



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

2 - 6 MAY 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"> <li>o Crimes against humanity: Murder, sexual slavery and rape;</li> <li>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.</li> </ul>
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 three witnesses gave testimony.

**Witness 228 (3<sup>rd</sup> witness for the Defence of Germain Katanga)** 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 FRPI<sup>1</sup>. He was arrested in 2005 and is currently detained in the DRC.

**Witness 351 (4<sup>th</sup> witness for the Defence of Germain Katanga)** Mr. Manda Charif: Was a high-ranking officer in the FRPI. The witness is currently detained in Kinshasa. Prior to his arrest, he served as the coordinator of a political military movement fighting against injustice in Ituri.

**Witness 176 (5<sup>th</sup> witness for the Defence of Germain Katanga):** Is a former UPC<sup>2</sup> soldier who was located in Bogoro at the time of the attack on 24 February 2003 who testified under protective measures.

<sup>1</sup> 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.

<sup>2</sup> The *Union des Patriotes Congolais*, (UPC). English: The Union of Congolese Patriots is an armed Hema rebel group active in Ituri, northeastern Democratic Republic of the Congo during the Ituri conflict.

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**2 May, 2011**

Witness 228 finished giving his testimony and indicated his intention to apply for political asylum. Witness 351 was sworn in and the Defence of Mr. Katanga began its examination-in-chief.

Mr. Mbodina Iribi (witness 228) informed the Court that he had **applied for political asylum**. The witness explained that when an intelligence officer provides information to others who are not part of the intelligence service, he practically risks his life. He then indicated that unless additional measures are taken by the Court, his life would be in danger in the DRC.

During its examination-in-chief by the Defence of Mr. Katanga, Witness 351 provided insight on:

- **FRPI:** the witness testified that the FRPI was created around 24 December 2002. Mr. Mbusa was the President of the RCD-KML<sup>3</sup> at the time, and he wanted to form an organization that would replace the APC on the ground.
- **EMOI:**<sup>4</sup> the witness testified that EMOI was a structure sent by the Kinshasa Government with the objective to liberate the eastern part of the Congo. The witness had attended several EMOI meetings where future operations were discussed. He then explained that the commanders from the Ituri region would come to Beni to participate in the meetings.
- **FNI:**<sup>5</sup> The witness indicated that the FNI was established after the FRPI.
- **The attack on Bogoro:** The witness was in Beni when the attack took place. He indicated that when the preparations were taking place in Beni, these were preparations for a battle in Bunia, and not Bogoro. However, in order to reach Bunia, the attackers would have to pass through Bogoro.
- **Village Resistance movements:** The witness then explained that each village was responsible for its own resistance. Every group/village was autonomous, and Mr. Katanga was responsible for Aveba.
- **Katanga as 'President':** The first time the witness had heard people referring to Mr. Katanga as "President" was only later on, at the time when Katanga was arrested.

The Defence of Mr. Ngudjolo did not have any questions for this witness.

**3 May, 2011**

The Prosecution commenced its cross-examination of witness 351, and the Chamber presented its questions to the witness.

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<sup>3</sup> 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).

<sup>4</sup> Etat-Major Opérationnel Intégré (EMOI) English: The 'Integrated Operational Head Command'.

<sup>5</sup> *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.

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

- **The Attack on Bogoro:** the witness testified that he had learned of the planned attack while in a meeting between 20 - 25 December 2011 with Mr. Mbusa in Beni. He insisted that the attack was prepared for Bunia, and not Bogoro.

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

- **Creation of the FRPI:** The FRPI was created between 20-25 December 2002. The witness indicated that it was Mr. Mbusa who established this movement in an attempt to replace the APC<sup>6</sup> on the ground in Ituri. The witness explained that this took place after the MLC, UPC and APC had agreed to stop fighting in Ituri. Mr. Mbusa (who was unwilling to give up the control over the region) had attempted to disguise his forces, so that Mr. Bemba would think he had a new enemy to fight in Ituri.
- **Change of name and uniform:** For this purpose the name and uniforms had changed (from APC to FRPI).
- **Commanders unchanged:** The witness indicated that following the changes, the commanders had not been changed or replaced at all.
- **EMOI meetings:** the witness testified that he had attended a number of EMOI meetings that took place in Beni towards the end of 2002. During those meetings, Colonel Aguru had promised them that the Kinshasa Government would support the FRPI and stressed that they had to recover control over the Ituri region.
- **Need to Regain Control of Bogoro:** The witness explained that in the EMOI meetings, Colonel Aguru discussed the need to regain control over some strategic areas located on the way to Bunia - including Bogoro - that were at the time controlled by the UPDF and the UPC. These instructions were military and strategic by nature.
- **Instructions Not to Attack Civilians:** The witness stressed that instructions were given that civilians should not be attacked.

4 & 5 May, 2011  
No hearing

6 May, 2011

Witness 176 was sworn in and Mr. Katanga's defence commenced its examination-in-chief. A large part of his testimony was given in private session.

During the open session, during the Defence of Mr. Katanga's examination-in-chief, the witness provided insight on:

- **The Witness' Position and Location during the Attack on Bogoro:** The witness had been a UPC soldier and was located in Bogoro at the time of the attacks of February 2003.

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<sup>6</sup> Congolese Popular Army (APC): Was the army of the Congolese Rally for Democracy - Liberation Movement (RCD-ML) group.

- **The School and Military Layout of Bogoro:** the witness described the layout of the camp, indicating that a school building was located at the entrance to the camp. The witness however stressed that the school building was not used by the UPC at the time. The witness then testified that the weapons and ammunition were kept in a different building, which served as an office. Finally, the witness mentioned several surveillance positions and outposts the UPC had occupied in the vicinity.
- **The Attacks on Bogoro:** the witness testified that during February 2003, the village of Bogoro was attacked twice.
- **First Attack on Bogoro:** In the first attack on 10 February, the UPC soldiers were able to defeat the attackers and force them away.
- **Second Attack on Bogoro:** The witness indicated that at the time of the second attack on 24 February, there had been approximately 130 UPC soldiers located in Bogoro. He then pointed out that since they knew that a second attack was about to take place, they asked families to leave. The witness alleged that the attackers had entered the UPC camp located in Bogoro, and killed all the soldiers and civilians who were present at the camp.

The Court then adjourned until **Monday, 9 May 2011**.

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