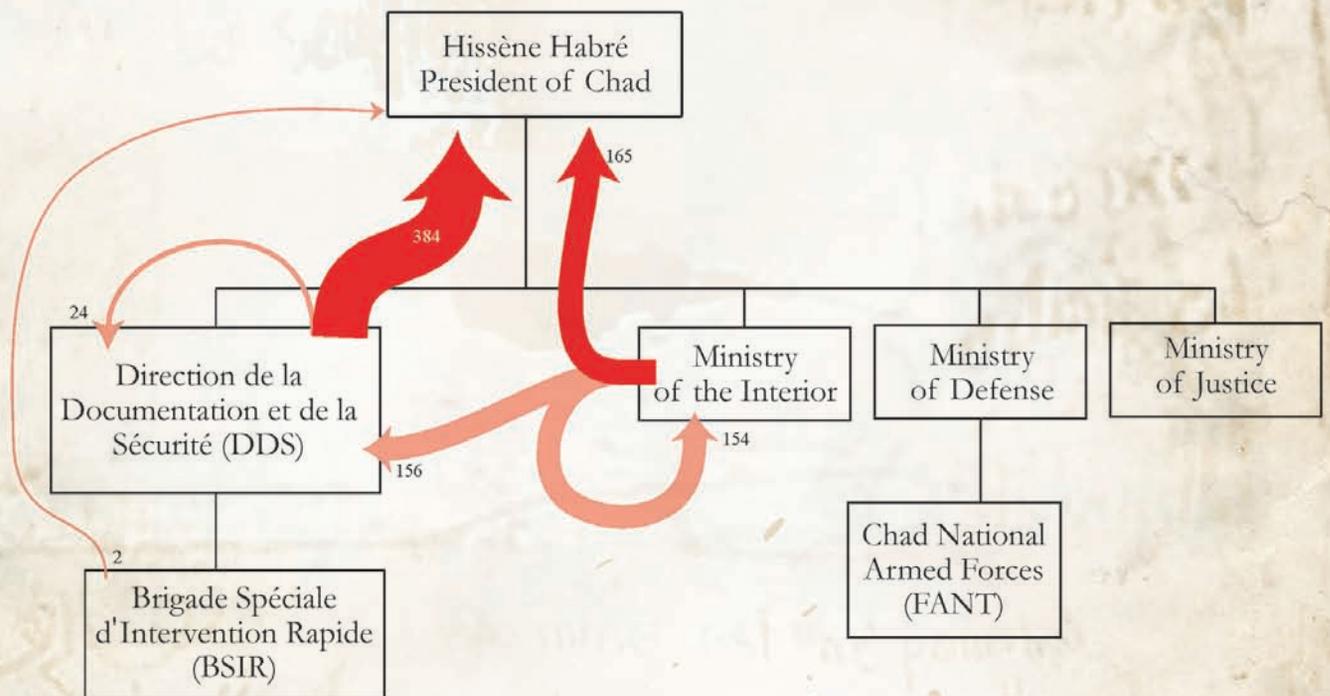


# State Violence in CHAD



A Statistical Analysis of Reported Prison Mortality in Chad's DDS Prisons and Command Responsibility of Hissène Habré, 1982-1990

Romesh Silva, Jeff Klingner & Scott Weikart



State Coordinated Violence in Chad under Hissène Habré  
**A Statistical Analysis of Reported Prison Mortality in Chad's DDS Prisons  
and Command Responsibility of Hissène Habré, 1982–1990**

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February 3, 2010

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About the front and back cover: The diagram on the front cover displays the flow of recovered and coded documents, from the former DDS headquarters, which were addressed to Hissène Habré between 1982 and 1990. The background of the front and back cover is an image of a DDS prison cell wall.

## Executive Summary

This report documents the death of prisoners inside Chad's Direction de la Documentation et de la Sécurité (DDS) prisons between 1982 and 1990, and the extent to which former Chadian president Hissène Habré and senior officials within his government are responsible for human rights violations committed by the DDS. The report presents evidence which is consistent with the hypothesis that the policies and practices of Hissène Habré and senior DDS officials, whom Habré appointed, contributed to deaths in custody on a level substantially higher than the adult mortality rate of Chad at the time. The analysis tests the hypotheses that Habré had a superior-subordinate relationship with senior DDS officials and had knowledge of their actions, which resulted in substantial deaths in custody. The available evidence also suggests Habré's "failure to act" in his lack of action to prevent these deaths or reprimand his subordinates who were charged with day-to-day oversight of DDS prisons. The conclusions of the report are developed by analyzing official records of the DDS and other government departments, which were recovered by Human Rights Watch (HRW) in 2001 from the abandoned DDS headquarters in N'Djamena, the Chadian capital.

Hissène Habré assumed the presidency of Chad in 1982 and immediately set up the DDS. From the documents recovered from the DDS and coded by HRW to extract data from the narrative, we show that while the DDS was originally part of the Ministry of Interior, within 6 months of its founding Habré reorganized it to operate as a special unit outside of the Ministry of Interior with direct reporting lines to Habré himself. From analysis of routine DDS records, including Situation Journals and death certificates which were recovered and coded, we found that the observed mortality rate within the DDS prisons varied from 30 per 1,000 to 87 per 1,000 prisoners. This rate is substantially higher than the crude death rate of Chad in the 1970's and 1990's which was less than 25 per 1,000, see section 5.2 The crude death rate for the whole of Chad, unlike DDS prison mortality, is mainly driven by high infant mortality. A total of 12,321 individual victims were mentioned in the recovered and coded documents, including documentation of 1,208 deaths in detention. From these documents, we verified that President Habré received 1,265 direct communications about 898 DDS prison detainees. This is direct evidence that Habré's subordinates within the DDS communicated detailed information about the ongoing practices and events within the DDS prisons.

The recovered and coded DDS documents provide evidence that the DDS operations were carried out across the different provinces of Chad, and that the senior leadership of the DDS was informed about these operations in different regions. Acts of arbitrary arrest, detention and torture are mentioned in the documents. It is not possible to determine how representative these recovered and coded documents are of all DDS documents ever written. Yet, these documents provide evidence of the type of acts which were carried out by the DDS and that the senior leadership, including President Habré, were continuously informed about such acts. Furthermore, among the recovered documents is an Oath of Allegiance in which officials, upon their recruitment into the DDS, swear "their honor, faithfulness and dedication to the President of the Republic..." and solemnly "promise to never betray and keep secret all the activities of the DDS." This suggest how closely President Habré was involved with the operations of the DDS and its oversight.

To further assess command responsibility of the DDS, we analyzed the document flow into and out of the

DDS. Of the 2,733<sup>1</sup> official documents recovered from the former DDS headquarters and coded by HRW, 384 were direct communications from the DDS to President Habré. The bulk of the remaining documents (for which authorship and recipients were readily identifiable) were internal communications within the DDS. These internal documents were usually from the BSIR (Chad's Special Rapid Action Brigade) to the DDS leadership, or from the different service units to the Director of the DDS. Our analysis of document flow shows that

- The Director of the DDS (who was appointed directly by President Habré) received regular written communications from the service units of the DDS.
- President Habré continuously received ad-hoc communications from the DDS Director and its service units about its policies and practices.
- President Habré was directly informed about the status of 898 prisoners, including 38 deaths in detention.
- There is a notable difference between written communication from the Ministry of Interior (MoI) to President Habré and the communication from the DDS to President Habré. This suggests that the DDS was not a regular line ministry (like the MoI), but rather operated like a special unit of the office of the President. This suggests a clear superior-subordinate relationship between President Habré and the DDS.
- President Habré and the Director of the DDS had direct authority for the promotions and transfers of the senior DDS leadership.

Our analysis shows evidence that

- Large-scale human rights violations were carried out inside the DDS prisons.
- Both President Habré and the Director of the DDS were well informed of DDS operations and prisoner deaths.
- There was a superior-subordinate relationship between President Habré and the DDS senior leadership.

There are several limitations of our findings. Foremost is the fact that we are unable to estimate the total magnitude of violations carried out by DDS officials and the full extent of President Habré's knowledge of these acts. However, our analysis of the DDS's own records does show evidence that large-scale human rights violations were committed by the DDS, that the DDS was under President Habré's command, and that Habré was continuously informed about DDS operations. Also, although we identified some instances of officials being relieved of their duties by their superiors, it is not clear on what basis such actions were taken.

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<sup>1</sup>Three of the documents were not useful for most of our statistical analysis, see Appendix C.2

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# 1 Introduction

Hissène Habré ruled Chad from 1982 until December 1990, when he was deposed by the current Chadian president, Idriss Déby Itono. Numerous and credible reports of large-scale human rights violations were made during Habré’s presidential rule. These violations may have been the result of the Habré administration’s policies and bureaucratic practices. For example, soon after becoming president Habré established a new official security agency, the “Documentation and Security Directorate (DDS),” which had a direct reporting line to Habré himself. An official truth commission set up by the current president Idriss Déby in 1992, concluded that the DDS distinguished itself “by its cruelty and contempt for human life.”<sup>2</sup>

In May 2001, Human Rights Watch (HRW) discovered a cache of 49,000 abandoned documents in the abandoned former DDS headquarters in N’Djamena. Following this discovery, the Chadian government granted the Chadian Association of Victims of Political Repression and Crimes (AVCRP), assisted by HRW and by the International Federation of Human Rights Leagues (FIDH), access to the documents and the right to use them freely. HRW selected 2,733<sup>3</sup> documents for digitization and entry into a database based on their apparent relevance to human rights issues (see section C.2). They selected all documents relating to detention, interrogation and counter-espionage, as well as to the organizational structure of the DDS. The sample didn’t include routine administrative correspondence, or daily reports about the media. In addition to these

official administrative records, the AVCRP and a number of other victims groups in Chad have collected testimonies from victims and the families of these victims who suffered human rights violations by the DDS and Habré’s official security agencies.

HRW requested technical assistance from Benetech’s Human Rights Data Analysis Group (HRDAG) to provide database representation and statistical analysis of the documents found in the DDS and the victim testimonies collected by local groups in Chad.<sup>4</sup> This report presents a statistical analysis of data from the 2,733<sup>5</sup> documents recovered from the former DDS headquarters and coded by HRW, and other available data.<sup>6</sup>

This report presents descriptive statistical and qualitative analysis of prison conditions within the DDS—namely reported deaths in custody and acts of torture—as well as the observed flow of written communication between the DDS, the Ministry of the Interior and President Habré, and the evolution of promotions and transfers of senior officials within the DDS.

The analysis contained in this report builds on earlier reports of the human rights violations connected to Hissène Habré’s DDS in Chad.<sup>7</sup> Amnesty International, in their 2001 report “Chad: The Habré Legacy,” noted that their documentation work in the 1980’s gave only a brief overview of violations committed during Habré’s administration. The Amnesty report notes Habré’s “deliberate strat-

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<sup>2</sup>*Report of the Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, his Accomplices and Accessories*, May 1992, English translation by United States Institute of Peace, “Transitional Justice: How Emerging Democracies Reckon with Former Regimes, Vol III: Laws, Rulings and Reports” (Neil J. Kritz, ed., Washington D.C.: U.S. Institute of Peace, 1994).

<sup>3</sup>Three of the documents were not useful for most of our statistical analysis, see Appendix C.2

<sup>4</sup>At the time of HRW’s first request, HRDAG was located at the American Association for the Advancement of Science.

<sup>5</sup>Three of the documents were not useful for most of our statistical analysis, see Appendix C.2

<sup>6</sup>For a detailed presentation of the data on which this report is based, see Appendix C.

<sup>7</sup>Cruz, Miguel, Jana Dudokovic and Kristen Cibelli “Preliminary Statistical Analysis of AVCRP & DDS Documents—A report to Human Rights Watch about Chad under the government of Hissène Habré”. November 4, 2003. Available online at <http://www.hrdag.org/resources/publications/chad-20031104a.pdf>

egy of shrouding in secrecy the practices of his agents, and consequently, about the fate of their prisoners...”.<sup>8</sup> The recovery of original administrative records from the DDS provides a new opportunity to uncover the abuses that the DDS carried out

during Habré’s presidency and how involved Habré was in the oversight of DDS policies and practices. This report presents new findings from analysis of the DDS’s own records which were recovered and coded by HRW in 2001.

## 2 Historical Context & Background

Chad is a land-locked, central African country of approximately 10.5 million people. During the presidential reign of Hissène Habré from 1982 to 1990, the population was estimated to be around 5 million.<sup>9</sup> The country is home to more than 200 distinct ethnic and linguistic groups. Chad’s landscape is diverse: savanna in the south, desert in the north and arid Sahelian zone in the center.

Since its independence from France in 1960, Chad’s political history has been characterized by instability, repression, outside intervention and civil war.<sup>10</sup> Direct and indirect intervention by foreign powers including Libya and France. The United States has also had notable influence on Chad’s internal politics.

Between 1979 and 1982, the Transitional Government of National Unity (GUNT, by its French acronym) administered Chad, headed by President Goukouni Oueddei. In 1980, then defense minister Hissène Habré and his armed forces (Forces Armées du Nord, FAN) launched an armed revolt against

the government. In June 1982, Habré and his forces deposed Goukouni by force from the Chadian capital, N’Djamena. By October 1982, Habré had been officially proclaimed President of Chad. Within four months, in January 1983, Habré set up the Direction de la Documentation et de la Sécurité (DDS) by a special presidential decree.

International human rights groups have argued that Habré’s presidential reign between 1982 and 1990 was characterized by widespread human rights violations and state terror against the people of Chad.<sup>11</sup> Habré’s administration was known for its use of unlawful arrests, detentions and mass killings of political opponents of his government and their supporters.<sup>12</sup> At different times during his presidential reign, Habré targeted entire ethnic groups based on his suspicions that certain members of these ethnic groups were plotting to overthrow him. His administration carried out targeted campaigns against the Sara in 1984, the Hadjarai in 1987 and the Zaghawa clan in 1989.<sup>13</sup>

<sup>8</sup>Amnesty International (2001) “Chad: The Habré Legacy”. AI Index: AFR 20/004/2001. October, 2001.

<sup>9</sup>Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects: The 2006 Revision and World Urbanization Prospects: The 2005 Revision, <http://esa.un.org/unpp>

<sup>10</sup>See, for example, Nolutshungu, Sam C. Limits of Anarchy: Intervention and State Formation in Chad. Charlottesville: University Press of Virginia, 1996.

Azevedo, Mario J. Roots of Violence: A History of War in Chad. Amsterdam: Gordon and Breach Publishers, 1998.

<sup>11</sup>See, for example, Amnesty International (2001) ‘Chad: The Habré Legacy’. AI Index: AFR 20/004/2001. October, 2001.

Human Rights Watch, “Chad: The Victims of Hissène Habré Still Awaiting Justice,” A Human Rights Watch Report, vol. 17, no. 10(A), July 2005 [online], <http://hrw.org/reports/2005/chad0705/index.htm>.

<sup>12</sup>*Ibid.*

<sup>13</sup>Human Rights Watch, “Chad: The Victims of Hissène Habré Still Awaiting Justice,” A Human Rights Watch Report, vol. 17, no. 10(A), July 2005 [online], <http://hrw.org/reports/2005/chad0705/index.htm>.

Upon deposing Habré and assuming the presidency in 1990, Idriss Déby appointed a Commission of Inquiry to investigate allegations of unlawful detentions, widespread torture, disappearances, acts of ill-treatment and mass killings.<sup>14</sup> This Commission of Inquiry documented a total of 54,000 prisoners who had been held in Chadian prisons during Habré’s presidential tenure. It also documented 3,806 people who had died in detention or had been extra-judicially executed during Habré’s presidential reign.<sup>15</sup> The Commission unscientifically estimated that their documentation efforts represented about 10% of the total unlawful killings attributed to Habré’s administration—suggesting that as many as 40,000 people may have been killed by Habré’s administration.

For more than two decades, Chadian victims groups such as the the Association of Victims of Political Repression and Crimes (AVCRP by its French acronym) in collaboration with HRW, the International Federation of Human Rights Leagues (FIDH) and Chadian and Senegalese human rights groups,

have been campaigning for truth and accountability for Habré’s victims.

In 2000, Habré was indicted in Senegal before the Senegalese courts ruled that he could not be tried there. Preparations were then made to take the case against Habré to Belgian courts under universal jurisdiction. In 2005, a Belgian judge issued an international arrest warrant charging Habré with crimes against humanity, war crimes and torture committed during his 1982–1990 presidential rule. In response to the Belgian extradition request, Senegalese authorities arrested Habré in November 2005, though the Senegalese courts refused to make a ruling on the legality of the extradition request. In response, the government of Senegal requested that the African Union recommend a competent jurisdiction in which Habré could be tried. In mid 2006, consistent with the recommendations of a panel of eminent African jurists, the African Union mandated Senegal to prosecute Habré. The Senegalese authorities agreed to do so.

### 3 The Data: The Documents Recovered from the DDS and coded by HRW

Governments and their leaders delegate functions to line ministries and departments. Government agencies necessarily create administrative records to issue instructions, report on the status of situations, document personnel performance and disciplinary action, and coordinate the affairs of the state. Most administrative records are formal communications between two or more individuals or institutions. Other records simply record an action or situation, but are distributed to one or more officials who have responsibility for oversight and coordina-

tion in that area.

Official records of the DDS yield insights into the formal functions and operations of the DDS by providing a retrospective audit trail of its routine and special operations. The records explain how the DDS operated, the people who participated both directly and indirectly, the places and events involved, and who was briefed about particular events, operations and processes. Previous analyses by the official truth commission, Amnesty International and

<sup>14</sup>The President of the Council of State, Chief of State *Decree No.014/P.CE/CJ/90, Republic of Chad, 29 Dec. 1990*. “Relative to the creation of a Commission of Inquiry into the crimes and misappropriation committed by the ex-president, his accomplices and/or accessories.”

<sup>15</sup>Les crimes et détournements de l’ex-Président Habré et de ses complices. Commission d’Enquete Nationale du Ministère Tchadien de la Justice, pp. 69 and 97.

Human Rights Watch have described a number of specific events and characteristics of the DDS. This section builds on their work. We analyze the recovered and coded documents in the aggregate describing the pattern of flow of information between officials inside and outside the DDS. We also analyzed the nature and content of some of the communication we observe from recovered DDS files and the personnel movements of key DDS officials over time.



Figure 1: Reed Brody of HRW discovering the abandoned administrative records of the DDS in N'Djamena, Chad (May, 2001). Photo courtesy of <http://www.reedbrody.org>

### 3.1 Background on the Discovery of the Documents in the DDS

In 2001, when visiting the former headquarters of the DDS in N'Djamena, Chad, HRW discovered a room containing approximately 49,000 documents including old magazines, photographs, radio transcripts and official state files and memoranda. After obtaining official permission to review and copy these documents, HRW selected and coded 2,733<sup>16</sup> documents which appeared to be the official documents and records of the DDS and other ministries. These documents were copied, and copies were taken to HRW's New York City headquarters. Later, the documents were scanned into digital images.

HRDAG designed and implemented a computer database to store the documents and their metadata. The database enabled HRW researchers to code information about the nature and content of these documents. This report presents the principal findings from the statistical analysis of these official documents.

