



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

10 - 14 OCTOBER 2011

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 Force de résistance patriotique en Ituri (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 Front des nationalistes et intégrationnistes (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"> 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.
Participants	365 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen	
Start of Trial:	24 November 2009	

This week, Germain Katanga continued giving testimony in his own defence.

10 October 2011

The Defence of Mr. Katanga continued its examination-in-chief of Mr. Katanga

During examination-in-chief by the Defence of Mr. Katanga, Mr. Katanga testified on:

- **Military Positions:** Mr. Katanga testified that an Etat Major was created, and set up as follows:
 - o Mr. Kisa was to be Chief of Staff, Mr. Katanga was to be Deputy Chief of Staff;
 - o There were several Military Sectors divided geographically, namely: North, South, East and West.
 - o The military groupings were divided as follows, from largest to smallest:
 - Sectors
 - Brigades
 - Battalions

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 - Mr. Katanga further testified that he, as Deputy, was in charge of administration and administrative issues. Furthermore, it became apparent that Mr. Ngudjolo was supposed to occupy the position of Katanga.
- **May 2003 Operation in Bunia:** According to Mr. Katanga, he and his comrades were all active in Bunia, checking the advance of the UPC¹. After the May 2003 operation², the relationship between the FNI³ and the FRPI⁴ deteriorated, since the FNI abandoned the operation.
- **Relationship with Mr. Ngudjolo:** Mr. Katanga testified that Mr. Ngudjolo and himself generally disagreed amongst themselves.
- **Title of Mr. Katanga:** Mr. Katanga testified that while he did not refer to himself as such, the people called him President, or President of the Combatants.
- **Refugees:** Mr. Katanga testified that there were many Hema refugees amongst those who escaped from Bogoro. These Hema refugees were protected and not turned away when they arrived at Aveba.
- **Child Soldiers:** Mr. Katanga testified that if there was a surprise attack by the UPC, children would be present in the bases and encampments of the APC, due to the fact that there were many families present in those bases. Furthermore, there were children present at the BCA camp⁵. However, according to Mr. Katanga, children were not authorized to go to the battlefield. Mr. Katanga also denied that children participated in the attacks on Bogoro .

11 October 2011

The Defence of Mr. Katanga and Mr. Ngudjolo concluded their examination-in-chief of Mr. Katanga. The Prosecution began its cross-examination of Mr. Katanga

- **Nyakunde and Sangolo:** Mr. Katanga testified that there were Lendu-Ngiti fighters in both the Nyakunde and Sangolo conflicts in 2002 and 2003. The conflict included the UPC against the APC⁶ and the Lendu-Ngiti fighters. Furthermore, Mr. Katanga testified that during the conflicts, civilians, including women, children, and the elderly, were killed. However, Mr. Katanga could not give an accurate representation of the number of civilians killed.
- **Bunia Road:** Mr. Katanga testified that on December 2002, the UPC, MLC⁷, and

¹ UPC: Union des Patriotes Congolais, a militia composed almost exclusively of ethnic Hema.

² Also known as Operation Artemis, where several EU nations took part in an incursion on Bunia, accompanied by MONUC, the UN peacekeeping mission in the DRC

³ FNI: Nationalist and Integrationalist Front: militia composed of Lendu, active in the Ituri region and fought against the Hema.

⁴ FRPI: de Résistance Patriotique d'Ituri. English: The Front for Patriotic Resistance of Ituri, is a Beni-based armed militia and political party in the Ituri Province of northeastern Democratic Republic of the Congo, of which Germain Katanga was the alleged commander

⁵ BCA Camp: Bureau of the Aveba Combatants camp, where Germain Katanga allegedly lived in Aveba

⁶ APC: *Armée du Peuple Congolais*, was the armed forces of the RCD-K/ML (Congolese Rally for Democracy - Liberation Movement) which until 2002 claimed to be the political and administrative authority throughout Ituri and North Kivu province

⁷ MLC: Movement for the Liberation of the Congo.

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NRCP occupied the Bunia road.

