

## **Chad: The Victims of Hissène Habré Still Awaiting Justice**

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## Summary

The regime of Chadian ex-President Hissène Habré (1982-1990) was responsible for thousands of cases of political killings, torture, “disappearances,” and arbitrary detention. Habré, who lives in exile in Senegal, was indicted by a court there in 2000 on charges of torture and crimes against humanity before the Senegalese Supreme Court ruled that he could not be tried in Senegal. Habré now faces similar charges in Belgium. In Chad, however, almost 15 years after Habré’s ouster, his victims wait for the Chadian government and society to recognize the suffering that they and their families endured.

In 1992, a national Truth Commission established by current Chadian President Idriss Déby recommended the prosecution in Chad of those who participated in crimes during Habré’s regime. It also called for the officers of Habré’s political police, the Documentation and Security Directorate (DDS), to be relieved of their state security duties and for measures to be taken to honor the memory of the victims. These recommendations by the Truth Commission have largely been ignored. Notably:

- Many leaders of the DDS and other Habré-era state security organs still hold key administrative or security posts. Their presence intimidates former victims and human rights defenders and in some cases facilitates attacks on them, creating obstacles to restoring the rule of law in Chad.
- The government has never prosecuted Habré’s accomplices. The cases filed by victims in Chadian courts in October 2000 against ex-DDS agents are stalled because the Chadian investigative judge does not have the necessary financial means, security, or personnel at his disposal to allow him to properly carry out his investigation.
- The Truth Commission’s recommendations to “construct a monument honoring the memory of the victims of Habré’s repression,” to “designate a day for prayer and contemplation for the victims,” and to “transform the former DDS headquarters and underground prison known as the *Piscine* into a museum” have never been implemented.

Moreover, no material reparations have been given to the victims or their families even though the Truth Commission calculated that Habré’s regime produced “more than 40,000 victims, more than 80,000 orphans, more than 30,000 widows, and more than

200,000 persons who found themselves, due to this repression, to be without moral or material support.”<sup>1</sup>

The Chadian government has supported the international cases filed against Hissène Habré, giving full cooperation to the Belgian judge when he visited Chad, granting the victims access to the DDS archives, and lifting Hissène Habré’s immunity from the jurisdiction of the Belgian courts. As important as a foreign tribunal’s judgment against Hissène Habré would be, it would not guarantee full justice to the victims of his regime nor would it permit Chadian society to confront its past before finally moving on. Unfortunately, the Chadian government has not taken complementary measures at home to ensure such justice.

### **Principal Recommendations to the Chadian Government**

- Remove former high-level Habré-era security agents from security posts.
- Declare publicly that it will not tolerate any intimidation against those seeking redress and justice in the courts
- Give full support to the Chadian justice system in its handling of the cases against former DDS agents, including security and material support for the investigating judge charged with this case.
- Provide financial compensation to each victim or family or create an assistance fund in order to repair the damage caused by the agents of the Chadian state.
- In order to honor the memory of those who perished during Habré’s regime and in order to educate Chadian society about the horrors of that regime, implement the recommendations of the Truth Commission and “construct a monument honoring the memory of the victims of Habré’s repression,” “designate a day for prayer and contemplation for said victims,” and “transform the former DDS headquarters and underground prison known as the ‘Piscine’ into a museum.”

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<sup>1</sup> Commission d’Enquête Nationale du Ministère Tchadien de la Justice, *Les crimes et détournements de l’ex-Président Habré et de ses complices*, Éditions L’Harmattan, 1993, p. 97.

## Historical Background

### ***The War against Libya and Internal Conflicts in Chad***

Chad gained independence from France on August 11, 1960, and has since known few periods of real peace. A long-running civil war, several invasions by Libya, and rebel movements in different regions ripped apart the country for decades. The division between the country's north, a desert area populated by Muslims, and the south, a fertile area inhabited by Christians, was reinforced by the French colonizer who favored the south and reversed the "historic" domination of the north.

For nearly twenty years, Libya under Colonel Muammar el-Qaddafi intervened directly in Chad's political affairs. Libya even occupied in 1973, and annexed in 1975, the Aouzou Strip, a territory in northern Chad claimed by both countries.<sup>2</sup> The Libyan government also supported several northern Chadian rebel groups, notably the Chad National Liberation Front (*Frolinat*), founded in 1966, which fought to end the south's monopoly of power.

In 1981, when Ronald Reagan assumed the U.S. presidency, Chadian President Goukouni Oueddei was struggling to hang on to power as the head of the *Gouvernement d'Union Nationale de Transition* (Transitional Government of National Unity, GUNT). The GUNT had come to power in 1979 as the result of an agreement brokered in Lagos by the Organization of African Unity between the major factions in Chad's long-running civil war. In March 1980, that coalition collapsed when Minister of Defense Hissène Habré — a former Frolinat comrade of Goukouni's — broke with the GUNT, creating the Armed Forces of the North (FAN) and unleashing a nine-month battle that devastated the capital N'Djaména. The resulting stalemate was broken only when Qaddafi intervened strongly and directly on Goukouni's side with an estimated 7,000 troops and heavy armaments, forcing Habré and his men to flee. The Libyan troops remained in Chad to preserve the stability of Goukouni's regime and expand Tripoli's influence in N'Djaména.

Habré distinguished himself from Goukouni and his other rivals by rejecting Libya's claim to the Aouzou and to a role in Chad's affairs. When Qaddafi and Goukouni publicly declared their intention to "merge" Libya and Chad into a single nation in January 1981, President Reagan made Qaddafi's containment a priority. Reagan severed diplomatic relations with Tripoli and gave massive covert support to Habré's FAN

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<sup>2</sup> In 1994, the International Court of Justice awarded the strip to Chad, and Libya finally removed its troops.

rebels — to “bloody Qaddafi’s nose” in the reported words of U.S. Secretary of State Alexander Haig.<sup>3</sup> The rebels seized N’Djaména on June 7, 1982.

Upon his ascension to power, Habré sought to impose his authority in the country’s southern region. Habré’s FAN, which had become the regular army and would eventually be called the National Armed Forces of Chad (FANT), took over the main southern towns, leading to the emergence of an armed, fiercely anti-Habré opposition, the “CODOS” (for “commandos”). This opposition further incited Habré, and the resulting tension gave way to the “Black September” of 1984 (see *infra*). Repression against the southern opposition turned exceptionally violent, targeting not only the CODOS rebels, but also civilians and administrative officials suspected of complicity. The rebellion was crushed and the region devastated.

After Habré’s rise to power, former President Goukouni’s GUNT continued its struggle in exile with the support of Libya. In June 1983, GUNT forces took over the northern outpost of Faya-Largeau with the aid of Libyan troops. The counter-offensive by Habré’s forces, with the support of the French army, led to the re-conquest of the north in March 1987. Habré and Qaddafi concluded a ceasefire in September 1987 and diplomatic relations between the two countries were reestablished in October 1988. Reconciliation between Habré and Acheikh Ibn Oumar, a former leader of the GUNT, was sealed a month later by the signing of the Baghdad Accords.

### ***The Regime of Hissène Habré***

Hissène Habré ruled Chad from 1982 to 1990, when he was deposed by current President Idriss Déby and he fled to Senegal. On his arrival to power, Hissène Habré swiftly established a dictatorship. His one-party regime was marked by widespread atrocities and campaigns against his own people. During his eight years as head of state, Hissène Habré attempted to destroy all forms of opposition to his regime. Using collective arrests and mass murders, Habré persecuted different ethnic groups whose leaders he perceived as posing a threat to his regime. Targeted groups included the Sara and other southern ethnicities in 1984, Arabs, the Hadjaraï in 1987, and the Zaghawa in 1989.

The exact number of Habré’s victims is unknown. The 1992 Truth Commission of the Chadian Justice Minister, which was established by Habré’s successor, accused Habré’s

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<sup>3</sup> Bob Woodward, *Veil: The Secret Wars of the CIA, 1981-1987* (Simon & Schuster Adult Publishing Group, 1987), p. 97.

regime of 40,000 political assassinations as well as systematic torture.<sup>4</sup> Most predations were carried out by Habré's dreaded political police, the Documentation and Security Directorate (DDS), whose leaders all came from Habré's Gorane ethnic group and who reported directly to Habré.

Today, Chadians still attest to the state of general suspicion that pervaded the country under Habré's rule. It was not uncommon for a citizen to fear that his or her words, even to a spouse, child, or friend, might someday be repeated and used against him. In certain cases, agents went to children for information, since they could be oblivious to the impact of their words. One DDS intelligence record from April 1988, discovered by Human Rights Watch (see *infra*), reports, for example, how a 12-year-old child furnished political information he had overheard his parents discussing during the evening meal.

### ***The Documentation and Security Directorate (DDS)***

Hissène Habré's security apparatus was composed of a number of repressive organs. However, it was the Documentation and Security Directorate (DDS) which, according to the Truth Commission, distinguished itself "by its cruelty and contempt for human life." The DDS was headed by agents who reported directly to the president and who combed national as well as international territory to imprison or eliminate "enemies of the state."

Hissène Habré created the DDS by presidential decree on January 26, 1983, as a force that was to be "directly responsible to the Presidency of the Republic, due to the confidential nature of its activities." These activities included primarily "the collection and centralization of all intelligence information ... that threatens to compromise the national interest ... and collaboration in suppression through the creation of files concerning individuals, groups, collectivities, suspected of activities contrary to or merely detrimental to the national interest." Very quickly, the DDS was transformed into a ruthless repressive machine.

In May 2001, in the abandoned former DDS headquarters in N'Djaména, Human Rights Watch discovered thousands of documents of this sinister political police. Following this discovery, the Chadian government granted the Chadian Association of Victims of Political Repression and Crimes (AVCRP), assisted by Human Rights Watch and by the

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<sup>4</sup> *Les crimes et détournements de l'ex-Président Habré et de ses complices*, Commission d'Enquête Nationale du Ministère Tchadien de la Justice, pp. 69, 97. The Truth Commission claims unscientifically the number 40,000 by estimating that the 3,780 victims that they have identified represent only 10% of those killed. See also Amnesty International, "Chad: The Habré Legacy," 2001.