### 3.2 Uncertainty About the Representativeness of the Documents

It is unclear to what degree the discovered documents are representative of all the documents and communications that were created between 1982 and 1990. It is not possible to deduce the total magnitude, pattern and nature of all documents produced and received by the DDS between 1982 and 1990. It is possible that the recovered and coded documents share specific features with each other which are not representative of other official documents, as a result of one or many of the following attributes:

- the author or recipients of the recovered and coded documents (e.g., Documents that in-

<sup>16</sup>Three of the documents were not useful for most of our statistical analysis, see Appendix C.2

volve Habré might be more likely to be preserved),

- the content of the recovered and coded documents, or
- the way in which these documents were stored by DDS officials.

The AVCRP and HRW selected documents for scanning and database inclusion based on their apparent relevance to human rights issues. They selected documents relating to detention, interrogation and counter-espionage, as well as to the structure of the DDS. They did not include routine administrative correspondence, or daily reports about the media in the sample selected for scanning and database inclusion.

The limitations of the DDS data are similar to those faced by Chad's official truth commission. After seventeen months' work, in its May 1992 report the Commission said: "It is only fair to draw the reader's attention to the fact that this investigation covers only a minute proportion of the acts committed by the Habré dictatorship. Neither time granted to the Commission, the means at its disposal nor the availability of victims enabled it to conduct an exhaustive investigation."<sup>17</sup>

As a consequence of these limitations, this report does not make inferential claims about the total magnitude and pattern of document flow between the DDS, the office of President Hissène Habré or any of the line ministries. Nor are we able to make inferences about the total magnitude or pattern of human rights violations attributable to officials of the DDS and President Hissène Habré. However, we are able to draw conclusions about the *existence* of clear, continuous and specialized lines of communi-

cations between the DDS and Hissène Habré about the routine and special operations carried out by the DDS during Habré's presidency.

### 3.3 Transforming the Recovered and Coded Documents into a Structured Data Format

As mentioned in Section 3.1, HRW discovered a small mountain of paper documents in an abandoned N'Djamena DDS office in 2001. We helped HRW to scan the documents, and we designed a data model to systematically structure this information. HRW staff coded the information into the database accordingly. After HRW staff finished the data coding and data entry of the database of documents, we extended the data model to capture detail which was found after our preliminary analysis of the database.<sup>18</sup> This section describes how we structured the information contained in the recovered and coded documents.

We extracted information from the documents, standardized it and coded it into a database. The data model of the database was designed to help us engage the following analytical questions related to *the Doctrine of Command Responsibility*:

- What *type* of information was communicated to and from the DDS in the recovered and coded documents?
- What was the *nature* of this communication, in terms of frequency, style and content?
- Who, at both *individual and institutional levels of involvement*, was directly involved in the communication? Who was indirectly involved

<sup>17</sup>*Report of the Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, his Accomplices and Accessories*, May 1992, *English translation* by United States Institute of Peace, "Transitional Justice: How Emerging Democracies Reckon with Former Regimes, Vol III: Laws, Rulings and Reports" (Neil J. Kritz, ed., Washington D.C.: U.S. Institute of Peace, 1994).

<sup>18</sup>Data coding is the process of transforming unstructured narrative information into a countable set of data elements, without discarding important information or misrepresenting the collected information.

(as an author, direct recipient, indirect recipient)?

- Were the *tenures of particular senior officials* associated with specific policies and practices of the DDS which resulted in human rights violations?
- What sort of *positive feedback and/or disciplinary action* taken by senior officials in relation to DDS personnel activity is contained in the recorded documents?

The data preparation which we conducted prior to our quantitative and qualitative analysis can broadly be described as five main data processing tasks:

1. *extraction of raw information*: the extraction from paper documents of information on “date”, “institutional author”, “institutional recipient(s)”, and “title” of the document, as well as names of individuals which appeared on the document, their role (as an author, direct/indirect recipient or a person who was mentioned in the content of the document), and rank,
2. *deletion of duplicate person records*: duplicate records (records of the same person being mentioned for the same reason multiple times in the same document) were eliminated from the database,
3. *data editing*: low-quality, inconsistent data were corrected, by revisiting the original document scans and updating the relevant database entries,
4. *imputation of missing data*: the imputation of information from related fields to fill in missing information about the individuals or institutions mentioned in the documents and/or

about the geographic location of the mentioned individuals and institutions,

5. *construction of tenure periods* of senior DDS officials using both information available from the recovered and coded DDS documents and previous research findings developed by HRW.

Given the diversity of document types recovered from the DDS, the different actors involved in these written forms of communication and the manner in which the documents were found, some documents had either structurally missing information or information which was missing because the recovered paper document was illegible due to weathering and degradation. By structurally missing, we mean the information was missing because it was not relevant to that particular format of communication. An example of structurally missing information is recipient information on personnel lists. These recovered DDS documents appear to be information which was constructed for the purposes of maintaining personnel records after official appointments were made, rather than communicating appointments and transfers to other officials.<sup>19</sup>

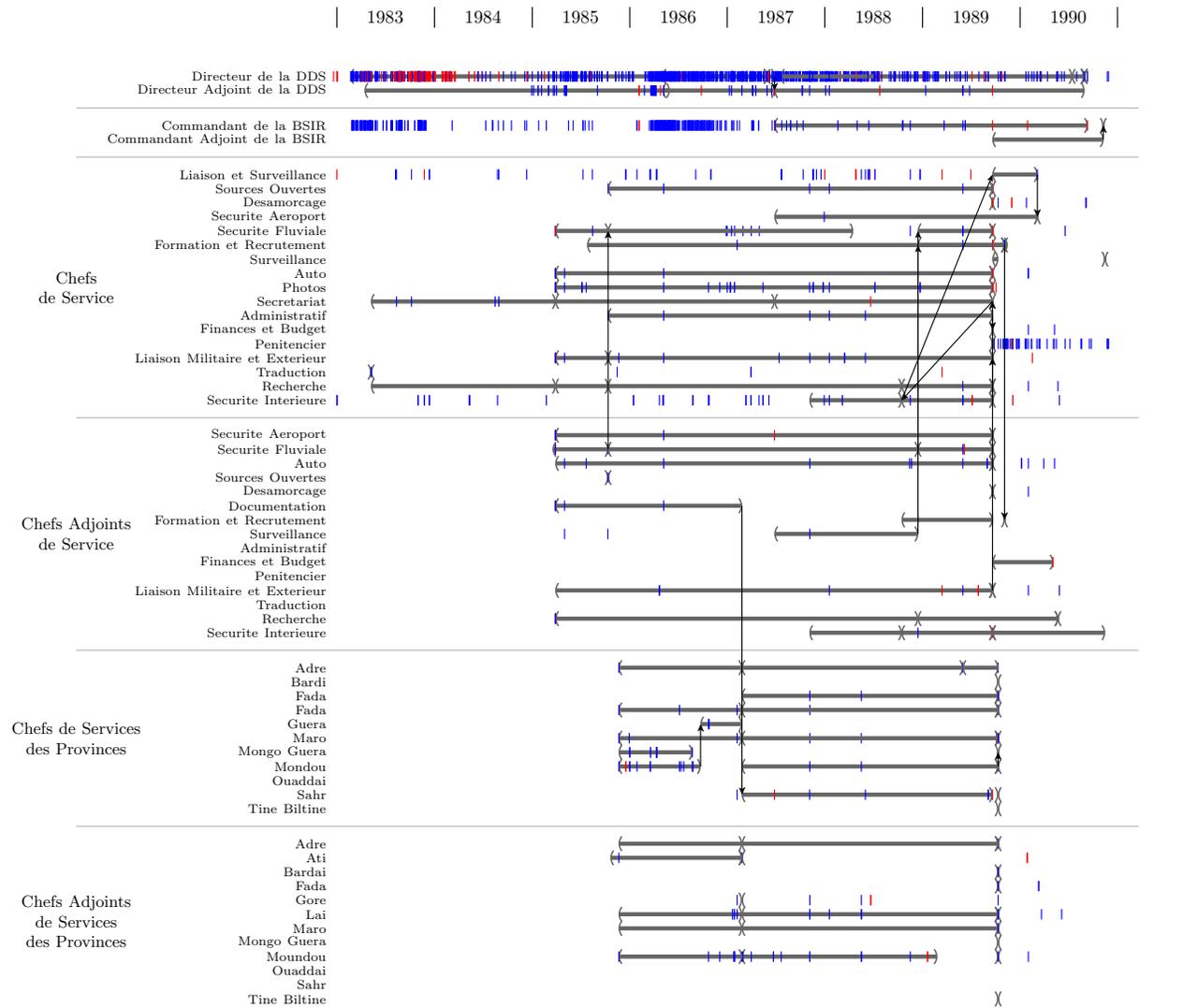
A detailed description of these three forms of data preparation and the associated “missing data methods” we used are presented in the attached methods appendix, in Appendix C.

### 3.4 Document Distribution Over Time and Across the DDS Hierarchy

Figure 2 shows every mention of a DDS official in the set of documents recovered and coded by HRW. Because almost all the documents were related to the DDS, this figure gives a good overview of their coverage in time and across the DDS hierarchy. Red marks in the figure indicate mentions in

<sup>19</sup>See, for example, Liste de Personnel, Document No. 2848, DDS/G/P/900322-1, in HRW and Benetech HRDAG Document Mapper Database.

Figure 2: **Visualization of the known tenures of DDS officials, together with mentions of those officials in the documents recovered and coded by HRW.** See the legend in Figure 3.4. Grey bars bounded by parentheses denote tenures of known DDS officials which were collected by HRW. Blue and red lines denote documents which mention officials. The lines' horizontal position indicates the dates of the documents, and their vertical position indicates which office is mentioned. Many of these mentions are only by office and not by name, so it is possible for the lines to fall outside the bounds of known DDS officials. Red lines indicate documents authored by or addressed to Hissène Habré. Thin black arrows connect tenures held by the same person; they denote known transfers and promotions.



documents that were addressed to or authored by Hissène Habré.

One interesting pattern revealed by Figure 2 is that some DDS divisions are never mentioned until late in Habré’s rule. We do not know if this is because those divisions did not exist at earlier times, or because mentions of those divisions simply fail to occur in the small sample of documents recovered and coded by HRW. But this pattern is consistent with the hypothesis that the DDS grew under Habré’s direction.<sup>20</sup>

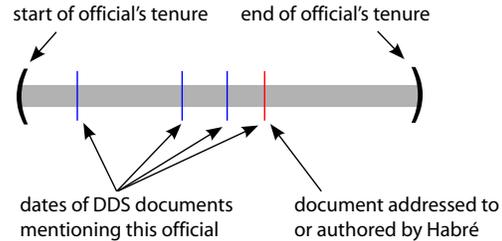


Figure 3: Legend for Figure 2

## 4 The Doctrine of Command Responsibility

Under the international legal doctrine of *Command Responsibility*, superiors can incur criminal liability for acts committed by their subordinates if they fail to prevent or punish subordinates for their unlawful actions. Considerable case law was developed in the US Supreme Court case against General Tomoyuki Yamashita of Japan, in which Yamashita was held responsible for atrocities which his subordinates committed while under his command in the Philippines during World War II.<sup>21</sup> The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the newly established International Criminal Court (ICC) have further developed the doctrine of command responsibility by defining standards to which “a military commander or person effectively acting as a military commander shall be held criminally responsible for crimes.” Article 28 of the Rome Statute, which established the ICC, states that<sup>22</sup>

a superior shall be criminally responsible for crimes ... committed by subordinates

under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:

- The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;
- The crimes concerned activities that were within the effective responsibility and control of the superior; and
- The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

The Doctrine of Command Responsibility sets

<sup>20</sup>Marks, Stephen “The Hissène Habré Case: The Law and Politics of Universal Jurisdiction.” in Macedo, Stephen (2004) *Universal Jurisdiction, National Courts and the Prosecution of Serious Crimes under International Law*. Philadelphia: University of Pennsylvania Press.

<sup>21</sup>In *Law Reports of Trials of War Criminals, Trial of General Tomoyuki Yamashita*, United States War Crimes Commission, (1948).

<sup>22</sup>See Rome Statute of the International Criminal Court, July 17, 1998, UN Doc. A/CONF.183/9\* [www.un.org/icc](http://www.un.org/icc).

forth three elements establishing liability for criminal acts, namely the existence of a *superior-subordinate relationship*, the superior's *knowledge* that the subordinate was about to commit a crime or had committed a crime, and the superior's *failure to act*.

In some cases, military commanders may be responsible for acts committed by subordinate members of the armed forces, or other persons subject to their control. For example, when troops commit massacres and atrocities against the civilian population of occupied territory or against prisoners of war, the responsibility may rest not only with the actual perpetrators, but also with the commander. This responsibility arises directly when the acts in question have been committed in pursuance of an order from the commander concerned. The commander is also responsible if he has actual knowledge, or should have knowledge, through reports received by him (or through other means) that troops or other persons subject to his control are about to commit or have committed a war crime and he fails to take the necessary and reasonable steps to ensure compliance with the law of war or to punish violators thereof.

As it may be difficult to prove whether a superior had actual knowledge of the unlawful acts of his/her

subordinates, eminent legal scholars have concluded that a superior's knowledge may be inferred and imputed from the surrounding circumstances and their severity or notoriety. The UN Commission of Experts in the former Yugoslavia established in 1992, pursuant to Security Council Resolution 780, has recognized three forms of knowledge:

1. actual knowledge,
2. such serious personal dereliction on the part of the commander as to constitute willful and wanton disregard of the possible consequences, or
3. an imputation of constructive knowledge, that is, despite pleas to the contrary, the commander, under the facts and circumstances of the particular case, must have known of the offenses charged and acquiesced therein.

In the following sections, we analyze the recovered and coded documents to assess what happened at the DDS between 1982 and 1990, and what level of *knowledge* Hisseène Habré and his senior officials had concerning the actions of their subordinates. We also assess the available evidence against the *failure to act* criteria.

## 5 The DDS - Observed Practices and Processes

Among its many functions, the DDS was responsible for the running of the prisons which held political prisoners and so-called "enemies of the State." The DDS maintained routine records which document the status of prisoners. Two such document types were *Situation Journals* and *Death Certificates*. On a given day, daily *Situation Journals* logged individuals who had been arrested and trans-

ferred to the DDS prison system, the number of prisoners held in detention in the morning, the number of prisoners held in detention in the afternoon, those who were transferred between prison facilities and those who had been released.<sup>23</sup> HRW recovered and coded 842 *Situation Journals* from the former DDS Headquarters. The DDS also produced death certificates for individuals who died inside

<sup>23</sup>See Appendix D.6, for a scanned image of a *Situation Journal* recovered from the DDS.

DDS prison facilities. HRW recovered and coded 178 of these death certificates from the DDS Headquarters. These death certificates logged such information as the name of the prisoner, their dates of arrest, transfer (if any), and death, as well as the names of the DDS official who created the death certificate and the DDS official to whom the death certificate was sent.<sup>24</sup> This section develops an analysis of prison conditions and prisoner mortality within the DDS prisons, based on information contained in the recovered and coded Situation Journals and Death Certificates.

## 5.1 The Magnitude of Prisoner Information Documented in the Recovered and Coded DDS Documents

A total of 12,321 different prison inmates were mentioned in the recovered and coded administrative

documents from the DDS.<sup>25</sup> These victims were mentioned 39,981 times in 1,941 different documents, 93.5% (37,371/39,981) of the transcribed victim names appeared in documents which originated from the DDS itself.

In the DDS documents recovered and coded by HRW, Hissène Habré received 1,265 direct communications from the DDS about the status of 898 detainees; 33.3% (296/898) of these victims were mentioned in multiple separate communications to Habré.<sup>26</sup>

Table 1 shows the distribution of unique transcribed victim names across the different types of administrative documents recovered and coded by HRW. The overwhelming majority of documentation about the victims, of the order of 90% (35987/39981) of individual mentions, was created by the DDS in the form of routine journal entries, periodic lists and situation reports.

Table 1: Distribution of Transcribed Unique Victim Names by Document Type

Document Type	Frequency	%
Lists about the Status of Detainees	30,519	76.3
Situation Journals of the DDS	5,468	13.7
Document Originating from Outside the DDS	2,685	6.7
Internal Notes about Prisoners Kept by the DDS	1,111	2.8
Personnel Information about Agents of the DDS	198	0.5
Total	39,981	100

<sup>24</sup>See Appendix D.5, for a scanned image of a death certificate recovered from the DDS.

<sup>25</sup>The names of these individuals were matched according to the data matching rules and algorithms described in Appendix C (Data & Methods). A total of 12,321 unique victims were identified by this data matching process. The 1992 Truth Commission, established by current president Idriss Déby, concluded that between 1982 and 1990, the DDS prisons held a total of 54,000 individuals (both dead and alive). This commission constructed a list of 3,806 people who had been killed in extra-judicial killings, or died while held in detention between 1982 and 1990. It speculated that its documentation represented no more than 10 percent of the violations and crimes committed under Hissène Habré. For details, see *Report of the Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, his Accomplices and Accessories*, May 1992, *English translation by United States Institute of Peace, Transitional Justice: How Emerging Democracies Reckon with Former Regimes, Vol III: Laws, Rulings and Reports*. (Neil J. Kritz, ed., Washington D.C.: U.S. Institute of Peace, 1994).

<sup>26</sup>See Section 7 of this Report for a detailed analysis of direct communications from the DDS to President Habré.

Of the DDS documents recovered and coded by HRW, 668 of the recovered documents explicitly mentioned deaths in detention. In these 668 different documents, the deaths in detention of 1,208 individuals were mentioned 1,870 times; i.e. on average, deaths-in-detention of individual detainees were mentioned 1.5 times. Hissène Habré was directly informed of 38 deaths-in-detention which are mentioned in the DDS documents recovered and coded by HRW. Similar to other information about detainees, the majority of transcribed information about deaths-in-detention—88.4% (1654/1870) of transcribed deaths-in-detention—were logged in DDS Situation Journals and routine reports and lists.

A total of 712 deaths in detention between 1983 and 1989 were documented in death certificates recovered and coded by HRW. The overwhelming majority, 78.1% (556/712), of the recovered and coded DDS death certificates refer to deaths which occurred in 1986.

Of the 2,733<sup>27</sup> official documents recovered and coded by HRW, 14.1% (384/2,733) of these documents originated from inside the DDS and were personally addressed to Hissène Habré himself. Documents to Habré mention 435 unique victims, with each of these victims' names appearing an average of 3.0 (1288/435) times across all 384 documents. The bulk of these communications were sent from the DDS to Habré in 1988 and 1989: 45.6% (172/377) and 20.7% (78/377) of known written communications to Habré occurred in 1989 and 1988, respectively.

## 5.2 Observed Mortality within DDS Prisons

Observed mortality inside the DDS prisons is a coarse indicator of the conditions inside the prisons and the nature of the treatment of inmates by

DDS officials. The mortality pattern reported in the DDS's daily Situation Journals and Death Certificates shows large variation over time, as can be seen in Figure 4. Throughout 1986, the documented daily crude mortality rate was on average 11.56 per 1,000 prisoners, with a standard deviation of 13.88. The observed mortality pattern in 1986 increased substantially in late March of 1986 to 18.42 per 1,000 prisoners, then gradually declined to around 14.52 per 1,000 prisoners during the third quarter, before declining in the fourth quarter to a rate similar to that observed general pattern before 1986 (i.e. around 6.41 per 1,000). This pattern is shown in Figure 4. The DDS's daily situation journals and death certificates (which were recovered and coded by HRW) both show much higher death rates in 1986 than in other years during President Habré's reign.

