



COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI  
INFORMAL WEEKLY SUMMARY  
1 - 5 NOVEMBER 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.

After last week's recess, this week **Witness 160 (20<sup>th</sup> OTP witness)** gave evidence under protective measures. The witness, a woman of Dinga ethnic origin, met Mr. Katanga and has a link to OTP witness 012 (hereafter: "P12"). Furthermore, **Witness 323**, who already testified earlier this year, was re-called in order to ask questions concerning the potential recognition of a person. He testified via video-link from the DRC. Finally, **Witness 353 (21<sup>st</sup> OTP witness)** was sworn in. The witness, a woman of Hema ethnic origin and victim of sexual violence, testified under protective measures due to the risk of social stigmatisation.

1 November 2010      Discussion on witnesses; Examination in Chief OTP Witness 160

- Examination in Chief OTP Witness 160:

In her examination, OTP Counsel Ms. Darques Lane addressed the two occasions - consisting of several times - the witness had met Mr. Katanga in Uganda:

- *First meeting in Kampala:* In late October 2003 the witness was introduced - by P12 - to Mr. Katanga, who had come at the request of the Ugandan President. She was there to pick both and several others up and also stayed in the hotel;
- *Second meeting Kampala:* In late January, at the beginning of February 2004 the witness met Mr. Katanga for the second time. The main subject which was addressed during the meetings at the hotel and at her home had been peace;

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- *Attacks:* At the witness' home, Mr. Katanga also spoke about the attacks on Bogoro, Mandro and Bunia. Mr. Katanga was pleased with the plan he had organised and how his little ones had taken *Bogoro* with more ease than expected. The purpose of the attack had been to defeat the enemy. A few days afterwards, *Mandro* had been attacked in order to discourage Chief Kawa (President PUSIC) to bring the Lendu and Hema together in a meeting. Mr. Katanga had been present;
- *FRP as a political party:* At the time of the second meeting, following the split between the Lendu and the Ngiti, the FRPI became a political party. In this context, at the witness' home Mr. Katanga, P12 and others worked on a political declaration;
- *Member FRPI:* the witness became a member from the moment of separation. She was asked to represent Mr. Katanga in case of emergency in Kampala. She became social and development adviser;
- She only spoke twice on the telephone with Mr. Katanga after the two occasions they had met.

2 November 2010	Testimony Witness 323; Examination LRV; Questions Chamber; Cross- Examination Defence Witness 160
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- Testimony Witness 323:

**Witness 323** already testified earlier this year. He was re-called to testify via video-link from a courtroom in the DRC regarding another point: identification. To this end, a panel with photos was presented. The witness provided his answers in private session. Presiding Judge Cotte explained that the witness was asked if he was in a position to recognise the person. The witness had not been able to do this.

- Examination LRV Witness 160:

LRV Mr. Gilissen, on behalf of child soldiers, focussed on the 'little ones' the witness had mentioned in relation to the Bogoro attack:

- *Little children:* the expression was not referring to little children, but to Mr. Katanga's combatants;
- *Fighting participation:* the Lendu in general, like the Hema, used everybody (from the small to the big ones) because this was a tribal war.

LRV Mr. Luvengika, based on the witness' statement, indicated he was not allowed to ask questions. The Chamber added that it had no further questions either.

- Cross-examination Defence:

Mr. Hooper started his cross-examination by revisiting Mr. Katanga's dedication to peace in Ituri, her interest in politics and the two occasions she had met Mr. Katanga:

- *Mr. Katanga:* The second time they met, Mr. Katanga was determined to walk the path of peace;
- *Witness protection:* The last time she was in Uganda or the DRC had been in 2005. She entered into the Court's witness protection program 2006;
- *Interest in politics:* she had not been involved in political matters before 2004;

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- *First and second meeting*: the first time the witness served as a guide. Only the second occasion did she receive them at her house. That time it had not been planned to go to Kampala.

3 November 2010	Procedural issues; Cross-examination Defence Witness 160; Witness 353 sworn in
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- Cross-examination Defence:

Mr. Hooper resumed with the second visit of Mr. Katanga to Kampala and the subjects discussed. Several documents were presented to the witness:

- *Second occasion*: At that time that Mr. Katanga was referred to as President;
- *Documents*: four documents - a formal letter of appointment, a letter of authority addressed to President Museveni and the 'Déclaration Politique FRPI' and PUSIC document - were presented. She did not recognise any of them;
- *Function FRPI*: The witness visited embassies to disperse the political declaration which had been made in order to make them aware of the fact that the FRPI had become a political, military movement. In contrast to the 'Déclaration Politique' mentioned above, this document had been signed by Mr. Katanga, herself and the others who had worked on it;
- *Member FRPI*: The reason for joining the FRPI was that she sympathised with the situation of the Lendu overall due to their weak position, lack of support, poverty. She wanted to help the Ngiti women and she agreed to help the community. She still is a member since she never resigned.

Mr. Kilenda, on behalf of Mr. Ngudjolo Chui, limited himself to the Bogoro attack Mr. Katanga talked about during his second visit and Mr. Ngudjolo-Chui's role.

4 November 2010	Examination in Chief OTP Witness 353
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The Chamber rendered its decision on the use of Witness 353's photograph in private, taking the Defence investigations and the protection of the witness into account.

- Examination in Chief OTP Witness 353:

Ms. Darques Lane started her examination by questioning the witness on her background. The witness, a woman of Hema ethnic origin, lived in Bogoro with her sister in 2002. From there, the witness told her story step by step: the day of the attack in February 2003, her abduction by the assailants, the long walk and her stay for several months in Getti near a military camp.

5 November 2010	No hearings
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