



COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO  
INFORMAL WEEKLY SUMMARY  
03 - 07 MAY 2010



<b>Situation Case</b>	Democratic Republic of Congo 01/04-01/07 <b>The Prosecutor vs. Germain Katanga and Mathieu Ngudjolo Chui</b>	<b>Germain Katanga:</b> born in 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	<b>Mathieu Ngudjolo Chui:</b> born in 1970 in Bunia, Ituri district, Eastern Province; National of the DRC; Alleged former leader of the <i>Front des nationalistes et intégrationnistes</i> .
<b>Parties:</b>	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;	<b>Alleged crimes:</b> <b>Germain Katanga and Mathieu Ngudjolo Chui</b> allegedly jointly committed, through other persons: <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>Participants</b>	363 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen	
<b>Start of Trial:</b>	24 November 2009	

**Testimony by:**

- OTP Witness 249 (13<sup>th</sup> OTP witness); under protective measures

**Topics this week included but were not limited to:**

- Attack on Bogoro
- Rape, sexual violence
- Child soldiers

**3-4 May 2010**

The Examination-in-Chief by the OTP (Ms. Luping) of Witness 249 revolved around the attack of Bogoro on 24 February 2003. The Witness testified on the attack and the rapes she suffered on that day and in the school afterwards:

- She recounted that as she was shot in the leg, she crawled to a wooded area where she spent the night. The following morning she was trying to flee when six soldiers saw her and started raping her. Afterwards, they took her to their superior, Mr. Yuda. Along the road she saw a lot of civilian corpses (male and female);

- She explained that if her account differs from the one previously given to the OTP investigators it is only because she was ashamed of what happened to her and not ready to tell it all;
- She identified the attackers as belonging to the Ngitti people as they were "small and dirty". She further specified that they spoke Swahili and carried weapons such as knives, arrows and rifles;
- She assessed that there were no children amongst soldiers, but rather people of small stature. However, she saw young people in the school but she has not been able to estimate their age.

#### 5 May 2010

The Examination-in-Chief of OTP Witness 249 continued:

- The *OTP* showed the Witness pictures of the leg wound - allegedly taken by OTP investigators in either 2006 or 2008 - and asked if she could recognize them;

Questions by LRV and by Presiding Judge:

- The *LRV* focused its questioning on the attack on Bogoro on 24 February 2010. Special attention was paid to the presence of children aged from 10 to 15 among the soldiers. The Witness testified that they could not be called "children". In her view they had rather been "young people" whose age was unknown to her;
- The *Presiding Judge* asked the Witness on details of the attack on Bogoro, her first rape and presence of other "bush wives" in the Ngiti camp.

#### 6 May 2010

The cross-examination of Witness 249 by the Defense has been completed:

- At the beginning the *Defence* (Mr. Hooper) asked the Witness about how she had started to cooperate with the ICC investigators. Since the answer could contain some information about an intermediary's identity, the testimony was given in a private session.
- The remainder of the cross-examination by the Defence focused on discrepancies in the witness' testimony given in December 2006 and in February 2009 regarding her home town. According to the Defence these discrepancies and the inability of the Witness to explain the changing of her testimony in 2009 cast significant doubts on the reliability and the credibility of the witness' testimony.