The higher crude death rate is related to an increase in the number of prisoners reportedly held in DDS prisons. From late 1983 through early 1986, the mean number of prisoners by week was 200–250, with a low period in late 1984 when there were fewer than 100 prisoners. However, as can be seen in Figure 5, in August 1986, the weekly mean number of prisoners increased to over 600, with a maximum of 695 in May 1986. By the third quarter of 1986, the weekly mean prison population had decreased to approximately 300. In the middle of 1986, the population-density of the prison was particularly high. This peak in the population density of the prison corresponds directly with the documented peak in mortality based on death certificates. This suggests that prison conditions worsened during these times, possibly due to a combination of deterioration of sanitation and living conditions within DDS prisons, the effects of prison overcrowding, and the notably higher ratio of prisoners to prison officials. Recovered and coded death certificates from the DDS indicate that, in 1986–87, common causes of deaths recorded by DDS officials on prisoners' death certificates included “dysentery,” “diarrhea,” “severe amebic dysentery” and “hepati-

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<sup>27</sup>Three of the documents were not useful for most of our statistical analysis, see Appendix C.2

tis.”<sup>28</sup> The verified existence of daily situation journals and routinely-issued death certificates implies that the senior officials of the DDS were continuously informed about prison conditions, the size of the prison population and the deaths of individual prisoners.

The shifts in prison population levels were closely correlated in time with the changing weekly crude death rate: as population increased, so did the death rate, and then both decreased in late 1986. This positive correlation is consistent with the hypothesis that in the first three quarters of 1986, overcrowding contributed to extraordinarily high death rates among prisoners in the DDS prison. The prisoners’ daily crude mortality rates between 1984 and 1988 (with a median of 3.46 per 1,000 and a maximum of 18.42 per 1,000) were substantially higher than the normal crude mortality rate among the entire Chadian population.<sup>29</sup> This comparison actually understates the extreme nature of the prison death rates because most prisoners were adult males who should have much lower mortality than the population more generally. In a normal population, most deaths are among very young children and elderly people.

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<sup>28</sup>See, for example, HRW and Benetech HRDAG Document Mapper Database, Doc No. DDS/S/CD/D/850715, DDS/S/CD/D/860617, DDS/S/CD/D/860922, DDS/S/CD/D/861008, DDS/S/CD/D/861218, DDS/S/CD/D/870207, and DDS/S/CD/D/860915

<sup>29</sup>UNICEF reports that the annual crude mortality rate for the entire population of Chad was 21 per 1,000 in 1970 and 16 per 1,000 in 1990. These annual crude mortality rates are equivalent to an average daily crude mortality rate of 0.058 per 1,000 in 1970 and 0.044 per 1,000 in 1990. See [http://www.unicef.org/infobycountry/chad\\_statistics.html](http://www.unicef.org/infobycountry/chad_statistics.html)

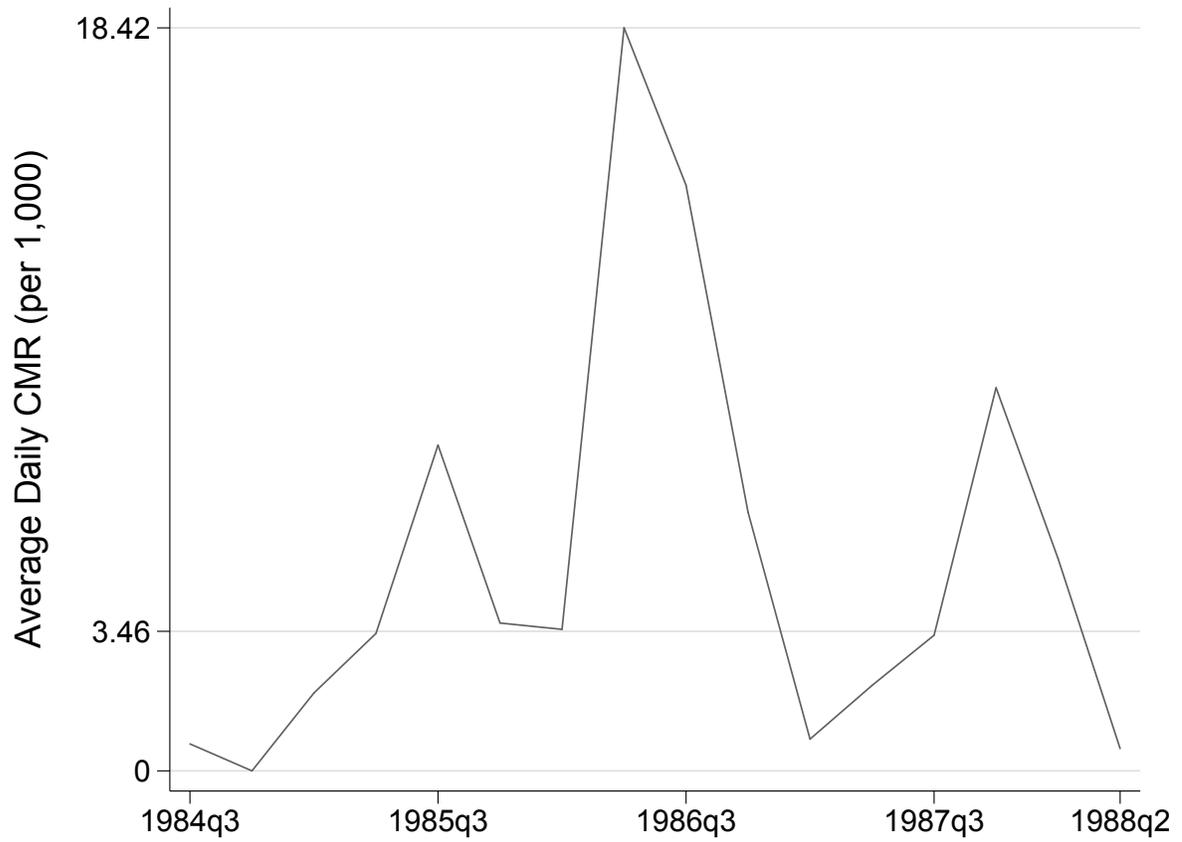
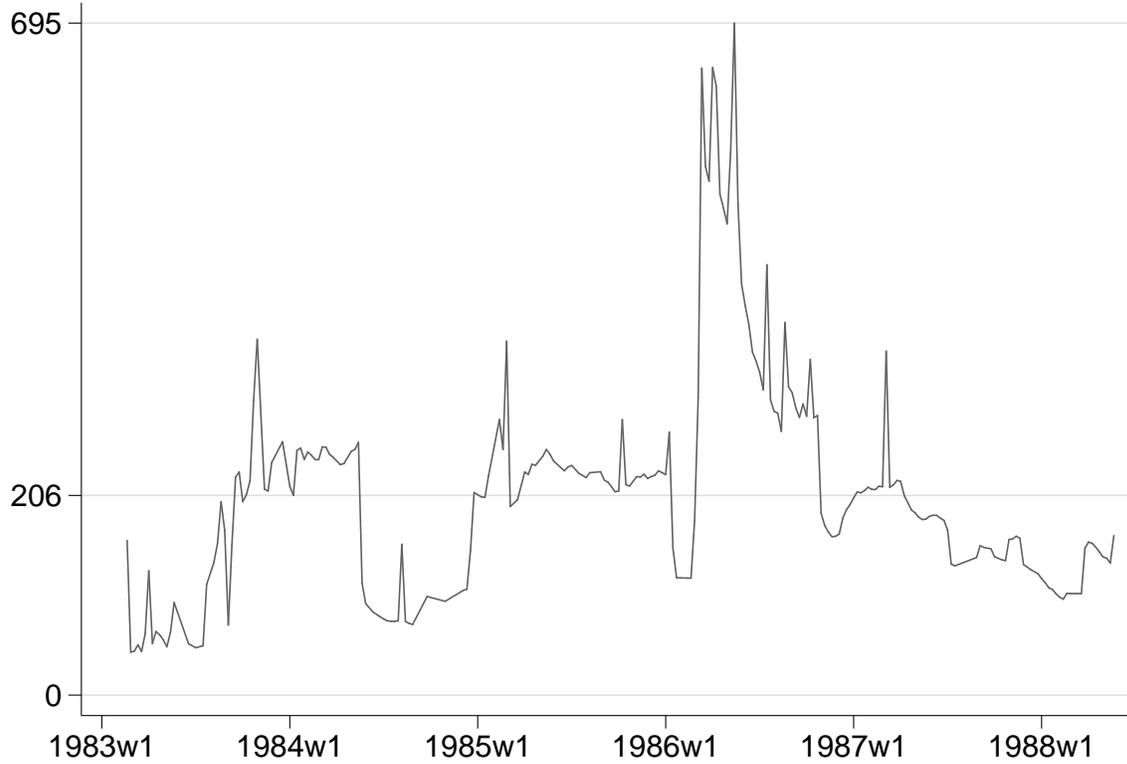


Figure 4: Average Daily Crude Mortality Rate (per 1,000 Detainees) Based on DDS Documents Recovered and Coded by HRW, 1984–1988.

### Mean Weekly Counts of Registered Detainees, 1983–1988



Source: Data retrieved by HRW from DDS Prison Logs

Figure 5: Mean Weekly Counts of Registered Detainees based on DDS Situation Journals Recovered and Coded by HRW, 1983–1988.

### 5.3 Analysis of Reported Detentions by Location

The DDS held prisoners in several cells at its headquarters and at various other points in the capital, such as a former French army officers' club and a barracks known as the "Camp des martyrs." An underground prison at the DDS, which was in fact a converted swimming pool, was used from 1987. Detainees were imprisoned and tortured there, right next to the USAID (United States Agency for International Development) office. Some political prisoners were allegedly held at the presidential palace in N'Djamena, some 50 meters from President Habré's residence, where 300 prisoners were reportedly killed just before he fled. Prisoners were also held at the "locau," the Brigade Spéciale d'Intervention Rapide (BSIR, Special Rapid Intervention Brigade), les Locaux, la Gendarmerie I, la Gendarmerie II and la Maison d'Arrêt.

Human rights groups have noted that independent investigations found several cases of ill-

treatment and deaths in detention in the DDS. For example, a report by Amnesty International noted the following:

In July 1988, the Special Rapporteur of the United Nations on Summary or Arbitrary Executions wrote to the government of Chad on the subject of allegations that several people had died in secret detention centers following ill-treatment. The Special Rapporteur noted: "Among the alleged causes of death are a lack of medical care, totally inadequate food, a lack of water, poor ventilation of overcrowded cells, brutality and other ill-treatment." The Special Rapporteur requested information on these allegations, in particular on investigations into them, including autopsy reports and on the steps taken by the authorities to bring the perpetrators to justice and prevent further deaths. The Chadian authorities did not reply.

## 6 The DDS Under Hissène Habré

### 6.1 The Formation and Development of the DDS

Hissène Habré created the DDS by presidential decree on January 26, 1983.<sup>30</sup> The DDS was to be "directly responsible to the Presidency of the Republic, due to the confidential nature of its activities," and its tasks included "the collection and centralization

of all intelligence information...that threaten 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."<sup>31</sup> Upon their induction and swearing into the DDS, officials were required to pledge an oath of allegiance directly to Hissène Habré.<sup>32</sup>

<sup>30</sup>See "The Acte Fondamental de la Republique." in HRW and Benetech HRDAG Document Mapper Database, Doc AS/OC/HH/820929. Scanned Document Image reproduced in Appendix D.7

<sup>31</sup>Presidential Decree, Article 1 of the presidential decree which gave rise to the DDS stated that the DDS is "directly responsible to the office of the President of the Republic because of the confidential nature of its activities"

<sup>32</sup>See "Proces Verbal de Prestation de Serment" in HRW and Benetech HRDAG Document Mapper Database, Doc 2675, DDS/G/N/890225-1. Scanned Document Image reproduced in Appendix D.2.

*Unofficial Translation of Original French  
in DDS Document*

I swear on my honor, faithfulness and dedication to the President of the Republic and the Institutions of the 3rd Republic.

I take the solemn promise never to betray and to keep secret all the activities of the D.D.S. whatever the circumstances and in all ordeals.

...

In the name of the President of the Republic, I take note of your oaths as Agents.

Our analysis of documents recovered from the DDS and coded by HRW shows that the existence of the DDS dates back to at least August 5, 1982. In this document, Habré (signing as the president of CCFAN,<sup>33</sup> not as the president of Chad) names an army captain from the “Commissariat a la Securite Generale et a la Documentation” (part of CCFAN) as a chef de Service for “la Direction de la Sécurité Generale et a la Documentation”.<sup>34</sup> The document also suggests that Habré initially staffed senior positions within the DDS with trusted officers of the army (CCFAN) in late 1982.

A number of recovered documents which are dated in the first half of 1983 suggest that for a brief period after Habré’s coup the DDS was a unit of the Ministry of Interior.<sup>35</sup> However, no recovered and coded documents dated after June, 1983 show evi-

dence that the DDS was part of the Ministry of Interior. In fact, documents dated 1984 and onwards have a document header which suggests that officially the DDS was a special unit of the Office of the President (See Figure 6.1). These observations from the recovered documents are consistent with the hypothesis that Habré restructured the DDS operational and reporting lines directly under his command in 1984.

Qualitative research by Amnesty International concluded that the DDS employed over 1,000 people in 23 departments.<sup>36</sup> The DDS was given responsibility for state security, intelligence gathering and covert operations. Some of the specialist units within the DDS included the prison service (responsible for management of prisons), the Brigade Spéciale d’Intervention Rapide (BSIR) (responsible for making arrests), the Service Mission Terroriste (SMT) (responsible for carrying out special operations on foreign soil against Chadian political opponents), the investigation service (responsible for gathering intelligence) and the counter-espionage service (responsible for surveillance of foreign individuals and institutions within Chad).

Saleh Younouss, former director of the DDS, noted the evolution of the DDS from a state security intelligence agency, and Hissène Habré’s direct role in the re-focusing of its activities towards an agent of state terror.<sup>37</sup>

It must be recognized that the DDS’s initial mission was progressively modified by the President [Hissène Habré] himself. Initially, the DDS was responsible for security both inside and outside the coun-

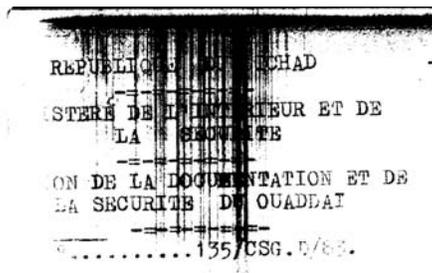
<sup>33</sup>The Command Council of the Armed Forces of the North (Conseil de Commandement des Forces Armées du Nord or CCFAN) was a Chadian rebel army active during the Chadian Civil War. Upon breaking away from the Second Liberation Army of National Liberation Front of Chad (FROLINAT), Hissène Habré commanded CCFAN from 1972.

<sup>34</sup>See HRW and Benetech HRDAG Document Mapper Database, Doc 2747, AS/OC/HH/820805).

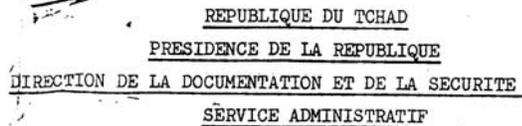
<sup>35</sup>For an example, see HRW and Benetech HRDAG Document Mapper Database, Doc 305, DDS/S/LD/PG/830426

<sup>36</sup>Amnesty International (2001) “Chad: The Habré Legacy.” AI Index: AFR 20/004/2001. October, 2001.

<sup>37</sup>Presidential Decree, Article 1 of the presidential decree which gave rise to the DDS stated that the DDS is “directly responsible to the office of the President of the Republic because of the confidential nature of its activities”



(a) Header from DDS document 305 (DDS/S/LD/PG/830426), dated April 1983, showing the DDS under the "MINISTRE DE LA INTERIEUR ET DE LA SECURITE"



(b) Header from DDS document 2537 (DDS/S/CO/HH/851012), dated October 1985, showing the DDS under the office of the president.

Figure 6: Headers from the top of two DDS documents suggesting that the DDS was reorganized to be more directly beneath the presidency early in Habré's period in office. Headers of this sort appear at the top of most recovered and coded DDS documents.

try and, in particular, for thwarting all Libyan action against Chad. But little by little, the President himself gave the DDS a new direction and turned it into an instrument of terror.<sup>38</sup>

<sup>38</sup>Direct quote from interview with Saleh Younouss contained in Amnesty International "Chad: The Habré Legacy" AI Index AFR 20/004/2001. *Amnesty International*; October, 2001.

## 7 An Empirical Analysis of Administrative Records of the DDS Alongside the Doctrine of Command Responsibility

In this section, we present analysis of the documents recovered from the former DDS headquarters and coded by HRW. We analyze these documents against the core elements of the international legal *Doctrine of Command Responsibility*. The three main elements of command responsibility are the existence of a *Superior-Subordinate Relationship*, *knowledge* by a commander that his/her subordinates were engaging in impermissible conduct, and a *failure to act* in that commanders did nothing to prevent or punish those responsible for the commission of such crimes.<sup>39</sup>

### 7.1 Analysis of Document Flow

This section analyzes the *flow* of the documents recovered and coded by HRW. It is based on authorship and addressing information contained in the documents. Figure 7.1 shows an example of the addressing information we extracted from documents recovered from the DDS and used in our analysis.

Appendix C describes how this information was coded and structured. Appendix A describes how the figures illustrating document flow were constructed.

As discussed in Section 4, two of the key criteria associated with the Doctrine of Command Responsibility are knowledge of actions by subordinates and operating policies and procedures which are consistent with a superior-subordinate hierarchical structure. By examining the flow of official communication between the DDS, other line ministries and President Habré, we can help answer questions about command responsibility. In particular, examination of document flow can help us clarify whether Habré had a superior-subordinate relationship with

the DDS and whether he had knowledge of their policies and activities.

#### 7.1.1 Document Flow Into and Out of the DDS

Figure 8 shows the the information flow of all relevant documents recovered from the former DDS headquarters and coded by HRW. Because most of these documents were addressed either to or from the DDS, this figure primarily gives an overview of the flow of communication to and from the DDS. Due to sampling limitations, it is not possible to make inferences about the total magnitude of reporting between the DDS and the Office of the President, nor is it possible to make inferences about the relative magnitude of direct communication with the Office of President and the DDS or any of the line ministries. However, we are able to deduce that there was a substantial amount of direct communication from the DDS directly to the Office of the President between 1982 and 1990. The data from these documents that were authored by the DDS itself are not consistent with claims that DDS officials acted alone without the knowledge or authority of the President or their superior officers. On the contrary, the observed flow of information suggests that there was regular and continuous reporting by the DDS about its policies and practices to the Office of the President and senior officials of the DDS.

