



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

KATANGA / NGUDJOLO CHUI
INFORMAL WEEKLY SUMMARY
21 - 25 JUNE 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	

Testimony by:

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

21 June 2010

Examination-in-Chief by the OTP continued

Witness 280 (a young man and former FNI soldier involved in the Bogoro attack) resumed his testimony. Mr. Garcia from the OTP questioned the witness on certain aspects of the Bogoro attack and two other attacks:

- The witness stated he was wounded during the attack
- He said that Hema civilians were captured to transport looted goods, not in Bogoro, but in Mandro and Kasenyi;
- He explained about the Mandro attack that the UPC attacked first. They fought back together with a group from Zombe. They looted and left. Mandro was attacked several times, he participated only once prior to Bogoro;
- He described where Mr. Ngudjolo's residence was located. He went there but was stopped at the gate because of a robust security;

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 saw Mr. Ngudjolo, together with his bodyguards, for the first time after the Bogoro attack while he was in Zumbe market.
- He further saw Mr. Ngudjolo when they came out of Church on a Sunday. He never had the opportunity to speak with him;
- He explained more about the Mandro attack as to strategy and Hema civilians, specifically girls, who were captured and taken to Zumbe;
- About the Kasenyi attack he stated that it took place after the Bogoro attack. They went there solely to loot cows. On their way they encountered UPC soldiers on patrol.

22 June 2010

Ngiti-language expert; Examination-in-Chief by the OTP concluded; Questioning by Legal Representatives of Victims started

An Ngiti-language expert from the Netherlands took the stand before Witness 280 was brought in. Her opinion was requested in order to verify if two phrases which were overheard by Witness 161 (of Hema origin) were in Ngiti: "Today is the day/today. Today they will see." And: "Do not leave the Bahemas. Kill the Bahemas." The Defence - - took the opportunity to ask further questions relating to Swahili words and expressions but was reminded several times by the Chamber to keep the priority subject of the hearing in mind.

Examination-in-Chief by the OTP (Mr. Garcia) was concluded

- The witness spontaneously mentioned that the FNI and FRPI together fought the UPC in Bunia after the Bogoro attack. He arrived when it had already ended. The fighting started suddenly one morning. The UPC was fighting the Ugandans. The Zumbe group already went down to Bunia. Upon arrival he received ammunition from the Ugandans;
- Regarding punishment in the camp he said they would be beaten if they made any type of error. Lendu, however, were not punished for the same mistakes;
- He eventually left the militia to carry on living as a normal civilian.

Examination by Legal Representative of Victims

Mr. Gillissen focused on child soldiers and asked the witness about their presence on the day he was captured, in Lagura or other camps, within the FRPI and the military police

- The witness stated that soldiers of the same age were present in Lagura and other camps not far from theirs. In Bogoro the group was a mix;
- He heard from the majority of members in his militia that they had been abducted from a particular location;

- He said because he was small, he would shoot easily when threatened. Most members of the military police were older;
- He further stated that they could get other 'fetishes' besides the official ones. A mix was more powerful;
- He explained all Hema soldiers and civilians were seen as the enemy.

23 June 2010

Examination by LRV; Questions from the Bench; Cross-examination by the Defence

Examination by LRV

LRV Mr. Gillissen wanted to ask more about the various camps and the Bunia attack, but was reminded about the need to focus on Bogoro. The remaining questions revolved around the link between going to war and going to kill and loot - which the witness said was the same for him. He said he thinks about the future and had forgotten the past. He only thought about it sometimes when he comes across people he fought with.

LRV Mr. Luvengika representing mainly Bogoro victims centred his questioning on:

- The weapons used during the attack and how they were procured;
- The situation of the civilian population during the attack and the killings
- The Hema women who were abducted: the witness said he only looted and killed, did not know what others did;
- The looting: cows were divided up between Zumbe and Lagura camp to be eaten or sold, commanders pillaged as well.

Questions from the Bench

Judge Cotte asked the witness if he was taught to recognise civilians. The witness stated that this was not the case. Judge Cotte sought further clarification regarding a potential refusal to kill. The witness explained that if one was alone a life could be spared, but if with friends one would be shot;; He further explained everybody took 'fetishes'. Judge Diarra asked about the looted goods from Bogoro and their transport and if he tried to escape the militia.

Cross-examination by the Defence

Mr. Hooper started off by questioning the witness about the one time he saw Mr. Katanga. The witness said he had seen Mr. Katanga once in Bulu camp, from afar. Then, questions focused on the timing of the events, his booty after Bogoro, the Bunia attack and the role of the military police:

24 & 25 June 2010

No hearings

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