



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO
INFORMAL WEEKLY SUMMARY
10 - 14 MAY 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, Ms Dianne Luping, Mr Gilles Dutertre and team;
Defence Mr Katanga: David Hooper, 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 in 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 in 1970 in Bunia, Ituri district, Eastern Province; National of the DRC; Alleged former leader of the *Front des nationalistes et intégrationnistes*.

Alleged crimes:

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

- o **Crimes against humanity:** Murder, sexual slavery and rape;
- o **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.

Testimony by:

- o OTP Witness 132 (14th OTP witness); under protective measures

Topics this week included but were not limited to:

- o Attack on Bogoro
- o Rape, sexual violence, forced marriage
- o Child soldiers
- o Mr. Katanga's visits to Kagaba camp

10 May 2010

Examination-in-Chief of Witness 132 by the OTP

OTP Counsel Mr. Garcia questioned the witness on the day of the attack of Bogoro:

- She stated that they were asleep until gunshots were heard and they went outside: people were running, fleeing;
- she further stated that she fled into the bush and she was surprised to find out that she was hit by a bullet;

- she identified the attackers as belonging to the Lendu people, because they were wearing animals skins and covered with leaves; in a more general way she stated it was a mixture of Ngiti and Lendu;
- she stated that the attackers were coming from all directions, chasing and killing people, burning houses and looting;
- she explained that the only weapons she could identify were arrows, spears, axes, machetes (material used in daily life);
- she identified the victims as being civilians, not soldiers; she had to cross over at least 4 bodies (women);

11 May 2010

The Examination-in-Chief of Witness 132 by the OTP continued

Questioned by Mr. Garcia, OTP Counsel, Witness 132 continued her testimony recounting how she was raped several times by different people and she was taken to be a slave at the Kagaba camp:

- She explained how she hid in the bush on the day of Bogoro's attack to escape from the attackers. From there she could hear people crying and see dead bodies. She then was found by soldiers. They asked her, if she was Hema. She lied by saying that she was not but they did not believe her. There she was raped by the six soldiers that found her. They were carrying knives, rifles and spears. She was not able to clearly identify their ethnicity;
- She burst into tears on several occasions. Judge Diarra intervened;
- She testified that once in the Kagaba camp, she was put in a prison consisting of a pit dug into the ground. It was a whole deep enough so that people could sit inside it. She was there with another woman and a man;
- She identified the superior in the camp as Mr. Yuda;
- She stated that inside the prison she was raped 6 times. She saw a young girl, approximately 11 years old, being raped. She was detained inside the prison at night but free in the camp during the day.

12 May 2010

The Examination-in-Chief of Witness 132 by the OTP continued and was completed; Questioning by LRV

OTP Counsel Mr. Garcia centered the questions mainly on her role as a slave in the camp, the 3 visits of Mr. Katanga at the camp and her departure from the camp:

- She explained how Mr. Yuda, battalion commander and chief of the camp, used her as a slave in his house, making her sleep in the kitchen and she was forced to take care of all daily duties. Yuda was the commander of all soldiers living in that camp. He was their number one;
- She testified about the first time she saw Mr. Katanga arrive in the camp: on a motorbike with 2 bodyguards. She had been told that he was the

president and lived in Bolo. She did not ask for details as she was scared. Mr. Katanga spoke with the authorities of the camp. The witness could not follow it as it took place in a house and she was outside. At the beginning she did not know his name, she just saw men dressed in uniforms.

- She stated that on another day she saw Mr. Cobra;
- She further testified that Mr. Yuda's house was located right at the entry of the camp. Mr. Katanga entered the house of the battalion commander. She does not know how long this lasted;
- She was questioned about the second visit of Mr. Katanga. She stated that he came in the evening, towards 6 o'clock. She had been told that he came from Bunia and was heading towards Bolo. He came by as it was on his way.
- She further explained that she saw Mr. Katanga a third time. He was going to Bunia. The witness was in the camp when she saw him. He was well received, the soldiers welcomed him. The witness was outside and Mr. Katanga could see her clearly. She stated that Mr. Katanga greeted her but she did not speak to him about her problems. At that time she lived in Mr. Yuda's house;
- Mr. Yuda said she was a man's wife and he took her away to live with him. That is how she came to leave the camp;
- She was asked about the presence of children during the attack and in the camp. Even in the camp there were children carrying weapons. She also saw small children during the attack.
- She stated that during the attack the children were killing, looting and setting houses on fire. Even in the Kagaba camp children under the age of 15/16 years were present, carrying weapons.
- They participated in the parade which was held and they guarded the camp in the trenches near the prison. She saw children of approximately 12/13 years old, but she never spoke with them.

LRV Counsel Mr. Luvengika started the examination of the witness questioning her about the Bogoro attack, looting and her incarceration in the camp afterwards:

- She explained that she saw bodies which were cut up in Bogoro center. These were civilians.
- She stated that she did not know about looting in the Kagaba camp.
- She was asked about the young girl she was incarcerated with.

14 May 2010

Questions from LRV and Chamber; Cross-examination by the Defence

- LRV Mr. Luvengika asked the Chamber, if OTP Witness 132 could apply as a participating victim. Witness 132 was under the impression that she would be represented by Mr. Luvengika and erroneously believed that she was a participating victim. The Chamber explained that this was a possibility, if the applicable procedure is followed.

- LRV Mr. Gillissen - with a special interest in child soldiers - questioned the witness on the presence of children below the age of 15. The witness stated that in Bogoro she saw children between 10-12 years old amongst the attackers, taking part as soldiers (behaving the same as the adults). In the camp as well children were present amongst the adults and as bodyguards of Mr. Katanga when he visited the camp.

The *Chamber* addressed the witness:

- Judge Cotte revisited several issues: the first time the witness was raped; her stay at the camp in prison and the soldiers who raped her there; her transfer to the Commander's house; her forced marriage to the Battalion Commander;
- At one point during the questioning, the witness started crying and said she was useless and ashamed. Judge Diarra, as before, intervened. She took the time to explain that it was important she was here. The Judge further told her that she was, after her own mother, one of the women she admired most.

The cross-examination of the *Defence* (Mr. Hooper) revolved around the identity of the witness. Since the plan was to ask the witness about certain documents relating to her identity, the hearing went into private session. (One exception in this regard: the discussion of the electoral card took place in public session) The cross-examination of the *Defence* will be continued next week.