



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI
INFORMAL WEEKLY SUMMARY
15 - 19 NOVEMBER 2010



Situation Case Democratic Republic of Congo
01/04-01/07
The Prosecutor vs. Germain Katanga and Mathieu Ngudjolo Chui

Hearing: Chamber: Trial Proceedings
Judge Bruno Cotte (Presiding Judge), Judge Fatoumata Dembele Diarra, Judge Christine van den Wyngaert

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;

Participants 363 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen

Start of Trial: 24 November 2009

Germain Katanga: born 1978 in Mambassa, Ituri district, Eastern Province; National of the DRC; Alleged commander of the *Force de résistance patriotique en Ituri* (FRPI).

Mathieu Ngudjolo Chui: born 1970 in Bunia, Ituri district, Eastern Province; National of the DRC; Alleged former leader of the *Front des nationalistes et intégrationnistes* (FNI).

Alleged crimes:

Germain Katanga and Mathieu Ngudjolo Chui allegedly jointly committed, through other persons:

- **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.

This week **Witness P28 (22nd OTP witness)** gave evidence. The witness, a former child soldier who has been involved with the FRPI, testified under protective measures. In light of the impact of the events, he is considered to be a vulnerable witness. Witness P28 testified on how he became part of the FRPI militia, his training there, and his involvement in the attack on Bogoro. The witness also answered questions on the involvement of the APC and FNI in the Bogoro attack. Presiding Judge Cotte had several questions of clarification to put to the witness following his testimony.

15 November 2010 Examination in Chief OTP - Military training and tasks of the witness within the FRPI

Mr. McDonald, OTP, started with questions on the witness' family in private session. In open sessions, the witness explained how he and his family fled their village because of the war. Running into a group of FRPI soldiers, the witness was allegedly arrested and taken to the FRPI camp. There he received **military training**, which the witness described as **torture**. When he later arrived at the Aveba camp, of which allegedly Mr. Katanga was head, it was not a proper military base yet. Later, another military camp was built by members of the population and the combatants and was known as: "Bureau de Combatants d'Aveba" (BCA).

The witnesses' task at the camp was mainly **arresting individuals** that had committed offences. Two types of mission orders were issued: persons who had been

summoned to pay a debt (property was seized) or to appear due to accusations of witchcraft (casting spells).

16 November 2010	Examination in Chief OTP - The military structure of the Walendu Bindi collectivité and the attack on Bogoro
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Mr. Mc Donald continued today with the military structure of the Walendu Bindi collectivité:

- *Main camps:* Witness P28 provided details about the main groupements - six in total, including Aveba. He alleged that the commander in chief of all combatants was Mr. Katanga, who visited the camps;
- *Preparations:* preparations were underway to neutralise UPC soldiers based in Bogoro. A letter was sent to all commanders to go to Aveba to get ammunitions;
- *APC:* While in Aveba, the witness set out that FRPI commanders, including Mr. Katanga, would go to Beni where the APC had its base. The relationship between the FRPI and the APC were good. On one occasion even, the FRPI commanders returned by plane with ammunition on board as well as some APC soldiers who came to live with them at the camp.
- *Before the attack on Bogoro:* the witness claimed that it was not only the FRPI that was involved in the attack, but also combatants from the FNI (or Zumbe combatants) and the APC.
- *Rituals:* Between 1000-2000 soldiers were gathered in various rituals, which were carried out with a view to seeking full protection.
- *Bogoro attack:* upon arriving in Bogoro, the troops settled in, waiting for the light. At 5 or 6 o'clock in the morning the battle began. Fighting went on for a long period. They eventually won and set up operations in Bogoro;

17 November 2010	Examination in Chief OTP concluded on the involvement of the APC and FNI soldiers before and during the Bogoro attack Questions LRV - Methods of the FRPI
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- Examination in Chief OTP

Mr. Mc Donald revisited the involvement of the APC and FNI soldiers before and during the Bogoro attack as well as the situation afterwards, to which Witness P28 answered the following:

- One meeting between the FRPI and APC was held in Aveba in view of planning the distribution of weapons. In addition, an FRPI delegation went to Zumbe, where the FNI was based. On both occasions Mr. Katanga took part.
- After the Bogoro attack: around 10 or 10.30 in the morning the fighting ended. Afterwards looting started, houses were burned down and dead bodies were buried as much as possible. Subsequent fighting occurred in **Bunia and Mandro**;

* Camps: Aveba, Olomba Bavi, Bukiringi, Bavi (later reinstated in Kagaba), Getti and Mandre hill.

- **Children:** the witness confirmed that children had taken part in the fighting; they were present amongst all camps;
- **Demobilisation:** Mr. Katanga had said the time for demobilisation had come. The witness gained access to the demobilisation program fraudulently, handed over his firearm in order to get money and provided a name and age which was not his.

- Questions by the Legal Representative of Victims

Mr. Gilissen, LRV, questioned the witness on the difficulty at the time for young people to move about; the combatants' composition; the witnesses' military training and the missions of arrest carried out, as well as the **usual methods which were used towards the opponents, regardless of age or gender.**

The witness explained that no pity was taken on the Hema people in view of killing and looting. **Rape was however forbidden because of certain rituals.**

18 November 2010	Questions LRV; Questions Chamber; Cross-examination Defence
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- Questions LRV

Mr. Gilissen asked the witness about his **return to civilian life** as a former militia man as well as the other young people who had been in the militia. He explained about the difficulties in his own life and that when combatants were demobilised, most of them were unable to live a civilian life.

Mr. Luvengika, with an interest in the victims of Bogoro, revisited the **distinction between civilians and combatants** during the attack; the civilians killed; the behaviour of the combatants; the reaction of the commanders to the killings and looting, as well as the houses that were destroyed.

- Questions Chamber

Presiding Judge Cotte had several questions of clarification to put to the witness following his testimony, among others on: Aveba, the Bogoro attack, the fire-arms recovered as well as the APC soldiers in Aveba (20-25 in total).

- Cross-examination Defence

Mr. Hooper, Defence counsel, started the questioning on the first time the witness had met the OTP and his review of his prior statements before appearing in Court. The witness, who became emotional, eventually stated that he had been able to go over his statements again and the first one had been in 2005. Subsequently, the witness' account of events was revisited. He confirmed that initially he had provided a different account of his abduction. He provided details about his schooling.

The remainder of the cross-examination was held in private session. It will be continued next week.

19 November 2010	No hearing
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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.