



COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI  
INFORMAL WEEKLY SUMMARY  
12 - 16 JULY 2010



<b>Situation Case</b>	Democratic Republic of Congo 01/04-01/07 <b>The Prosecutor vs. Germain Katanga and Mathieu Ngudjolo Chui</b>	<u>Germain Katanga</u> : born 1978 in Mambassa, Ituri district, Eastern Province; National of the DRC; Alleged commander of the <i>Force de résistance patriotique en Ituri</i> (FRPI).
<b>Hearing: Chamber:</b>	Trial Proceedings Judge Bruno Cotte (Presiding Judge), Judge Fatoumata Dembele Diarra, Judge Christine van den Wyngaert	<u>Mathieu Ngudjolo Chui</u> : born 1970 in Bunia, Ituri district, Eastern Province; National of the DRC; Alleged former leader of the <i>Front des nationalistes et intégrationnistes</i> .
<b>Parties:</b>	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;	<b>Alleged crimes:</b> <u>Germain Katanga and Mathieu Ngudjolo Chui</u> allegedly jointly committed, through other persons: <ul style="list-style-type: none"><li>○ <b>Crimes against humanity:</b> Murder, sexual slavery and rape;</li><li>○ <b>War crimes:</b> 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.</li></ul>
<b>Participants</b>	363 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen	
<b>Start of Trial:</b>	24 November 2009	

During this week's hearings **Witness 267 (15<sup>th</sup> OTP witness)** completed his testimony. Witness 267 is a local NGO worker from the DRC whose organisation assists children in conflict situations. Procedural matters revolved around the disclosure of Intermediary 143's identity.

12 July 2010

Examination-in-Chief of Witness 267 by the OTP; Examination by LRV

**Witness 267** continued to give evidence. The OTP returned to the questions about the exploits of Mr. Katanga and the attacks which were eventually mentioned:

- The witness said that according to everyone they met, Mr. Katanga was a brave and true fighter who defended their interest everywhere in the face of aggressors;
- The witness further stated that he [the witness] was present during the whole demobilisation process: prepared, registered, provided support to his workers, took part in many interviews;
- He said that in the interviews, the children mentioned the Bogoro attack.

Examination by Legal Representative of Victims

*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.*

Mr. Gilissen, with a particular interest in child soldiers, questioned the witness on the enlistment and the demobilisation of the children, their behaviour and on girl soldiers in particular:

- MONUC which has a child protection programme as informed about self-demobilised child soldiers which began to arrive. The first ones dated back to 1996. It was not a common practice to use "Kadogo". It became a phenomenon only later on.
- The witness explained the term 'Kadogo': a child which takes up weapons to fight with or without a uniform and who causes a lot of harm. It is synonymous with a person whose morals and customs are destroyed and completely deformed;
- As to community mobilisation he further stated that children were fighting side by side with adults who were violent and imitating by their behaviour;
- He explained that parents often were forced to contribute either all their boys to fight or property. Occasionally collective incorporation took place at schools;
- The witness was asked about 'wives'. Girl mothers, who came to the transition site with their children, stated they had been taken. That was why they went through the demobilisation process;
- He explained that the first adverse effect of the children's participation in a militia was that they dropped out of school.

13 July 2010

Examination of Witness 267 by Legal Representatives of Victims; Questions by Chamber; Cross-examination by the Defence

LRV Mr. Luvengika had several questions concerning the weapons retrieved at Bogoro, the enlistment of child soldiers, the abuses committed by children and the medical care:

- The witness explained that in the children's accounts of Bogoro, they spoke in general terms about the weapons they acquired.
- He stated that children survived because they benefited from looting. As to the violent acts committed, children carried out orders that sometimes went against their own family members;
- When asked about their behaviour during fighting, very often children were evasive in their replies. Some said they used certain substances which drove away the fear;
- In the armed group the children were 'protected' but dropping out of the group they felt alone in their future. They went through the demobilisation process but felt embarrassed.

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## Questions by the Chamber

Presiding Judge Cotte asked more about the role of Mr. Katanga. The witness stated that Mr. Katanga himself went through the demobilisation process and set the tone. FRPI commanders were more cautious and ignored his example. Other questions from the bench focused on the duties and the number of children in an armed group in 2003. The witness explained that the information could be found in the forms.

## Cross-examination by the Defence

Defence Counsel Mr. Hooper revisited certain aspects, which were confirmed by the witness: Mr. Katanga was cooperative; other commanders were resistant; threats were received by the witness' agents in the field; the witness had first arrived at the site in June 2004.

Mr. Hooper then questioned the witness on the events leading up to the commencement of the demobilisation programme in 2004, starting with the first Congo war in 1996-1997. The establishment of the different armed groups, the peace agreements, the involvement of MONUC and ARTEMIS and the start of the demobilisation process in 2004 were passed in review.

14 July 2010

Cross-examination of **Witness 267** by Defence continued.

Mr. Hooper resumed his cross-examination with questions about the "National Program for Disarmament, Demobilisation and Reintegration" (PNDDR):

- The witness stated that in 2003 two meetings took place in Dar es Salaam concerning the Ituri Pacification Accord and the demobilisation process;
- He explained the PNDDR and its different stages. (It included an Ituri specific "DRC" program - 1.600 combatants, applying to adults and children - and a national "DDR" program targeting all of the DRC - 33.000 combatants. CONADER had the overall coordination)
- He explained more about the 'CTO'. UNDP and MONUC were involved. Children who were handed over to MONUC were later turned over to NGOs.
- Mr. Hooper told the witness that Mr. Katanga did not remember the witness. He thus suggested that the witness was perhaps not as important as he pictured it before Court. The witness replied that his "role was crucial" and that Mr. Katanga had his phone number; The witness stated that in November and December 2004 Mr. Katanga was permanently present. In January 2005 Mr. Katanga went to Kinshasa where he was demobilised. He mostly wore civilian clothing;

Procedural matter:

The Chamber ruled that the cross-examination of Witness 267 shall proceed without disclosure of **Intermediary 143**'s identity

15 July 2010

Cross-examination of Witness 267 by the Defence was completed.

Mr. Hooper asked about the application of the "Cape town principles", the different forms used by the NGO in the interviews with children and the entries in the NGO's notebook which served as registration of the children passing through. Mr. Hooper also asked the witness about his contact with the OTP:

- The witness elaborated on the term "child soldier" which according to him was initially reserved for children bearing weapons. Over time, following the "Cape town principles", the application was extended to all children associated with armed groups ("EAFGA"). It included all children who carried out duties;
- The witness was asked about how he came into **contact with the OTP**. The witness explained that he was contacted because of his activities for children. Defence Counsel Mr. Hooper asked if and how **Intermediary 143** was involved. Mr Hooper proposed to follow the same procedure as in the Lubanga case by requesting the witness to write the name on a piece of paper. The OTP indicated that Intermediary 143 only facilitated contact, that the exercise was premature. The Chamber asked the witness to write down the name of the person who put him into contact with the OTP and provide it to the Chamber to assess if it was '143'. It came out that the name written down did not correspond. The Defence then proposed to write down 143's name and present it to the witness only - not to the Defence - to verify if he knows it. The Chamber underlined that this did not constitute disclosure to all parties. The name was presented. It became clear that the main intermediary with an active role was another person.

The LRV and the OTP did not have any further questions and the witness was dismissed.

The Court will reconvene after the judicial recess.

16 July 2010

No hearing