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Court

ICC-PIDS-CIS-DRC2-03-004/09_Eng
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Case Information Sheet

Situation in the Democratic Republic of the Congo

The Prosecutor

v.

Germain Katanga and Mathieu Ngudjolo Chui

Case No ICC-01/04-01/07



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Michael Kooren

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Marco Okhuizen

Germain Katanga

Date of birth	28 April 1978
Place of birth	Mambassa in the Ituri district, Eastern Province - Democratic Republic of the Congo (DRC)
Nationality	Congolese
Ethnicity	Partly of Ngiti origin
Family	Son of Jacob Nduru and Elizabeth Regine. Husband of Denise and father of two children
Current situation	Held at the Detention Centre of the International Criminal Court in The Hague
Warrant of arrest	Issued under seal on 2 July 2007; Unsealed on 18 October 2007
Transfer to The Hague	17 October 2007
Joinder of cases	10 March 2008
Confirmation hearing	27 June to 16 July 2008
Decision on the confirmation of charges	26 September 2008
Commencement of trial	24 November 2009

Mathieu Ngudjolo Chui

Date of birth	8 October 1970
Place of birth	Bunia in Ituri District, Eastern Province - Democratic Republic of the Congo (DRC)
Nationality	Congolese
Ethnicity	Lendu
Family	Son of Mawa Likoni and Lasi. Husband of Semaka Lemi and father of two children
Current situation	Held at the Detention Centre of the International Criminal Court in The Hague
Warrant of arrest	Issued under seal on 6 July 2007; Unsealed on 7 February 2008

Transfer to The Hague	7 February 2008
Joinder of cases	10 March 2008
Confirmation hearing	27 June to 16 July 2008
Decision on the confirmation of charges	26 September 2008
Commencement of trial	24 November 2009
Charges	Germain Katanga and Mathieu Ngudjolo Chui allegedly jointly committed, through other persons, within the meaning of article 25(3) (a) of the Rome Statute: • Three crimes against humanity: Murder under article 7(1) (a) of the Statute; sexual slavery and rape under article 7(1) (g) of the Statute. • Seven war crimes: Using children under the age of 15 to take active part in hostilities under article 8 (2)(b)(xxvi) of the Statute; deliberately directing an attack on a civilian population as such or against individual civilians or against individual civilians not taking direct part in hostilities under article 8(2)(b)(i); wilful killing under article 8(2)(a)(i) of the Statute; destruction of property under article 8(2)(b)(xiii) of the Statute; pillaging under article 8(2)(b)(xvi) of the Statute; sexual slavery and rape under article 8(2)(b)(xxii) of the Statute.

The crimes alleged (some examples)

Pre-Trial Chamber I is of the opinion that there is substantial evidence to believe that:

In the summer of 1999, tensions rose over disagreements related to natural resources in the district of Ituri. During the second half of 2002, renewed violence flared up in several parts of Ituri. An armed conflict took place in Ituri between August 2002 and May 2003, with the intervention of many local armed groups and neighbouring states. The alleged crimes were committed in relation to this armed conflict which began on Djugu territory and in the town of Mongbwala.

Germain Katanga, alleged commander of the *Force de résistance patriotique en Ituri* (Patriotic Resistance Force in Ituri, *FRPI*), allegedly had ultimate control over FARDC commanders, who sought his orders for obtaining and distributing weapons and ammunition and was the person to whom other commanders reported. In early 2004, the President of the DRC, Joseph Kabila appointed Germain Katanga Brigadier-General of the Armed Forces of the Democratic Republic of Congo (FARDC), a post which he held at the time of his arrest by the DRC authorities, on or about 10 March 2005.

Mathieu Ngudjolo Chui, former leader of the *Front des nationalistes et intégrationnistes*, (National Integrationist Front, *FNI*) allegedly had ultimate control over FNI commanders, who sought his orders for obtaining and distributing weapons and ammunition; and allegedly had other commanders under his command. In October 2006, he allegedly obtained his present grade of Colonel in the FARDC.

It is alleged that combatants led by Mathieu Ngudjolo Chui and Germain Katanga, mostly of Lendu and Ngiti ethnicity, initially organised themselves under military groups of the FNI and FRPI as a means of fighting other combatants mostly of Hema ethnicity. The joint attack on Bogoro village on 24 February, 2003, was directed not only against a military camp that existed in that village, but was also directed against the civilian population of the village. The attack was intended to "wipe out" or "raze" Bogoro village by killing the predominantly Hema civilian population and destroying homes of civilian inhabitants during and in the aftermath of the attack. The attack was launched in order to secure Lendu and Ngiti control of the route to Bunia which would, amongst other things, facilitate the transit of goods along the Bunia-Lake Albert axis. The killing and/or displacement of the civilian population, together with the destruction of civilian property, was the strategy the perpetrators chose to secure control of the village once it had been seized.

Germain Katanga and Mathieu Ngudjolo Chui are alleged to have used children to multiple ends, as escort services or personal body guards, including direct participation in the aforementioned attack. Child soldiers would have been trained in FRPI and FNI camps. Some of them are alleged to have learned how to handle weapons and received "armes blanches" (e.g. machetes and spears) or guns at the end of their training. Child soldiers are said to have attacked Bogoro village, killing civilians, destroying property and pillaging the goods of Hema civilians.