International Federation of Human Rights Leagues (FIDH), access to these documents and the right to use them freely. They included death certificates, daily lists of prisoners, intelligence reports, lists of DDS agents, and letters addressed to President Habré. The documents trace in detail the campaign against the ethnic groups that Hissène Habré perceived to be threats to his regime.<sup>5</sup>

The AVCRP copied, organized, and sorted the DDS documents, and copies of some 49,000 documents were then sent to Human Rights Watch headquarters in New York. A Human Rights Watch team entered all the information contained in the documents into a searchable database created by Patrick Ball of the Human Rights Data Analysis Group of the Benetech organization.

The Benetech team has now begun analyzing the documents, starting with those from the year 1986, in which the most documents were recovered.<sup>6</sup> Benetech analyzed three factors: the number of detainees in the DDS' seven N'Djaména detention centers, the mortality rate in these centers, and the number of documents sent to Habré. Among other things, the preliminary analysis shows that:

- The number of political detainees held between January 1985 and January 1986 remained relatively stable, hovering between 200 and 250 people, before rising to 571 detainees in March 1986;
- The mortality rate in detention was 3.69 percent in 1986. The death rate of political detainees was sixteen times greater than that of the general Chadian population, which includes infant mortality;
- Of the 2,488 key documents found in the DDS archives, more than 15 percent were directly addressed to Habré, who appeared to be informed of the smallest details.

A further analysis of the documents now underway by Benetech shows:

- A total of 12,321 different victims were mentioned;
- The deaths in detention of 1,208 individuals were mentioned in the documents;

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<sup>5</sup> See Tidiane Diop, "Tchad: Les archives de l'horreur," *Jeune Afrique l'Intelligent*, March 2, 2003. An English translation with links to a number of documents can be found at <http://www.hrw.org/justice/Habré/Habré-police.htm>.

<sup>6</sup> *Preliminary Statistical Analysis of AVCRP & DDS Documents*, a report to Human Rights Watch about Chad under the government of Hissène Habré, The Benetech Initiative, November 4, 2003 [online], <http://www.hrw.org/justice/pdfs/benetechreport.pdf>.

- Hissène Habré received 1,265 direct communications from the DDS about the status of 898 detainees.

### *DDS Structure and Personnel*

In a memo dated August 26, 1987, found in the DDS archives, the DDS Director stated, “Thanks to the spider’s web it has spun over the whole length of the national territory, [the DDS] keeps exceptional watch over the security of the State,” and that it is the “eyes and ears of the President of the Republic, [whose] control it is under and to whom it reports on its activities.”

Among the different divisions within the DDS, the Special Rapid Action Brigade (BSIR) represented the armed wing. It was composed of military personnel in charge of carrying out arrests and killings. Other divisions within the DDS worked together to arrest suspected opponents of Habré’s regime. This was the case with the DDS service in charge of research and information collection in N’Djaména, the counter-intelligence service in charge of observing all embassies in N’Djaména, and the anti-terrorism service in charge of persecuting and eliminating political adversaries living abroad.

During their detention, victims of the regime were often tortured by DDS agents using a wide range of torture methods (see *infra*).

### *U.S. Support for the DDS*

Habré was able to count on solid U.S. support throughout his rule. Convinced of his continuing utility as an ally in the fight against Qaddafi, U.S. policymakers called Habré their “friend” and helped maintain him in power with generous provisions of military aid, training, intelligence and political support. According to one U.S. official, the aid poured into Chad by the United States “eventually totaled hundreds of millions of dollars.”<sup>7</sup> Habré himself was received at the White House. The United States also conscripted a small army of Libyan “Contras” from among the ranks of Habré’s miserable Libyan POWs.

The documents discovered by Human Rights Watch also revealed new information about United States support for the DDS. One DDS document described a “very special” training for Chadian security agents outside of Washington, D.C. in 1985. The agents reported that “our American friends attached a very high degree of importance to

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<sup>7</sup> Douglas Farah, “Chad’s Torture Victims Pursue Habré in Court.” *Washington Post*, November, 27, 2000, citing unnamed U.S. official.

this training. They promised us equipment.... They told us in addition that we not only had to assure the security of our country, but also that of their authorities residing in our country as well as their businesses.”<sup>8</sup> Three of the agents received promotions to the upper echelons of the DDS immediately upon their return from Washington. Two would later be named by the Truth Commission as some of Habré’s “most feared torturers.” Although it is unclear what “equipment” the United States did provide, one document speaks of a Chadian request for truth serum and a “generator for interrogations.” Another document referred to a certain “Maurice” who was the “American advisor to the DDS,”<sup>9</sup> while other reports discussed the training of Chadian agents in Chad by the United States.

## ***The Crimes of Hissène Habré’s Regime***

### ***Torture***

Torture was a common practice in the DDS detention centers. It was used by DDS agents during interrogations in order to extract information or force confessions. Among the most common forms of torture were the following:

- *“Arbatachar” binding*: tying both the wrists and ankles together behind the back, thereby causing the chest to expand and arch. This practice rapidly stops the blood from flowing to the arms and legs and causes paralysis.
- *Forced intake of water*: the victim is forced to swallow a great deal of water until he or she is rendered unconscious. Occasionally, a DDS agent would climb onto the victim’s stomach or place a car tire there.
- *Exhaust pipe*: forcing the exhaust pipe of a running vehicle into the mouth of the victim. Simply accelerating the motor caused horrible burns.
- *Burning*: lit twigs, matches, or cigarettes were used to burn the most sensitive parts of the body.
- *Torture with sticks*: at the temples and encircling the victim’s head, two sticks were attached at both ends by cords. The tighter the cords are pulled, the more pressure is put on the head, making it feel as if it will explode. Eventually, merely tapping on the sticks caused intolerable vibrations in the head.
- *Using hot pepper*: the victim’s head is placed at one end of a pipe and pepper is blown through the pipe.
- *Electric shocks, beatings, whippings, extraction of fingernails, etc.*

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<sup>8</sup> The document can be accessed at <http://www.hrw.org/justice/pdfs/usatraining-p1-3.pdf>.

<sup>9</sup> The document can be accessed at <http://www.hrw.org/justice/pdfs/13intletter.pdf>.

While the DDS documents discovered by Human Rights Watch rarely seem to mention acts of torture explicitly, such acts are often alluded to. A letter addressed to the director of the DDS concerning the fate of an alleged opposition activist makes a veiled reference to the practice: “It was in compelling him to reveal certain truths that he died on October 14 at 8 o’clock.” In the same manner, the records of an escaped prisoner’s interrogation revealed that he “only admitted certain facts that had been alleged against him after physical discipline was inflicted upon him.” Many other documents found in the archives make allusions to the practice of torture by referring to “muscular” or “heated” interrogation.

### *Deaths in Detention*

A total of 712 deaths in detention between 1983 and 1989 were documented in death certificates recovered from the DDS. As noted above, the documents mentioned a total of 1,208 individual deaths.

Under Habré’s rule, seven prisons were used in N’Djaména for political prisoners and prisoners of war. One was located on the grounds of the presidential compound; it was used for the “very special” prisoners that Habré wanted to have close at hand. The most sinister prison, however, was the underground *Piscine* (“swimming pool”). Formerly a swimming pool reserved for families of French soldiers during the colonial period, the *Piscine* was, under Habré’s orders, covered by a concrete roof and divided into ten dank cells linked to the surface by a single staircase.

The documents discovered make reference to the causes of the innumerable deaths: severe amoebic dysentery, severe dehydration, arterial hypertension, severe edemas of the upper and lower limbs, loss of mobility in limbs for up to several days, general deterioration of health, and so forth. In a “monthly report” for June 1987, the head of the DDS’ penitentiary service describes the principal reason for the prisoners’ weakness — the meals that they received: “All of the illnesses described above are a result of the lack of balance in the prisoners’ diets.”<sup>10</sup>

Death could come rapidly in prison, especially with torture and inhuman conditions. One document from 1989 lists the name of fourteen prisoners arrested between April 2 and 5 of that year. All of them “died due to illness” between April 16 and 26 — only weeks after being incarcerated.<sup>11</sup>

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<sup>10</sup> The document can be accessed at <http://www.hrw.org/justice/pdfs/junereport-p1-4.pdf>.

<sup>11</sup> The document can be accessed at <http://www.hrw.org/justice/pdfs/prisonerlist-p1-2.pdf>.

In a report titled “On the Circumstances of the Successive Deaths of Prisoners in the Detention Facilities of the DDS,” the DDS’ Inspector traced a direct link between the high number of deaths and the conditions in the prisons:

From May 1 until June 16 1985 nineteen (19) prisoners died in the ‘facilities’ (*locaux*) of the Special Rapid Intervention Brigade [one of the prisons in N’Djaména]. According to the study done in the ‘facilities’ and according to the head nurse, it turns out that the successive deaths are due to different illnesses contracted within the facilities, that is to say:

- dysentery
- paralysis of limbs
- cases of boils brought on by the heat
- insufficiency of food

In addition, no treatment has been given to the prisoners because for three months, the BSIR’s dispensary has been without medicine.<sup>12</sup>

### *The Treatment of Prisoners of War*

Habré’s regime was marked by several years of war against Libya and the Libyan-backed GUNT (see supra). Several battles yielded hundreds of prisoners, notably in 1983 at Faya-Largeau and then again in 1986 and 1987. Those who were not executed on the spot were transferred under Habré’s orders and imprisoned, in some cases, in N’Djaména prisons under horrible conditions.

A blistering report from the International Committee for the Red Cross (ICRC) that was found in the DDS’ archives bears witness to a rare visit authorized in March 1984 to one N’Djaména prison (the only prison that the ICRC visited in Chad). The report details the inhuman treatment endured by the prisoners of war. It describes chronically overcrowded cells, which were intended for 180 prisoners but were holding on average more than 600 people, each of whom was left with no more than a half-square meter of space. The report also mentions the “nonexistent hygiene,” “widespread malnourishment,” and the “lack of medical care.” In its conclusion, the report explains that:

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<sup>12</sup> Ibid.

