying their goods and executed them;

After two days in the Iriba prison, the witness stated that he was transferred to Ndjamená aboard a Transval plane. When prosecutors asked him whether there were other prisoners on the plane, he said that he was the only prisoner on the plane. There were also soldiers who came from Kalaïte and Tine.

✓ *Detention of the witness in Ndjamená*

Two days after his arrest, the witness was transferred to the DDS in Ndjamená. He was interrogated in the presence of Mahamat BIDON, Abba MOUSSA and TORBO who asked him questions about his ZAGHAWAS parents. They told him that he was related to rebels from the same ethnic group, as well as Idriss DEBY and Hassan DJAMOUS.

Answering questions from the Presiding Judge, the witness explained that during some interrogations, he was tortured by electrocution for the sole purpose of making him confess some information he did not have. The witness added that he was in Cell 1 of the underground prison (the pool), next to the river. Every day the DDS agents took him out for torture and this lasted 41 days. They would take him to a special place for torture; they would bind and beat him up while electrocuting him.

According to Mr. SABOUNE, many prisoners were starved to death because there was not enough food. The only thing they served prisoners was canned rice with a bad sauce once a day at 2 pm. The prisoners were crammed into tiny cells and sometimes at night prisoners were taken away to

unknown destinations. Answering a question from the prosecutor regarding a doctor's visit at the prison, the witness said: "At the time of Hissène Habré, which doctor would visit a prison? I never saw a single pill." Some prisoners also died under torture and their bodies were placed in empty sugar bags and tied at the waist. Then Abba MOUSSA would come to pick them up. The witness added that there were many deaths, but he only remembered his close relatives.

After his detention at the DDS, the witness was transferred to the gendarmerie station where he spent only 20 days before being released. He said that he was jailed for a total of 1 year and 19 days. Following a question from the Presiding Judge, he said: "I was released after the dictatorship, when the new regime came to power. This was the day when the dictatorship ended and democracy was established".

Questioned by the prosecutor in relation to the then regime, the witness replied, "Hissène Habré had fled the country; this was not a secret. People talked about it in schools and at the market. There is nothing good I can say about him because during his time, he thought only his family had rights; he was a dictator." "I feel an immense hatred towards him. Simply hearing his name irritates me and raises my blood pressure. That's why you see me drink water all the time before speaking" (laughter in the room). Answering a question from the prosecutor about the new regime, the witness replied joyfully, "Now this is democracy. We can move and talk as we want. Is there a country in Africa where there is as much democracy as in Chad?" (more laughter in the room)

**Note:** The witness did not finish his hearing. He was questioned by prosecutors only.

### **III / IMPORTANT PROCEDURAL ISSUES**

During the hearing of the first witness, the Presiding Judge asked one of the lawyers of the plaintiff's lawyers to avoid asking leading questions. However, one of his colleagues took the floor to remind the Presiding Judge that he should not tell them to avoid leading questions because that's what his colleagues of the Defense were doing at will. The Presiding Judge informed him that the defense has rights that the plaintiffs do not have regarding the way questions are asked. It is a way for the defense to measure the credibility of the witness, something the plaintiffs may not be able to do.

Before the hearing of the second witness, which was conducted by videoconference, the Presiding Judge asked all those in the room where the witness was giving his testimony from to identify themselves and their status so that he knew in what capacity they were attending the hearing. This enabled him to establish the presence of the next witness in that same room and ordered he be isolated pending his hearing. Noticing a document that the witness had placed in front of him, the Presiding Judge asked the representatives of the Court in Ndjamenà to retrieve it to avoid the witness reading out his testimony.

### **IV / TIME MANAGEMENT**

Today's hearing started at 9:27 am. A break was observed at 10:55 and the hearing resumed at 11:20 am until the lunch break at 12:36. The first session of the afternoon took place between 2:21 pm and 3:25 pm while the second was held between 3:45 pm and 5:31 pm.



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