



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

12 - 16 SEPTEMBER 2011

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| <p>Situation Case</p> | <p>Democratic Republic of Congo 01/04-01/07 The Prosecutor vs. Germain Katanga and Mathieu Ngudjolo Chui</p> | <p><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).</p> |
| <p>Hearing: Chamber:</p> | <p>Trial Proceedings Judge Bruno Cotte (Presiding Judge), Judge Fatoumata Dembele Diarra, Judge Christine van den Wyngaert</p> | <p><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).</p> |
| <p>Parties:</p> | <p>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;</p> | <p>Alleged crimes: <u>Germain Katanga and Mathieu Ngudjolo Chui</u> allegedly jointly committed, through other persons:</p> <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. |
| <p>Participants</p> | <p>365 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen</p> | |
| <p>Start of Trial:</p> | <p>24 November 2009</p> | |

This week five witnesses gave their testimony.

Witness 88, Mr. Gabu Mandro Emmanuel also known as 'Chief Manu' (4th witness for the Defence of Mathieu Ngudjolo), was the Chief of the Bedu Ezekerie Groupement between 2001 and 2005.

Witness 100, (5th witness for the Defence of Mathieu Ngudjolo), is the father of a child whose pseudonym was Buduan who previously testified before the Court.

Witness 410, Mr. Ngabu Gokpa Isakara (6th witness for the Defence of Mathieu Ngudjolo), is a pastor at the Seca 20 Church in Bogoro.

Witness 963, Ms. Jean Mariana (7th witness for the Defence of Mathieu Ngudjolo), is a midwife at the Kambutso Health Center.

Witness 965, Mr. Richard Longa Linkiukpa (8th witness for the Defence of Mathieu Ngudjolo), is a crop farmer in the Bedu Ezekerie Groupement.

12 September, 2011

The Defence of Mr. Katanga questioned Witness 88. The Defence of Mr. Ngudjolo commenced and concluded its re-examination. Witness 100 sworn in. The Defence of Mr. Ngudjolo started its examination in chief.

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During questioning by Mr. Katanga Defence Team, Witness 88 gave testimony on:

- **The attack on Bogoro:** The witness testified that on the last day of the attack there was fog all around and he could not see what was happening.

Witness 100 then sworn in. During examination-in-chief by the Ngudjolo Defence Team, the witness testified on:

- **Buduan's¹ activities during the relevant period²:** The witness alleged that his son Buduan did not stay with his family in Zumbe but that he lived in the Walendu Bindi collectivity.
- **Buduan not working for Mr. Ngudjolo:** The witness stated that during the relevant period, Buduan was not involved in anything else apart from his studies and farm work and was not working for Mr. Ngudjolo.

13 September, 2011

The Defence of Mr. Ngudjolo completed its examination-in-chief of witness 100. The Prosecution commenced and concluded its cross-examination of witness 100.

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

- **Buduan's movements after 2003:** The witness stated that in 2006 Buduan disappeared. It was in 2009 that the witness discovered that Buduan had given testimony for the ICC Prosecutor.
- **The witness' relationship with Mr. Ngudjolo's family and the return of Buduan:** The witness stated that once it was revealed that Buduan was giving testimony for the ICC Prosecutor a harsh conflict took place between his and Mr. Ngudjolo's families.
- **Witness urged to testify for Ngudjolo:** Pastor Lopa³ allegedly told the witness that things could improve if he were to testify for Mr. Ngudjolo.
- **Buduan changed following testimony:** According to the witness, when Buduan finally came back to his house he was radically changed and had become aggressive and behaved like a soldier.

During cross-examination by the Prosecution, the witness gave testimony on:

- **Mr. Lopa Koli's involvement in the case:** The witness stated that Mr. Lopa Koli played a paramount role in resolving the conflict between his and Mr. Ngudjolo's families.
- **Witness' meetings with Mr. Lopa Koli:** The witness testified that Mr. Lopa Koli was the first person who told him about his son testifying before the ICC. The witness testified about several meetings with Mr. Lopa Koli, the last of which took place in May 2011 where the witness was asked to testify in the Hague.
- **Travel to Kinshasa:** The witness stated that in July 2011 he travelled to Kinshasa with Mr. Lopa Koli and stayed there for a month. Once in Kinshasa, the witness stated that he had no further contact with Mr. Ngudjolo's Defence Team.

¹ Buduan: pseudonym of a child who had previously witnessed for the OTP in the present case.

