



COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI  
INFORMAL WEEKLY SUMMARY  
18 - 22 OCTOBER 2010



**Situation** Democratic Republic of Congo  
**Case** 01/04-01/07  
**The Prosecutor vs. Germain Katanga and Mathieu Ngudjolo Chui**  
**Hearing:** Trial Proceedings  
**Chamber:** 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.

Witness P219 gave testimony before the Court. Examination-in-Chief, Questions by the LRV and Chambers, Cross-Examination by the two Defence Teams, and reinterrogation by the Prosecution Team were all carried out by the end of the week.

**18 October 2010** - Witness P166's appearance before the Court was discussed. Prosecution's examination-in-chief of Witness P219 continued.

The circumstances in relation to the testimony of Witness P166 were discussed. Issues had arisen due to certain family circumstances about the timing/method of Witness 166's testimony.

The Chamber gave all parties until Tuesday at 09.00 to submit filings offering suggestions.

The Prosecution continued its examination-in-chief of Witness P219. The testimony covered the manifesto of the FRPI, which was shown to the Court and the witness. Questioning focused on the different military camps in the region, and in particular on the BCA camp located in Aveba, including the functions of the soldiers in the camp and the camp layout, as well as Germain Katanga's authority in the camp.

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**Questioning then moved onto Witness P219's knowledge of the attack on Bogoro.** Information was given on the supply of weapons to the FRPI by airplanes. The Witness stated that the FRPI led by Katanga and the FNI led by Ngudjolo Chui met up prior to attacking Bogoro. The witness also stated that child soldiers were involved.

P219 also described the situation in Bogoro after the attack: soldiers bodies in pits, classrooms full of dead women and children numbering at least 300 - Some bodies were cut-up, others beheaded, houses were looted and set on fire.

**19 October 2010** - The question of the appearance of Witness P166 was decided. The examination-in-chief of P219 continued.

Following the previous day's discussion, **the question of the appearance of Witness 166 was decided upon.** The Defence Team asked for Witness 166 to appear in person. Witness 166 will almost certainly now appear after Witness 28 and will be the Prosecution's last witness. However, that is open to modification should circumstances change within the next few weeks.

**Witness P219's testimony continued.** Questions were asked on the **Bogoro attack.** Ngudjolo Chui was the commander in Bogoro, but he claimed that Germain Katanga provoked the battle. No women survived the attack, and the Witness testified that men and women's genitalia was worn by soldiers after the attack. Not all victims were killed with bullets, some were decapitated, others had their torso opened up and their extremities cut off.

The testimony then moved on to discuss **an altercation between Katanga and Ngudjolo Chui after the Bogoro attack in relation to the distribution of loot.** Other questions were raised on the radio communication system in the Aveba camp, what happened in camps - including animal sacrifices and **forced marriage.** The testimony then reverted to the Witnesses single discussion with Katanga whilst in detention in The Hague, during which Katanga asked Witness P219 to lie about the Bogoro attack.

Finally, in the absence of Witness P219, the admittance of a report as evidence was debated in the chamber. Eventually the report was not allowed to be admitted as evidence in relation to Witness P219 as it did not 'inherently correlate' with Witness 219's testimony.

**20 October 2010** - P219's testimony continued. Questions were asked by the Legal Representatives of Victims and Chambers, followed by Mr. Hooper's, of the Katanga Defence Team's, cross-examination.

The session started with Senior Trial Lawyer Eric MacDonald who indicated that Witness P317, who was supposed to testify in November, was only available at the beginning of December due to the nature of her work. Accordingly, a new order of

appearance will be submitted by the OTP. In addition, the OTP is expected to end its case on 10 December 2010.

The LRV Teams asked a few questions to P219, starting with Ms. Gofin, on behalf of Maître Gilissen and the child soldiers they represent, questioned the witness on the presence of child soldiers amongst the soldiers in Aveba. P219 claimed that child-soldiers aged under 15 were recruited in the armed groups in Aveba, but that he had never personally seen forced enrolment. P219 also commented on the “usefulness” of child-soldiers for the commanders, who considered them “fearless”.

