



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY
MARCH 21ST - MARCH 25TH 2011

<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 Trial Chamber II: 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, **Witness 136 (the 1st Defence Witness of Mr. Germain Katanga)** gave testimony.
Witness 136, Mr. Jonathan Dubatzu, is Germain Katanga's younger brother and currently a student in a university in Bunia¹. The witness has been involved in the work of an NGO operating a demobilization site for ex-combatants in Aveba.

23 March 2011 - The Chamber delivered three urgent oral decisions.

1. The Chamber exceptionally permitted the first Defence witness to visit Mr. Katanga in the detention centre after the termination of his testimony. The Chamber had given this exceptional measure on account of this witness being the brother of the accused, the period of time the accused had been detained in The Hague, the distance from his relatives, and the accused's right to family visits.
2. The Chamber delivered its second decision determining the order of appearance, and clarified that the Legal Representatives for Victims should now present their questions to the Defence instead of the Prosecutor.

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3. The Chamber ruled with regard to certain confidential documents, and moved to closed session for the rest of the day to further discuss the classified documents.

24 March 2011

The Defence of Mr. Katanga began its examination-in-chief of **Witness 136**, and this was followed by the Prosecution's cross-examination.

During the Defence's examination-in-chief, the witness provided insight on:

- **Nature of Relationship with Mr. Katanga:** The witness identified Mr. Katanga as his older brother. He met Mr. Katanga for the first time in 1998. The witness has testified that prior to 1998, Mr. Katanga was living in a different village and due to poor means of travel or communication, they had no contact.
- **Conflicts with the Ugandan Army:** The witness described a pattern where the Ugandan army would allegedly go to villages, kill, burn houses and pillage property.
- **The Witness' Work in the Demobilization Center:** The witness confirmed that he had been working in Aveba for a local NGO that runs a demobilization site for ex-combatants (including child soldiers). He explained that 3/4 of the people present on the site however were not combatants.

The Defence of Mr. Ngudjolo did not have any questions for the witness, and the Office of the Prosecutor began its cross-examination.

25 March, 2011

The Prosecution's cross-examination of **Witness 136** continued, and was followed by questions from the Legal Representatives for Victims (LRV)

During the Prosecutor's cross-examination, the witness provided insight to:

- **The Attack on Naykundi:** The witness insisted the attack was not carried out as a Ngiti² vengeance in return to a previous attack on Songolo. The witness however was in Aveba at the time of the attack on Naykundi.
- **The witness' Familiarity with Persons in the Lists of the Demobilization Center:** The Prosecution was specifically interested in how the witness had been able to obtain information suggesting that 3/4 of those arriving at the demobilization center were not in fact combatants, particularly those coming from other regions that the witness did not know personally. The witness explained that he knew the persons in the site personally.
- **Working Methods of Local NGO's:** The witness described the working methods of local NGO's. Support kits which included assistance for education were provided to ex-combatants and child soldiers in these NGO transit sites. The witness described how the workers of local NGO's allegedly applied to prospective parents and asked them to send their children to these transit sites in order to recover those support kits. Most of the children therefore came from their homes and schools to the demobilization site and not from the

² The Ngiti is an ethno linguistic group located in the Ituri Province of the Democratic Republic of the Congo. During the Ituri conflict, the Front for Patriotic Resistance of Ituri was formed as a Ngiti militia group and political party

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- militia center (and were not therefore ex-combatants).
- **Child Soldiers:** The witness was however willing to accept that there were nonetheless child soldiers in the Ngiti militia.

During questions by the LRV, the witness provided insight on:

- **"Children associated with the army" as opposed to "child soldiers":** the witness clarified that "associated" means children who had been living with a militia member (either because they were children of a militia member or because a militia member lived with their family).

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