



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

18 - 22 APRIL 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, **Witness 228 (3rd witness for the Defence of Germain Katanga)**, began giving his testimony.
 Witness 228, **Mr. Pierre Célestin Mbodina Iribi (also known as *Pichou*)** is an alleged leader from the Ngiti ethnic group, and has held several high ranking positions in the FRPI¹. He was arrested in 2005 and is currently detained in the DRC. Witness 228 provided insight on the different rebel and state-supported groupings allegedly involved in the attack on Bogoro.

18 April, 2011
 Witness 228 sworn in and the Defence of Mr. Katanga began its examination-in-chief.
 The witness provided insight on:

- **General Timeline of Events:** the witness testified he became a member of the ANR, the national intelligence agency under the authority of the Presidency. After the RCD-GOMA² took control over eastern Congo in 1998, the ANR

¹ The *Forces de Résistance Patriotique d'Ituri*, (FRPI). 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.

² Goma faction of the rebel group 'Rally for Congolese Democracy'

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changes its name to ACR and was placed under the authority of RCD-KML³. Over time, the witness was promoted to several higher positions, until finally became the director in charge of intelligence.

- **The FLC Alliance:** the witness testified that the FLC was a grouping of rebel movements which led by the MLC and included the RCD-KML, the UPC and others.
- **The FRPI:** The witness indicated that the FRPI was an initiative taken by refugees coming from Bunia, Mongwalo, and other places, who wanted to form a resistance organization to mainly coordinate efforts. When the FRPI was founded, it had no military structure.
- **Links between the FRPI and the RCD-KML:** The RCD-KML assigned military missions to FRPI individuals who had already been collaborating with the RCD-KML. The witness then testified that the same applied to missions assigned later on by EMOI.⁴ The witness testified that it was only after the process for the pacification of Ituri was initiated, attempts were made to bring the Lendu commanders all together and organize a military structure to the FRPI.
- **The FNI:**⁵ the witness testified that the initiative to create the FNI came from the Lendu prominent figures who met in Pandroma. These prominent figures were pressured by the Ugandan authorities to oppose Mr. Lubanga's UPC and to get involved in negotiations. The witness then indicated that even though the FRPI and the FNI were two separate organizations, they maintained regular contacts.
- **EMOI:** the witness testified that EMOI was a military structure based in Beni that was set up by and under the authority of the Kinshasa Government. At that time, the Kinshasa Government had initiated political relations with the RCD-KML block the advance of the MLC and RCD-GOMA. The witness indicated that EMOI had provided strategic support, ammunitions, logistics, trainers and soldiers.

19 April, 2011

The Defence of Mr. Katanga concluded its examination-in-chief of witness 228.

The witness provided insight on:

- **The Attack on Bogoro:** The witness testified that EMOI had sent several officers with the assignment of organizing the troops in Aveba and its surroundings, as well as to prepare the attack on Bogoro. The witness himself did not participate in the attack, but indicated that there was no conventional strategy to the attack and people from several locations simply met up and attacked Bogoro. The witness testified that Mr. Katanga did not take part in the attack, but had only arrived there one day later. Furthermore, he indicated that Mr. Katanga was not accepted or respected by the local

3 The RCD-Kisangani-Movement for Liberation (RCD-K/ML) now known as The Forces for Renewal (French: Forces du Renouveau) is a political party in the Democratic Republic of Congo. The party originated as a breakaway faction of the rebel Rally for Congolese Democracy (RCD).

4 Etat-Major Opérationnel Intégré (EMOI). In English: The 'Integrated Operational Head Command'.

5 Front des Nationalistes et Intégrationnistes ('FNI'). English: The Nationalist and Integrationist Front. Is a Lendu rebel group active in the Ituri conflict in Ituri, Democratic Republic of the Congo, of which Mr. Ngudjolo Chui was the alleged leader.

commanders in that area, because he was regarded as a stranger. Finally, the witness testified that Uganda did not play any direct role in the attack.

- **Child Soldiers in Aveba:** the witness indicated that the FRPI was not an army and did not have any recruiting or training centers. If persons under the age of 18 were among the troops, it was only because these were people who independently took up arms and joined the troops for their own safety. The witness then testified that there were no soldiers under the age of 18 in Aveba.

Current detention of Witness 228 in the DRC

At the end of its examination-in-chief by the Defence of Mr. Katanga, the witness has raised the issue of his alleged illegal detention in the DRC. The witness indicated that he had been detained since 2005, and the last time he had been brought before a judge was in 2007, for the purpose of extending his detention (which is by now overdue). The witness explained that there are no proceedings against him, and has requested the Chamber to take note of his current situation. The Chamber conveyed to the witness that it has no jurisdiction to assess the conditions under which he is being detained in the DRC.

20 April, 2011 - The Prosecution began its cross-examination of witness 228.

The witness provided insight on:

- **Civilian Presence in Bogoro:** the witness testified that he had heard some information suggesting that people were killed in Bogoro, but said he relied on a statement made by the Minister for Human Rights indicating these were soldiers. Additionally, the witness indicated that Bogoro had been the target of two previous attacks (on January 2001 and August 2002), and therefore at the time he assumed that the civilian population had already fled the village before the attack in February 2003, and those who remained were either UPC soldiers or their accomplices.
- **Links between the FNI and FRPI after Bogoro:** the witness testified that it was only in Kampala (chronologically after the Bogoro attack) that the FRPI had started to be referred to as the armed wing of the FNI.

21 April, 2011

The Prosecution concluded its cross-examination of witness 228, the LRVs presented their questions, and the Chamber put several questions to the witness.

The witness provided insight on:

- **Cooperation between the Lendu Combatants and the RCD-KML:** the witness explained that the RCD-KML had been driven out of Bunia by the UPC and the Ugandans. The RCD-KML was determined to regain control over Bunia, and was eventually able to do that thanks to the cooperation between the Lendu local combatants and the RCD-KML.

During questions presented by the Legal Representatives for Victims, the witness provided insight on:

- **Child Soldiers in Aveba:** the witness confirmed the existence of a demobilization site in Aveba. He indicated that at the time, the FNI/FRPI had

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participated in several meetings with human rights agencies, and finally when the process of demobilization and reconciliation was initiated (as part of the work of the Ituri Pacification Commission), several locations for demobilization were identified - one of which was Aveba. However, the witness indicated that the presence of demobilization sites in these locations, does not imply that there were child soldiers in these places, and cannot be considered as confirming that there were child soldiers in these locations.

During questions presented by the Chamber, the witness provided insight on:

- **Meetings of Operations Planning:** the witness testified that there were several meetings held at EMOI facilities. He then referred to one particular meeting, where colonel Aguru presented a map of Ituri and discussed ways in which they could regain control over the region. The witness was however not invited to meeting where strategy was discussed and secret information was presented. The witness then indicated that the people who participated in those meetings included the general staff of EMOI and some representatives of the local combatants in the area. He then added that people like Mr. Katanga and Mr. Ngudjolo indeed maintained contacts with EMOI in Beni.
- **Planning the Bogoro Attack:** the witness testified that in one of the meetings with EMOI, a map was presented for the purpose of locating Bogoro and identifying various pathways. The witness indicated he was not aware of the number of UPC soldiers which were located in Bogoro, and that the issue of civilians was not raised during that meeting. He then explained that there were formal instructions to ensure that massacres of this type will not happen, but the witness could not confirm whether these instructions have reached field level. Lastly, the witness testified that the participants in the attack simply invited themselves and joined the attack. There was no conventional strategy of gathering combatants.

22 April 2011 - No hearing