Upon assuming the presidency, Hissène Habré established the DDS. Hence, the DDS is an official state structure which Habré designed and launched himself. Furthermore, the Director of the DDS did not report through the Minister of Interior who then reported to Habré. Rather, Habré established a special direct reporting line from the Director of the

<sup>39</sup>Refer to Section 4 for more information about the doctrine of Command Responsibility.

DDS to the President's Office.

These findings are consistent with those of the 1992 Chadian Truth Commission. In its report, the Commission quoted Djimé Togou, former Minister of the Interior, who said "everything concerning the DDS is reserved for the President and no person of that time, regardless of his rank or post, can interfere in the business of that office."<sup>40</sup>

### 7.1.2 Document Flow to Habré

There are two notable patterns which we observe in Figure 9. First, there is a distinction between the recovered and coded correspondence to President Habré originating from the DDS and the recovered and coded correspondence from the Ministry of Interior. Almost all (92%, 156/169 documents, mostly intelligence reports, of the Ministry of Interior's correspondence to President Habré, are carbon copied to the DDS. Conversely, the DDS did not car-

<sup>40</sup> Report of the Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, his Accomplices and Accessories, May 1992, English translation by United States Institute of Peace, *Transitional Justice: How Emerging Democracies Reckon with Former Regimes, Vol III: Laws, Rulings and Reports* (Neil J. Kritz, ed., Washington D.C.: U.S. Institute of Peace, 1994).

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REPUBLIQUE DU TCHAD - . . . RES -  
DIRECTION DE LA DOCUMENTATION ET DE LA SECURITE ←=00000=→

N° 1833/DDS/83. N°DJAMENA, le 12 Décembre 1983.

Le Directeur de la Documentation et de la Sécurité,

A

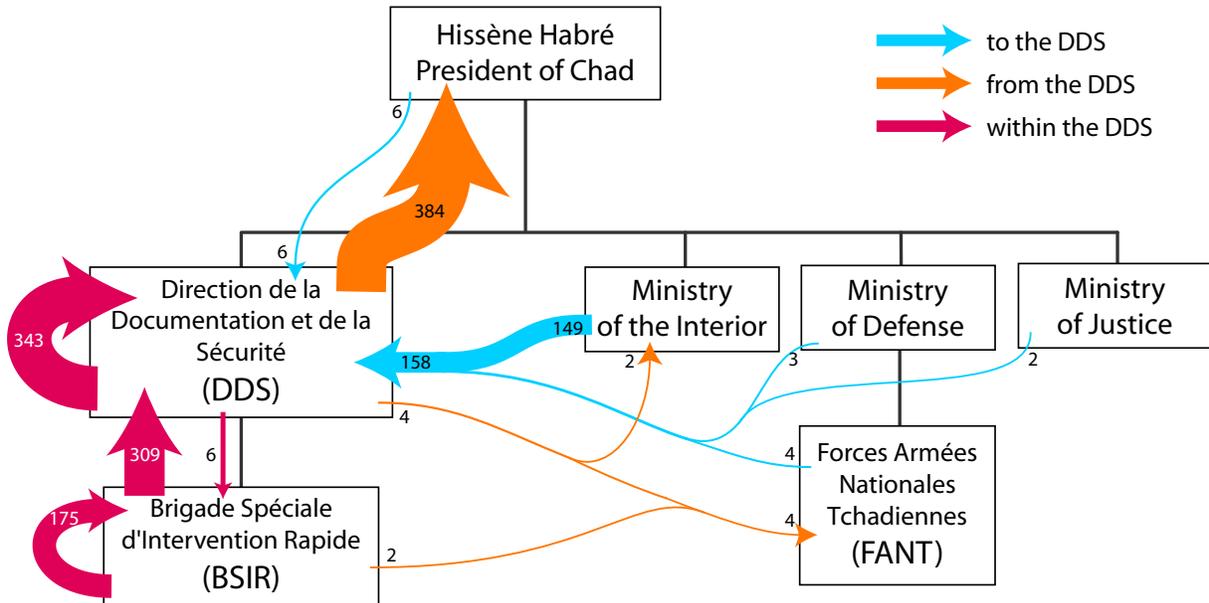
Monsieur le Président de la République,  
à N°DJAMENA.

O B J E T : - Suicide du Chef de Secteur de la Surveillance  
du Territoire d'Ati.

REFERENCE : - Compte-rendu du Chef de Service de Sécurité  
du Batha en date du 30 Novembre 1983.

Figure 7: Example header of a document found in DDS headquarters. Because this document is authored by the Director of the DDS and is addressed to Habré, the document is considered to *flow* from the DDS to President Habré. (Document 2204, DDS/S/CO/HH/831212-1)

Figure 8: All recovered and coded documents authored by or addressed to the DDS. Most of the documents flowed entirely within the DDS and constituted routine internal DDS reporting. The bulk of discovered documents sent out of the DDS were addressed to Habré. The bulk of discovered documents sent into the DDS were intelligence reports from the Ministry of the Interior.



bon copy line ministries or other institutions on their communications to Habré. This does not necessarily mean that the Ministry of Interior did not communicate directly to Habré without copying the DDS. For example, we generally only see communication from the Ministry of the Interior to Habré when it is copied to the DDS. However, the lack of copies from the DDS to Interior is consistent with the hypothesis that the DDS was a specialized unit of the Office of the President and thus part of a clear superior-subordinate hierarchical structure under President Habré’s command.

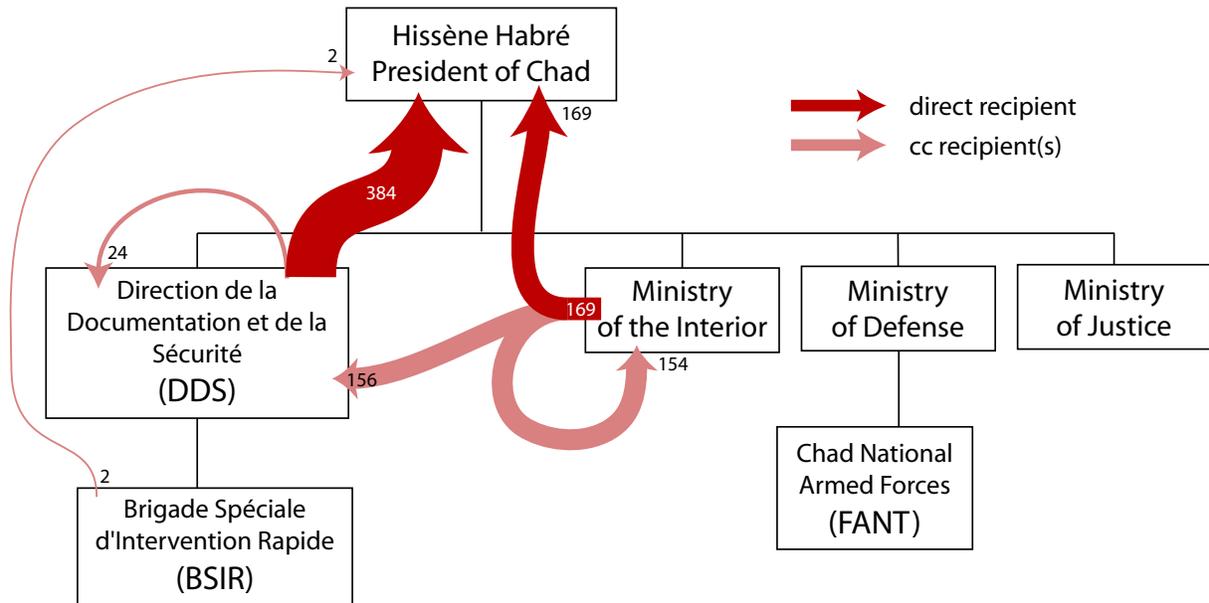
Secondly, we observe a difference between the Ministry of the Interior and the DDS in how their communications to Habré were carbon copied to senior officials within those organizations. Communication from within the Ministry of the Interior to President Habré not only included carbon copies to

the DDS but also carbon copies to senior ministerial officials, such as the Minister of the Interior. In contrast, only a small fraction (6%, 24/384 documents) of communication sent from within the DDS to the President was carbon copied to the Director of the DDS. This pattern of communications suggests that the DDS was not subject to the same official communication protocol as line ministries such as the Ministry of the Interior, but was part of a closer and more direct communication process with the Office of the President.

### 7.1.3 Comparison of Flow of Routine & Non-Routine Documents

Each document in our data set is classified as either a routine or non-routine form of communication based

Figure 9: **Flow of recovered and coded documents which were addressed to Hissène Habré between 1982 and 1990.** The darker arrows indicate direct correspondence; lighter arrows indicate indirect recipients, i.e. institutions that were sent carbon copies of the correspondence. The light red arrow looping back on the Ministry of the Interior represents communications from the Ministry of the Interior to President Habré and carbon copied to senior Ministry officials.



on its content. Routine communications included documentation on prisoner lists, prisoner death certificates, DDS personnel information, documents about movements of specific detainees, routine situation reports and situation journals. In contrast, non-routine communication included ad-hoc surveillance/intelligence communications, ad-hoc situation reports and requests for arms.

Figure 10 contrasts the authors and recipients of these two types of communication. Routine reporting was mostly transmitted from specialized units of the DDS to the Director of the DDS. Carbon copies were sent to counterparts within the DDS such as

the archives unit, the *Chef du Service Administratif*, the *Chef Service Documentation*, DDS Adjoint and the Commander of the BSIR.

While the nature of direct reporting by the DDS to President Habré was ad-hoc, there was a substantial amount of such communication. The documents discovered by HRW included 366 ad-hoc communications which were sent directly from the DDS to President Habré's office. The frequency of this ad-hoc communication is shown in Figure 11. From Figure 11, we can see that such communication was continuous, which is consistent with the hypothesis that the Office of the President had knowledge of

<sup>41</sup>From the available data, we are unable to make conclusions about the relative magnitude of direct communication for different years. It is possible that some documents are more likely to have been recovered than others. For example, documents created in the later part of Habré's presidential reign may have a higher probability of being recovered than those from the

Figure 10: Flow of routine and ad-hoc communication among documents discovered in DDS headquarters.

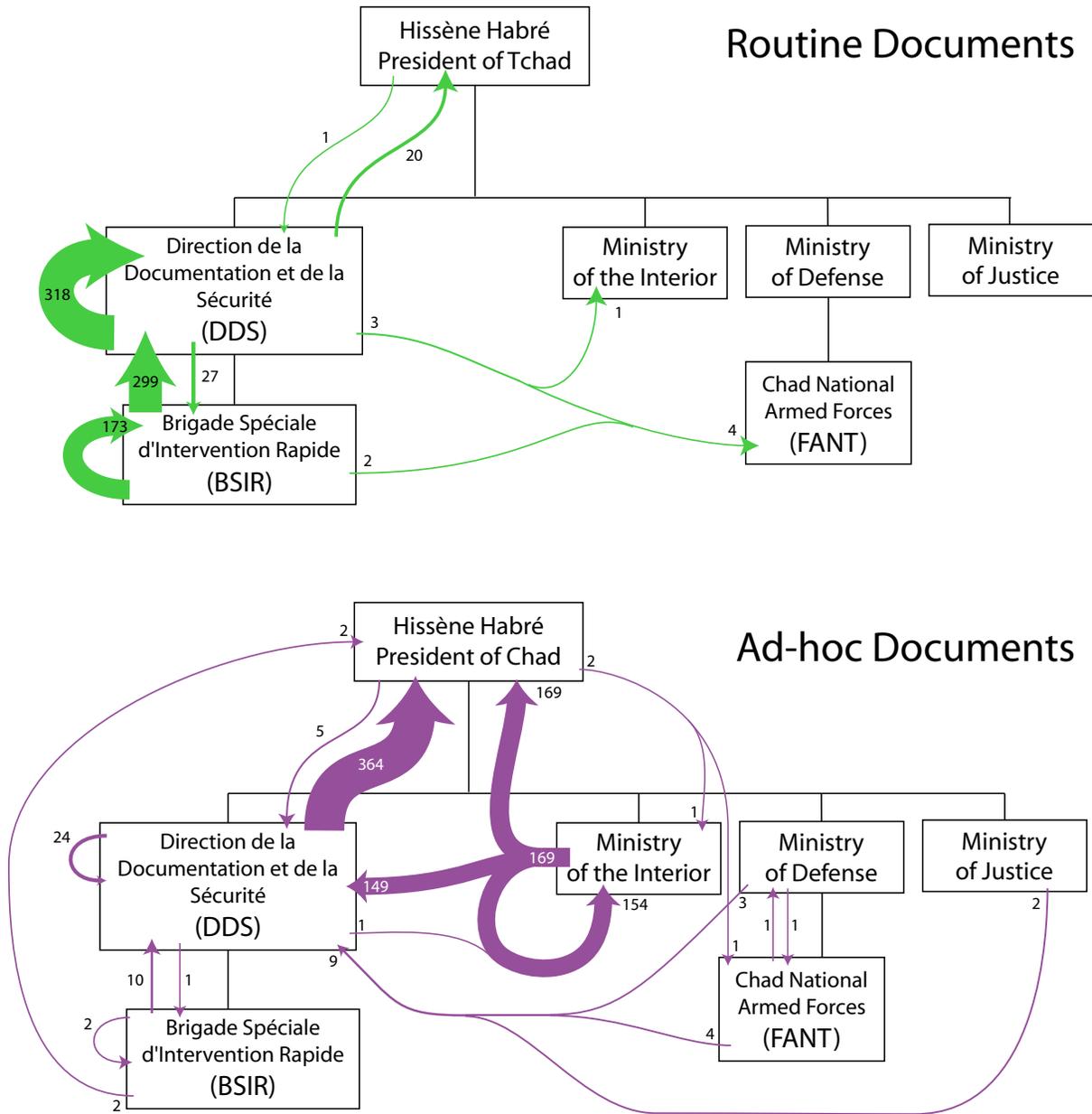
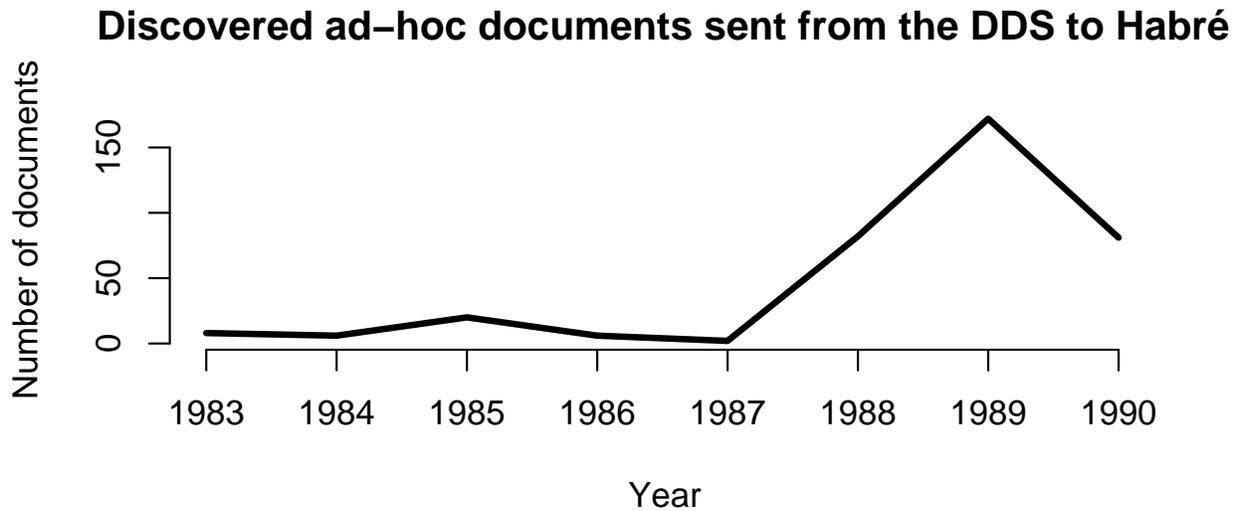


Figure 11: Frequency of ad-hoc communication from the DDS to Habré among documents discovered in DDS headquarters.



the DDS's activities between 1983 and 1990.<sup>41</sup>

#### 7.1.4 Flow of Information From and About the Prefectures to N'Djamena

Figure 12 presents the flow of 189 recovered documents with information authored by or concerning DDS officials outside N'Djamena addressed to the director of the DDS or to Hissène Habré.<sup>42</sup>

Although only 7% (189/2733<sup>43</sup>) of the total number of official documents recovered and coded by HRW were traceable to one of Chad's prefectures,

Figures 12 and 13 show the extent to which the DDS headquarters and Habré were briefed by regional DDS officials during all years of Habré's period in office. Among recovered and coded documents which were traced to regional sources, 78% (147/189) were ad-hoc communications. About half (94/189) of the prefecture-sourced documents were reports directly to Habré.

Prefecture-sourced documents mostly comprise routine situation reports and information about DDS prisoner status and movements. Such communication about operations and practices by regional-level officials back to DDS headquarters is consistent with the hypothesis that the DDS senior lead-

early years. Hence, our findings are limited to the nature and content of communication to Habré.

<sup>42</sup>The location of each document included in Figure 12 was determined based on location-specific document headers and/or the authoring official's title as recorded in the recovered document. If information about the author's location is occasionally omitted, this figure will undercount the magnitude of information-flow (in the documents recovered from the DDS and coded by HRW) from regional offices to the DDS headquarters.

<sup>43</sup>Three of the documents were not useful for most of our statistical analysis, see Appendix C.2

ership had overall command of the regional units and knowledge of their activities. This evidence also suggests the level and extent of organization of the DDS, particularly with respect to the operational procedures of how subordinates reported to superior officers about their work.

## 7.2 Failure to Act: Habré's Control of DDS Appointments and Promotions

One of the three principal components of the *Doctrine of Command Responsibility* is the senior commander's *failure to act*: in particular, failing to take reasonable measures to prevent the criminal act or to punish the perpetrator thereof.<sup>44</sup> In this section, we review the data contained in the recovered and coded documents found in the DDS against the *failure to act* criteria.

## 7.3 Evidence of Measures to Prevent Criminal Acts or Punish Subordinates

Our analysis of the recovered and coded documents did not identify any documentary evidence of measures taken by Hissène Habré to prevent criminal acts by his subordinates. We did find documentary evidence that at certain times Habré replaced his subordinates. However, there is no explanation about the reasons behind these personnel replacements in the recovered and coded documents. Independent qualitative analysis carried out by Amnesty International and HRW found that in 1987 and 1989 Habré carried out purges against particular ethnic groups who he suspected of undermining his authority.<sup>45</sup> These purges would include dismissal of officials of those particular ethnicities.

## 7.4 Evidence Concerning Senior DDS Personnel Appointments

Habré directly appointed chefs, or department heads and chefs adjoints, or assistant department heads, throughout the DDS. The bottom portion of Figure 14 summarizes the documents authored by Habré appointing DDS officials. In the recovered and coded documents, Habré and senior DDS officials made at least 95 senior personnel decisions between 1985 and 1987: 13 at the director or assistant director level for the DDS and BSIR, 42 at the Chef de Service level, and 40 at the Chef Adjoint de Service level. Of these senior appointments, at least 25 were made by President Habré himself.

