

The Public Prosecution versus Hisséne HABRE

Summary of the fourth hearing held on 8 September 2015

I- Synopsis

Proceedings commenced at 9 am and, unlike the previous day of 7 September 2015, the defendant was already present in the courtroom prior to the arrival of the judges. The presiding judge verified that all interested parties were represented. In the absence of any change in the representation of civil parties or the defence team, he requested the clerk to continue with the reading of the order which had spanned two sessions.

II- Reading of the order

A- The various points raised in the order

The reading focused in part on the counts of war crimes, notably during internal armed conflicts, internationalized conflicts and international armed conflicts, as well as on the charges of torture.

The order then outlined the individual criminal responsibilities of the defendants, whether as perpetrators, co-perpetrators or accessories. It also pointed out the applicable law.

Further, the clerk presented a character report on the accused, also detailing his family and social circumstances and material assets.

Lastly, the order highlighted those crimes which were dropped for lack of evidence. In other words, the defendant is not being pursued for the following crimes: depriving a prisoner of war or any other protected person of their right to a regular and fair trial; extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly. (See EAC Statutes Articles 7-1-e, 7-1-c)

B- Highlights of the hearing

After opening the session, the presiding judge requested the clerk to continue reading the order of referral.

A few minutes later (at 9:44 am), the session was interrupted by an individual who had been requesting to speak since the previous day. He was thrown out of the courtroom by the gendarmes. The clerk pressed on with the reading. After the hearing resumed at 11:30 am (following a recess at 10:55 am), the clerk continued the reading, which ended at 12:45 pm. At this point, one of the lawyers victims requested to speak and voiced some reservations about the types of criminal liabilities cited in the order. The judge indicated to him that these reservations should be submitted in writing.



The judge announced that, in accordance with the programme, witnesses should now be called to the stand. However, to ensure the latter would be present he decided to adjourn the hearing until 9 am the next day. The Public Prosecutor informed him that witnesses had already received their notifications to appear and that in principle they should be in the courtroom. The judge took note of this but maintained his decision to adjourn the hearing until the following day.

III- Time management

The hearing began at 9:20 am and continued to 12:54 pm. The court suspended proceedings only once at 10:55 am, for a shorter period than the previous day.

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