



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI
INFORMAL WEEKLY SUMMARY
14 - 18 JUNE 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:

- o **Crimes against humanity:** Murder, sexual slavery and rape;
- o **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.

Testimony by:

- o **Witness 280** (16th OTP witness); under protective measures

14 June 2010

Examination-in-Chief by the OTP

Witness 280 (a young man and former FNI soldier involved in the Bogoro attack) started to testify. Beforehand, Mr. Garcia indicated that the OTP might show video extracts which would enable the witness to identify the two accused. The questions put to the witness revolved around the day he was taken, Lagura camp and his training:

- He stated that he was on the hill when he was taken by Commander Kute and his bodyguards; He was fleeing towards Zumbe and they caught him at Ladille; He fled alone, without his family but there were many people;
- The bodyguards were looking for soldiers, stopping everybody: the ones who were still young and able to fight were arrested; in the camp they were told they were going to be soldiers;

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.

- He explained that they were brought to Lagura camp; They took them to a prison, a big house; Few days after they started training;
- He further explained that the training consisted of learning how to shoot and load a weapon and the attack plan (many ways of attacking, for example: one can shoot directly or with warning); The enemy was the UPC; There was no specific duration of the training: no end, battles in between;
- He stated that the only technique used was to defeat the enemy; It was their duty to bring home weapons; Weapons were obtained after each battle so that eventually everybody had one; The witness was a member of the FNI; They were told they had to fight all Hemas and Ngegeres;
- He became part of the Military Police in the camp at one point; His main duty was to supervise the military so that they would not scare civilians, he had to make sure the soldiers did not leave the camp; Civilians and the camp were in the village, mixed together;
- He explained that persons who committed wrong-doings in the village would be arrested, put in prison and judged by Commander Kute or his subordinate; Every prisoner was given a task, there were various types of work: cleaning the camp, digging holes for toilets or prisons; Soldiers were not punished for looting; Some prisoners were sent to Zumbe camp;
- He mentioned Mr. Ngudjolo as the Chief of them all;
- He and the others soldiers were living in small houses, each one had his own; there was a big house where weapons and ammunition were kept; the weapons were only used during battles; Commander Kute was responsible for the distribution, authorisation came from his superior: Mr. Ngudjolo was the number one.

15 June 2010

Examination-in-Chief by the OTP continued

Witness 280 resumed his testimony. Mr. Garcia from the OTP questioned the witness on the prisons in Lagura camp and the Bogoro attack:

- He explained that the prisons he knew of, were underground and he saw two of them; They were sufficiently big (he had been imprisoned himself); The prison was for everyone, soldiers and civilians; There was one house where people were locked up but they did not stay there for long, only a few minutes;
- He further explained that planks were put on top of the prison with metal sheets as roofing; It was the responsibility of all soldiers to guard; If someone tried to escape, they had to be shot;
- He took in part in several attacks: Bogoro, Kasenyi, Mandro;

- The witness stated that the order to attack Bogoro came from Commander Kute;
- He stated that the attack was prepared by taking arms, guns, ammunitions; There were difficulties with supplies, but at least two batches arrived: one taken from APC soldiers fleeing Bunia, the other arranged by Mr. Ngudjolo;
- He further stated that the objective was to occupy Bogoro; Bogoro was a strategic location and difficult to pass through with supplies; They were told to attack, loot (mainly cows) and kill everyone;
- He stated that the FNI and the FRPI together attacked Bogoro;
- He explained that the attack started by killing in silence without firing shots: machetes, knives and arrows were used to kill civilians inside houses; After they started firing when they came close to UPC soldiers;
- He further explained that the attack was launched at night; they encircled the entire village; it was 3 or 4 o'clock in the morning; Around 11am Bogoro had fallen; They were divided in different groups, some would fight and kill, others would burn houses, loot; Sometimes they would ask about the ethnic group of the people inside the houses; It was easy to recognise Hema or Ngegere due to their physical appearance; He said he was able to recognise them further because of the 'fetish' which made him feel it in his blood;
- They made Hema people (men, women and children) transport the goods: the ones who indicated they were tired were killed; Others were released or hid in the camp; In most cases they were killed (difficult to keep them in the house and if soldiers knew you were married to a Hema girl, they would shoot you); Only commanders could keep them in their house;
- After the attack, they returned to Lagura camp; Soldiers were happy, slaughtered a cow, sold some;
- The witness said he went back to Bogoro after the attack and indicated there might be a difference with his earlier written statement in that regard.

16 June 2010

Examination-in-Chief by the OTP continued

In order to clarify certain details Mr. Garcia from the OTP revisited earlier statements made by the witness in Court the last two days. The questions concerned other FNI camps in the area, soldiers who committed offences, the 'fetishes' used before battle and the preparations before the Bogoro attack:

- The witness stated that there were other camps besides Zombe and Lagura: the other camps were located in villages outside Zombe, located on hills, very close to Zombe;
- He explained that soldiers who committed offences were sent to Zombe because that was the largest camp;
- He further explained that the 'fetishes' involved making cuts on their bodies, amulets and other products which needed to be put in the bath water; They were given before they went into battle; The same practices were observed each time; he said the 'fetishes' were given by someone from the village, a person of good will who was directed by the spirit of the village; The cuts were made on the body, head, joints, with the purpose being to help that bullets would not hit them;
- Instructions were issued each time by the person who provided the 'fetishes': must not take a woman by force, pillage or cross a stream; The conditions were related to the battle, related to the village they were to attack: populated only by Hema or mixed; They were to fight only Hema;
- He stated that before the attack they would gather together and they were told to attack Bogoro the next day; The plan was discussed orally: they knew they had to go down and were shown which paths to take (the witness' group went by Mayafranga);
- As to the strategy, the witness further stated that they were guided by the operations Commander (Kute) who was receiving orders

Due to technical difficulties with the interpretation, the hearing was suspended.

17 June 2010

Cancelled

18 June 2010

Cancelled