



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI
INFORMAL WEEKLY SUMMARY
6 - 10 DECEMBER 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> (FNI).
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	

This week the Prosecution formally closed its case. The last witness, Sonia Bakar (**Witness 317, 24th OTP witness**) gave evidence. The witness, who testified without protective measures, has worked for the special investigation unit of the MONUC human rights section between 2002 and 2004. She has been involved in the investigation following the Bogoro attack in February 2003.

The trial will resume on the 21st of February 2011 with the four victims who have been authorised by the Chamber to testify. **The Defence will start its case on the 21st of March 2011.**

6 December 2010 - The Prosecution's examination-in-chief focused on the witness' position and her work for MONUC as well as the situation in Ituri in 2002-2004.

The Prosecution's examination-in-chief of Witness 317

The Prosecution, represented by Ms. Darques-Lane, questioned the witness on her work for MONUC, among others on the section's mandate, the field missions to Ituri and specifically the field visit to Bogoro, the methodology of the investigations carried out as well the reports she had drafted in cooperation with other colleagues.

The witness explained more about her role as coordinator of the field missions in Ituri, *i.e.* first operational outline, coordination of the team in the field and she drafted the

final report assisted by the relevant sections. In 2002-2003 the witness was based in Kinshasa. She undertook trips in view of the investigations which were carried out.

She provided further insight into:

- **MONUC's human rights section mandate**, which includes: to observe the human rights situation; capacity-building of local institutions; to assist, observe, investigate and identify the alleged perpetrators;
- **Field investigations**: conjoined teams of police, soldiers and political officers who knew the region well together with colleagues from child protection, humanitarian and political affairs were involved. The MONUC human rights section would make the decision to conduct missions. This depended on the security situation in the field and on the information which was received from the field, among others from military observers, civil society and religious representatives. The time to set up a mission depended on the situation;
- **Methodology**: information was collected beforehand from the capital. Upon arrival the team would speak with members of civil society, local administrators, religious representatives, UN agencies present and colleagues. The human rights investigations were based on interviews with victims and witnesses. The investigators tried to speak to as many people as possible in order to corroborate and verify the information provided. Initially, all the data - handwritten notes - thus obtained was collected put into an excel-sheet. Later on, a database was used, which was set up in July-August 2003. Reports were made as soon as possible after the interview;
- **Ituri missions**: the first mission took place after Christmas 2002 to January 2003 following an attack on Mumbasa and the second mission was carried out from March to April 2003. The reason to set up the second mission was the attack on Bogoro. Other attacks were investigated (Mandro, Bunia);
- **Bogoro investigation**: the investigators started in Bunia where they met with military observers, UN agencies and civil society. The (occupying) Ugandan forces served as escort. A field visit to Bogoro was organised with a limited group, since the victims and witness were for the most part in Bunia. They stayed approximately for one hour. Prior authorisation, via the Ugandans, was obtained from Mr. Ngudjolo Chui. However, they could not visit the village itself or the school which had served as UPC military base. A meeting with Commander "Dark" whose hierarchical superior was Mr. Katanga, took place;
- **Interviews**: in Bunia, investigators organised interviews with victims and witnesses (approximately 100 victims were met). They learned that the attack on Bogoro was carried out by Lendu forces, further details about the attack were provided and a list of victims based on the names provided by eyewitnesses was drawn up (approximately 330 victims). The investigators also went to Uganda, on the other side of Lake Albert, to interview refugees;
- **Report**: the report covered the attacks on Bogoro, Mandro, other attacks by Lendu forces as well as attacks on Lendu villages;
- **Meeting with Mr. Ngudjolo Chui**: early April 2003, within the framework of the Ituri Pacification Committee, the witness had met Mr. Ngudjolo Chui. They discussed the attacks on Bogoro and Mandro.

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.

Three reports were presented and discussed, among others the publicly accessible [Report to the UNSC](#) on the situation in Ituri 2002-2003. The Defence had already made objections to the admission into evidence based on the possible prejudicial effect.

The Prosecution limited its questioning to the origins of the reports. The witness confirmed that she had drafted two. The objective had been to map everything that had happened, as impartially as possible. The Chamber postponed consideration of the reports until after the conclusion of the Defence's cross-examination. The Prosecution finished its examination with several questions relating to abbreviations and acronyms.

7 December 2010 - The Chamber requested the Prosecution to indicate which of the paragraphs of the reports it wished to admit into evidence. Subsequently, **the Chamber and the LRV had several questions for the witness.** They were followed by the cross-examination of the Defence team for Mr. Katanga.

Questions from the Chamber

The Chamber sought complementary information on the methodology in view of the people interviewed in Bunia concerning the Bogoro attack.

Questions from the LRV

Ms. Goffin, on behalf of the child soldiers, questioned the witness on her observations concerning the presence of child soldiers in the armed groups in Ituri at the time. The witness indicated that she did not follow cases of children associated with armed forces. The child protection section in Bunia covered children.

Mr. Luvengika, on behalf of the victims of the Bogoro attack, returned to the list of victims which had been compiled and the crimes that had taken place there. Based on their accounts, killings, disappearances and attempts of murder had occurred in Bogoro. No cases of rape had been referred. Additional subjects were: possible abductions; the field visit to Bogoro; Ugandan participation in the attack (which had been talked about by certain victims); investigations into other belligerents (APC, Rwanda, Uganda) and the victims in Bunia.

The Defence starts its cross-examination

Mr. Hooper, on behalf of Mr. Katanga, revisited the missions to Ituri. The witness indicated that in total 9 missions had been carried out. In addition, the field visit to Bogoro and the meeting with commander "Dark" there, the reports, the database as well as the killings in Bogoro, the presence of mines and the role of Uganda and Rwanda were discussed.

8 December 2010 - Remaining questions were put to the witness by the Defence team for Mr. Katanga. Subsequently, the Defence team for Mr. Ngudjolo-Chui cross-examined the witness and **the Prosecution formally closed its case. The trial will resume on the 21st of February 2011** with the four victims who have been authorised by the Chamber to testify. **The Defence will start its case on the 21st of March 2011.**

The Defence finishes its cross-examination

Mr. Hooper concluded his cross-examination with several questions about specific extracts of the reports. In that respect, the witness confirmed that massacres had taken place on both sides. Mass-killings and destruction had occurred in Lendu-Ngiti villages North of Bunia. The witness had been able to visit certain localities, like Aveba, when MONUC forces arrived.

Prof. Fofé, on behalf of Mr. Ngudjolo Chui, focused on the authorisation which had been obtained prior to the visit to Bogoro, investigations into attacks by Hema militias and Lendu victims, crimes by Rwandans and Ugandans in Ituri as well as the witness' meeting with Mr. Ngudjolo Chui in April 2003. Mr. Ngudjolo Chui had indicated that he had never met the witness.

The Prosecution formally closed its case.

9 December 2010 - No hearing

10 December 2010 - No hearing