In interpreting this figure, it is important to note that the data on hiring is incomplete. Many appointments to positions known to exist are missing. Moreover, the documents recovered from the DDS and coded by HRW contain information about the beginnings of officials' tenures, but they give no information about when or how these officials left their positions. Additionally, we usually only know about a single documented appointment for each person, so we do not know whether these officials came from outside the DDS or were promoted from within it. Altogether, the large amount of missing information about personnel decisions, and the fact that we don't know how the information we do have was selected, makes it impossible to identify overall patterns of hiring. We also cannot draw conclusions about what Habré did not do, e.g. that he did not discipline or dismiss DDS officials. However, we can conclude that the documents recovered from the DDS and coded by HRW indicate that Hissène Habré was directly involved in a number of the promotions and transfers of senior DDS officials.

<sup>44</sup>See Article 28, Rome Statute of the International Criminal Court, July 17, 1998, UN Doc. A/CONF.183/9\* [www.un.org/icc](http://www.un.org/icc).

<sup>45</sup>See, for example, Amnesty International (2001) "Chad: The Habré Legacy." AI Index: AFR 20/004/2001. October, 2001.

Figure 12: Number of documents authored by DDS officials stationed outside N'Djamena sent to the director of the DDS. The location of each document included in the figure was determined based on the official's title as recorded in the document (e.g. "Chef de Service de Guera"). Underlying map and prefecture boundaries are based on Map No. 3788 Rev. 4 of the United Nations Department of Peacekeeping Operations, Cartographic Section.

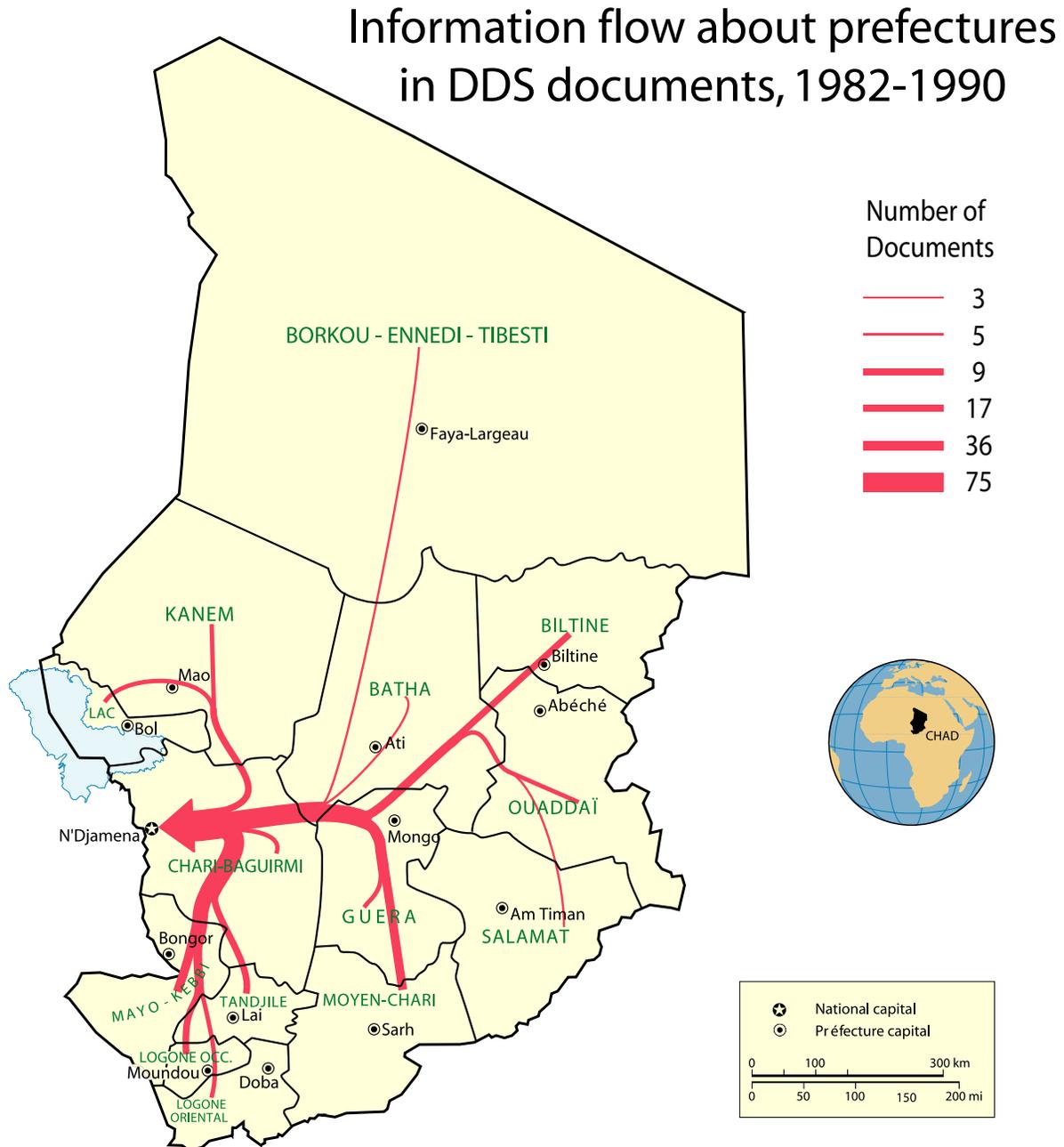
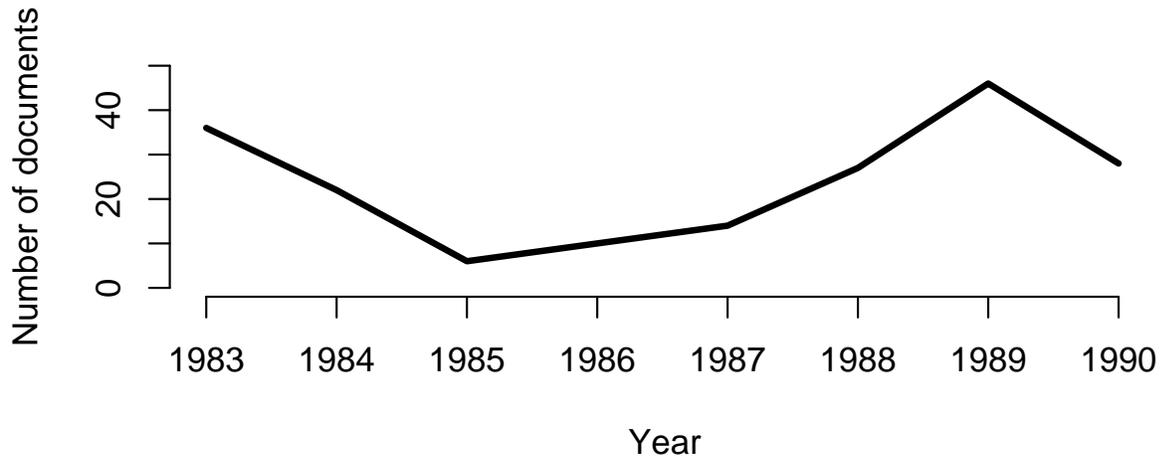


Figure 13: Number of documents with information about the prefectures flowing into the DDS Director or Habré's office in N'Djamena.



#### 7.4.1 Timing of Habré's DDS Appointments and Promotions With Mortality in DDS Prisons.

We can analyze the timing and nature of personnel decisions by Habré which are mentioned in the recovered and coded documents against the pattern of mortality amongst DDS prisoners reported in the DDS's own internal communication. (See Section 5.2). Specifically, in Figure 14, we can see that:

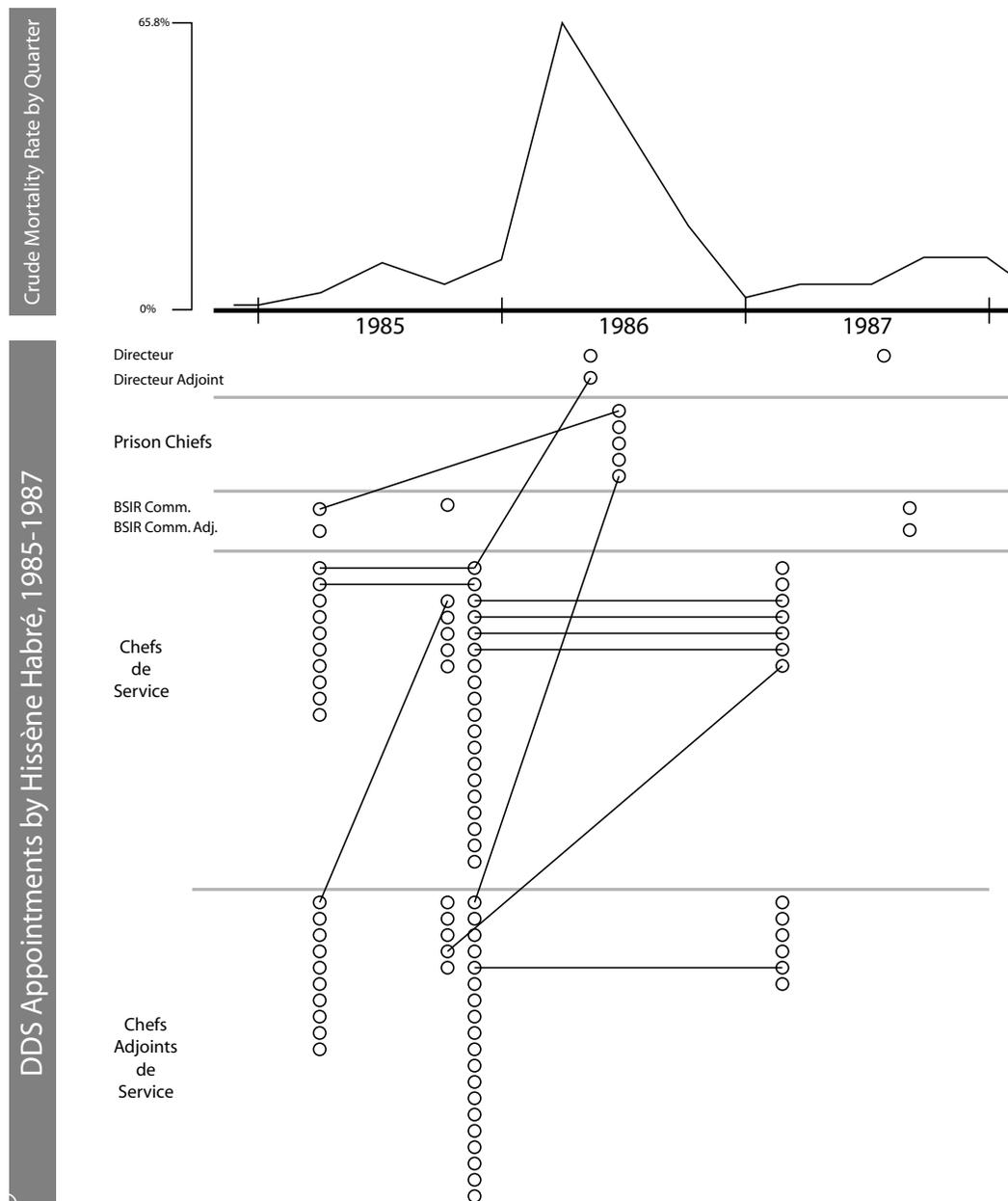
- Habré appointed people throughout the senior leadership of the DDS,
- Habré and senior DDS officials appointed 49 DDS officials in late 1985 (mostly at the level of Chefs de Service and Chefs Adjoint de Service), shortly before the notable increase in reported mortality amongst prisoners held in DDS prisons,

- Five out of seven Chefs de Service appointed in February 1987 by Habré were promotions or horizontal transfers of officers who were in positions of authority during the 1986 increase in prisoner mortality.

It should be noted that in the second half of 1987, personnel changes were made at the DDS Director level, BSIR Commander and BSIR Assistant Commander levels. From the information in the recovered and coded documents, it is unclear on what basis these personnel changes and new appointments were made. Additional data and further research is required to clarify whether there is any connection between the observed increase in prison mortality in 1986 and replacement of some of the senior DDS and BSIR leadership in late 1987.

Our analysis of the timing of Habré's senior personnel appointments and promotions, alongside the pattern of documented mortality within the DDS

Figure 14: **Mortality in DDS-run prisons and personnel decisions made by Hissène Habré.** Much data on hiring and promotions is missing from the set of discovered documents, so not all personnel appointments are shown. Each small circle represents the appointment of a single DDS official. The horizontal positions of the circles show the date of the appointment, and the vertical positions show the level of the appointment within the DDS. Appointments connected by lines are for the same person, so re-appointments and same-level transfers appear as horizontal lines and promotions appear as diagonal lines.



prisons, indicates that there is an association between these two phenomena. In particular, our findings are consistent with the hypothesis that Habré and the DDS director were directly involved in senior appointments immediately prior to the large increase in observed mortality in the DDS prisons in 1996. Our findings also show that five out of the seven Chefs de Service appointments made immediately after the period of heightened prison mortality were promotions or internal transfers of senior DDS officials who were active inside the DDS during the period of heightened prison mortality.

#### 7.4.2 Appointment and Tenure of DDS Prison Director

As presented in Section 5.2, conditions within the DDS prisons produced high levels of mortality which were documented by DDS officials themselves. The observed mortality within the DDS deteriorated substantially in 1986. Bandjim Bandoum, a former DDS official and now an informant to HRW, has reported that Abakar Torbo was the Director of the DDS Prisons for the entire duration of Habré’s presidency.<sup>46</sup> Our analysis of documents recovered from the DDS confirms that Torbo was a long-term, senior official within the DDS.

Akabar Torbo is mentioned in 23 separate official DDS documents which were recovered from the DDS headquarters by Human Rights Watch. Torbo’s name is first mentioned in a personnel list dated 24 August, 1984.<sup>47</sup> In a number of documents dated 11 December, 1984, 10 July, 1985, and 28 January, 1986, respectively, Torbo is listed as having the

senior-level rank of “S/Officier Assimilé.”<sup>48</sup> In five separate recovered DDS documents, each dated in late 1986—the year which observed prison mortality peaks, Akabar Torbo is listed as holding the title “Chef Securite Penetencier.”<sup>49</sup> Furthermore, there is evidence that Torbo was rewarded for his DDS service with a nomination (from the DDS Director to President Habré) for a state-funded pilgrimage to Mecca in 1988.<sup>50</sup>

From the evidence recovered by HRW from the DDS, we observed that

- Torbo held the rank of “S/Officier Assimilé” from late 1984 through to late 1986,
- Torbo was the Chief of the DDS Prisons in 1986, and
- the senior leadership of Habré’s administration (including President Habré) were informed about Torbo’s service in 1986.

These findings are consistent with testimony provided by Bandjim Bandoum, a former DDS official. They also indicate oversight and subsequent positive recognition of the DDS Prison Chief by the DDS Director and President Habré.

<sup>46</sup>Cire Bathily, Demba et al. (2008) “Plainte” (Legal Complaint Filed by 12 Petitioners Against Hissène Habré for Crimes Against Torture, Acts of Torture and Complicity in Crimes Against Humanity and Acts of Torture) *On file with Human Rights Watch*.

<sup>47</sup>See HRW and Benetech HRDAG Document Mapper Database, Doc 2831, DDS/G/P/840824-1).

<sup>48</sup>See HRW and Benetech HRDAG Document Mapper Database, Doc 2757 (DDS/G/P/841211-1), Doc. 2870 (DDS/G/P/850710-2), Doc. 2342 (DDS/S/CO/HH/880628-1).

<sup>49</sup>See HRW and Benetech HRDAG Document Mapper Database, Doc 197 (DDS/S/AL/A/860723-1), Doc. 1235 (DDS/S/NI/R/PR/PC/851121-1), Doc. 1236 (DDS/S/NI/R/PR/PC/860718-1), Doc. 1264 (DDS/S/NI/R/PR/PC/860426-1), Doc. 1464 (DDS/S/NI/R/PR/PC/8607XX-1).

<sup>50</sup>See HRW and Benetech HRDAG Document Mapper Database, Doc 2342 (DDS/S/CO/HH/880628-1).

## 7.5 Evidence of the Type of Information which was Communicated to Hissène Habré by the DDS

Of the official documents recovered from the DDS and coded by HRW, 14.1%, (384/2,733<sup>51</sup>) were explicitly addressed to Hissène Habré. These documents are mostly dated between 1985 and 1990. Of these written communications addressed to Habré, 95%, (364/384) were ad-hoc communications.<sup>52</sup> The ad-hoc communication in these documents which was addressed to Habré was diverse in its nature and authorship. Most of the recovered and coded documents addressed to Habré don't have authorship encoded on the document; of those that do note the authorship, most come from the Director of the DDS.

Recovered and coded documents also included ad-hoc communication from units of the *Division des Services Spéciaux* or Special Services Division (namely the BSIR, Santé, Messages Telex and the Liaison Militaire units) and the *Division des Études*

or Information Division (namely the Documentation et Archives, Exploitation and Recherche units). These ad-hoc communications tended to mostly be nominations for promotion/transfer of personnel within the DDS or specific communication about particular individuals or events. The small amount of routine communication sent directly to Habré was mostly authored by the Director of the DDS, and two specialized units of the DDS (namely the health unit (Santé) and the archives unit (Documentation et Archives)).

Previous research by HRW and Amnesty International has concluded that Hissène Habré received regular reporting about the activities of the DDS from senior officials within the DDS.<sup>53</sup> Due to limitations of our data, we are unable to assess the true magnitude and frequency of reporting from the DDS to Hissène Habré. However, the data extracted from the recovered and coded documents is consistent with the hypothesis that Habré received regular reporting from the DDS, in particular from the Director of the DDS, and that this communication covered a broad range of DDS activities.

## 8 Future Research Directions

The analysis presented in this report is based on the available data and methods which we were able to implement. There are a number of areas of the analysis which can be further developed and extended. Future directions for this research include:

- Publish the database of documents and scanned images on the Internet via a user-friendly web-portal providing victims and their families direct access to documents recovered from the DDS and allowing other human rights

researchers to review and extend our work;

- Create a more complete analysis of who was mentioned in which documents. This can be done by matching the mention of a person in one document where their job title is given, to the mention of that same person in another document where it is not. We could also combine our database of mentioned DDS officials with other sources of information about who held which positions when. This would enable a more complete analysis of the level of

<sup>51</sup>Three of the documents were not useful for most of our statistical analysis, see Appendix C.2

<sup>52</sup>Such “ad-hoc” communication included surveillance/intelligence communications, non-routine situation reports, requests for arms and nominations for officials to be sent to Mecca at the expense of the State.

<sup>53</sup>See, for example, Amnesty International (2001) “Chad: The Habré Legacy”. AI Index: AFR 20/004/2001. October, 2001.

authority of people whom Habré hired, fired, and communicated with.

