



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

13 - 17 JUNE 2011

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

This week one witness gave testimony.

Witness 148 (14th witness for the Defence Germain Katanga), who testified with protective measures, was a combatant within the Ituri militia and had participated in the Bogoro attack.

13 June, 2011

The Prosecution completed its cross-examination of witness 148. The Legal Representatives for Victim's (LRV) questioned witness 148.

During his cross-examination by the Prosecution, witness 148 provided insight on:

- **Attack on the hospital in Nyakunde:** There was a conflict between Commander Kandro and Commander Cobra on whether or not to attack the hospital. The witness stated he was not part of the attackers and that he did not see any bodies of civilians in Nyakunde.
- **After the attack on the hospital in Nyakunde:** After the attack on the hospital, Commander Cobra's men looted the hospital's medical supplies. Kandro objected. Commander Kandro was killed by Commander Cobra and the

This is an informal and unofficial summary of the trial hearings. Whilst every effort has been made to ensure accuracy, the CICC is not responsible for any omissions or inaccuracies contained within the following summary, which is provided for informational purposes only. Please do not forward without prior consultation with CICC staff.

Commander Cobra's men allegedly 'went after' Commander Kandro's men. The witness indicated he has difficulties remembering dates.

- **Ammunition:** The witness testified that after Katanga went to Beni, munitions started to arrive in Aveba from there. The witness testified that he himself did not see any munitions being brought into Aveba but he was told this had happened. The witness also indicated he did not see any combatants coming to Aveba to collect munitions.
- **Attack on Bogoro:** When the attack on Bogoro started the city was not closed off completely, civilians were able to enter or leave. The witness explained that he was a combatant himself and he was present during the attack on Bogoro. Although the witness stated he did not see any civilians killed he did testify that he saw the corpses of civilians after the battle. The witness also alleged that civilians had been massacred by machete in a school in Bogoro.
- **Burning and looting:** The witness testified that he had seen burnt houses in Bogoro but he did not know whether civilians were killed in these fires. After the attack, Bogoro was allegedly pillaged, and people were allegedly raped by the witness' group. The witness testified that raping and looting were not allowed but some of the men ignored these orders.
- **MONUC:** The witness remembered a MONUC¹ visit but stated he could not recall whether MONUC was denied access to Bogoro nor could he recall the purpose of the MONUC visit.

During questions posed by Maître Nsita Luvengika of the Legal Representatives of Victims, the witness provided insight on:

- **"Attackers'" reaction to civilians:** The witness could not elaborate on the "attackers'" reaction to civilians as he did not see any civilians except during the fifth attack on the school in Bogoro.

14 June, 2011

The Defense commenced a redirect examination of witness 148.

During his redirect examination by the Defense, witness 148 provided insight on:

- **Dr. Raymond:** The witness stated he had no knowledge of "Dr. Raymond's"² medical training. The witness often shuttled between Kagaba and Bogoro.
- **Attack on Bogoro:** Bogoro was allegedly attacked and occupied by four companies of Ngiti fighters. The witness testified there were no other fighters involved.
- **Command structure:** Bayonga³ called men to Tchey⁴ where he would appoint some of them to FRPI⁵ positions. Amongst the men to be appointed was Yuba. Bayonga appointed him and several others to command a battalion.
- **Katanga as President of FRPI:** Katanga was appointed as president of the FRPI

¹ MONUC: Mission de l'Organisation des Nations Unis en République Démocratique du Congo, the UN's Peacekeeping mission in the DRC in operation since 1999.

²Dr. Raymond is a traditional witchdoctor, as to his identity we have no other information.

³Bayonga was mentioned by another witness (P28, OTP's 22nd witness) on 18 November 2010, Bayonga was described as an old man everyone had respect for

⁴Tchey: a locality south of Bunia, the Ituri province capital.

⁵FRPI: Ituri Patriotic Resistance Force, a militia comprised of mostly ethnic Ngiti.

This is an informal and unofficial summary of the trial hearings. Whilst every effort has been made to ensure accuracy, the CICC is not responsible for any omissions or inaccuracies contained within the following summary, which is provided for informational purposes only. Please do not forward without prior consultation with CICC staff.

but whether this was before or after the attack on Bogoro remains unclear as the witness could not recall the date or period.

- **Pillaging:** The witness testified that not all houses in Bogoro were pillaged after the battle because the combatants lived in some of the houses in the period after the battle.

Judge Cotte asked the witness if there were child soldiers in Kagaba or elsewhere.

- **Child soldiers:** The witness replied he could only answer the question regarding child soldiers in Kagaba. He alleged that he knew of five child soldiers in the Kagaba camp but added that Commander Yuda objected to child soldiers.

The Defense continued its redirect examination and the witness elaborated on:

- **Fetishes:** The witness testified his group was handed out “fetishes”⁶ before the fifth attack on Bogoro. This was a custom in the group. Certain conditions were attached to receiving the fetishes; sexual intercourse was prohibited prior to fighting, stealing and raping were also prohibited.
- **Commander Yuda and Commander Dark ordered attack:** The witness alleged that it was Commander Yuda and Commander Dark that had called for an attack on Bogoro. Yuda made an inciting speech on the eve of the attack. According to the witness, the only objective set by the Commanders was to capture Bogoro.

15, 16 & 17 June 2011 - No Hearings

⁶Fetish derives from the French word “fétiche” and is an object believed to possess supernatural powers. This is an informal and unofficial summary of the trial hearings. Whilst every effort has been made to ensure accuracy, the CICC is not responsible for any omissions or inaccuracies contained within the following summary, which is provided for informational purposes only. Please do not forward without prior consultation with CICC staff.