Maître Luvengika, on behalf of the victims he represents, also asked several questions pertaining to the victims of the Bogoro attack and the organization of the armed groups, notably their source of income - essentially selling cattle stolen from rival ethnic groups. Regarding the massacre at Bogoro, P219 gave testimony as to the extent of the atrocities committed there, citing the number of deaths there, the impossibility for the population to flee, and even accounts of cannibalism. The extent of the looting was also discussed.

Presiding Judge Cotte then asked a few questions of clarification to the Witness for Chambers. Questions asked pertained to Chef Bayongo, the Kasuara camp, the organization of the leadership of each village, and witch doctors and fetishes.

Mr. Hooper then started his cross-examination. He asked P219 several questions on the person who put him in contact with the OTP, on his relatives and on other subjects, which might be of an identifying nature, were discussed in private session.

Once back in public session, Witness P219 was questioned on the written statements he had given following the interviews with OTP investigators, which took place from 2005 to 2009. P219, answering Mr. Hooper’s questions, appeared at times to be either vague or contradicting himself. For example, he claimed that he was never a combatant, despite a 2005 statement to the contrary.

Other questions pertained to his relationship with Germain Katanga and with the FRPI, and his activities surrounding that period. The discussion also moved back to the Nyakunde attack, and the looting that was allegedly committed there by Germain Katanga.

Mr. Hooper ended the day’s hearing with questions on the FRPI’s structure and manifesto.

**21 October 2010 - The Katanga Defence Team, represented by Mr. David Hooper, continued their cross-examination of P219.**

Mr. Hooper continued his cross-examination of P219, moving on from Wednesday’s questions on the FRPI and its structure to questions on Germain Katanga’s ability to control the groups of the FRPI, and the influence of a Chef Beyunga.

Questions continued on similar grounds, Mr. Hooper being very insistent in his questioning. At one moment, the Prosecutor objected to Mr. Hooper's repeated interruption of the Witness, and the Witness took the opportunity to complain to Presiding Judge Cotte that he was being intimidated, prompting both Judge Cotte and Judge Diarra to explain the procedure to the Witness and reassure him.

Other issues touched upon were the organization on the field - both logistically and strategically - of FRPI before the attack on Bogoro, the Witness' attending preparatory meetings, and his trip to Bogoro on the day of the attack.

David Hooper was trying to show that the Witness kept contradicting himself, either in his testimony or with previous statements given to investigators. One particular question was as to how the Witness managed to walk nearly 50 kilometres in one hour with a limp. Further answers pertaining to the matter were carried out in private session.

**22 October 2010 - End of the Cross-Examination of P219 by both Defence Teams; Controversial audiotape was played before the Court in private session; Reinterrogation by OTP on several points.**

David Hooper's cross-examination of P219 for the Katanga Defence Team continued. Hooper continued to point out the contradictions in the Witness' testimony, the Witness defending himself at times, and, one time, remaining silent.

The Matthieu Ngudjolo Chui Team, led by Maître Jean-Pierre Kilenda, was then given the floor for their own cross-examination. Jean-Pierre Kilenda's cross-examination was relatively short, asking questions about the Witness' relation with Ngudjolo Chui and his knowledge of the latter's family, where Ngudjolo Chui was during the summer that followed the Bogoro attack, on a certain "Lopondo", a few questions on Bogoro and the use of satellite phones, the FNI, and EMOI.

David Hooper then presented the Judges with the recording that was the object of discussion last week, and asked P219 questions about it. Both the recording and the questions were carried out in private session.

Once the hearing was switched back to public session, Prosecution was given the opportunity for further questions. He asked questions to clarify testimony given on Germain Katanga's wound, satellite phones, meetings he attended, the airplanes that delivered weapons, and on the phone conversation that was produced in private sessions.

*The Court will be in recess next week. The hearings will recommence on November 1<sup>st</sup>.*

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