The combination of these factors has created a critical situation with regards to the health of the prisoners. More than half of them should be classified as gravely ill; 160 prisoners find themselves in a critical state, 22 have been set aside because they are considered lost causes, and 28 cases of death have been reported in the two preceding months.<sup>13</sup>

Many death certificates of prisoners of war were found. One of these contains the names of thirty-two prisoners who died on the same day, March 21, 1986, “from their wounds.”

### ***“Black September”***

After taking power, Hissène Habré began planning the “pacification” of the country’s south, which he considered to be populated with traitors and headed towards secession. The wave of violent repression that Habré and his soldiers subsequently launched targeted not only the “CODOS,” but also the civilian population. In some prefectures, massive arrests and executions of civilians were deliberately carried out with the goal of planting seeds of terror. Entire villages were pillaged and burned. The villagers who managed to escape, sought refuge in the bush, where they stayed for months.

Beginning in September 1984, a particularly murderous wave of repression was unleashed with the apparent goal of eliminating the southern elite and replacing them with people loyal to Habré. This period is commonly known among Chadians as “Black September.” An internal DDS report marked “Highly Confidential” describes the terror felt by the civilian population at the time, following the atrocities carried out in the region by the National Armed Forces of Chad (FANT), Habré’s troops:

The security of the population has been disrupted since elements of FANT launched into acts of vandalism sowing terror among the peasant population as well as civil servants. The population lives in fear since the events of 15.09.84, young men and women have fled the zone in the direction of Bongor seeking refuge because their security is not guaranteed. The peasant masses are truly terrorized, they have seen their possessions fall into FANT’s hands like a ripe piece of fruit, and they do not dare to say a single word in the presence of the soldiers because they are so stricken with fear.<sup>14</sup>

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<sup>13</sup> The document can be accessed at <http://www.hrw.org/justice/pdfs/redcross-p1-4.pdf>.

<sup>14</sup> “Compte-rendu de la situation après événements de la Tandjilé du 15/09/84,” undated report from the DDS Tandjilé Office. The document can be accessed at <http://www.hrw.org/justice/pdfs/fantreport-p1-2.pdf>.

The terror in the South persisted long after “Black September.” Other documents were discovered that contain daily reports documenting the massive campaign of violence being carried out in the region. One piece of correspondence dated August 4, 1985, reveals the names of sixty-eight people living in “villages Djola II and III” who were “massacred during the day of July 28, 1985 by Government forces.”

### *The “Collective Responsibility” of the Hadjerai and Zaghawa*

Hissène Habré did not hesitate to turn on his old comrades at arms or to take vengeance on the family or the entire ethnic group of an individual or group that crossed him. For example, the Hadjerai and the Zaghawa ethnic groups, whose leaders originally took power alongside Habré, were savagely persecuted when some of their members dared to oppose him.

Hadjeraï leaders had long been friends of Hissène Habré and they even constituted the principal force that brought him to power in June 1982. Nevertheless, Habré was quick to turn against his former allies when they expressed the slightest opposition to certain aspects of his politics. Habré began to mistrust the Hadjerai as early as 1984 when his minister of foreign affairs at the time, Idriss Miskine, a Hadjerai, became increasingly popular and began to overshadow Habré. Miskine died under mysterious conditions that year, creating a sense of mistrust between Habré’s Goranes and the Hadjerai. In 1987, when Habré learned that General Felix Malloum, a Hadjerai, had created an armed opposition movement, the MOSANAT, Habré began attacking Hadjerai dignitaries, as well as their families and the entire ethnicity in general.

In 1989, Hissène Habré suspected Idriss Déby, his advisor on defense and security matters, Mahamat Itno, minister of the interior, and Hassan Djamous, commander in chief of the Chadian army and the man who defeated the Libyans, of plotting a coup against him. All three men were ethnic Zaghawa. Habré not only had Itno and Djamous arrested and killed (Déby managed to escape and later to overthrow Habré), but he turned on the rest of the Zaghawa as well, whether or not they were linked to the plot of rebellion. Hundreds were seized in raids, tortured, and imprisoned. Dozens died in detention or were summarily executed.

According to ex-DDS agents, in 1987 Hissène Habré created a committee within the structure of the DDS responsible for arresting and interrogating Hadjerai. In 1989, a similar committee was created for the persecution of the Zaghawas.

Documents found in the DDS archives show that simply being Hadjeraï or Zaghawa was enough to get a person arrested. One document concerning the transfer of detainees was even titled “The Hadjeraï affair,” which implies that the defining characteristic of those detainees was their shared ethnicity and that their actions are a reflection on the entire ethnic group. Another document lists people arrested or killed and the number of villages that were destroyed or abandoned. The total number of people killed is cited at 286. All those whose names are on the list are Hadjeraï.

A list dated May 26, 1989, titled “Re: Situation of the traitorous Zaghawa agents arrested for complicity and guarded in our facilities following a plot organized by Hassane Djamous,” contains the names of ninety-eight people, including shepherds, drivers, students, businessmen, soldiers, and so forth. The reason for the arrest of each person on the list is invariably stated as “suspected accomplice of the traitors,” with the exception of some people who were family members of the rebels.<sup>15</sup>

The university professor and writer Zakaria Fadoul Khidir, who is Zaghawa, was arrested solely because he was related to a suspected opposition leader and was of the same ethnicity. When he was arrested and interrogated, Zakaria Fadoul Khidir (ZFK) had an exchange with his interrogator, Commissioner Mahamat Djibrine (Dj), which he recounted in a book that was published after his liberation:

Dj: Professor, why were you arrested?

ZFK: I don't know.

Dj: How is that possible? You don't know? You don't know what goes on in your village or in your own country?

ZFK: Yes. I know that some people rejoined the opposition, and others were arrested. But as for me, they came for me in the middle of the day while I was at work correcting my students' papers.

Dj: But you're not alone, you also have brothers!

ZFK: I am not responsible for my brothers' actions

Dj: Professor, *responsibility is collective*.<sup>16</sup>

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<sup>15</sup> Page 1 of the document can be accessed at <http://www.hrw.org/justice/pdfs/12traitorlist.pdf>.

<sup>16</sup> *Les moments difficiles, dans les prisons d'Hissène Habré en 1989*, Editions Sèpia (France: 1998), pp. 114-115, emphasis added.

Everything was summed up in that sentence. According to documentation provided by Professor Fadoul, approximately 250 people of his ethnicity were arrested; all but twenty-eight of those 250 were executed or died in detention.

### ***The Crackdown on Arabs***

Hissène Habré considered Chadian Arabs to be the “family” of his Libyan enemies. Arabs were constantly arrested and executed throughout Habré’s regime, with a noticeable increase from 1982 to 1984 during the armed conflicts in northern Chad.

### ***The Fall of Hissène Habré and the Truth Commission’s Report***

In the culmination of a year-long rebellion, the Patriotic Front for Salvation, a rebel force led by current President Idriss Déby, swept Habré from power on December 1, 1990. The jail doors swung open and hundreds of political prisoners who were held in various secret detention centers in the capital were freed. Habré fled to Senegal.

The new government created a “commission of inquiry into crimes and embezzlement committed by the ex-president and his accomplices,” led by a distinguished jurist, Mohamat Hassan Abakar, that began its work on March 1, 1991.

The Truth Commission operated under difficult financial and security conditions. It was initially composed of twelve members; two judges, four police officers, two administrators, two archivists, and two secretaries.<sup>17</sup> At first, the commission had to fight to have even a minimal budget, had no headquarters, and was obliged to set up shop in the offices of the DDS, which hardly encouraged victims to come and give evidence. In addition, former members of the DDS who had been re-engaged by the new *Centre de Recherches et de Coordination de Renseignements* (CRCR) were accused of intimidating witnesses and carrying out reprisals against some who appeared before the commission. After six months, the president of the commission called for the replacement of a number of commission members, who were apparently too afraid to become really involved, and it was only after they had been replaced that the commission’s real work began. Even then, a shortage of vehicles prevented the commission from gaining access to many rural areas where massacres had occurred. Other than the advice of Amnesty International, which had documented Habré’s atrocities and campaigned for the release of political prisoners,<sup>18</sup> the Truth Commission did not receive any international

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<sup>17</sup> For a discussion of the Truth Commission, see Amnesty International, “Chad: The Habré Legacy,” 2001.

<sup>18</sup> The Truth Commission discovered over 50,000 cards and letters written by members of Amnesty International to Hissène Habré and Chadian officials.

monetary or technical assistance. The commission nevertheless heard 1,726 witnesses<sup>19</sup> and conducted three exhumations.

After seventeen months, the commission published a report detailing the repressive methods of Habré's government, which it accused of tens of thousands of political assassinations and systematic torture.<sup>20</sup> The commission also produced a film showing the mass graves it had exhumed, some of Hissène Habré's jails and interviews with victims.

The report lamented the reintegration of many DDS agents into key administrative and security posts within the new Chadian government.<sup>21</sup> When the report was published, some of these agents reportedly fled across the river to Cameroon in the misplaced fear that accountability would follow.<sup>22</sup>

The Truth Commission was one of the only such commissions in the world to date to examine the foreign role in national abuses. The report revealed that the United States was the principal supplier of financial, military, and technical aid to the DDS. The report stated that American advisers regularly visited the Director of the DDS, to give advice or to exchange information. It also accused France, Egypt, Iraq, and Zaire of helping to finance, train, and equip the DDS.

The Truth Commission included in its report not only the names but the photographs of the principal DDS agents. The commission stressed the necessity of removing DDS agents who had been reintegrated into the army, the police force, or the new CRCR.<sup>23</sup>

The Truth Commission thus called on the government "to relieve of their duties, immediately upon publication of this report, the DDS agents who have been reintegrated and engaged in general activities with the CRCR" as well as "to immediately pursue justice against those participating in this horrible genocide, who are responsible for crimes against humanity."<sup>24</sup>

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<sup>19</sup> The Commission interviewed 662 former political prisoners, 786 families of victims of extrajudicial executions, 236 former prisoners of war, and 30 former members of the DDS.

<sup>20</sup> *Les Crimes et Détournements de l'Ex-Président Habré et de ses Complices*, pp. 69, 97.

<sup>21</sup> *Ibid*, p.29.