- Create an automated method for matching officials' names between different documents that can handle cases of minor misspellings or document scan errors, to support the previous analysis extension.
- Explore the possibility of assembling new data sources so that we could estimate the total magnitude and pattern of killings and disappearances attributable to Habré and the DDS.
- Most of the communication from Habré takes the form of appointments to senior positions in the DDS. We might be able to show responsiveness by looking at related communication that happens before or after those appointments. Are specific people mentioned in

correspondence to Habré (participants in successful operations, some kind of outstanding service) who are then promoted by him? This would give evidence that he read the documents that were addressed to him. Were his appointments followed by shifts in policy/activity/communication in the DDS? This could check whether his appointments exercised control over the organization.

These proposed refinements and extensions to the current research are aimed at making the data more accessible to other human rights researchers and relatives of the victims. These actions would also extract more information from the recovered documents allowing us to refine our analysis, and draw conclusions from the available information with increased precision.

## 9 Conclusion

In this report, we have used evidence recovered from official documents found in the former DDS headquarters and coded by HRW to clarify the nature of activities within DDS prisons. We analyzed the document flow to address the question “Who could have known what? When? and How?” We compared our findings against the three main criteria of the *Doctrine of Command Responsibility*. Based on the available information contained in the 2,733<sup>54</sup> official documents recovered from the DDS and coded by HRW, we conclude that

- Habré and the DDS leadership which he appointed were very likely well informed about the activities of the DDS.
- Habré was in control via personnel appointments of senior officials and through the Oath of Allegiance which all DDS officials pledged directly to him.

- The mortality rate in DDS prisons was several factors higher than the crude mortality rate of Chad.

These findings are consistent with the hypothesis that Hissène Habré and the senior leadership of the DDS were part of a superior-subordinate relationship and had knowledge of the operations and practices of the DDS.

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<sup>54</sup>Three of the documents were not useful for most of our statistical analysis, see Appendix C.2

## 10 About the Authors

### 10.1 About the Institutional Author

Benetech's Human Rights Data Analysis Group (HRDAG) designs and builds information management solutions and conducts statistical analysis on behalf of human rights projects. Together with its partners, HRDAG makes transparent and scientifically-defensible arguments based on rigorous evidence. Since 1991, HRDAG has advised nine official truth commissions around the world, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Court, United Nations Field Missions in Timor-Leste, Guatemala, Cambodia and the Democratic Republic of Congo, as well as numerous non-governmental human rights groups.<sup>55</sup> HRDAG is part of the Benetech Human Rights Program.<sup>56</sup>

### 10.2 About the Individual Authors

#### Romesh Silva

Romesh Silva, M.A, is a Demographer/Statistician with HRDAG. He has led HRDAG projects in Sri Lanka, Timor-Leste, India, Chad and Bangladesh, and also contributed to projects in Colombia, Sierra Leone, Guatemala and Liberia. Romesh has co-authored a number of policy-related reports and scholarly publications on the statistics of large-scale human rights violations in conflict zones.

Romesh previously served as a Statistical Consultant to the United Nations Development Programme (UNDP) in Laos, where he provided quantitative analysis for the 2001 Lao National Human Development Report, and served as a technical ad-

visor to the Lao Ministry of Finance in the upgrade of its international trade statistics system. He holds a B.Sc. (Hons, Class 1) in Statistics and a B.A. in German Studies from the University of New South Wales (Sydney, Australia), a Masters of International Affairs from Columbia University (New York City, U.S.), and a Masters of Arts in Demography from the University of California, Berkeley. In addition to his work with HRDAG, Romesh is pursuing a Ph.D. in the Department of Demography at the University of California, Berkeley.

#### Jeff Klingner

Jeff Klingner, M.S., is a Data Analysis and Visualization Consultant for HRDAG. He performed data analysis and data graphics work for this report. Jeff is also developing automatic record linkage techniques.

Jeff is pursuing a Ph.D. in Computer Science at Stanford University. He holds a M.S. in Computer Science from Stanford University and B.S. degrees in Computer Science and Biology from the University of Texas at Austin.

#### Scott Weikart

Scott Weikart, Ph.D., is Senior Systems Administrator at Benetech, the nonprofit organization where HRDAG is based. Scott processes much of the data in the datasets used by HRDAG projects, with an emphasis on developing automated techniques to clean and canonicalize data, de-duplicate datasets, and link records between datasets. He has been designing, building and operating Unix

<sup>55</sup>For more information about other projects and publications by HRDAG, see <http://www.hrdag.org/>.

<sup>56</sup>Benetech is a Silicon Valley non-profit organization which builds science and technology to solve pressing social needs. Benetech works with partners to address human rights, literacy and environmental conservation challenges around the world. To read more about Benetech, please see <http://www.benetech.org> for more information.

and GNU/Linux servers and storage systems for 20 years.

In 1984, Scott co-founded the non-profit Community Data Processing, where he co-designed a sophisticated membership database system. Scott was technical founder in 1996 of the non-profit PeaceNet online network, which grew into the Institute for Global Communications (IGC) family of networks (PeaceNet, EcoNet, WomensNet, LaborNet). He served many roles at IGC until 2002, including Board Member and Executive Director.

In 2001, Scott joined Benetech as Senior Systems Administrator. He designed and implemented all non-Java code needed to run a Martus server. Scott's development for the Martus server including designing a novel high-security mode for running a Linux kernel, and developing an automated installation system usable by people with no Unix or GNU/Linux experience. He is responsible for all the GNU/Linux servers for Bookshare.org and Martus. See <http://www.martus.org> for more information.

## 11 Acknowledgments

The documents discovered in the DDS by Reed Brody and Olivier Bercault of Human Rights Watch were sorted, photocopied, and organized by a team from the Chadian Association of Victims of Political Repression and Crime (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 Viviana Beltrametti Walker of Human Rights Watch, who assembled and coded photocopies of original documents.

HRW used software built by HRDAG, including a program designed by HRDAG vice president Patrick Ball; the software was written by Miguel Cruz and Rafe Kaplan.

The data preparation was conducted by Scott

Weikart, Jeff Klingner, Romesh Silva and Jana Dudokovich. Jeff Klingner developed the document flow diagrams. Romesh Silva conducted the analysis of mortality within DDS prisons. Romesh Silva and Jeff Klingner wrote the body of the report. Scott Weikart and Romesh Silva wrote the methods appendix. Reed Brody and Patrick Ball reviewed the report. Ann Harrison, HRDAG Communications Director, provided copy editing for the English language version of the report. Aurelia Ernst provided copy editing for the French language version.

Reed Brody, Olivier Bercault, Diane Davidovici, Maria Koulouris, Julien Marillier and Fanny Moinel of Human Rights Watch, Martien Schotsmans of the International Federation of Human Rights Leagues, and Souleymane Guengueng and members of the AVCRPs all provided invaluable guidance and advice throughout the project.

## A Appendix: Data Visualization Techniques used to Generate Document Flow Diagrams

**Counting the Number of Documents** The thickness of the arrows used to indicate document flow in Figures 12 8, 9 and 10 were based only on document count, not on document length or content. Our consideration of document flow looked at documents that flowed from the office or person that authored it to each office it was addressed to. When a document was addressed to multiple recipient offices, we selected one of them as a direct recipient according to rules and labeled the other offices as indirect recipients. In some cases, we imputed the origin or destination office of a document from the title of the official who authored it, i.e. A document authored by the Commandant of the BSIR (Chad’s Rapid Response Brigade) was considered to originate in the BSIR, and a document authored by the DDS Service Chief for the town of Mondou was considered to originate in or contain information about Logone Occidental Prefecture. Full details of our rules for identifying direct recipients and imputing origin and destination offices and prefectures are described in Section C.4.

**Thickness of the Flow Arrows** The thickness of the flow arrows is determined by a scale-and-shift function applied to the number of documents  $d$  the arrow represents:

$$\text{Arrow Width} = \frac{d - d_{min}}{d_{max} - d_{min}}(w_{max} - w_{min}) + w_{min}$$

where  $[d_{min}, d_{max}]$  is the range of document counts to be illustrated and  $[w_{min}, w_{max}]$  is the range of printable line widths in points. For the flow figures in this report,  $[d_{min}, d_{max}] = [1, 300]$  and  $[w_{min}, w_{max}] = [1, 25]$ . Our use of a small minimum thickness ( $w_{min} = 1pt.$ ) means that the shift from linearity is very small, making the visual scale very close to proportional. We chose this function because it accommodates a broad range of values (from one document up to hundreds) with arrow thickness almost perfectly proportional to document count, while still leaving lines representing small documents visible.

**Diagram Substrates** In the organizational flow figures (Figures 8, 9 and 10), we used an underlying organizational diagram (organigramme) based on research done by HRW and information found in the discovered documents. We placed the DDS directly under the presidency because this is how it is situated in nearly all recovered and coded documents (See Section 6.1).

The geographic document flow figure (Figure 12), the underlying map is based on Map No. 3788 Rev. 4 of the United Nations Department of Peacekeeping Operations, Cartographic Section.

**Flow Arrow Layout** The arrows in the geographic document flow figure (Figure 12) were positioned using the automatic flow layout algorithm described in Phan et al.’s *Flow Map Layout*, published in IEEE Information Visualization 2005. The arrows in the organizational flow figures (Figures 8, 9 and 10) were positioned by hand.

## B Appendix: Glossary of French Names Used in this Report

Table 2: Glossary of French Names Used in this Report

French	English
AVCRP	See l' Association des Victimes des Crimes et Répressions Politiques au Tchad (AVCRP)
Brigade Spéciale d'Intervention Rapide (BSIR)	Special Rapid Action Brigade
BSIR	See Brigade Spéciale d'Intervention Rapide (BSIR)
BSIR Adjoint	Assistant Chief of the Special Rapid Action Brigade
Chef de Service Administratif	Chief, Administrative Services Division of the DDS
Chef de Service de Guerre	Chief, War Services Division of the DDS
Chef Service Documentation	Chief, Documentation Services Division of the DDS
Conseil de Commandement des Forces Armées du Nord (CCFAN)	Command Council of the Armed Forces of the North
CCFAN	See Conseil de Commandement des Forces Armées du Nord (CCFAN)
DDS	See Direction de la Documentation et de la Sécurité (DDS)
DDS Adjoint	Assistant Chief, DDS
Direction de la Documentation et de la Sécurité (DDS)	Documentation and Security Directorate
Division des Etudes	Research Division, DDS
Division des Services Spéciaux	Special Services Division, DDS
FANT	See Forces Armées du Nord
Forces Armées du Nord (FANT)	Armed Forces of Chad
Gouvernement d'Union Nationale de Transition (GUNT)	Transitional Government of National Unity
GUNT	See Gouvernement d'Union Nationale de Transition (GUNT)
L' Acte Fondamental de la Republique	Fundamental Act of the Republic of Chad
l' Association des Victimes des Crimes et Répressions Politiques au Tchad (AVCRP)	Chadian Association of Victims of Political Repression and Crime
La Prison de la Presidence	Prison of the Office of the President (Prison operated by the DDS)
Le Camp des Martyrs	A prison operated by the DDS
Le Gendarmerie I	Military Police I (A prison operated by the DDS)
Le Gendarmerie II	Military Police II (A prison operated by the DDS)
Les Locaux	A prison operated by the DDS
La Maison D'art	A prison operated by the DDS
Service Administratif	Administrative Services Division, Chad
Service Mission Terroriste (SMT)	Terrorist Mission Service, DDS
SMT	See Service Mission Terroriste (SMT)

## C Appendix: Data and Methods

### C.1 General Overview

This appendix describes the processing performed on two HRW datasets:

1. database of people mentioned in 2,730 documents found in DDS archive
2. spreadsheet describing 288 officials

Many different automated processing steps were successively applied to these two datasets. Each processing step created a new file; the files from earlier steps were left unmodified, so any processing step could be improved, re-applied to its input file, and used to re-run later steps. The following sections describe the intermediate files that were produced.

Different data processing steps were designed and implemented around different units of analysis. This was done to facilitate empirical analyses across different dimensions. In particular, we sought to analyze the data from the recovered and coded documents to answer the following questions:

- *‘How were political prisoners inside the DDS treated? Were their basic human rights protected and respected?’*,
- *‘Was the relationship between President Habré and the DDS a “superior-subordinate”-type relationship?’*,
- *‘Were senior officials inside the DDS and President Habré continuously informed about the policies and practices of the DDS?’*,
- *(If they were informed,) ‘Did President Habré and senior DDS officials “demonstrate a failure to act”?’*.

The most important units of analysis used during the data processing were:

- document: government document found in an abandoned office of the former DDS headquarters in N’Djamena, Chad.
- person-mention<sup>57</sup>: person with a specific role in a document.
- office<sup>58</sup>: institutional author or institutional recipient of a document.
- official-tenure<sup>59</sup>: an official government position held by a specific individual for a specific period of

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<sup>57</sup>A person-mention is a named individual with a specific role who was mentioned in the content of a government document. Individuals can have one or more roles in a document, such as author, recipient, victim, agent, etc.

<sup>58</sup>We constructed a controlled-vocabulary of government offices, with a particular focus on DDS units, based on HRW’s research of the internal structure of the DDS and the names of units mentioned in the recovered and coded DDS documents.

<sup>59</sup>See section C.6 for a discussion of the official-tenure data.

time.

For each file used in our data processing, the unit of analysis will be mentioned when the record count is described in this appendix.

## C.2 The Document-Mapper Database

We developed a document-mapper database-system to organize the scanned document images and the information contained in those documents: this system combines a web-based user-interface with the relational database of recovered and coded documents. Information about the 103,343 people mentioned in the 2,730 documents recovered from the DDS and coded by HRW were typed into this system. The database contained information about the documents, and information about the people mentioned in each document (name, title, location) as well as their “role” in that document. The structured fields encoded in the database are presented in Table 3.

Table 3: Structured Fields Encoded into the Database of Recovered Documents

Database Field	Description of Database Field
reprec_id:	person_id to represent match group
person_id:	record identifier (primary key)
name_first:	first name parsed from fullname field
name_nick:	middle name(s) parsed from fullname field
name_last:	last name parsed from fullname field
title:	person’s title
institution:	1 if institution, 0 or blank if person
person_comment:	notes from document about person
people:	> 1 means count of anonymous people (e.g. periodic prison census)
role:	1 if Agent, 2 if Victim, 0/blank for Mentioned
rel_type:	agent/victim “action”, or author/recipient/mentioned/situation journal
event_year:	year that rel_type occurred
event_month:	month that rel_type occurred
event_day:	day that rel_type occurred
ethnicity:	21 different ethnicity codes
hrw_doc:	document ID (assigned by HRW): type codes plus date of doc
hrw_num:	appended to hrw_doc to make it unique
doc_year:	year document was written
doc_month:	month document was written
doc_day:	day document was written
doc_city:	abbreviated code for city where document originated
doc_office:	office that’s source of document
doc_title:	full title of document
doc_comment:	comment about document (mostly blank)

It is possible that many different kinds of errors could have occurred when data was entered into the

database from the scanned document images. The main types of potential errors, which may have occurred when transforming the information contained in the recovered and coded documents into the aforementioned structured database format, include:

- identification error: failure to identify relevant pieces of text in a scanned document, resulting in a blank field in the database.
- classification error: mis-classification of text in a document into an inappropriate category of the controlled vocabulary.
- transcription error: typographical error. When the filename of a scanned document image is entered incorrectly, the document is “lost”. [Information contained in the recovered documents is sometimes difficult to read because of the condition of the original paper and/or quality of the resulting scanned image.]
- duplication error: the DDS archive could have contained multiple copies of the same document, or a single document copy could have been entered into the database twice; for duplicate database records, it’s difficult to tell which condition occurred.

This data and methods appendix will describe numerous procedures that were performed to identify and correct such errors.

There were many steps required to enter and correct the data in the document-mapper database system. We scanned all the documents, and added the scanned images to an image filesystem. Independently, we typed identifying information about the documents into a database, including the filenames of the scanned images. The scanned-image filenames (which are derived from *hrw\_doc* and *hrw\_num*, see Table 3) were very long, so there were many transcription errors that resulted in “orphaned” documents. The document-database initially contained 2,488 “useful” records<sup>60</sup>, i.e. records that linked to actual scanned images in the image filesystem. We eliminated 75 duplicate records from the document-database, leaving 2,413 useful records. We eliminated 11 document-database records which had no person-mention records, leaving 2,402 useful records. We then initiated a detailed investigation to find the “orphaned” documents, fixing 343 scanned-image filenames, resulting in a document-database with 2,745 “useful” records. Finally, we eliminated 12 document-database records that were duplicates, and 1 record that was illegible, resulting in a final document-database with 2,732 records. Two of the document records didn’t link to any person records, so the exported person-mention records resulted in a new master-file (see below) based on 2,730 documents.

Since the same *name* plus *role* could appear multiple times in a document, and duplicate names usually represented the same person, we designed automated matching algorithms and applied them to the master-file to eliminate duplicate person-mention records (i.e. those with the same *name* plus *role*). Eliminating such duplicates in the master-file left 58,905 person-mention records out of the original 103,343 person-mention records (57.4% of the original).

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<sup>60</sup>This was the database used to write “Preliminary Statistical Analysis of AVCRP & DDS Documents—A report to Human Rights Watch about Chad under the government of Hissène Habré”, available online at <http://www.hrdag.org/resources/publications/chad-20031104a.pdf>

A record-linkage expert used the web application to “match” the people that appeared in multiple documents, i.e. identify when a pair of person-mention records referred to the same person; this makes it possible to track people who are mentioned in multiple documents. Matching decisions were based on an analysis of the “likeness” of each mentioned person, based on: first name, last name, the role of the person in the document, and the date of the events described in the document. The matching identified 14,629 unique people out of the 48,929 named records (29.9%).

### C.3 Processing of the Data from the Document-Mapper

We undertook numerous steps to correct errors in the person-mention records.

The personal names (i.e. `name.first`, `name.nick`, `name.last`) and titles of all people in the person-mention records were “canonicalized”, i.e. standardized.<sup>61</sup> This standardization process was performed to make it easier to detect “matches”, i.e. two records that represent the same person. A matching expert canonicalized the name and title fields. Analytical experts did further canonicalization of the title fields. The number of uniques and associated canonicals for the ‘`firstname`’, ‘`lastname`’, ‘`title`’ and ‘`doc_office`’ fields in the database are presented in Table 4.

Table 4: Unique and Canonical Values for ‘`firstname`’, ‘`lastname`’, ‘`title`’ and ‘`doc_office`’ fields

Database Field	No. Uniques		No. Canonicals
‘ <code>firstname</code> ’:	6,351	→	3,469
‘ <code>lastname</code> ’:	7,087	→	3,813
‘ <code>title</code> ’:	2,143	→	1,875
‘ <code>doc_office</code> ’:	174	→	52
Total:	15755	→	9,209

Synonyms for titles were rarely used. One of the few titles that had a number of frequently-used synonyms was “President de la Republique du Tchad”. The frequency distribution of synonyms used for President Habré in the recovered and coded documents are presented in Table 5.

The frequency distributions of the three most-frequently canonicalized `doc_office` synonyms, namely those for the DDS, BSIR and DDS Penitencier, are presented in Table 6.

