



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI
INFORMAL WEEKLY SUMMARY
28 JUNE - 2 JULY 2010



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 <i>Force de résistance patriotique en Ituri</i> (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 <i>Front des nationalistes et intégrationnistes</i> .
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">○ 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.
Participants	363 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen	
Start of Trial:	24 November 2009	

During this week's hearings **Witness 280 (16th OTP witness)** and **Witness 267 (17th OTP witness)** testified under protective measures. Witness 280 is allegedly a former FNI soldier involved in the Bogoro attack. Witness 267 is a local NGO worker from DRC whose organisation assists children in conflict situations.

28 June 2010

Cross-examination of Witness 280 by the Defence continued

Witness 280 continued to testify. Mr. Hooper finished cross-examining by revisiting the witness' 2007 statement to the OTP investigators in order to clarify certain aspects:

- Contact with the OTP investigators;
- His demobilisation and the programme he took part in;
- The route the witness and his group took from Lagura camp to Bogoro;
- The time-frame of the attack, which seemed to get mixed up with another attack (a battle at night as opposed to Bogoro in the early morning);

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.

- The UPC camp in Bogoro and whether the witness had entered it, which he said was not the case. He stated that he stayed in the centre where they had to attack the fleeing UPC soldiers;
- A sketch of Bogoro made by the witness was presented and discussed;
- Details about his family (in private session).

On several occasions - specifically when asked about the timeframe of the Bogoro attack and his earlier statement in 2007 to the OTP investigators - the witness indicated that he might have to correct. He said he would focus on what he remembered at this moment in Court.

Defence Counsel Prof. Fofé started his cross-examination in private session. Afterwards, the witness was requested to clarify several issues such as the day he was taken:

- He said he did not know if it was exactly the same day as the day Lopondo was chased out of Bunia and the UPC took over, but it was during that period;
- He heard about the retreat of Lopondo and his APC soldiers (Central Government of Congo) and the direction they withdrew;
- He was asked about electricity in Lagura camp, but said it was not in place.

29 June 2010

Cross-examination of Witness 280 by the Defence concluded

Prof. Fofé resumed questioning the witness on certain aspects of his testimony earlier in the proceedings for clarification:

- The witness stated he was told during his military training that the Hemas were the enemy; If one was found with the Lendus, even with a different ethnic background, he said one would be treated by the Hemas as a traitor;
- He was asked about the exact date and year of the Bogoro attack, but as he had said earlier on several occasions, he had no idea;
- He clarified the timing of the Bogoro attack: they left late at night (around 21/22/23 hrs.) and arrived in Bogoro around 3 o'clock. They moved progressively, slowly on foot.
- He was asked to draw two sketches subsequently in order to clarify things further: the route they took from Lagura to Bogoro and the location of their first encounter with UPC soldiers; Zumbe, the market, the churches, Mr. Ngudjolo's house and the airport.
- He further stated that he went to the demobilisation programme - CONADER = (Commission Nationale de la Demobilization et Reinsertion) - but he was sent back to the transit centre. He did not receive a demobilisation badge and therefore went home. He said he did look for another weapon, because in order to go back there you have to have a weapon.

The OTP, the LRVs and Defence teams had no further questions to put to the witness.

30 June 2010

Examination-in-Chief of Witness 267 by the OTP started

Witness 267, who currently works for a local NGO in the DR Congo, started to testify. The first questions from the OTP were asked by Mr. Mc Donald in private session. Beforehand the following topics were indicated: activities of the witness, the FRPI command structure and general items. In open session the witness provided more information on his organisation's activities, the Ituri region and the conflict:

- The mission of the organisation: provide assistance to underprivileged children abandoned because of the war..
- Funding of the organisation: initially they relied on themselves. One person put a building at their disposal and the population was asked to provide assistance; by providing goods and clothing to children the Organisation became well-known;
- The witness provided his perspective on the chronology of the conflict
- He said in 2003, a major event was the fall of Bogoro. The UPC wanted to have access to Bunia, Kasenyi and Uganda (for supplies, etc.), the FNI and FRPI took over;
- ARTEMIS (EU-led military mission) eventually occupied Bunia, which enabled the population to return. The witness stayed in an enclave for three weeks and then moved to the airport due to the deteriorating circumstances. They started to identify unaccompanied children;
- At this stage the Organisation did not have contact with the rebel groups. In 2002 - informally - contact with UPC commanders was established regarding the demobilisation of child soldiers. A disarmament programme was added later. ARTEMIS brought a group of armed child soldiers from the protection centre of MONUC to the Transit & Orientation Centre (CTO) which was set up by the Organisation. At the Centre the children were identified, documented. The purpose was to reunite them with their parents and provide assistance as to their basic needs. A framework was set up later;
- The witness explained that in 2004 a broad sensitisation campaign was launched, including the FNI and FRPI groups. A Centre was opened in Bunia. Training was provided and a DRC pilot disarmament and reintegration project was set up. He said his Organisation had the advantage of being local;
- The Organisation's staff intended to meet Mr. Katanga in order to explain their cause. A meeting eventually took place at his house/headquarter.

1 and 2 July 2010

No hearings