<sup>22</sup> Human Rights Watch interview of Mahamat Hassan Abakar, September 1, 2004.

<sup>23</sup> The CRCR replaced the DDS when it was dissolved by Idriss Déby in 1990 and then changed its name to the National Security Agency (ANS) under the direct control of Idriss Déby.

<sup>24</sup> *Les Crimes et Détournements de l'Ex-Président Habré et de ses Complices*, pp. 97-99.

The Truth Commission also recommended to “construct a monument honoring the memory of the victims of Habré’s repression,” to “designate a day for prayer and contemplation for the victims,” and to “transform the former DDS headquarters and underground prison known as the ‘Piscine’ into a museum.” It also called for the creation of a national human rights commission.

The written report was presented to President Déby and the Chadian government, who also watched the film on a borrowed projector. The commission’s headquarters were then opened to the public for several days to view the film and see a display of pictures prepared by the commission. According to Maître Abakar, the Commission President, “the public fought to get in.”<sup>25</sup> The report was widely covered in the national press.

The National Sovereign Conference of 1993, which brought together all sectors of Chadian society, repeated the call for the “revocation of those DDS members responsible for embezzlement, torture and political crimes who continue to flourish or to work within the CRCR.” It also reiterated the need to create a special independent criminal court to try violent crimes, expropriations, and embezzlements.

### ***The Chadian Association of Victims of Political Repression and Crime***

After Habré’s fall, former victims of the Habré regime from different ethnic groups created the Chadian Association of Victims of Political Repression and Crime (AVCRP).

According to its by-laws, the AVCRP’s main goals are:

- To locate victims of political crimes and repression in Chad;
- To establish an inventory of unjustly confiscated and stolen goods;
- To pursue national or international judicial proceedings against the perpetrators of these political crimes and repression;
- To demand the compensation for victims who were physically hurt, or emotionally and psychologically scarred, or whose property was unjustly confiscated or stolen;
- To inform Chadians as well as the international public about the methods and means employed to perpetrate political crimes and repression; and

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<sup>25</sup> Interview with Mahamat Hassan Abakar, September 1, 2004.

- To prevent, denounce and fight against all forms of political crime and repression.

The AVCRP gathered information and testimonies from 792 of Habré's victims, anticipating their use in an eventual case against Habré. However, without financial resources or governmental support, the AVCRP was forced to temporarily abandon its work.

### ***Victim Rehabilitation***

Upon the invitation of the Chadian government, the Paris-based Association for the Victims of Repression in Exile (*Association pour les Victimes de la Répression en Exil*, AVRE) undertook several evaluation and assistance missions to Chad between 1991 and 1996.<sup>26</sup>

Dr. Hélène Jaffe, the founding president of AVRE, and her colleagues, examined 581 Habré-era torture victims, including 119 children, in 1,778 consultations. During a first consultation in 1991, patients complained of rheumatologic aches (346 complaints), season pathology/parasitology (240), psychological problems (216), and headaches (213), as well as ophthalmologic (178), urologic/sexologic (160), digestive (137) and cardiologic (45) problems, ORL (31), and other problems (240).<sup>27</sup>

In AVRE's report on the health of children victims of torture, the pedo-psychiatrist established the importance of the "pathogenic role of secrecy" in these situations of mourning: "hidden death, concealed death, absence of body to honor, absence of funeral ceremony, then of mourning, and finally of sepulture; all of this leads to depression. The psychotherapeutic work done with the families seemed to bring a change."<sup>28</sup>

During their last mission in Chad in September 1996, AVRE's doctors noticed that several victims were still suffering from physical after-effects from having been tortured, on top of psychological suffering, which was more difficult to express. Among the 44 patients seen:

- 25 patients presented often invalidating rheumatologic after-effects: rachialgies, articular pains, muscular contractures;

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<sup>26</sup> Association pour les Victimes de la Répression en Exil (AVRE), *Mission AVRE au Tchad 1991 / 1996*.

<sup>27</sup> Ibid.

<sup>28</sup> It is important to note that complaints, subjective elements, do not necessarily represent a clinical reality.

- 22 patients complained of psychological troubles from anxiety to sadness, and even from depression ;
- 15 patients still suffered from digestives troubles;
- 15 patients suffered from sleep troubles, especially from nightmares, and of difficulties of falling asleep; and
- 14 patients complained of vision problems.

An important element of AVRE's recommendations is acknowledging the tragic story of the victims' families. According to AVRE, there is a need "to lift the secret" on tortures and disappearances, on the suffering and its repercussions on family members, and on the ways of mourning. AVRE also recognized the importance of "collective acknowledgement," and suggested steles on identified graves and the construction of a victims' memorial for ceremonies of mourning and remembrance, as well as the declaration of a National Day of Victims of Crimes and Political Repression. Finally, AVRE's report argued that the implementation of these proposals, "adapted to local realities, is essential in order for the parents to recover a balanced life, and for their children, victims of victims, a harmonious development."<sup>29</sup>

### ***The Prosecution of Hissène Habré***

In 1999, inspired by the London arrest of General Augusto Pinochet<sup>30</sup> the Chadian Association for the Promotion and Defense of Human Rights (ATPDH) requested Human Rights Watch's assistance in helping Habré's victims bring him to justice.

Human Rights Watch researchers secretly visited Chad twice, where they met victims and witnesses and benefited from the documentation prepared in 1991 by the AVCRP. In January 2000, supported by Chadian human rights NGOs and a coalition of human rights organizations,<sup>31</sup> the Chadian victims filed a criminal complaint against Hissène Habré in the Dakar Regional Court in Senegal, where Habré was living.<sup>32</sup>

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<sup>29</sup> Association pour les Victimes de la Répression en Exil (AVRE), *Mission AVRE au Tchad 1991 / 1996*.

<sup>30</sup> See, e.g., "The Pinochet Precedent: How Victims Can Pursue Human Rights Criminals Abroad," *A Human Rights Watch Campaign Document*, modified in June 2001 [online], <http://www.hrw.org/campaigns/chile98/precedent.htm>.

<sup>31</sup> In addition to the AVCRP and Human Rights Watch, the coalition is made up of the International Federation of Human Rights Leagues (FIDH), the Chadian League for Human Rights (LTDH), the Association for the Promotion of Fundamental Liberties in Chad (APLFT), the National Senegalese Human Rights Organization (ONDH), the African Assembly for the Defense of Human Rights (RADDHO), and the French organizations AVRE, the Association for Victims of Repression in Exile, and Agir Ensemble pour les Droits de l'Homme.

<sup>32</sup> The case, as well as all the legal documents pertaining to the Habré affair, can be found online at <http://www.hrw.org/french/themes/Habré.htm>.

The victims presented Investigating Judge Demba Kandji details of 97 political killings, 142 cases of torture, 100 “disappearances,” and 736 arbitrary arrests — most carried out by the DDS, as well as a 1992 report by AVRE (see supra) on 581 torture victims, and the Truth Commission report. The case moved quickly. Within four days, seven victims gave their closed-door testimony before Judge Kandji — something they had waited nine years to do! Two former prisoners described being ordered by the DDS to dig mass graves to bury Habré’s opponents. Two others told of being subjected to the “Arbatachar.” On February 3, 2000, Judge Kandji indicted Hissène Habré as an accomplice to torture and crimes against humanity and placed him under house arrest. For the first time, a former head of state was prosecuted by the country in which he had taken refuge.

Some weeks later, politics entered the picture. Habré’s lawyers filed a motion to dismiss the case before the Indicting Chamber of Dakar’s Court of Appeals. The prosecutor’s office supported Habré’s motion, thereby reversing its previous favorable position on the prosecution of Habré. Not long after, the Superior Council of the Magistracy transferred Judge Kandji from his post and thus removed him from the Habré case. On a number of occasions, the newly-elected president of Senegal, Abdoulaye Wade, declared publicly that Habré would never be tried in Senegal.

The “no safe haven” provisions of the U.N. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires Senegal to either prosecute or extradite alleged torturers who enter its territory.<sup>33</sup> Under the Senegalese constitution, such international treaties automatically apply.<sup>34</sup> Nevertheless, on July 4, 2000, an appeals court ruled that Senegalese courts had no jurisdiction to pursue crimes that were not committed in Senegal and dropped the case against Hissène Habré.<sup>35</sup> The victims immediately appealed the decision to the Supreme Court of Appeals (*Cour de Cassation*). On March 20, 2001, the *Cour de Cassation* upheld the decision of the Chamber of Dakar’s Court of Appeals and ended the prosecution of Habré in Senegal.<sup>36</sup>

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<sup>33</sup> Article 5, section 2 of the Torture Convention, which imposes a legislative duty, states: “Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over [acts of torture] in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him . . . .” Article 7, section 1, which establishes the obligation to extradite or prosecute, states: “The State Party in the territory under whose jurisdiction a person alleged to have committed [acts of torture] is found shall . . . if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.”

<sup>34</sup> Article 79 of the Senegalese constitution reads, “Les traités ou accords régulièrement ratifiés ou approuvés ont, dès leur publication, une autorité supérieure à celle des lois, sous réserve, pour chaque accord ou traité, de son application par l’autre partie.”

<sup>35</sup> République du Sénégal, Cour d’Appel de Dakar, Chambre d’accusation, Arrêt n° 135 du 4 juillet 2000 [online], <http://www.hrw.org/french/themes/Habré-decision.html>.

<sup>36</sup> Cour de Cassation, Crim, Arrêt n° 14 du 20 mars 2001, “Souleymane Guengueng et autres Contre Hissène Habré,” [online], [http://www.hrw.org/french/themes/Habré-cour\\_de\\_cass.html](http://www.hrw.org/french/themes/Habré-cour_de_cass.html).

The victims of the ex-dictator immediately announced that they would seek to extradite Habré to Belgium, where a case had already been filed against him. These cases were filed by twenty-one victims, three of whom have Belgian nationality, and were assigned to Judge Daniel Fransen of the Brussels district court. The case is based on Belgium's universal jurisdiction law, which (prior to subsequent amendments) allowed Belgium's courts to prosecute the worst international crimes no matter where or against whom they were committed.

