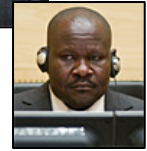




COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO
INFORMAL WEEKLY SUMMARY
03 - 07 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:

- **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.

Testimony by:

- **Witness 132** (14th OTP witness); under protective measures
- **Witness 279** (15th OTP witness); under protective measures

17 May 2010

The cross-examination of Witness 132 by the Defence (Mr. Hooper) was resumed. The Witness was questioned on her identity, her first contact with the OTP, the attack on Bogoro, the Kagaba camp, Mr. Yuba and the other women in the camp. Most of the session was in private due to the identifying features which might come up.

18 May 2010

Hearing cancelled

19 May 2010

The cross-examination of Witness 132 by both Defence teams has been completed, mostly in private session:

- Mr. Hooper, before resuming his cross-examination in private session, requested to be seated while questioning the witness in order to create a more informal setting.

The only issue that came up in open session was the relevance of a photograph the Defence wished to show to the witness: according to the defence, the

presentation would enable it to determine the credibility and identity of the Witness. The Chamber warned Mr. Hooper as to the proper use of the photograph.

(The Witness should first be asked if she recognised the persons on it).

- Prof. Fofé revisited the events of the Bogoro attack in 2003. In open session, he put several simple questions to the Witness in order to clarify some details concerning:
 - the type of weapons used;
 - the presence of the enemy in the mountains nearby;
 - her hiding place and the kind of vegetation there;
 - the weather that day;
 - the things she could hear from her hiding place in the bush;

Further questions were asked in private session due to their identifying nature.

20 May 2010

Witness 279, the 15th OTP Witness, started to testify. The Examination-in-chief by the OTP (Mr. Garcia) revolved around:

- the day the witness was forcibly taken from home to a military camp in a village called Zumbe (up in the hills nearby);
- his military training;
- an issue that came up when the witness was asked about the type of training, was the use of certain types of medication (traditional medicine called “fetisj”) which had to be taken in preparation of war so that they were not hit by bullets;
- the Bogoro battle;
- the other children taken to and present in the camp (age, number);
- daily life at the camp;
- the structure of the camp;
- the soldiers and the commanders present;

On several occasions the Witness stated that the person in charge of the camp was Mr. Ngudjolo.

21 May 2010

The Examination-in-Chief by the OTP (Mr. Garcia) was continued. First of all, Witness 279 was questioned on his testimony of the day before in order to clarify certain aspects. Secondly, the Bogoro attack was looked at in more detail:

- He testified that the training received consisted of learning how to load and fire a weapon and fighting techniques;
- He stated that the order to attack was given by Mr. Ngudjolo (who also warned them to be careful not to shoot civilians);

- He further stated that there existed a precise plan to attack Bogoro as discussed in a meeting attended by Mr. Ngudjolo, Mr. Katanga and other commanders earlier on;
- He explained that the attack started at 4 o'clock in the morning; Two groups took part: the FNI (led by Mr. Ngudjolo) and the FRPI (led by Mr. Katanga); The Witness was in the group of Mr. Ngudjolo.
- He testified that civilians were killed during the attack and that soldiers died;
- He and the others got the order from Mr. Ngudjolo to bury all the dead;
- He stated that houses were burned, metal roofing pillaged, cattle taken by fighters of both groups;
- He explained that a feast took place in the centre of Bogoro with soldiers cheering; the commanders were also present;
- He testified that he witnessed the killing of civilians, mainly women and children, after they were taken as hostage ("Mateka") by soldiers belonging to the FNI.

This is a very informal summary. Please note we were unable to verify the spelling of some of the persons and locations mentioned. If you would like to share information based on this document, please let us know so that we can discuss how this can be done carefully. Please do not forward without prior consent from CICC staff.

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