² Relevant period': it is the period which is relevant to the case as related to the facts and events on which the charge against the two accused is focused. The period goes from around August 2002 to April 2003

³ Pastor Lopa: also known as Mr. Lopa Koli, investigator for Mr. Ngudjolo Defence Team.

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- **Mr. Jean Logo's⁴ intervention:** The witness testified that he knew that his son was testifying not only against Mr. Ngudjolo but also against Mr. Katanga, only after his meeting with Mr. Jean Logo.

At the end of his testimony the witness asked the Chamber for compensation for the damages allegedly provoked by some unidentified OTP staff members to the psychological state of Buduan. Presiding Judge Cotte answered that this was not an issue which could be decided at the current stage of the proceeding.

14 September, 2011

Witness 410 sworn in. The Defence of Mr. Ngudjolo commenced and completed its examination-in-chief and the Prosecution began and ended its cross-examination. A Legal Representative for Victims (LRV) then questioned the witness.

During examination-in-chief by the Defence of Mr. Ngudjolo, the witness provided insight on:

- **The security situation in the Bedu Ezekerie Groupement:** The witness stated that during the relevant period he was in Katoni working as an assistant to another Pastor.
- **Attack on Bogoro:** The witness stated that he heard from other sources about an attack that took place in Bogoro but that he could not provide any further details as he was not personally present, furthermore, it was difficult to know what was going on as travelling had become extremely dangerous once the disturbances started.
- **The witness relationship with Mami's father⁵:** The witness alleged that Mami's father had asked him to help with the construction of his house in Bogoro. They talked about the security situation at the time.

During cross-examination by the Prosecution, the witness gave clarification on:

- **Meeting with Mr. Lopa Koli:** The witness stated that at the end of 2010, Mr. Lopa Koli came to visit him and told him that his name had been mentioned by Mami's father in the case against Mr. Ngudjolo and that he would have to give testimony on the Bogoro attack.
- **No discussion of testimony:** According to the witness, Mr. Lopa Koli had mentioned to him the statement of Mami's father but they did not talk about his upcoming testimony or any other details. The witness stated he knew Mr. Lopa Koli since he was a child but that they were not friends.

15 September, 2011

Witness 963 sworn in. The Defence of Mr. Ngudjolo commenced and completed its examination-in-chief and the Prosecution began and ended its cross-examination.

During its examination-in-chief by the Defence of Mr. Ngudjolo, the witness provided insight on:

⁴ Jean Logo is the 'person of resource' (possibly an intermediary) for the Defence of Mr. Katanga.

⁵ 'Mami's father' had allegedly warned the witness about the attack on Bogoro

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- **The Kambutso Health Centre:** The witness stated that the Kambutso Health Centre was established during the war and that Mr. Ngudjolo was among the personnel working there. The witness stated that Mr. Ngudjolo left the Health Centre after the attack of Bunia in March 2003.
- **24th February 2003⁶:** The witness stated that on that night she was at the Health Center when a woman arrived who was in labour. The witness called Mr. Ngudjolo who helped her from 4am until 6am and then stayed in the hospital for the whole day.

During cross-examination by the Prosecution, the witness gave testimony on:

- **The witness meeting with the Defence Team:** The witness stated that Mr. Lopa Koli came to visit her with a team of lawyers. The witness stated that she could not recall the content of that conversation.
- **Witness familiarity with dates:** In challenging an assertion by the Prosecutor, the witness confirmed that she could not remember any dates, but she was certain about the 24th of February as she heard gun fire and noises the whole morning.

16 September, 2011

The Defence of Mr Ngudjolo commenced its examination-in-chief of Witness 965 and the Prosecution commenced its cross-examination.

During examination-in-chief by the Defence of Mr Ngudjolo, the witness provided insight on:

- **The Occupation of Mr Ngudjolo:** The witness testified that Mr Ngudjolo was a nurse, and helped deliver the witness' child.

During examination-in-chief by the Prosecution, the witness provided insight on:

- **Knowledge of other witnesses:** The witness alleged that he had come into contact with Pastor Lopa, who informed the witness on the other witnesses for the defence, such as Mr Gabu Mandro Emmanuel 'Chief Manu', Likpa Gustav, Pastor Isakara, and others. The witness also alluded to having prior knowledge of the other witnesses' testimonies.
- **Reason for attending trial:** The witness alleged that he came to testify for Mr Ngudjolo out of respect and fear. However, the witness claimed that he did not attend the trial by force, rather by consent.
- **The Occupation of Mr Ngudjolo:** The witness alleged that he had knowledge of Mr Ngudjolo's position as Colonel of the APC⁷.

⁶ Date of the alleged attack on Bogoro

⁷ 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.

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