



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI
INFORMAL WEEKLY SUMMARY
8 - 12 NOVEMBER 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:
Participants	363 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen	<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.
Start of Trial:	24 November 2009	

Witness 353 (21st OTP witness) concluded her testimony on the 8th of November. The witness, a woman of Hema ethnic origin and victim of sexual violence, testified under protective measures due to the risk of social stigmatisation. There were no other sessions and the next witness, Witness 28 (22nd OTP witness) will appear next week.

8 November 2010 OTP Witness 28: Chamber's oral Decision; OTP Witness 353: Examination in Chief OTP Witness 353; Questions LRV; Cross-examination Defence

Following the lively exchange between the Defence for Mr. Katanga and the OTP during last week's proceedings, the Chamber made an **oral decision** regarding several issues raised in view of the envisaged **testimony of Witness 28** of next week. Mr. Hooper had expressed concerns about his relocation and the ambiguity in an earlier decision of the Chamber in this regard as well as his additional statement.

The **Chamber held** that the OTP had fulfilled its disclosure obligations regarding the additional statement recently received, which raises points in relation to the behaviour of intermediaries. The Defence is able to evaluate the witness' credibility during cross-examination. Moreover, the clarification sought by the Defence concerning the August decision of the Chamber is to be subject to an application to appeal. Finally, the 15th of November had already been settled as a starting-date.

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- Examination in Chief Witness 353

Ms. Darques Lane went back to the witness' last account about the period before and after her arrival in Getti and questioned Witness 353 on the *items taken* as well as:

- *The camp in Getti*: she did only see one wooden gate, not any guards;
- *Other young girls captured in Bogoro*: she only met one of them in Getti. She saw the other girls when she got to Bunia. On both occasions they did not wish to discuss what had happened further. She only knew about the four of them and could not provide other information;
- *Return*: in Getti the witness met an old friend of her mother's who sold fish there. She promised to fight to take her home and introduced her to others as her sister-in-law. A few days later the lady spoke to the combatant in whose house the witness was living and she succeeded to get her free;
- *Family*: the witness' sister had sought refuge, together with her son, in the school during the attack. She had been able to flee and had gone to Uganda. The witness had followed her there. The witness' brother-in-law had initially fled into the bush and eventually had been able to survive due to the fact that he hid in the toilets of the school which the combatants could not enter;
- *Back to Bogoro?* The witness stated she had never been back to Bogoro other than passing through. She did not want to go back because of her memories. She gets distressed thinking about what happened.

- Questions LRV

Ms. Goffin, on behalf of the child soldiers, returned to the age of the armed children at the camp in Getti: the witness, who had been 17 years old at the time, could only tell they must have been younger than herself, children.

Mr. Luvengika, on behalf of the victims of Bogoro, revisited the other girls with whom she survived the massacre in her house and asked the witness about their age and family. Other topics which were covered were among others: the *other houses* which were attacked as well as the *combatants' behaviour vis-à-vis* the Hema. She neither saw nor heard anything about *rape* on the day of the attack. She stated that she always leaves when people talk about Bogoro. If they knew about what happened to her, she would be ashamed and she would no longer have any value in the community. Above all, the matter hurt a lot and her father encouraged her to forget.

- Cross-examination Defence

Mr. Hooper commenced by indicating that he would not ask questions about what happened with the two men. He then returned to the *period prior* to the Bogoro attack and her *school* attendance as well as the *duration* of the Bogoro attack, her stay in *Getti*, a *description* of Getti itself and the *other girls* who were abducted with her (she did not know where they currently are).

Prof. Fofé did not have any questions to put to the witness, neither did the OTP, LRV or Chamber.

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