In April 2001, shortly after the *Cour de Cassation* decision, Senegal's President Abdoulaye Wade publicly declared that he had given Habré one month to leave Senegal. The abrupt decision was a tribute to the victims' efforts but raised the possibility that Habré would go to a country out of justice's reach. The victims filed a petition against Senegal with the U.N. Committee against Torture (CAT), urging that Senegal be requested to prosecute or extradite Habré as required by the U.N. Torture Convention, and asked the Committee to issue an interim ruling to preserve their ability to bring him to justice. The Committee responded by calling on Senegal to "take all necessary measures to prevent Mr. Hissène Habré from leaving the territory of Senegal except pursuant to an extradition demand."<sup>37</sup> Following similar appeals by U.N. High Commissioner for Human Rights Mary Robinson and U.N. Secretary-General Kofi Annan, President Wade stated on September 27, 2001 that he had agreed to hold Hissène Habré:

I was ready to send Hissène Habré anywhere, including his own country, Chad, but Kofi Annan intervened to have me keep Hissène Habré on my territory until he is requested by a judiciary. I have done this, but I do not want this situation to go on. Senegal does not have the competence nor the means to judge him. Chad does not want to judge him. If a country capable of organizing a fair trial — there is talk of Belgium — wants him, I do not foresee any obstacle. But they must act fast. I am not anxious to keep Hissène Habré in Senegal.<sup>38</sup>

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<sup>37</sup> Letter from Chief, Support Services Branch, Office of the High Commissioner for Human Rights, to Reed Brody, Human Rights Watch, April 2001 [online], [http://www.hrw.org/french/themes/images/guengueng\\_small.jpg](http://www.hrw.org/french/themes/images/guengueng_small.jpg).

<sup>38</sup> "J'étais prêt à envoyer Hissène Habré n'importe où, y compris dans son propre pays, le Tchad, mais Kofi Annan est intervenu pour que je garde Hissène Habré sur mon sol, le temps qu'une justice le réclame. Je l'ai fait, mais je ne souhaite pas que cette situation perdure. Le Sénégal n'a ni la compétence ni les moyens de le juger. Le Tchad ne veut pas le juger. Si un pays, capable d'organiser un procès équitable — on parle de la Belgique — le veut, je n'y verrais aucun obstacle." *Quoted from Le Temps (Geneva), Septembre 27, 2001. On February 23, 2003, President Wade confirmed that: "Any country which wishes to can introduce an extradition request before our judicial system. It will receive, at least as far as I am concerned, a favorable response. I only note that for the moment, no country, not even Chad, has asked me for such an extradition." Walf Djiri (Sénégal), February 24, 2003.*

From February 26 to March 7, 2002, Judge Fransen, Belgian Federal Prosecutor Philippe Meire and a police team specializing in crimes against humanity, war crimes, and torture visited Chad. With the full cooperation of the Chadian government, the judge and his team took the testimonies of plaintiffs, victims of Hissène Habré, witnesses to atrocities, and many DDS agents. The judge also visited massacre sites in and around N'Djaména and detention centers used by Habré's regime including the sinister *Piscine*, the DDS' underground prison. Each time, the judge was accompanied by former detainees who described the treatment to which they were subjected and who indicated the location of graves. The judge also had access to the DDS archives discovered by Human Rights Watch, and he consulted and requisitioned thousands of documents.

In October 2002, in response to concerns as to a former head of state's immunity from the jurisdiction of foreign courts raised as a result of a February 2002 decision of the International Court of Justice,<sup>39</sup> the Chadian minister of justice declared in writing to Judge Fransen that "Mr. Hissène Habré cannot claim to have any immunity on the part of the Chadian authorities."<sup>40</sup>

In August 2003, under pressure from the U.S. government, the Belgian parliament repealed that country's universal jurisdiction law, and replaced it with a law of more limited scope.<sup>41</sup> Many cases filed under the law were dismissed. The Habré case was allowed to proceed because it fit within a "grandfather clause" that permitted some ongoing cases to continue if: (1) a plaintiff was a Belgian citizen or resident at the time the complaint was filed *and* (2) an investigation had already begun.

Judge Fransen's investigation continues and it is hoped that he will indict Hissène Habré and issue an international warrant for his arrest. The Belgian government would then ask Senegal to extradite Hissène Habré, which President Wade has said it would be willing to do.

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<sup>39</sup> International Court of Justice (ICJ), *Case Concerning the Arrest Warrant of 11 April 2000 (Democratic Republic of Congo v. Belgium)*, February 14, 2002.

<sup>40</sup> "Il est clair que Monsieur Hissène Habré ne peut prétendre à une quelconque immunité de la part des Autorités Tchadiennes" (letter from M. Koudji-Gaou to M. Fransen, October 7, 2002 [online], <http://www.hrw.org/french/press/2002/tchad1205a.htm>).

<sup>41</sup> Cases can only be brought under the *new* law if: (1) the victim, at the time of the commission of the alleged crime, is either a Belgian citizen or has been a Belgian resident for at least three years; (2) the accused is either a Belgian citizen or has his primary place of residence in Belgium; or (3) Belgium is required by treaty to exercise jurisdiction. In addition, the law drastically limits the ability of victims to file cases directly under the *partie civile* mechanism; no such complaint can move forward without the approval of the state prosecutor, unless the accused is a Belgian citizen or primary resident. The Belgian government may also step in and transfer any case not involving a Belgian victim to the accused's home state so long as that state upholds the right to a fair trial.

## The Victims of Hissène Habré Still Awaiting Justice in Chad

Just as General Augusto Pinochet's arrest in the United Kingdom shattered the myth of his impunity in Chile, the indictment of Habré in Senegal had an immediate impact in Chad, opening new channels for justice. The victims and human rights organizations who initiated the case against Habré in Senegal gained a new status in Chadian society, having accomplished something that no one had thought remotely possible.

On September 27, 2000, Chadian President Idriss Déby met with the leadership of the AVCRP, the Chadian victims' association, to tell them that "the time for justice has come" and that he would "remove all obstacles, from inside Chad or abroad" to their quest for justice.

For several years now, the Chadian government has indeed supported the international cases filed against Hissène Habré. This support manifested itself most vividly when the Belgian judge visited N'Djaména from February to March 2002 with the full cooperation and support of the Chadian government. The Chadian government also granted the victims and their supporters unlimited access to the DDS archives, and it lifted Hissène Habré's immunity from the jurisdiction of the Belgian courts in October 2002.

As important as a foreign tribunal's judgment against Hissène Habré's is, however, it does not guarantee full justice to the victims of his regime nor would it permit Chadian society to confront its past before finally moving on. Unfortunately, the Chadian government has not taken complementary measures at home to ensure such justice. In particular, it has failed to make meaningful reparations to the victims.

### *Reparations in International Law*

Under principles of international human rights, rehabilitation, compensation, and satisfaction are all part of states' obligations to provide reparations to victims.<sup>42</sup> Chad is bound by a number of international instruments to provide reparations to victims of gross human rights violations. The International Covenant on Civil and Political Rights (Art. 2(3)), ratified by Chad in 1995, requires parties to "ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy,

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<sup>42</sup> See, e.g., Commission on Human Rights, "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law," (United Nations: Geneva, 2000), E/CN.4/2000/62, annex, items 6-7; See Naomi Roht-Arriaza, "Reparations Decisions and Dilemmas," *Hastings International and Comparative Law Review*, vol. 27, no. 2, 2004, p. 157.

notwithstanding that the violation has been committed by persons acting in an official capacity” and also to provide compensation for unlawful detention (Art. 9(5)).

The Convention against Torture (Art. 14), ratified by Chad in 1995, states:

Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation.

These provisions seek to build on the principle set forth in Article 8 of the Universal Declaration of Human Rights: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

The 2000 Draft Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law, which seeks to embody this principle, concludes that:

The obligation to respect, ensure respect for and enforce international human rights and humanitarian law includes, *inter alia*, a State’s duty to:

- (a) Take appropriate legal and administrative measures to prevent violations;
- (b) Investigate violations and, where appropriate, take action against the violator in accordance with domestic and international law;
- (c) Provide victims with equal and effective access to justice irrespective of who may be the ultimate bearer of responsibility for the violation;
- (d) Afford appropriate remedies to victims; and
- (e) Provide for or facilitate reparation to victims.<sup>43</sup>

“Reparations are the embodiment of a society’s recognition, remorse and atonement for harms inflicted.”<sup>44</sup> Reparations may be material (restitution, medical treatment) as well as

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<sup>43</sup> Commission on Human Rights, “Civil and Political Rights, including the Questions of: Independence of the Judiciary, Administration of Justice, Impunity,” (Geneva: United Nations, 2000), E/CN.4/2000/62, annex, item 2.

moral (official acknowledgment, bringing those responsible for the crimes to justice and/or removing them from positions of power.) One author points out that:

Reparations serve a dual function. They aim to recompense for loss and to restore the good name of those defamed, but also to reintegrate the marginalized and isolated into society in order to allow them to be part of rebuilding the country. ... Moral reparations, too, serve this dual purpose: they aim to expose and punish those responsible, but also to minimize their power and role in the post-conflict society. After all, if the local thugs are still in charge, few things will change.<sup>45</sup>

The idea of the right to reparations must thus be considered in its widest sense, according to international law, including restitution, compensation, satisfaction and guarantees of non-repetition, and the rehabilitation of victims.<sup>46</sup>

### ***Hissène Habré's Accomplices Still in Positions of Power***

Despite the recommendations of the Truth Commission and the National Sovereign Conference, Hissène Habré's accomplices continue to enjoy impunity for their acts. More than forty ex-leaders of the DDS and other Habré-era repressive organs today hold positions in administration or security services of the state.

A list of 41 people who held positions of power within the DDS and other security forces under Habré's rule and who still occupy posts today in Chad is published as an annex to this report. The French version of the current report also contains a detailed account of the allegations against each of these people, based on the DDS files, dossiers

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<sup>44</sup> Naomi Roht-Arriaza, "Reparations Decisions and Dilemmas," *Hastings International and Comparative Law Review*, vol. 27, no. 2, 2004, pp. 157, 159.

