



QUESTIONS & ANSWERS ON PROCEEDINGS BEFORE TRIAL IN THE CASE OF THE PROSECUTOR V. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI AT THE INTERNATIONAL CRIMINAL COURT

Why are Germain Katanga and Mathieu Ngudjolo Chui before the ICC?

Katanga and Ngudjolo are two warlords from the DRC suspected of having committed war crimes and crimes against humanity in an attack on the village of Bogoro, in the Congolese district of Ituri, in February 2003. Germain Katanga is the alleged top commander of the Force de Résistance Patriotique en Ituri (FRPI), a militia composed mainly of the Ngiti and Lendu ethnic groups. Ngudjolo led the Front des Nationalistes et Intégrationnistes (FNI), a militia formed by other Lendu people. In early 2003, both militias formed the FNI/FRPI alliance. In 2004, at the request of the DRC, the Prosecutor opened an investigation into crimes committed in that territory since 2002. In July 2007, the Court issued arrest warrants for both suspects.

What crimes will the suspects stand trial for?

On September 30, 2008, Pre-Trial Chamber I decided that the OTP had presented enough evidence to try Katanga and Ngudjolo as co-perpetrators acting together in the attack on Bogoro for the following crimes against humanity and war crimes: (1) using children under the age of 15 to take active part in the hostilities; (2) directing an attack against the civilian population; (3) willful killing and murder; (4) destruction of property; (5) pillaging; (6) and rape and sexual slavery.

What steps did the ICC take before Katanga and Ngudjolo could be brought to trial?

In order to move forward to trial, Pre-Trial Chamber I examined the Prosecutor's evidence and confirmed the charges against Katanga and Ngudjolo during hearings held in June and July 2008. In addition, this Chamber resolved other preliminary questions concerning witnesses, evidence and motions, such as the challenges submitted by both Defense teams to the evidence of the Prosecution. Before the trial begins, the parties can also challenge the jurisdiction of the Court and the admissibility of cases; Trial Chamber II heard an admissibility challenge from the Defense for Katanga.

Why did Trial Chamber II dismiss the challenge to admissibility submitted by the Defense of Katanga?

On June 12, 2009, Trial Chamber II dismissed the Defense for Katanga's challenge to the admissibility of the case because it was not submitted in time and because it concluded that the DRC government was not willing to try the case against him. The Defense for Katanga argued that there had already been legal proceedings brought against Katanga before the courts in the DRC for similar charges as the ones claimed by the Prosecution at the ICC. The Chamber determined that DRC authorities had not opened any investigations on the involvement of Katanga in the attacks on Bogoro and that the DRC wanted the Court to investigate and try Katanga.

What happens now?

Trial Chamber II decided that Katanga and Ngudjolo will remain in the Court's custody. Since the charges have already been confirmed, the trial is set to start on November 24, 2009.

For more information, visit <http://www.amicc.org/docs/KatangaandNgudjoloCC.pdf>

*Researched and drafted by Ana Gómez Rojo
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