Germain Katanga allegedly used child soldiers because "[il] préférait être escortée [sic] par les enfants soldats âgés de moins de 15 ans parce qu'ils exécutaient sans oppositions", he preferred to be escorted by child soldiers under the age of 15 years because they didn't oppose his orders. As for Mathieu Ngudjolo Chui, it is alleged that he personally gave a machine gun to a child soldier.



It is alleged that the roads to and from the village were blocked by the attackers in order to kill all civilians attempting to flee. Unarmed civilians, including women and small children, were attacked or burned alive inside their homes. *FNI/FRPI* combatants used captured Hema civilians to lure civilians from their hiding places, by getting them to shout to them that there was no longer any risk to revealing themselves and emerging from hiding. About 200 people were allegedly killed during and in the aftermath of the attack on the village of Bogoro.

It is alleged that civilians were inhumanly treated "in the hands of" *FNI/FRPI* combatants. Civilians were allegedly arrested and imprisoned by *FNI/FRPI* combatants who locked them up in a room which was filled with the corpses of men, women and children.

During the attack against the village of Bogoro, *FNI/FRPI* combatants allegedly raped civilians and reduced them to sexual slavery by force, threat of violence or death and/or detention. Civilian women were allegedly abducted from the village of Bogoro after the attack, imprisoned and forced into becoming the "wives" of *FNI/FRPI* combatants, which also required them to cook for and obey the orders of *FNI* or *FRPI* combatants.

Combatants allegedly destroyed many houses of "the enemy" and many of them were set on fire. In other cases, the roofs, doors and windows of buildings which remained standing after the attack were also allegedly destroyed. After the attack, *FNI/FRPI* combatants are alleged to have intentionally pillaged property belonging mainly to the Hema population of the village. Cars were also allegedly stolen to transport the booty.

Main judicial developments

Referral to the Court

The Democratic Republic of the Congo (DRC) ratified the Rome Statute of the International Criminal Court on 11 April 2002. On 3 March 2004, the government of the DRC referred the situation (all events within the jurisdiction of the Court) on its territory since the entry into force of the Rome Statute on 1 July 2002.

After preliminary analysis, the Prosecutor initiated an investigation on 21 June 2004.

Apart from Germain Katanga and Mathieu Chui, a third person was transferred to the ICC in relation to the situation: Thomas Lubanga Dyilo. An arrest warrant was issued for a fourth person, Bosco Ntaganda, but it has not yet been executed.

Investigations are ongoing in relation to the situation in the DRC.

Arrest warrants and surrender to the Court

Following his initial investigation into crimes allegedly committed in the district of Ituri since 1 July 2002, the Prosecutor filed an application for the issuance of warrants of arrest for Germain Katanga and Mathieu Ngudjolo Chui on 22 and 27 June 2007.

On 2 July 2007, Pre-Trial Chamber I issued an arrest warrant for Germain Katanga.

On 6 July 2007, the Chamber issued an arrest warrant for Mathieu Ngudjolo Chui.

On 17 October 2007, Germain Katanga was surrendered by the Congolese authorities and transferred to the seat of the Court in The Hague. He made his first appearance before the Chamber on 22 October 2007.

On 6 February 2008, Mathieu Ngudjolo Chui was arrested, surrendered by the Congolese authorities and transferred to the seat of the Court in The Hague. He made his first appearance before the Chamber on 11 February 2008.

On 10 March 2008, Pre-Trial Chamber I issued a decision joining the cases against Germain Katanga and Mathieu Ngudjolo Chui.

Legal assistance

On 22 February 2008, the Registrar provisionally found Germain Katanga and Mathieu Ngudjolo Chui indigent subject to verification by the Court of the information found in their respective requests. The Court is bearing the cost of their Defence.

Confirmation of charges and committal for trial

The confirmation hearing was held from 27 June to 16 July 2008 before Pre-Trial Chamber I.

On 26 September 2008, the judges of Pre-Trial Chamber I confirmed charges of war crimes and crimes against humanity against Germain Katanga and Mathieu Ngudjolo Chui.



Following the confirmation of charges, on 24 October 2008, the Presidency of the ICC constituted Trial Chamber II and referred the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* to it for the conduct of the subsequent phase of proceedings: the trial.

On 31 August 2009, Trial Chamber II decided to postpone the date for the commencement of the trial to 24 November 2009. The trial was initially scheduled to start on 24 September 2009.

Participation of victims

The judges granted 363 victims the right to participate in the proceedings in the case of *The Procureur v. Germain Katanga and Mathieu Ngudjolo Chui*.

Composition of Trial Chamber II

Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert.

Representation of the Office of the Prosecutor

Luis Moreno Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor
Eric MacDonald, Senior Trial Lawyer

Defence Counsel for Germain Katanga

David Hooper
Andreas O'Shea
Caroline Buisman

Defence Counsel for Mathieu Ngudjolo Chui

Jean-Pierre Kilenda Kakengi Basila
Jean-Pierre Fofé Djofia Malewa

Legal representatives of victims

Fidel Nsita Luvengika
Jean-Louis Gilissen