<sup>45</sup> *Ibid.*

<sup>46</sup> See Sub-Commission on Prevention of Discrimination and Protection of Minorities, "Basic Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law" (a.k.a. "van Boven Principles") (United Nations: Geneva, 1996), E/CN.4/Sub.2/1996/17 ("Restitution requires, *inter alia*, restoration of liberty, family life, citizenship, return to one's place of residence, employment of property. ... *Compensation* shall be provided for any economically assessable damage resulting from violations of human rights and humanitarian law. ... *Rehabilitation* shall be provided and will include medical and psychological care as well as legal and social services. .... *Satisfaction and guarantees of non-repetition* [*include:*] (a) Cessation of continuing violations; (b) Verification of the facts and full and public disclosure of the truth; (d) Apology, including public acknowledgement of the facts and acceptance of responsibility; (e) Judicial or administrative sanctions against persons responsible for the violations; (f) Commemorations and paying tribute to the victims; (g) Inclusion in human rights training and in history textbooks of an accurate account of the violations committed in the field of human rights and humanitarian law.") See also Article 75.1 of the Rome Statute instituting the International Criminal Court (ICC), which states that "The Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation."

prepared by the AVCRP, the report of the Chadian Truth Commission and 150 interviews with victims by Human Rights Watch and the International Federation of Human Rights Leagues (FIDH).

Of the three ex-DDS directors still in Chad, one is a regional chief of surveillance, a second is a regional governor, and a third works for the ministry of communications. One of the “most brutal torturers” of the DDS, to quote the Truth Commission, is now a district police commander. An ex-DDS chief against whom many cases of torture were filed is the current chief of security at N’Djaména’s international airport. A former director of national security under Habré now occupies the post of national co-coordinator of the country’s petroleum zone, and an ex-DDS deputy director of national security is now the powerful director of the Judicial Police. The former warden of the “*Locaux*,” one of the DDS’s detention centers, is now warden of the N’Djaména jailhouse.

During a speech made in N’Djaména in June of 2003, Ismael Hachim, the president of the AVCRP, stated: “Our torturers and killers wander freely among us every day without fear of the justice system with whom we filed our cases.... Our tormentors continue to laugh in the face of a justice that remains powerless to punish those responsible and their accomplices.”<sup>47</sup>

As described by Hachim, the presence of former Habré-era torturers in positions of power within the current Chadian administration is not only a stark illustration of their impunity, but it has a corrosive effect on Chadian society and only serves to encourage intimidation of and aggression against human rights defenders and those fighting for justice in Chad.

The rehabilitation of accused torturers does not even stop at Chad’s borders, however. In November 2004, the AVCRP informed Human Rights Watch that another one of Chad’s “most feared torturers,” was serving in the civilian police with the U.N. Operation in Côte d’Ivoire (ONUCI) — where he was investigating human rights complaints. According to the Truth Commission, Mahamat Djibrine, also known as “El Djonto” was part of a five-member committee of the DDS charged with the interrogation of detainees and which “systematically made use of torture during its interrogations.” The Truth Commission reported that Djibrine was also part of the

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<sup>47</sup> Discours du Président de l’association des victimes des crimes et répressions politiques au Tchad à l’occasion de la tenue des états généraux de la justice à N’Djaména, June 19, 2003 [online], <http://hrw.org/french/press/2003/tchad0619.htm>.

committee formed by Habré to arrest members of the Hadjerai ethnic group during the pogrom against that group in 1987, and a similar committee to arrest ethnic Zaghawas in 1989. Before being sent to Côte d'Ivoire, Djibrine was chief of staff for the director-general of the Chadian National Police. In January 2005, after a complaint to the United Nations by Human Rights Watch, the government of Chad recalled Djibrine.

### ***The Victims and their Supporters Threatened***

The aggression against Jacqueline Moudeïna, the Chadian lawyer for Habré's victims in the Chadian cases against the ex-DDS agents (see *infra*), and its aftermath, is evidence that the power of these former agents stands in the way of justice for Habré's victims.

Maitre Moudeïna was the victim of a hand grenade attack on June 11, 2001, while she was participating in a non-violent women's demonstration outside the French embassy to protest the conduct of the Chadian presidential elections. Many believe that she was targeted because she represents the victims of Habré's accomplices. The police squad responsible for the attack was commanded by Mahamat Wakaye, the deputy director of National Security under Habré's regime and one of the former agents who was named in a complaint filed by Maitre Moudeïna on behalf of Habré's victims. Wakaye is the current director of the Judicial Police of Chad.

The government did not carry out an investigation into the attack, which also resulted in numerous other injuries. When Maitre Moudeïna returned more than a year later from France, where she had been hospitalized for her injuries, she filed a complaint against Wakaye. Only pressure from Chadian and international rights groups forced the case to trial.

Evidence presented at the trial, attended by Human Rights Watch, suggested that Maitre Moudeïna was specifically identified by police officers under Wakaye's command before the grenade was thrown, and that after she was injured, the car taking her to the hospital was fired on. Nevertheless, Mahamat Wakaye was acquitted on November 11, 2003 of all charges brought against him.

The simple presence of one of Habré's ex-thugs in a key post such as director of the Judicial Police jeopardizes hopes for justice and slows down the end to the intimidation of human rights defenders.

The harassment of Hissène Habré's victims intensified with the Belgian judge's visit to Chad in February and March of 2002:

- On the night of Friday, February 22, 2002, the office of Richard Kladoum, the president of the Chadian Bar Association and an associate of Jacqueline Moudeïna, was broken into. All his files were found in disarray on the floor and his computer was ransacked, yet only the fax had been taken.
- On March 18, Souleymane Guengueng, vice president of the AVCRP and one of the principal plaintiffs in the case against Habré, was suspended for one month without pay from his job at the intergovernmental Lake Chad Basin Commission (CBLT). As a result of Guengueng's involvement in the Habré case, the CBLT accused him of behaving in a manner that was incompatible with the commission's statute. The CBLT also required him to write a formal declaration stating that he would abandon all activity as vice president of the AVCRP or else expose himself to greater penalties. When he refused to quit his AVCRP activities, Souleymane Guengueng was dismissed from his position in November 2002.
- On Saturday, March 23, while at the wheel of Souleymane Guengueng's car, Guengueng's chauffeur was followed by an unregistered vehicle from Cameroon that was full of uniformed soldiers. An aggressive chase ensued.
- Two victims who went to Belgium in December 2001 to bring charges against Habré and to be heard by the judiciary police there were threatened multiple times after they returned to Chad. The house of one of the victims was visited four times in the middle of the night by people asking the whereabouts of that victim and the reason for his trip to Belgium. Each time, the victim was hidden and protected by his family. Another former victim was the victim of an attempted abduction by people whose faces were hidden.
- During the night of Saturday, March 30, 2002, the AVCRP offices were broken into. The outside doors and the doors of the cabinets inside were broken open.

### ***The Cases against Hissène Habré's Accomplices at a Standstill***

Despite the recommendations made by the Truth Commission, the present government of Chad has not sought Habré's extradition from Senegal nor has it initiated the prosecution of Habré's accomplices who remain in Chad.

Upon returning from Dakar, Habré's victims announced their intention to file criminal charges in Chadian courts against their direct torturers and those DDS leaders still in the country. According to Ismael Hachim, president of the AVCRP, "We never accepted — and will never accept — the idea that our torturers are escaping justice. After the arrest of Hissène Habré in Senegal, we realized that we can demand that justice be done here, in our own country. Now, it's time for Chad's judicial system to do its duty."

Several weeks later, on October 26, 2000, seventeen victims lodged criminal complaints for torture, murder, and “disappearance” against named members of the DDS. The investigating judge in charge of the case dismissed the complaints for lack of jurisdiction because a 1993 law had provided for the creation of a special tribunal to judge Hissène Habré and his accomplices, a tribunal that was never, in fact, established.<sup>48</sup> The victims took the case to the Constitutional Council of Chad, which ruled that the common law tribunals were able to hear these complaints.<sup>49</sup> The investigation finally began in front of another investigating judge in May 2001. Dozens of other victims then came forward to file complaints against their direct torturers. The investigating judge heard dozens of victims and began seeking the testimony of defendants. Some defendants appeared, while others refused. One, Mahamat Wakaye (see Section 4B above), reportedly tore up his summons in the judge’s face, before he was ordered by the minister of justice to appear and give testimony.

Despite all this, the investigation remains at a standstill. The Chadian investigating judge has repeatedly stated that he needs additional funding and, in particular, personal protection if he is to carry out an investigation against these still-powerful figures.

At a Council of Ministers meeting on May 14, 2003, the minister of justice informed the council of the investigating judge’s requests for government support. The minister maintained that the procedure concerning the Hissène Habré affair would run into financial, humanitarian, and security problems. At the meeting, the Council of Ministers declared itself “ready to implement any action so as to not impede the path of justice, so that the truth comes out and the case is able to proceed.”<sup>50</sup>

Despite the Chadian government’s stated commitment, neither financial aid nor security measures have been implemented so that the investigating judge might carry out his work on the case in the proper conditions.

### ***The Chadian Government’s Failure to Make Material Reparations to the Victims***

The Truth Commission estimated the losses during Habré’s rule at “more than 40,000 victims, more than 80,000 orphans, more than 30,000 widows, and more than 200,000

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<sup>48</sup> See <http://www.hrw.org/french/themes/Habré-ordonnance.html>.

<sup>49</sup> The judge’s ruling can be found at <http://www.hrw.org/french/themes/Habré-decisionduconseil.html>.

<sup>50</sup> “Engagé à tout mettre en œuvre pour ne pas entraver le cours de la justice, afin que la vérité sorte au grand jour et que le procès aboutisse.”

people who found themselves without moral or material support.”<sup>51</sup> Despite these numbers, no material reparations have been granted to the victims.

As described above, Chad has a legal and moral obligation to repair the damage caused by these agents.