We designed computer algorithms and wrote software programs to identify missing data, bad data (incorrect format or illegal value) and inconsistent data (e.g. document date precedes event date) contained in the master-file. For each person-mention record that contained an error, a matching expert examined the document-image associated with that record, then created “correction records” to specify the correct data. We then wrote software programs to find potentially incorrect name-matches and potentially missing name-matches; a matching expert used this data, along with the newly canonicalized names and titles, to

---

<sup>61</sup>To “canonicalize” the values of a field, all the unique values are collected, and a “canonical” value is assigned to each group of unique values that represent the same entity (where the unique values differ because of transcription errors, abbreviations, variant spellings, variant versions of the same name (synonyms), etc).

Table 5: Synonyms Used for President Habré in Documents

Synonym	Frequency Count
President de la Republique du Tchad	623
Chef de L’Etat	11
PRT	6
President Fondateur de L’Unir	2
PRT a TITRE CR	2
Chef Supreme des Armees	1
President du Conseil de Ministres	1
President du Conseil des Ministres	1
Total	647

Table 6: Canonicalizations for Mentions of ‘DDS’, ‘DDS Penitencier’ &amp; ‘BSIR’

Synonym	Frequency Count
DDS:	
DDS	21,155
Direction de la DDS	69
DSS	31
...	...
DDS Penitencier:	
DDS/Service Penitencier	4,114
DDS/Service Penitentier	756
Direction de la DDS/Service Penitencier	49
DDS/Service Penitencier de la DDS	26
...	...
BSIR:	
DDS/BSIR	3,475
BSIR	111
DSS/BSIR	46
...	...

add/correct match information. We then applied the corrections to the master-file. The frequency distribution of corrections made to the data are presented in Table 7.

We removed 263 duplicated records (0.4%) (exact duplicates that were erroneously created when records were exported from the document-mapper database) from the 58,905 records. We then applied corrections presented in Table 7. Finally, if the document date was still missing, we then attempted to deduce it from the `hrw_doc` field, if possible. If we were unable to deduce the document this way, we used the latest date that was found in the document. After this processing, the percentage of documents with missing dates dropped from 18.0% (491/2,730) to 2.4% (67/2,730).

Table 7: Frequency Distribution of Match Corrections

Type of Correction	Frequency Count
name_first	6
event-date	110
doc-date	110
new or corrected name match	559

Analytical experts examined the scanned images of all the DDS documents about personnel nominations and appointments (i.e. `hrw_doc_types` that started with DDS/G/N/), and filled in name, title, office and location information (when available).

After applying the appointment-title fixes to the person-mention records, we then canonicalized the name, title and document-office fields. We replaced a blank name field with ‘HISSEIN HABRE’ in 671 person-mention records with the title ‘PRESIDENT DE LA REPUBLIQUE DU TCHAD.’

## C.4 Imputation of Missing Data

Many of the database records contained fields with missing information. The missing information could sometimes be derived from other fields, which we call “imputation”. Data imputation was implemented by filling in a particular missing field by using relevant information from related fields of the same document. This section describes the data imputation we performed.

We performed the following types of imputation:

- Extract office information from `doc_title` phrases (283 mappings)

We mapped phrases from title fields into the office of a title-holder. Of the records that contained titles, 57.8% (7,538/13,036) of these records had a title that could be mapped into an office using this file. Table 8 presents some examples of the most-frequently mapped offices.

- Extract location information from `doc_title` phrases (153 mappings)

We mapped phrases from title fields into the location of a title-holder. Table 9 presents some examples of the most-frequently mapped locations.

- Assign office information to `hrw_doc_type` values (32 mappings)

If you remove the date from `hrw_doc`, you’re left with `hrw_doc_type`—the code assigned by HRW to classify the document according to its content (see Table 10). For the 32 `hrw_doc_type` values, we classified different aspects of the communication, such as relationship to the DDS, and whether the communication was routine or ad-hoc.

- Extract title and `doc_office` values from `person_comment` values (1,078 mappings)

- Impute organizational home from office values (362 mappings)

For these 362 office values, specify the org (organizational home) for that office. Of the records that contained office values, 58.8% (6,219/10,568) of those records had an office that could be mapped to an org. Table 11 presents some examples of the orgs most-frequently mapped from office values.

- Extract information from doc\_title values (1,561 mappings)

We extracted as much information as possible from these doc\_title values. The primary purpose of this data processing was to classify the document titles into 49 standard titles, for use in the document-flow analysis (see section C.5).

- Assign role to direct recipients (1,267 mappings)

For the 1,267 person-mention records that represent direct recipients of a document, specify the role of that recipient. This was done using the following algorithm:

```
if hrw_doc == "AS/OC/MI/HH"
  then direct_recipient == "President de la Republique du Tchad"

else if hrw_doc == "DDS/*" &&
  (at least one recipient is "DIRECTEUR DE LA DDS" ),
  then direct_recipient == "Directeur de la DDS"

else if hrw_doc == "DDS/*" &&
  (one of the recipients == "Commandant de la BSIR"),
  then direct_recipient == "Commandant de la BSIR"
  else direct_recipient == "only"
```

- Impute office from various fields (1,310 mappings)

For the remaining records which still had missing doc\_office values, we imputed the doc\_office value from other fields (including title, hrw\_doc\_type, date, role, etc).

Table 8: Examples of Most-Frequently Mapped Offices

Phrase	Frequency Count
<b>BSIR:</b>	
BSIR	436
Commandant de la BSIR	335
Regisseur de la BSIR	19
...	...
<b>Forces Armees Nationales Tchadienne:</b>	
FANT	283
Lieutenant	108
Commandant	22
Militaire	15
Commandant de Brigade	10
...	...
<b>DDS:</b>	
DDS	602
Controleur de la DDS	29
Officier de Permanence de la Direction de la DDS	9
Services DDS	4
...	...
<b>Prefet Administratif:</b>	
Prefet du Moyen Chari	26
Prefet de Logone Oriental	18
Prefet de la Tandjile	18
Sous Prefet	12
Prefet de Mayo Kebbi	11
...	...
<b>Ministere de l'Interieur:</b>	
Ministre de l'Interieur	149
Ministre de l'Interieur et de la Securite	48
Ministere de l'Interieur	12
...	...
<b>Service Securite Fluviale:</b>	
Securite Fluviale	117
Agent de la Securite Fluviale	11
Service de Securite Fluviale DDS	10
...	...

Table 9: Examples of Most-Frequently Mapped Locations

Phrase/Words	Frequency Count
Region: SOUTH	
Prefecture: Logone occidentale	
City: Moundou	
Service de Securite de Moundou DDS	4
Maire de la Ville de Moundou	4
Directeur Regional de Pam a Moundou	4
Chef de Service de Securite de Moundou	4
Chef Adjoint de Service Securite Moundou	4
...	...
Region: SOUTH	
Prefecture: Moyen-Char	i
City: <unknown>	
Prefet du Moyen Chari	26
Prefet Adjoint du Moyen Chari	6
Chef de Service de Securite du Moyen Chari	5
...	...
Region: CENTRAL	
Prefecture: <unknown>	
City: <unknown>	
Prefet de Logone Oriental	18
Adjoint Prefet du Logone Occidental	4
...	...
Region: CENTRAL	
Prefecture: Chari-Baguirmi	
City: N'Djamena	
Sous Prefet de Ndj Rural	4
Regisseur de la Maison Darret de Ndj Commissaire de Police	4
...	...

Table 10: Schematic of HRW Document Coding System

HRW Document Code	Document Description
AS/OC/A/OFF/A:	Documents originating from outside sources / Origin Known / Other / Official Sources / To Others
AS/OC/A/OFF/HH:	Documents originating from outside sources / Origin Known / Other / Official Sources / To Habré or Office of President
AS/OC/DF/A:	Documents originating from outside sources / Origin Known / Defense-Army / To Other Recipients
AS/OC/DF/PG:	Documents originating from outside sources / Origin Known / Defense-Army / Prisoners-of-War
AS/OC/HH:	Documents originating from outside sources / Origin Known / From Hissène Habré or Office of President
AS/OC/MI/A:	Documents originating from outside sources / Origin Known / Originating from Ministry of the Interior / To Others
AS/OC/MI/HH:	Documents originating from outside sources / Origin Known / Originating from Ministry of the Interior / To Habré or Office of President
AS/OC/MJ/PG:	Documents originating from outside sources / Origin Known / Originating from Ministry of Justice / Lists of Detainees / Prisoners of War
AS/OC/PF:	Documents originating from outside sources / Origin Known / Prefectures
DDS/G/N:	Documents Originating from inside the DDS / General / Nominations
DDS/G/P:	Documents Originating from inside the DDS / General / Personnel Lists
DDS/S/AL/A:	Documents Originating from inside the DDS / Specific / Movement of Detainees / Arrests
DDS/S/AL/ML:	Documents Originating from inside the DDS / Specific / Movement of Detainees / Released
DDS/S/AL/T:	Documents Originating from inside the DDS / Specific / List of Detainees / Transfers
DDS/S/AL/T/D:	Documents Originating from inside the DDS / Specific / Movement of Detainees / Detainees
DDS/S/AL/T/PG:	Documents Originating from inside the DDS / Specific / Movement of Detainees / Prisoners of War
DDS/S/CO/HH:	Documents Originating from inside the DDS / Specific / Correspondence / To Hissène Habré
DDS/S/FI:	Documents Originating from inside the DDS / Specific / Information Sheets (Intelligence on Individuals)
DDS/S/LD:	Documents Originating from inside the DDS / Specific / Lists of detainees
DDS/S/LD/D:	Documents Originating from inside the DDS / Specific / Lists of detainees / Various
DDS/S/LD/PG:	Documents Originating from inside the DDS / Specific / Lists of detainees / Prisoners of War
DDS/S/NI/R/PR/PC:	Documents Originating from inside the DDS / Specific / Internal Notes / Reports on the Prisons / Specific
DDS/S/NI/R/PR/PR:	Documents Originating from inside the DDS / Specific / Internal Notes / Reports on the Prisons/ Periodic
DDS/S/NI/R/SG/PC:	Documents Originating from inside the DDS / Specific / Internal Notes / Reports on the Situation in General / Specific
DDS/S/NI/R/SG/PR:	Documents Originating from inside the DDS / Specific / Internal Notes / Reports on the Situation in General / Periodic
DDS/S/SJ:	Documents Originating from inside the DDS / Specific / Situation Journals
DDS/S/CD/D:	Documents Originating from inside the DDS / Specific / Death Certificates/ Detainees
DDS/S/CD/PG:	Documents Originating from inside the DDS / Specific / Death Certificates/ Prisoners of War

Table 11: Examples of Most-Frequently Mapped Organizations

Phrase/Words	Frequency Count
<b>DDS:</b>	
DDS	2074
DDS Penitencier	359
Archives	348
Service Administratif	247
DDS Adjoint	167
DDS Service Penitencier	102
Service de Securite	68
DDS Administratif	57
Service Documentation	50
Directeur Adjoint de la DDS	20
DDS Provinces	18
Service Securite Fluviale	11
DDS Exploitation	10
...	...
<b>Presidence de la Republique du Tchad:</b>	
Presidence de la Republique du Tchad	1018
Securite Presidentielle	6
...	...
<b>BSIR:</b>	
BSIR	723
BSIR Penitencier	96
DDS BSIR Locaux de Detention	43
Sante	41
...	...
<b>Ministere de l'Interieur:</b>	
Ministere de l'Interieur	213
Ministere de l'Interieur Surete Nationale Service Central des Renseignements Generaux	208
Surete Nationale	196
...	...

All of the aforementioned imputations were applied to the earlier master-file to create a new master-file which contained more fields but the same number of records (58,642).

## C.5 Creation of Document-Flow Data

This section describes the data created to analyze the document-flow (of the recovered and coded documents) within the executive branch of the Chad government.

After completing the data imputation described in Section C.4, we created an author/recipient file with a record for each of the author(s) and a record for each of the recipient(s) for the recovered and coded documents. If the master-file was missing author and/or recipient information for a document, ‘anonymous’ records were created. We performed a series of review-checks to ensure that each unique author/recipient was only assigned to a single office (these checks triggered improvements to the office-imputations described in the previous section). This data processing created 7,633 author/recipient records for the 2,730 recovered and coded documents (the number of author/recipient records is more than twice the number of documents, since documents were often addressed to multiple recipients).

Using the author/recipient file, we created a document-flow file: for each recipient in each document, create a record for each of the authors. The 3,950 records in the document-flow file included all the information needed for our document-flow analysis; these records are described in Table 12.

Table 12: Author-to-Recipient Data Used for Document-Flow Analysis

Field Description	Recording Accounting
document office:	9 unique values; unknown for 4 (0.2%) records
office of recipient:	12 unique values; unknown for 1435 (36.4%) records
is author in DDS:	3,082 true (78.0%)
is recipient in DDS:	3,134 true (79.3%)
is direct recipient (not CC’ed):	1,273 true (32.2%)
is Habré the recipient:	1,215 true (30.7%)
was the document CC’ed to the DDS:	2,321 true (58.7%)
hrw_doc.type (HRW document type):	32 unique values
is a DDS document:	3115 true (78.9%)
DDS document type:	5 coarse types, 10 fine types
is routine communication:	2672 true (67.6%)
document date:	unknown for 73 (1.9%) records
document title, standardized:	49 unique titles
is author or recipient unknown:	2538 true (64.2%)

## C.6 Processing of Data on Official Tenures

This section describes the procedure we used to determine the tenures for prominent DDS officials.

We started with a spreadsheet of 288 government officials, constructed by HRW researchers, that contained each official’s tenure dates (start-dates usually existed; end-dates rarely existed). For each official in this list, we found all their person-mention records in the master-file, and used the document-dates from these person-mention records to fill in missing or erroneous tenure dates.

The start-date for each official tenure was defined to be the *earlier* of:

- start date from HRW spreadsheet
- earliest date the name+title is mentioned in the master-file

The end-date for each official tenure was defined to be the *latest* of:

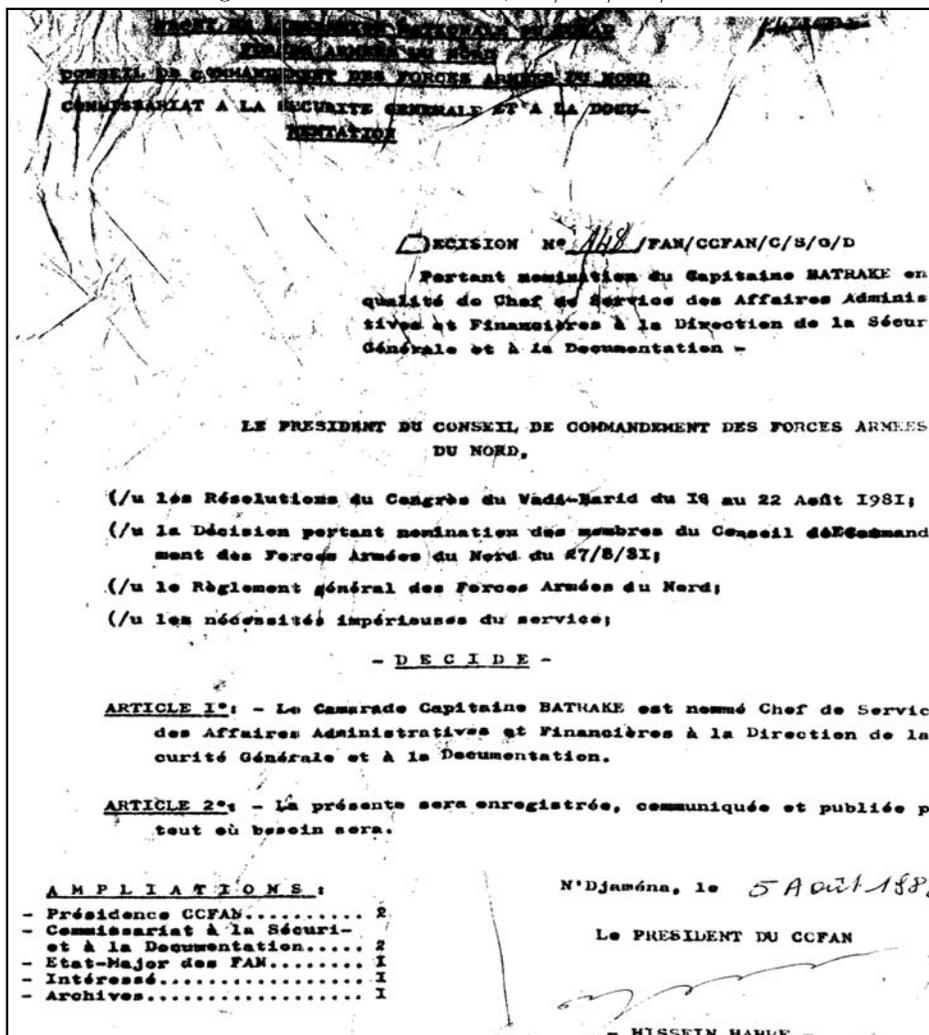
- end date from HRW spreadsheet
- the earliest of:
  - latest date the name+title is mentioned in the master-file
  - the day before the start of the next tenure with the same name and title
- the earliest of:
  - end date from HRW spreadsheet
  - start date of the person's next tenure
  - start date of the person's earliest known successor

After imputing missing tenure dates, the percentage of missing tenure start-dates dropped from 13.5% (39/288) to 12.8% (37/288), and the percentage of missing tenure end-dates dropped from 92.0% (265/288) to 44.8% (129/288).

D Appendix: Scanned Copies of Key Documents Recovered from the DDS Headquarters

D.1 Appointment of Chef de la Service of the DDS

Figure 15: Document 2747, AS/OC/HH/820805



## D.2 The DDS Loyalty Oath

Figure 16: Document 2675, DDS/G/N/890225, Page 1

**SECRET CONFIDENTIEL**

N'DJAMENA, le 25 FEVRIER 1989

CEREMONIE DE # RESTATION DE // ERMENT

// EROULEMENT

- HYMNE NATIONALE
- SERMENT DES AGENTS (les Agents sont appelés nominativement)
- LECTURE DE PROCES-VERBAL DE PRESTATION
- COCKTAIL (éventuellement)

// IN DE LA CEREMONIE

Figure 17: Document 2675, DDS/G/N/890225, Page 2

<u>REPUBLIQUE DU TCHAD</u> <u>PRESIDENCE DE LA REPUBLIQUE</u> <u>DIRECTION DE LA DOCUMENTATION</u> <u>ET DE LA SECURITE</u>	UNITE - TRAVAIL - PROGRES -----
N° <u>107</u> /PR/DDS/89.-	N'DJAMENA, le 25 Février 1989
<u>PROCES - VERBAL DE RESTATION DE SERMENT</u> *****	
L'an mil neuf cent quatre vingt neuf, le vingt cinq jour du mois Février à N'Djaména.	
Par devant nous : Monsieur AHMAT ALLATCHI, Direc- teur Adjoint de la Documentation et de la Sécurité.	
Les Agents dont les noms suivent :	
1°- AHMAT ALI	
2°- ABDALLAH ABDOULAYE N'GARE	
3°- ADOUM HASSAN	
4°- HAROUN ADANA	
5°- MAHAMAT TAHIR BRAHIM	
6°- MAHAMAT AHMED YACOUBA	
7°- MOUSSA DJAMOUS	
8°- ISSA HAROUN SEID	
9°- YOUNJARE DABKREO	
ont prêté le serment suivant :	
" Je jure sur mon Honneur, Fidélité et Devouement au Président de la République et aux Institutions de la 3ème République.	
Je prends l'Engagement Solennel de ne jamais trahir	

Figure 18: Document 2675, DDS/G/N/890225, Page 3

REPUBLIQUE DU TCHAD UNITE - TRAVAIL - PROGRES  
PRESIDENCE DE LA REPUBLIQUE  
DIRECTION DE LA DOCUMENTATION  
ET DE LA SECURITE

N° A06 /PR/DDS/89.- N'DJAMENA, le 25 FEVRIER 1989

SECRET CONFIDENTIEL

       SERMENT DE        ' AGENT  
\*\*\*\*\*

Je jure sur mon Honneur, Fidélité et Devouement au Président de la République et aux Institutions de la 3ème République.

