



COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI  
INFORMAL WEEKLY SUMMARY  
29 NOVEMBER - 3 DECEMBER 2010



**Situation Case** Democratic Republic of Congo  
01/04-01/07  
**The Prosecutor vs. Germain Katanga and Mathieu Ngudjolo Chui**

**Hearing: Chamber:** Trial Proceedings  
Judge Bruno Cotte (Presiding Judge), Judge Fatoumata Dembele Diarra, Judge Christine van den Wyngaert

**Parties:** OTP: Mr Eric McDonald, Mr Garcia, Ms Dianne Luping, Mr Gilles Dutertre and team;  
Defence Mr Katanga: Mr. David Hooper, Mr. Andreas O'Shea and team;  
Defence Mr Ngudjolo: Mr. Jean-Pierre Kilenda Kakengi Basila, and team;

**Participants** 363 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen

**Start of Trial:** 24 November 2009

**Germain Katanga:** born 1978 in Mambassa, Ituri district, Eastern Province; National of the DRC; Alleged commander of the *Force de résistance patriotique en Ituri* (FRPI).

**Mathieu Ngudjolo Chui:** born 1970 in Bunia, Ituri district, Eastern Province; National of the DRC; Alleged former leader of the *Front des nationalistes et intégrationnistes* (FNI).

**Alleged crimes:**

**Germain Katanga and Mathieu Ngudjolo Chui** allegedly jointly committed, through other persons:

- **Crimes against humanity:** Murder, sexual slavery and rape;
- **War crimes:** Using children under the age of 15 to take active part in hostilities; deliberately directing an attack on a civilian population as such or against individual civilians not taking direct part in hostilities; willful killing; destruction of property; pillaging; sexual slavery; rape.

This week focused on the testimony of Witness 166, a protected witness who used to work in the Bogoro area and compiled a list of victims after the attack. Witness 166's testimony was very much centred on **Bogoro and its population**, and the **circumstances of the attack** in 2003. The role of the UPC, the ethnic composition of the attacking forces, and the commanders present on the field were frequently the object of the questions put to the witness.

**29 November 2010** - Status Conference: see separate document

**30 November 2010** - The Prosecution began its examination-in-chief of Witness 166, who used to work in the Bogoro area and compiled a list of victims after the attack. LRV and the Chambers also asked a few questions, before giving the floor to the Katanga Defence Team for their cross-examination.

**Prosecution's examination in chief of Witness 166**

Due to the protection of the identity of the witness, his testimony was mostly held in private. In public, the witness, due to his work in the Bogoro area, provided information on **three major attacks on Bogoro**, which took place on **9-11 January 2001**, **14 August 2002** and **24 February 2003** respectively.

*This is a very informal summary. Please note we were unable to verify the spelling of some of the persons and locations mentioned. Please do not forward without prior consent from CICC staff.*

Regarding the latter, he indicated that his family had already left and went to visit them on the eve of the attack. Due to the events in Bogoro, he could not return and eventually ended up in Uganda. When peace returned in the region, he returned and became involved in compiling a list of victims. He had met people who had fled Bogoro and who had formed a committee in that respect. The way the list was drawn up as well the persons responsible together were further discussed in private session.

#### Questions from the LRV

Mr. Gilissen, on behalf of the child soldiers he represents, asked the witness about the children serving as **child soldiers in the armed groups of Ituri**. The witness indicated that the only knowledge he had concerned specifically Bogoro. He only saw one child that could be aged below 15. Mr. Gilissen eventually decided not to pursue the matter further.

Mr. Luvengika, on behalf of the victims of the Bogoro attack, focussed on the **population's size, stockbreeding and agricultural activities before the attack**.

#### Questions from the Chamber

The Chamber asked the witness for clarification on what had happened with the corpses after the Bogoro attack. The attackers did not bury the fallen. The witness claimed he only knew of two cases of returning people who had been able to identify and re-inter their loved one.

#### The Defence begins its cross-examination

Ms. Buisman of the Katanga Defence Team revisited the **three main attacks on Bogoro**, and in particular the number of people who had been killed during the attacks in 2001 and 2002, and the role the UPDF played in these events.

<p><b>1 December 2010</b> - The Katanga Defence Team pursued its cross-examination, focusing on the circumstances of the Bogoro attack, as well as whether anyone was identified as commanders on the field. The Ngudjolo Chui Defence Team also began its cross-examination, focusing on the role of the population in Bogoro.</p>
---

Ms. Buisman of the Katanga Defence team continued her cross-examination with **other attacks** conducted by **Walendu-Bindi fighters on the UPC** based in Bogoro in the period **August 2002 to February 2003**. The witness explained that during each attack, the UPC had been able to push the attackers back. The last battle had been directed **against the UPC as well as the population of Bogoro**. In the same statement he indeed had indicated that survivors had told him that they had not been able to identify commanders, but only fighters by their uniform, except for Mr. Ngudjolo Chui.

The Defence asked a series of questions pertaining to the circumstances surrounding the attack, including the participation of the APC, the number of UPC soldiers, and the list of victims. He confirmed that young Hemas had been trained by the UPC and no

abductions had taken place. The “enemy” stayed in town until November 2003 when MONUC arrived together with the Congolese army.

The **Ngudjolo Chui Defence Team**, represented by Prof. Fofé, began its cross-examination, asking questions regarding the **participation of civilians in the defence of the village**. The witness explained that civilians had fled to the camp for protection and had been living there. Some young people helped the soldiers by transporting military equipment. He then turned to the **tribal composition of the Bogoro population** as well as the information that the witness could provide based on what an individual (‘person 15’) had told him about the UPC in Bogoro, the attack and the document containing lists of victims.

**2 December 2010** - The Ngudjolo Defence Team continued and finished its cross-examination, focusing on the Bogoro attack, the role of the UPC, the commanders of the attacking force, as well as some more contextual questions.

**Prof. Fofé of the Ngudjolo Defence Team** continued and essentially focused on the Bogoro attack and the witness’ knowledge about how it was carried out and who was responsible for it. First of all, the **ethnic composition of the APC**, which had participated in the Bogoro attack and defined by the witness as a “national army of Ituri” was discussed, as the witness was asked whether there were Hema within the APC. Subsequently, Prof. Fofé focused on:

- The **role of the UPC**, their weaponry as well as the defence system they had set up surrounding Bogoro and its impact on the civilians and passages there;
- The **commanders behind the Bogoro attack** and **whether Mr. Ngudjolo Chui had a role**. The witness claimed that he did not know who had ordered the attack, but that the name ‘Ngudjolo Chui’ had been mentioned by survivors who allegedly saw him there;
- **Other topics**, including the roots of the conflict, the rivalry between the Hema and the Lendu which dates back to 1992, and the witness was questioned on several individuals referred to by numbers from the list.

In conclusion, **Presiding Judge Cotte asked a few questions**, in particular on the role of civilians in the defence of Bogoro and on child soldiers. The witness answered that civilians, to his knowledge, did not take part in the defence of Bogoro and there had not been child soldiers. The OTP asked one last question in private session.

**3 December 2010** - No hearing