- **Bogoro Attack on 24th February 2003:** Mr. Katanga denied having taken part in the Bogoro attack, claiming to have been in Aveba at the time. Furthermore, he alleged that the Bogoro attack was planned and implemented by the APC, who controlled the APC soldiers and local combatants [Mr. Katanga made the distinction that the local combatants were civilians who took up arms to fight with the APC].
- **Leaders of the Bogoro Attack of 24th February 2003:** Mr. Katanga also alleged that Blaise Koka and Garimbaya, who stopped at Kagaba initially to restock their supply of arms and ammunitions, led the attack. Mr. Katanga also noted that he could not join the Bogoro attack because he had to remain behind and protect the ammunitions store in Aveba.
- **Bogoro Attack of 10th February 2003:** Mr. Katanga testified that the attack on the 10th of February on Bogoro was disastrous, since Katanga's forces suffered heavy losses and had many casualties. Originally a reconnaissance mission, the attack turned very violent as UPC soldiers in Bogoro escalated the violence. Mr. Katanga and the other his soldiers retreated in order to regroup.

12 October 2011

The Prosecution continued its cross-examination of Mr. Katanga.

During examination-in-chief by the Prosecution, Mr. Katanga provided insight on:

- **Child Soldiers:** Mr. Katanga testified that while there were no child combatants per se, children were given arms in order to benefit from the demobilization process. Children who were given AK-47s accompanied the elder combatants to the transit center in order to demobilize and hand in the arms. Using this rhetoric, they deemed it best to characterize them as 'child soldiers'. Furthermore, Mr. Katanga mentioned that the only reason children were in the BCA encampment in the first place was because they were with their families - no child was given military training and thus could not be considered as a 'combatant'. Mr. Katanga also made the claim that they were uninformed about the demobilization procedure, so any mistake made could not have been their fault.
- **Brigades:** Mr. Katanga testified that he was responsible for a brigade in the Southern region of the DRC, which consisted of approximately 3000 men, hence he held the status of Brigadier-General at the age of 26.
- **Combatants:** Mr. Katanga testified that within the combatants of the FRPI and the APC were farmers who were given military training, and a small number of female soldiers.
- **Ugandan Forces:** The Hema population supported the Ugandan forces. However, there was mutiny within the APC, but this did not lead to the soldiers joining Thomas Lubanga, who was the President of the UPC.
- **Nyakunde Battle:** Mr. Katanga testified that he was not present during the battle of Nyakunde in 2002. This was mostly due to problems amongst the leaders of the APC. Mr. Katanga before, thus they were only reciprocating the same treatment.

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13 October 2011

The Prosecution continued its cross-examination of Mr. Katanga

During cross-examination by the Prosecution, Mr. Katanga provided insight on:

- **Attack on Bogoro on 10 February 2003:** The APC was pushed back before gaining any control over Bogoro. Mr. Katanga could not give any information on the situation of the civilian population in Bogoro at this time. Blaise Koka and combatants from Kagaba and Aveba allegedly participated in this attack.
- **Ngiti Soldiers:** Mr. Katanga testified that there were Ngiti soldiers present in the attack on Bogoro on the 24th.
- **Death of Civilians:** Mr. Katanga testified that while there were civilians who were killed in Bogoro on both occasions, he could not confirm the exact number of civilian deaths. He claimed that the APC was a professional army and thus did not target civilians as such, but rather their deaths came as collateral damage during the crossfire.

14 October 2011

The Prosecution concluded its cross-examination of Mr. Katanga and the Legal Representative for Victims began its cross-examination.

During cross-examination by Maitre Gilissen (LRV) Mr. Katanga testified on:

- **APC Status:** Mr. Katanga testified that after the Ugandans left Bunia in 2003, the APC was left to take control over the town, as they were the only professional army in the area.
- **Presence of Children:** According to Mr. Katanga while being questioned by the Legal Representative of Victims, children were in the camp as part of the families. However, Mr. Katanga testified that he did not see any children bearing arms in the camps.

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