



KATANGA / NGUDJOLO CHUI

INFORMAL SUMMARY  
14 DECEMBER 2011

Situation Case	Democratic Republic of Congo 01/04-01/07 The Prosecutor vs. Germain Katanga and Mathieu Ngudjolo Chui	<u>Germain Katanga</u> : born 1978 in Mambassa, Ituri district, Eastern Province; National of the DRC; Alleged commander of the Force de résistance patriotique en Ituri (FRPI).
Hearing: Chamber:	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 Front des nationalistes et intégrationnistes (FNI).
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;	Alleged crimes: <u>Germain Katanga and Mathieu Ngudjolo Chui</u> allegedly jointly committed, through other persons: <ul style="list-style-type: none"> <li>o Crimes against humanity: Murder, sexual slavery and rape;</li> <li>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.</li> </ul>
Participants	365 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen	
Start of Trial:	24 November 2009	

On Wednesday, 14 December 2011, Trial Chamber II convened a Status Conference to discuss the timeline for the final written submissions by the different parties as well as the respective translations. The OTP, the Defence Team of Mathieu Ngudjolo Chui and the Legal Representatives of Victims will be filing their written submissions in French. The Defence Team of Germain Katanga will submit its written submission in English.

Presiding Judge Cotte stated that the proceedings should not be paralyzed or delayed by excessively long delays in translation.

**First Issue: Translation into English of the Prosecution's Final Submissions**

Presiding Judge Cotte suggested to prepare unrevised draft translations of the submissions and to make them available to the Defence of Mr. Katanga, without translating the footnotes. Further, Judge Cotte suggested cooperation between the Court Interpretation and Translation Section and the translation section of the OTP in order to guarantee expeditious proceedings. The Defence of Mr. Katanga accepted these suggestions.

A representative of the Court Interpretation and Translation Section, Ms. Tomic, stated that the translation of the Prosecutor's Final Brief into English should take about 3 weeks.

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**Second Issue: Translation into English of the Final Written submission made by the legal representatives of victims (LRV) and the Defence of Mr. Ngudjolo**

Mr. Hooper stated that the Defence Team of Mr. Katanga does not require the translation into English of the submissions made by the LRV, nor those made on behalf of Mr. Ngudjolo.

**Third Issue: Translation into French of the Final Brief made by the Defence of Mr. Katanga**

Judge Cotte stated that the translation of the Final Brief of Mr. Katanga's defence into French is essential for the Chamber and that it should be done quickly. The Chamber, however, accepts a draft translation as working document, answering to the same requirements as the translation of the Final Written submissions made by the Prosecutor: an unrevised document, without the translation of footnotes. Furthermore, Judge Cotte suggested that if the set timeframe should not be sufficient for the translation services, a selection of excerpts which require urgent translation should be made in order to proceed as fast as possible.

The Representative of the Registry's translation unit stated that the translation from French into English would take longer, considering that the French language translation services are under greater pressure because of the translation of a judgment. She stated that the translation would take around 5 weeks.

Mr. MacDonald, on behalf of the OTP, suggested that the translation services of the OTP could assist the language services of the Registry with the translation of the final brief made by the Defence of Mr. Katanga.

Mr. Hooper, in the name of Mr. Katanga, stated that even though expeditiousness of the trial is one of Mr. Katanga's rights, he would prefer that things are done properly rather than over-speedily.

Presiding Judge Cotte then concluded that the Final Brief of Mr. Katanga's Defence should not be translated by the OTP translation section, but by the services of the Registry. He then set a timeframe of 4 weeks for the translation of the Final Brief of the Defence Team of Mr. Katanga.

**Fourth Issue: Consultation with the Victims by LRV**

Mr. Luvengika, legal representative of victims, drew the attention of the Chamber to the fact that, given the situation in the DRC, he had made a request to go on a mission to consult the victims, but that the Registry thought that the security situation would not allow this. He had thus not been able to travel to discuss matters with the victims that he represents, nor to obtain their views regarding the content of final submissions.

**Fifth Issue: Number of pages for the Final Written Submissions and deadline for these submissions**

Presiding Judge Cotte asked the Defence Teams of Mr. Katanga and Mr. Ngudjolo to communicate suggestions to the Chamber on what they consider to be an appropriate number of pages and an appropriate deadline for the final written submissions. The OTP added at the end of the Status conference that it considers it reasonable to establish the deadline of the 1<sup>st</sup> March 2012 for the written submissions.

The Chamber will take its decision regarding the timeframe and the number of pages by the end of this week.

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