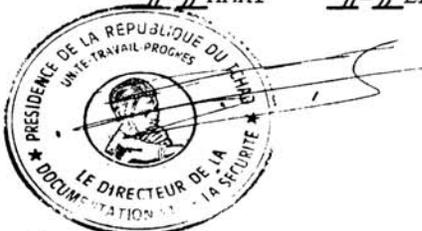
Je prends l'Engagement Solennel de ne jamais trahir et de garder Secret toutes les activités de la D.D.S. quelques soient les circonstances et en toutes Epreuves.

       C T E      D E             E R M E N T  
\*\*\*\*\*

Au nom du Président de la République, je prends acte de votre Serment de l'Agent.

Mes sincères félicitations.

       e Directeur Adjoint  
       H M A T             L L A T C H I



D.3 A letter to Habré from the Service Administratif

Figure 19: Document 2497, DDS/S/CO/HH/860121-1

REPUBLIQUE DU TCHAD

PRESIDENCE DE LA REPUBLIQUE

DIRECTION DE LA DOCUMENTATION ET DE LA SECURITE

SERVICE ADMINISTRATIF

N° 007 /FR/DDS/SA/86.

N°Djamena, le 21 Janvier 1986.

FICHE D'INFORMATION

A L'INTENTION DU PRESIDENT DE LA REPUBLIQUE

En ayant l'honneur de vous informer que la nommée NELEMEL Antoinette, Sergent-Chef PFANT, détenue à la Direction de la Documentation et de la Sécurité depuis le 15 Novembre 1984, se trouve transférée à Kalait depuis 1985.

Il est à signaler que NELEMEL Antoinette serait proche parent du Général NEGUE DJOGO et, lors de la libération des détenus en date du 17 Janvier 1986, les parents de la susnommée se trouvent en mauvaise mine de n'avoir pas vu leur fille libérée parmi d'autres.

## D.4 Direct Communication to Habré About Deserters From the DDS

Figure 20: Document 2357, DDS/S/CO/HH/880714-1

<u>REPUBLIQUE DU TCHAD</u>	<u>UNITE - TRAVAIL - PROGRES</u>
<u>PRESIDENCE DE LA REPUBLIQUE</u>	-----
<u>DE LA DOCUMENTATION ET DE LA SECURITE</u>	
N° <u>279</u> / PR/DDS/88.-	
N'Djaména, le 14 Juillet 1988	
<u>I C H E</u> *****	
A L'ATTENTION DU PRESIDENT DE LA REPUBLIQUE	
<u>C O N C E R N E</u> : Situation militaire dans la région de Melfi.	
<u>R E F E R E N C E</u> : Fiche du Service de Mongo du 29-6-88	
Excellence,	
Il a été découvert par les éléments militaires en poste à Koutoutou un émetteur-recepteur de marque BLU 3 WATTS avec les accessoires sur le rocher situé au Sud-Est de Melfi, le 20 Juin 1988.	
Le 24 Juin 1988, quatre militaires du poste de Djana Sous-Prefecture de Melfi, munis de leurs armes de dotation, ont déserté leur unité.	
Ces éléments de la 72 <sup>e</sup> Compagnie portée basée à N'Djaména-ALI DINAR dont le Chef de poste de Djana était précédemment de la 1 <sup>ère</sup> armée a longtemps vécu dans le secteur, sont d'éthnie Zakawa ou Bideyat.	
<u>C O N S I D E R A T I O N S</u>	
Il y a lieu de déplacer le Chef de poste de la localité de Djana pour éviter tout risque de désertion des éléments de son poste.	

## D.5 Example Scanned Image of a DDS-issued Death Certificate

Figure 21: Document 83, DDS/S/CD/D/860509

**C E R T I F I C A T D E D E C E S**

Je soussigné Officier Assimilé Saria Asnegué, infirmier - major de la  
Brigade Spéciale d'Intervention Rapide, atteste que le détenu Dana Abakar de nos  
locaux de détention est décédé en date du 8 Mai 1986, suite de prostration de son  
état général par carence vitaminique.

En foi de quoi, le présent certificat est délivré pour servir et valoir ~~EE~~  
ce que de droit.

N'DJAMENA, le 9 Mai 1986

LE MAJOR



D.6 Example Scanned Image of a DDS Situation Journal

Figure 22: Document 1193, DDS/S/SJ/860620

N° DJAMENA, le 20 Juin 1986

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SITUATION JOURNALIERE DES LOCAUX DE DETENTION/BSIR/DDS

Effectif initial des détenus : ... 3 57 .....

Effectif présent des détenus : ... 3 53 .....

Nombre d'arrestation : ..... 0 .....

Nombre de libération : ..... 0 .....

Nombre de décès : ..... 4 .....

Nom des personnes arrêtées : ..... 0 .....

Nom des détenus libérés : ..... 0 .....

Nom des prisonniers décédés : 4. Prisonniers de guerre décédés

1° / *Blissé dj. Zottoua Nassou. décedé le 19 Juin 1986.*

2° / *Ngaton bama. Garga. décedé le 19 Juin 1986.*

3° / *J. Amaraque. J. H. décedé le 19 Juin 1986.*

4° / *Issa. Soulyman. Charfadine. décedé le 19 Juin 1986.*

*marlou et... blessés... Div. V. Com. Crat.*

Fait à N° DJAMENA, le 20 Juin 1986

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Le REGISSEUR ;



## D.7 L' Acte Fondamental de la Republique

Figure 23: Document AS/OC/HH/820929-07, Page 1

~~REPUBLIQUE DU TCHAD~~ 101  
FRONT DE LIBERATION NATIONALE DU TCHAD Vaincre ou Mourir  
FORCES ARMEES DU NORD  
CONSEIL DE COMMANDEMENT DES FORCES ARMEES DU NORD

ACTE FONDAMENTAL DE LA REPUBLIQUE

Le Conseil de Commandement des Forces Armées du Nord,

- Considérant qu'après 17 années de lutte pour recouvrer sa souveraineté, sa dignité et son unité, le Peuple du TCHAD est parvenu à une étape décisive de son histoire;
- + Considérant la Grande Victoire du 7 juin 1982 et les efforts déployés par les Forces Armées du Nord et les F.A.T. en vue de parvenir à la concorde nationale;
- + Considérant que les conditions objectives sont désormais réunies pour restaurer et consolider la paix et la stabilité;
- Considérant la déclaration du Président du C.C.F.A.N. du 18 juin 1982 et le caractère provisoire du Conseil d'Etat;
- Considérant que l'action révolutionnaire des Forces Armées du Nord a conduit le pays à la paix et à la concorde, il leur échoit le devoir de doter le pays des institutions chargées de normaliser la situation politique, économique et sociale;
- Après larges consultations des forces socio-politiques nationales;

D E C I D E :

- 1°) La dissolution du Conseil d'Etat créé par décision n° 322/PCCFAN du 18 juin 1982
- 2°) La désignation d'un Président de la République, Chef de l'Etat, Président du Conseil des Ministres
- 3°) La création d'une armée nationale
- 4°) La création d'un organe Consultatif dénommé CONSEIL NATIONAL CONSULTATIF
- 5°) L'adoption du présent Acte Fondamental de la République.

CHAPITRE 1ER De l'Etat et de la Souveraineté

Article 1er Le Tchad est une République souveraine, laïque, une et indivisible.

L'emblème national est le drapeau tricolore bleu, or et rouge, à bandes verticales.

L'Hymne national est la "Tchadienne".

La devise de la République est "Unité-Travail-Progress",

Les langues officielles sont le Français et l'Arabe.

CHAPITRE II Du Président de la République, Chef de l'Etat, Président du Conseil des Ministres

Art. 2 Le Président de la République, Chef de l'Etat, est Chef du Gouvernement. Il préside le Conseil des Ministres.

Il est désigné par le C.C.F.A.N.

Avant d'entrer en fonction il prête serment devant la nation.

Art. 3 Le mandat du Président de la République, Chef de l'Etat, expire dès l'adoption d'une constitution et la mise en place des institutions en découlant.

Art. 4 Le Président de la République, Chef de l'Etat, définit les options fondamentales de la politique de la nation. Il veille au respect du présent Acte Fondamental de la République.

Art. 5 Le Président de la République, Chef de l'Etat, assure le fonctionnement régulier des pouvoirs publics ainsi que la continuité de l'Etat et l'indépendance de la magistrature. Il est le Chef Suprême des Armées et de l'Administration.

Art. 6 Le Président de la République, Chef de l'Etat, est le garant de l'indépendance nationale, de l'intégrité territoriale et de l'unité nationale.

Art. 7 Le Président de la République, Chef de l'Etat, nomme et révoque les membres du Gouvernement. Il nomme et révoque les membres du Conseil National-Consultatif.

Art. 8 Le Président de la République, Chef de l'Etat, a le pouvoir de légiférer par voie d'ordonnances et de régler par décrets pris en Conseil des Ministres, décrets simples et arrêtés.

Les ordonnances sont prises en Conseil des Ministres.

Les décrets pris en Conseil des Ministres sont contresignés par les Ministres intéressés.

Le Président de la République, Chef de l'Etat, Président du Conseil des Ministres, peut déléguer certains de ses pouvoirs aux membres du Gouvernement.

Art. 9 Le Président de la République, Chef de l'Etat, nomme aux hautes fonctions civiles et militaires par décrets pris en Conseil des Ministres.

Il confère les décorations de la République Tchadienne.

Art. 10 Le Président de la République, Chef de l'Etat, négocie, signe et ratifie les traités, conventions et accords internationaux

Art. 10 Les traités, conventions et accords internationaux touchant à l'intégrité territoriale, à la défense nationale et à l'orientation politique, économique et sociale du pays sont ratifiés après avis du Conseil des Ministres et du Conseil National Consultatif.

Il est le garant du respect des traités, conventions et accords internationaux.

Art. 11 Le Président de la République, Chef de l'Etat, accrédite les ambassadeurs et les Envoyés Extraordinaires auprès des Etats étrangers; les ambassadeurs et les Envoyés Extraordinaires étrangers sont accrédités auprès de lui.

Art. 12 Lorsque les institutions de la République, l'indépendance de la nation, l'intégrité de son territoire, l'exécution de ses engagements internationaux et le fonctionnement régulier des pouvoirs publics sont menacés d'une manière grave et immédiate, le Président de la République, Chef de l'Etat, après avis favorable du Conseil National Consultatif, prend les mesures exceptionnelles exigées par ces circonstances. Cependant il ne peut ni suspendre ni réviser le présent Acte Fondamental.

Il en informe la nation par un message.

Figure 26: Document AS/OC/HH/820929-07, Page 4

<p><u>Art. 13</u> Le Président de la République, Chef de l'Etat, décrète en Conseil des Ministres l'état de siège ou l'état d'urgence.</p>
<p><u>Art. 14</u> Le Président de la République, Chef de l'Etat, dispose du droit de grâce et d'amnistie.</p>
<p><u>Art. 15</u> Les fonctions du Président de la République, Chef de l'Etat, sont incompatibles avec l'exercice de tout autre emploi public et de toute activité privée lucrative.</p>
<p><u>Art. 16</u> En cas de vacance du pouvoir du Président de la République, Chef de l'Etat, par décès ou pour toute autre cause, le Président du Conseil National Consultatif convoque dans les vingt quatre heures un conseil des Ministres qui désigne un intérimaire parmi ses membres.</p> <p>Dans les quinze jours qui suivent l'empêchement ou la disparition du Président de la République, le C.C.F.A.N. se réunit et désigne le successeur.</p>
<p><u>Art. 17</u> En cas de haute trahison ou de manquement grave constatés par le C.C.F.A.N. à la majorité simple de ses membres, le Président de la République, Chef de l'Etat, aura à répondre devant une haute cour composée de membres du C.C.F.A.N. qui élisent pour la circonstance le président de la dite cour.</p> <p>La mise en accusation est faite au scrutin secret par les membres de la cour à la majorité de deux tiers. La Haute Cour rend le jugement.</p>
<p><u>Art. 18</u> Sous l'autorité du Président de la République, Chef de l'Etat, le Gouvernement est notamment chargé de :</p> <p>a) <u>politique intérieure</u></p> <ul style="list-style-type: none"><li>- consolider l'unité nationale,</li><li>- la Reconstruction nationale,</li><li>- la formation d'une armée nationale,</li><li>- l'instauration d'une vie politique démocratique qui garantit les libertés et les droits fondamentaux de l'individu, des associations et des collectivités, la participation effective de toutes les couches sociales à la gestion des affaires publiques,</li><li>- la réorganisation de l'Administration centrale et territoriale, de la police,</li></ul>

- la réorganisation des entreprises publiques et para-publiques pour les adapter aux impératifs du développement du pays,
- la promotion et le développement de la santé et du bien-être des populations,
- l'assistance aux familles des martyrs et aux victimes de guerre,
- la relance de l'économie nationale, la promotion et l'encouragement de toutes les entreprises de production, de commercialisation et de distribution des nationaux,
- la réforme du système éducatif pour l'adapter aux réalités socio-économiques du pays,
- l'élaboration dans les meilleurs délais d'un code des investissements qui crée les conditions nécessaires et les avantages conséquents aux investisseurs tant nationaux qu'étrangers,
- la pratique d'une plus grande justice principalement en direction des couches sociales les plus défavorisées,
- la restructuration et le développement des moyens de communications pour assurer le désenclavement du pays,
- la promotion et l'amélioration des secteurs ruraux de production pour assurer l'auto-suffisance alimentaire;

b) politique extérieure

- pratiquer une politique extérieure d'amitié et de coopération avec tous les pays épris de paix, de liberté, de justice et de progrès,
- pratiquer une politique de bon voisinage et de solidarité agissante avec les pays limitrophes,
- respecter les principes énoncés par les chartes de l'ONU et de l'OUA,
- réviser ou réactualiser les accords de coopération sur la base de l'intérêt mutuel et des avantages réciproques,
- soutenir la lutte légitime des peuples sous domination raciale et coloniale,
- combattre l'hégémonisme et l'expansionnisme sous toutes leurs formes et d'où qu'ils viennent,
- pratiquer le non-alignement.

19 Les fonctions des membres du Gouvernement sont incompatibles avec celles des membres du Conseil National Consultatif, avec l'exercice de toute activité professionnelle privée à caractère lucratif et avec tout autre emploi public.

Les membres de l'armée appelés au Gouvernement sont déchargés de toute fonction militaire.

#### CHAPITRE III De l'Armée Nationale

20 La base de l'armée nationale sera constituée des éléments des forces se trouvant sous l'autorité du Gouvernement. Les modalités pratiques de la mise en place de l'armée nationale feront l'objet des dispositions ultérieures du Gouvernement.

21 Sous l'autorité du Président de la République, Chef de l'Etat, et du Gouvernement, l'armée nationale a pour tâche de défendre l'indépendance et l'unité nationales, la souveraineté, l'intégrité territoriale, la sécurité du pays et de le préserver de la subversion et de toute agression.

L'armée participe à l'oeuvre de la reconstruction nationale.

#### CHAPITRE IV Du Conseil National Consultatif (C.N.C.)

22 Le Conseil National Consultatif est l'organe Consultatif de l'Etat. Ses membres portent le titre de "Conseiller National".

23 Le nombre des membres du C.N.C. est fixé à 30. Chaque Préfecture est représentée par deux membres. La ville de Ndjamana est représentée par deux membres.

24 Les membres du C.N.C. sont nommés et révoqués par le Président de la République, Chef de l'Etat.

25 Le Conseil National Consultatif est permanent. Il établit son règlement intérieur. Les membres du C.N.C. élisent leurs président et deux vice-présidents.

26 Le C.N.C. donne son avis sur l'application de l'article 12.

- 27 Le C.N.C. est consulté sur :
- l'amnistie,
  - les traités, conventions et accords internationaux,
  - les options politiques fondamentales,
  - l'élaboration du budget de l'Etat,
  - l'élaboration du plan de développement économique et social,
  - le projet d'une nouvelle constitution.
- 28 Le C.N.C. peut être consulté par le Gouvernement sur d'autres questions.
- 29 Le C.N.C. peut être chargé de l'étude, de l'élaboration du projet de la nouvelle constitution.
- 30 Le C.N.C. peut formuler des vœux au Gouvernement.
- Les membres du C.N.C. peuvent être chargés par le Président de la République, Chef de l'Etat, d'une mission d'enquête,
- 31 Les fonctions de membres du C.N.C. sont incompatibles avec celles des membres du Gouvernement, avec l'exercice de tout autre emploi public et de toute activité privée lucrative.
- Les membres de l'armée appelés au C.N.C. sont déchargés de toute fonction militaire.

#### CHAPITRE V De la révision

- 32 La révision du présent Acte Fondamental est faite en réunion extraordinaire du C.C.F.A.N. et à la majorité absolue de ses membres.
- 33 L'initiative de la révision du présent Acte Fondamental appartient concurremment au Président de la République, Chef de l'Etat, et au C.C.F.A.N.
- 34 Le présent Acte Fondamental sera caduc dès l'adoption d'une nouvelle constitution et la mise en place des institutions en découlant.

CHAPITRE VI Disposition Transitoire

t. 35 Le présent Acte Fondamental entre en vigueur dès sa publication.

CHAPITRE VII Disposition Finale

t. 36 Le présent Acte Fondamental abroge toutes dispositions antérieures contraires.

Fait et adopté à Ndjamena le 29 septembre 1982

Pour le Conseil de Commandement des Forces Armées du Nord

Le Président,

H I S S E I N H A B R E



This report documents the death of prisoners inside Chad's Direction de la Documentation et de la Sécurité (DDS) prisons between 1982 and 1990, and the extent to which former Chadian president Hissène Habré and senior officials within his government are responsible for human rights violations committed by the DDS. The report presents evidence which is consistent with the hypothesis that the policies and practices of Hissène Habré and senior DDS officials, whom Habré appointed, contributed to deaths in custody on a level substantially higher than the adult mortality rate of Chad at the time. The analysis tests the hypotheses that Habré had a superior-subordinate relationship with senior DDS officials and had knowledge of their actions, which resulted in substantial deaths in custody. The available evidence also suggests Habré's "failure to act" in his lack of action to prevent these deaths or reprimand his subordinates who were charged with day-to-day oversight of DDS prisons. The conclusions of the report are developed by analyzing official records of the DDS and other government departments, which were recovered by Human Rights Watch in 2001 from the abandoned headquarters offices of the DDS.