Experiences in other countries have shown that many different forms of adequate material reparations exist. Across the world, the process of democratic transition has been accompanied by compensation for victims of the worst atrocities. For example, in Chile, after the military dictatorship of Augusto Pinochet (1973-1990), the successive reports of a truth commission and a reparations commission led, in December 1996, to the compensation of 4,630 family members of the 2,730 “disappeared” persons considered dead. In September 1997, the government granted approximately 85 million U.S. dollars to the loved ones of the “disappeared” as a form of compensation, in accordance with the pension plan just put in place. This plan provided approximately 5,000 Chileans with the payment of school loans, health pensions, and other monthly allowances (for certain people for the rest of their lives), and also with the possibility of exemption from obligatory military service.

In December 2004, after the publication of the first official report on torture committed under military rule, the Chilean congress passed a law giving compensation to more than 28,000 torture victims who will be eligible for a pension of around \$2,500 a year.

A compensation process also followed the 1976-1983 military dictatorship in Argentina and the crimes of its “dirty war” against opponents. Victims’ families, survivors, ex-political prisoners, and forced exiles received from 220,000 to 3 million U.S. dollars.

The goal of the Truth and Reconciliation Commission, established after the first democratically-elected government in South Africa in 1994, was to help citizens deal with the trauma of the past by creating an archive of egregious human rights violations committed during the apartheid regime of the 1970s, and to design a plan to grant reparations to more than 20,000 known victims. The commission recommended that the families be awarded on average 3,500 U.S. dollars per year for at least six years, and, in an even more symbolic gesture, to construct gravestones and rewrite certain criminal record files.

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<sup>51</sup> *Les crimes et détournements de l'ex-Président Habré et de ses complices*, Rapport de la Commission d'Enquête Nationale du Ministère tchadien de la Justice, Éditions L'Harmattan, 1993, p. 97.

In 1996, following a mission to Chad and having seen the difficult situation of victims and their families and the poverty of the country, Dr. Hélène Jaffe stressed the importance of “practical solutions, realizable at low costs, but having the enormous advantage of ensuring that these persons are recognized as victims and that the dead see that they are also recognized as martyrs.” She proposed:

For example include taking into account the years spent in jail in the calculation of the retirement years, and the total or partial exoneration of enrollment fees for school or university for the children of victims. On a symbolic level, the erection of a monument for the memory of victims of state violence seemed to greatly interest our patients, as did the idea of de-baptizing an avenue in N'Djamena carrying the name of a dictator and giving it a name that recalls their fight.<sup>52</sup>

Habré's victims, however, have yet to receive any form of material reparations from the Chadian government.

In January 2004, the AVCRP organized a rally and meeting calling on the government to compensate the victims. The AVCRP presented the government with a legal memorandum supporting the victims' right to reparations and citing experiences in other countries. The event received the support of the Chadian human rights community and was widely reported in the local press.

In March 2005, l'AVCRP presented the National Assembly with a draft law on victim compensation. According to the draft, the direct victims as well as indirect victims (widows, orphans, parents, brothers and sister) of crimes committed by the Hissène Habré regime would be able to seek claim up to 40,000, 000 CFA (approximately \$74,000 ) during 10 years. The National Assembly has not yet taken up the draft law.

The AVCRP has sought to help victims directly, with limited success. In 2003 it obtained a first grant from the U.N. Fund for Torture Victims to provide direct assistance to Habré's victims. In December 2003, it was thus able to distribute a first 100 sacks of corn meal.

In the initial years after Habré's fall, victims received elementary medical and post-traumatic care thanks to the French organization Association for the Victims of

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<sup>52</sup> Association pour les Victimes de la Répression en Exil (AVRE), *Mission AVRE au Tchad 1991 / 1996*.

Repression in Exile (AVRE), which carried out several missions to Chad to evaluate the sequelae of torture and to provide medical assistance.

### ***The Truth Commission's Recommendations Concerning Moral Reparations Ignored***

The Truth Commission recommended, in 1992, that the Chadian government “construct a monument honoring the memory of the victims of Habré’s repression,” “designate a day for prayer and contemplation for said victims,” and “transform the former DDS headquarters and underground prison known as the ‘Piscine’ into a museum to always remember this horrific regime.” None of these recommendations has been implemented by the Chadian government.

The victims are still waiting for their suffering and the horrific ordeals that they or their families went through to be recognized by Chadian society. As a complement to the prosecution of the ex-dictator and his accomplices, recognition of these atrocities would have tremendous beneficial effects on the judicial process and national reconciliation.

Today it is widely recognized that, as the Truth Commission suggested, symbolic measures can honor the victims and provide moral reparation. Louis Joinet, U.N. rapporteur on the question of the impunity of perpetrators of violations of human rights, has noted that:

On a collective basis, symbolic measures intended to provide moral reparation, such as formal public recognition by the State of its responsibility, or official declarations aimed at restoring victims’ dignity, commemorative ceremonies, naming of public thoroughfares or the erection of monuments, help to discharge the duty of remembrance.<sup>53</sup>

In Chad, unfortunately, none of these symbolic measures have been undertaken. There are no ceremonies, no monuments, and no tributes.

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<sup>53</sup> Sub-Commission on Prevention of Discrimination and Protection of Minorities, “The Administration of Justice and the Human Rights of Detainees,” (Geneva: United Nations, 1996), E/CN.4/Sub 2/1996/18, principle 45. Among the symbolic measures suggested by the Rapporteur were: (a) Public recognition by the State of its responsibility; (b) Official declarations restoring the dignity of the victims; (c) Commemorative ceremonies, naming of public thoroughfares, monuments, etc.; (d) Annual tribute to the victims; and (e) Inclusion in history textbooks and human rights training manuals of a faithful account of exceptionally serious violations committed during the reference period.

While Chadians are certainly aware of the horrors of the Habré regime, little has been done to educate Chadians about that period. The few copies of the Truth Commission's report available in Chad are prohibitively expensive and almost no Chadian consulted by Human Rights Watch had read the report.

According to Louis Bickford of the International Center for Transitional Justice,

Whether it be remembering the Holocaust in Germany, recalling human rights abuses under dictatorship in democratizing societies such as Argentina, memorializing the victims of Apartheid in South Africa, or fighting the memory of wrongs perpetrated by the United States, confronting the past through the creation of memorials is increasingly seen as an essential element to democratizing in the present and the future.

South Africa's Robben Island, which during apartheid was used to isolate democratic leaders such as Nelson Mandela, is now a museum which organizes tours to reinforce its motto "never and never again." In Chile, human rights workers, members of social organizations and labor unions, student leaders, ex-prisoners, and others participated in the building of the Park of Arts, a memorial built around General Pinochet's infamous torture center, Villa Grimaldi. Tuol Sleng, Cambodia's infamous detention center in which over 20,000 people were brutally murdered, is now the Museum of Genocidal Crimes, and it houses exhibits and paintings depicting the events that took place there.

In Chad, however, the *Piscine* remains off-limits. There is no place that Chadians can go to learn about or remember the Habré period or to honor its victims.

## Methodology and Acknowledgements

This report is the fruit of Human Rights Watch's six years of work on the ground in Chad in support of Habré's victims and Chadian human rights groups. That work has been led by Reed Brody, special counsel for prosecutions, and Olivier Bercault, legal counsel. Maria Koulouris, Pascal Kambale, Camille Bonnant, Philip Grant, Christopher Albin-Lackey, Celine Furi, Alpha Fall, David Hans, Lila Azam Zanganeh, Camille Park, Pauline Busson, Léa Bernard, Genoveva Hernandez, Nicolas Seutin, Sabrina Goldman, Natalie Horowitz, Elizabeth Kissam, Axel Acakpo-Satchivi, and Dustin Sharp, in addition to those mentioned below, also worked on the Habré case for Human Rights Watch.

This report was written by Reed Brody, with the assistance of interns Anabelle Vanier-Clément and Marion Lignac. The report was reviewed and revised by Olivier Bercault with the assistance of Emily Bono, intern. Interns Fanny Moinel and Diane Davidovici-Chouchane updated the report. Reed Brody and interns Marion Lignac, Anabelle Vanier-Clément, and Tara Plochocki developed the background files of Habré-era security agents who are still in positions of authority, using the following sources:

- The abandoned files of the Documentation and Security Directorate (DDS) discovered by Human Rights Watch in May 2001;
- Dossiers on 792 victims prepared in 1990-1992 by the Chadian Association of Victims of Political Repression and Crimes (AVCRP);
- The report of the Chadian Truth Commission and the original witness interviews conducted by the Truth Commission; and
- One hundred fifty (150) interviews with victims conducted in 2001 and 2002 by Human Rights Watch and the International Federation of Human Rights Leagues.

These background files are attached to the French version of this report.

The DDS documents discovered by Reed Brody and Olivier Bercault were sorted, photocopied, and organized by a team from the AVCRP led by Sabadet Totodet. The database was compiled by Reed Brody, Olivier Bercault, Camille Bonnant, Maria Koulouris, Carrie Allen, Mary Kinney, Tara Plochocki, Iram Chaudhary, Joel Dossa, Tamita Ngarbaroum, Camille Park, Elizabeth Roesch, and Vivianna Beltrametti Walker of Human Rights Watch, who assembled and coded photocopies of original documents

using a program designed by Patrick Ball, director of the Human Rights Program at The Benetech Initiative; the software was written by Miguel Cruz. The data preparation and statistical analysis was conducted by Romesh Silva, with technical assistance by Scott Weikart and Rafe Kaplan. The statistical analysis was reviewed by Patrick Ball and was developed based on a preliminary analysis conducted by Jana Dudokovich and Kristen Cibelli. The list of current positions held by former DDS agents was prepared by Reed Brody, Olivier Bercault and Maria Koulouris of Human Rights Watch and Martien Schotsmans of the International Federation of Human Rights Leagues, with the invaluable help of the AVCRP, and particularly Souleymane Guengueng.

We are grateful to Jacqueline Moudeina, president of the ATPDH, and to Souleymane Guengueng of the AVCRP who looked at and made suggestions to an earlier version of this report, as well as to William Bourdon of the Paris Bar for his review. Large parts of the report were translated into English by Carrie Allen, and other parts by Pauline Busson and Reyko Huang. Wilder Tayler, legal and policy director, provided a legal review. Widney Brown, deputy program director, and Rania Suidan, global advocacy associate, edited the report. Katherine Kruk prepared the report for publication.

