



COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI  
INFORMAL WEEKLY SUMMARY  
27 SEPTEMBER - 1 OCTOBER 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> (FNI).
<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:
<b>Participants</b>	363 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen	<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>Start of Trial:</b>	24 November 2009	

The Ngudjolo Chui Defence Team finished its cross-examination of Witness P002. Judge Cotte expressed concerns about the length of the proceedings. He strongly encouraged the Prosecution to finish its case by 22 November 2010. Witness P12 was sworn in and the OTP's Examination-in-Chief commenced, lasting throughout the week. Witness P12 is a protected Witness, gave testimony under a pseudonym and with distorted voice and image. He seemed to be a political actor active around the time of the Bogoro attacks who participated in several meetings between the warring parties.

**27 September 2010** - Video extracts of the Bogoro attacks and the events surrounding the attack.

Me Kilenda of the Nugdjolo Defence Team pursued his cross-examination of Witness P002. At the hand of 15 video extracts showing different individuals and events over the course of the few months surrounding the Bogoro attack - most of which related to the Ugandan and Rwandese involvement as well as Mr. Lubanga's role in the region over that period, the witness was asked questions regarding the identification of the individuals filmed, and contextual information surrounding each videos.

*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.*

**28 September 2010** - Ngudjolo Defence Team finished its cross-examination of Witness P002; OTP got additional interrogation time; Witness P12 was sworn in and began giving testimony.

Counsel Kilenda of the Ngudjolo Defence Team finished the cross-examination of P002 with one last video extract.

The Prosecution was given further interrogation time, which was used in private session.

Before moving on to the next Witness, Presiding Judge Cotte made a few general remarks on his concern about the length of the proceedings:

- the Court had just spent 5 weeks interrogating only two witnesses. In Judge Cotte's view this took far too long and was far too laborious.
- The extensive use of videos did not have enough probative value to warrant for the time it took in the testimony. Thus, the OTP was encouraged to present videos only when necessary or useful.
- It was noted that the Chambers had to take into account the financial cost of enhancing and reworking the videos by the Registry compared to what they brought to the trial.

**Judge Cotte expressed his wish that the Prosecution does all that is possible to finish its case by 22 November 2010.**

#### **Introduction of Prosecution Witness P12.**

The examination-in-chief under protective measures of Witness P12, were essentially contextual, focusing on the chain of events that happened from the Summer of 2002 to February 2003. The witness is a political actor who was quite active at the time of the Bogoro attack, participating in several meetings between the warring parties in their effort to reach a peace agreement.

**29 September 2010** - Examination-in-chief of Witness P12: child-soldiers in Ituri.

**The Prosecution continued its examination-in-chief, questioning the witness on the events and meetings he had attended from the summer 2002 to spring 2003, particularly insisting on the creation of different groups, their structure, and their purpose, and focusing on the FNI-FRPI.**

Witness P12 alleged that the use of child soldiers was common in Ituri, and even justified by the need of all members of the community to defend themselves. The witness continued by saying that implementing accompanying measures to reintegrate former child-soldiers in society was discussed with different organizations, but essentially with the UN, but that nothing seemed to be done about it in effect.

The witness also gave his views on MONUC's apparent powerlessness to intervene on an official capacity.

**30 September 2010 - Cycle of violence following the Bogoro attack**

The Prosecution continued its examination-in-chief of Witness P12.

**The examination focused on a series of violent events - essentially attack against the Hema** - from the beginning of 2003 to July/August of that same year, months after the Bogoro attack. The Prosecution's aim of the examination was to show that the Bogoro attack took place at the beginning of a cycle of violence that continued despite the peace negotiations.

Witness P12 testified on these events which he - as a member of political party PUSIC and a member of the Observatoire des Droits Humains - witnessed first-hand. Quite emotionally, he told stories of massacres, blood on the walls of houses, hospital patients being slowly butchered and cut in pieces by their attackers, sexual violence - in particularly **sexual slavery** and kidnappings of women and other forms of slavery.

**During the second part of the hearing the interrogation continued:** P12 was questioned on the events that took place over the same period, most of the questions were contextual. He was also asked whether the accused were seen with escorts of child-soldiers (to which P12 answered very clearly yes), further questions referred to the role of military commanders in Ituri (structurally, culturally). Other questions pertained to sexual violence once more, even forms of slavery, etc.

**1 October 2010: No hearing.**

There was no hearing on Friday 1 October 2010.

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