## **Annex I: List of Former DDS Directors and Agents Now in Leadership or Security Positions in Chad**

As of February 2005:

### *Former Directors of the DDS under Hissène Habré*

#### **Saleh Younouss**

*Under Habré:* Director of the DDS

*Now:* Assistant Director-General of Posts and Telecommunications, Ministry of Posts and Telecommunications

#### **M'Baikoubou Nestor**

*Under Habré:* Interim Director of the DDS

*Now:* Prefect of Monts de Lam; Former Assistant Director of the GNNT (National Nomadic Guard of Chad)

#### **Ahmat Allatchi**

*Under Habré:* Director of the DDS

*Now:* Chief of Territorial Surveillance, Chari-Baguirmi Department; Divisional Police Commissioner

### *Former Commanders of the Special Rapid Action Brigade (BSIR) under Hissène Habré*

#### **Chah Allanga**

*Under Habré:* Commander of the BSIR

*Now:* Commander of a Gendarmes Group

#### **Oumar Souny**

*Under Habré:* Commander of the BSIR

*Now:* Chadian National Army, on mission in eastern Chad;

#### **Abderamane Yomdi Djarsia**

*Under Habré:* Chief of the File Department, Chief of the Department of Human Resources of the BSIR

*Now:* Director of Military Engineering and Fire Department, Chadian National Army

### ***Former Chiefs of DDS Departments under Hissène Habré***

#### **M'Bang Elinan Jeremie**

*Under Habré:* Chief of the Formation and Recruitment Department of the DDS

*Now:* N'Djaména Coordinator of the National Security Agency

#### **\*\*Yaldé Samuel**

*Under Habré:* Chief of the Formation and Recruitment Department, Chief of the Surveillance Department of the DDS

*Now:* Chief of Security, Agency of Aviation Security (ASECNA) of the International Airport of N'Djaména; Former agent of the National Security Agency

#### **\*\*Mahamat Djibrine, alias “El-Djonto”**

*Under Habré:* Chief of Internal Security, Coordinator of Documentation of the DDS

*Now:* Chief of Staff of the Director-General of the National Police (withdrawn from the U.N. Operation in Côte d'Ivoire (ONUCI))

#### **Djadda El-Hadj Mallah**

*Under Habré:* Officer of Investigations, Chief of the Terrorist Missions Department of the DDS

*Now:* Protocol Section, Ministry of Foreign Affairs and African Integration; Former Service Chief at the V.I.P. lounge of the International Airport of N'Djaména; Former Assistant Director of the Asia-Oceania Zone, Ministry of Foreign Affairs

#### **Abbas Abougrene**

*Under Habré:* Chief of the Department of River Security of the DDS

*Now:* Director of Internal Security at the National Security Agency

#### **Adoum Mahamat Moussa**

*Under Habré:* Chief of Internal Security of the DDS

*Now:* Assistant Director of the National Security Agency for N'Djaména

#### **Hisseine Chahadé**

*Under Habré:* Chief of the Surveillance Department of the DDS

*Now:* Commander, serving in the Personnel department at the General Directorate of the National Guard; formerly Deputy Commander of the Gendarmes for Chari-Baguirmi Department

#### **Abdelkader Hassan, alias “Rangers”**

*Under Habré:* Chief of the Foreign Surveillance Department of the DDS

*Now:* Liaison officer with the Minister of Public Security; formerly with the Legislative Service, Ministry of Public Security and Immigration; Former Chief of Security for the Prime Minister, Former Security Attaché at the Ministry of Public Security and Immigration

### **Khalil Djibrine**

*Under Habré:* Chief of Military and Exterior Liaisons of the DDS

*Now:* Prefect of Lac Department, Former Assistant Director of Finances of the Military Hardware Manufacturer (MANEM)

### **Moussa Outman**

*Under Habré:* Chief of the Department of the Secretariat of the DDS, Chief of Security of the Interior of the DDS

*Now:* Chief of Personnel of the Intelligence Agency (*Renseignements Généraux*); Former Prefect of West Tandjile Department

### **\*\*Warou Ali Fodou**

*Under Habré:* Chief of River Security of the DDS

*Now:* Public Security Directorate

### **Ali Noukouri**

*Under Habré:* Chief of the Security of the Interior Department of the DDS

*Now:* Police Commander (without position); Former Central Commissioner for the city of Bongor

### **Sheriff Haliki Haggar**

*Under Habré:* Chief of the Security Department of the Airport of the DDS

*Now:* Principal Commander; Former Under-Prefect of Nokou Department

### **Darkou Ahmat Kalbassou**

*Under Habré:* Joint Chief of the Internal Security Department of the DDS

*Now:* Member of the National Security Agency

### **Gamar Daouro**

*Under Habré:* Deputy Chief of Internal Security of the DDS

*Now:* Chief of the Surveillance Department of Foreigners of the National Police

### **Zakaria Monone**

*Under Habré:* Chief of the “Open Sources” department of the DDS

*Now:* Chief of a branch of the National Security Agency in Mani

## **Mahamat Djoung Djoung**

*Under Habré:* Chief of the DDS in Mongo

*Now:* Division Chief and Coordinator of the National Security Agency in Moundou and Doba

## **Commander Abdallah Wagadé**

*Under Habré:* Deputy Chief of the Surveillance Department of the DDS

*Now:* Comptroller in Chief of the Chadian National Army; Chief of the Arms Control Agency Division; former Executive Level of the Chadian National Army

## **Nodjinan Jerome**

*Under Habré:* Deputy Chief of the Research Department, Security Officer for the DDS

*Now:* Deputy Commander, Urban Corps of Mondou; formerly Regional Director of the Police in Bol

## **Ahmat Dari**

*Under Habré:* Commissioner of the DDS in the region of Moundou

*Now:* Deputy Director of the Department of Protection, Security and Defense at the Ministry of Defense

## **Mahamat Seid (Ali Yeg)**

*Under Habré:* Chief of the Liaison and Surveillance Department of the DDS for the autonomous sector covering Walia, Agueli and Ngoumb

*Now:* Intelligence Agency (*Renseignements Généraux*), National Police

## ***Agents of the Special Rapid Action Brigade (BSIR) of the DDS under Hissène Habré***

### **Mahamat M'Bodou**

*Under Habré:* Chief of the Intelligence Bureau of the BSIR

*Now:* Former Prefect of Lac Department detached to the Arms Control Agency

### **Sabre Ribe**

*Under Habré:* Chief of the BSIR Secretariat

*Now:* Former Deputy Director of the National Gendarmerie

### **Issa Idriss**

*Under Habré:* Agent of the BSIR

*Now:* Divisional Commissioner, Regional Director of the National Police for Lac Department (Bol)

## **Tolba**

*Under Habré:* Warden of the “*Locaux*” detention center

*Now:* Warden of the N’Djaména Jail (*Maison d’Arrêt*); formerly Head of Security at the Central Courthouse (*Palais de Justice*)

## **Abdelaziz Philippe**

*Under Habré:* Deputy Officer Attaché of the BSIR

*Now:* Manager of the Moundou Jail (*Maison d’Arrêt*)

## ***Former Officers of the National Security Agency (Sûreté Nationale) under Hissène Habré***

### **Nodjigoto Haunan**

*Under Habré:* Director of National Security

*Now:* Colonel, Deputy National Coordinator for the Petroleum Zone, Former Security Advisor to the Prime Minister

### **Brahim Djidda**

*Under Habré:* Director of National Security

*Now:* Former Deputy Secretary-General of the Ministry of Public Security and Immigration, General Coordinator of the Police

### **Mahamat Wakaye**

*Under Habré:* Deputy Director of National Security

*Now:* Director of the Judicial Police, Former General Coordinator of the Police; former Central Commissioner of the Police for N’Djaména

### **Touka Haliki**

*Under Habré:* Director of the Judicial Police, Officer in the Intelligence Agency

*Now:* Former Inspector General of the National Police, Former Director of Police Services, General Coordinator of Police for Moundou

## ***Others***

### **Mahdjoub Djouma**

*Under Habré:* Service Agent of River Security of the DDS

*Now:* Service Chief for N’Djaména, National Security Agency

### **Ngartorangal Ngaïdet**

*Under Habré:* Deputy Director of the Intelligence Agency Department of the National Police

*Now:* Counselor of the Ministry of Public Security, Former Director-General of National Security

### **Ahmat Abakar Chemi**

*Under Habré:* Deputy Chief of Security Services in Moundou

*Now:* Ministry of Territorial Administration; formerly Service Chief, Internal Security Service, Office of the President

### **Djaffi Assali**

*Under Habré:* Deputy Chief of Liaison and Surveillance Services in the city of N'Djaména

*Now:* Director of Special Services at the National Gendarmerie

### **Fatimé Suzanne**

*Under Habré:* Deputy Director of “shock force” in UNIR (Hissène Habré’s political party)

*Now:* Deputy Prefect of Koundoul; ex-Chief of the 5<sup>th</sup> District in N'Djaména

\*\* Listed by the Truth Commission as among Habré’s “most feared torturers.”

## Annex II: Glossary of Acronyms

**ATPDH:** *Association Tchadienne pour la Promotion et la Défense des Droits de l'Homme* (Chadian Association for the Promotion and Defense of Human Rights)

**AVCRP:** *Association Tchadienne des Victimes de Crimes et Répression Politiques* (Chadian Association of Victims of Political Repression and Crimes)

**AVRE:** *Association pour les Victimes de la Répression en Exil* (Association for the Victims of Repression in Exile)

**BSIR:** *Brigade Spéciale d'Intervention Rapide* (Special Rapid Action Brigade); the armed division of the DDS

**CODOS:** short for “commandos”; armed, anti-Habré opposition groups that fought in southern Chad.

**DDS:** *Direction de la Documentation et de la Sécurité* (Documentation and Security Directorate)

**FAN:** Habré’s Armed Forces of the North; eventually became the regular army, FANT

**FANT:** National Armed Forces of Chad [see “FAN” above]

**FIDH:** *Fédération Internationale des Lignes de Droits de l'Homme* (International Federation of Human Rights Leagues)

**GUNT:** *Gouvernement d'Union Nationale de Transition* (Transitional Government of National Unity)