



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

22 - 26 AUGUST 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 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 two witnesses gave testimony:

Witness 66, (3rd witness for the Defence of Mathieu Ngudjolo), who testified with protective measures, was working as the Secretary of Mgabou Emmanuel, chief of the Bedu Ezekerie Groupement.

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.

23 August, 2011

Witness 66 was sworn in. The Defence of Mr. Ngudjolo continued its examination-in-chief, and the Prosecution began its cross-examination.

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

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- **The APC¹ in Bedu Ezekerie:** The witness asserted that members of the APC were present in Zumbe (more specifically Kasini) during the relevant period². They tried to reach North Kivu through Bogoro but were repelled two times by the UPC³ and UPDF⁴. So they decided to move by night through Songolo.
- **FNI⁵ and Mr. Ngudjolo's role:** The witness stated that he was not familiar with FNI but that during the relevant period the FNI was active elsewhere but not in Bedu Ezekerie. According to the witness, at the time Mr. Ngudjolo was a nurse and not the Supreme Commander of the FNI.

The prosecution started its cross-examination of witness 66. The witness provided insight on:

- **The date of a "Structure Committee Document":** The witness claimed that a document on the Structure Committee in the Bedu Ezekerie Groupement was drafted at the beginning of the war, and in particular when Chief Manu was appointed as the head of the Groupement in 2001.

24 August, 2011

The Prosecution continued its cross-examination of witness 66.

During his cross-examination by the Prosecution, the witness testified on:

- **Security situation in the Bedu Ezekerie Groupement:** The witness stated that during the relevant time the Groupement was attacked from all sides. The UPC troops were in Bunia, Kasini, and Bogoro.
- **UPDF involvement:** The witness alleged that fire-arms were brought to Zumbe by Commander Kisa of the UPDF only after the battle of Bunia of March 2003 conducted against the UPC in which the UPDF asked Lendus from Zumbe to participate.
- **Relationship with Mr. Katanga:** The witness asserted he saw Mr. Katanga in Aveba once but that he did not know him well or what his rank was at the time.
- **Attacks on Bogoro:** The witness alleged he was aware of an attack launched by the APC on Bogoro but he denied having knowledge of the massive attack of 24 February 2003.

¹ *Armée du Peuple Congolais*, it 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.

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 UPC: Union des Patriotes Congolais, a militia composed almost exclusively of ethnic Hema.

⁴ UPDF: Uganda National Armed Forces.

⁵ FNI: *Front des Nationalistes et Intégrationnistes*, a militia originally created to help the Kinshasa government to regain control over Ituri.

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25 August, 2011

The Prosecution completed its cross-examination of witness 66, the Legal Representatives of Victims (LRVs), the Chamber and the Defence of Mr. Katanga asked further questions. The Defence of Mr. Ngudjolo completed its re-direct examination.

During questions posed by the Prosecution, the witness provided insight on:

- **The battle of Bunia:** The witness asserted that Commander Kisa from the UPDF went to meet with Chief Manu in order to obtain the support of the Lendus from Zumbe in the battle of Bunia. According to the witness lots of people from Zumbe took part in the battle and Mr. Ngudjolo was among them. The witness stated that the leader of the combatants in the Groupement was Mbanga Jacque and not Mr. Ngudjolo.

During questions posed by Mr. Gilissen (LRV), the witness testified on:

- **The Self-Defence Committee and child soldiers:** the witness stated that the Self-Defence Committee was created with the only purpose of defending the population of Zumbe. According to the witness, children didn't take part in any battle. Allegedly 'young people' were involved in the battle of Bunia but the witness stressed that 'young people' are different from children as children go from 0 to 18 years old.

During questions posed by Presiding Judge Cotte, the witness testified on:

- **The use of weapons and FRPI⁶ in Zumbe:** The witness denied that in his trips to Walendu-Bindi he had purchased or received weapons. He further alleged that there wasn't any office representing the FRPI in Zumbe in the years 2002-03.

During the questions posed by Maitre Hooper from Mr. Katanga's Defence Team, the witness provided insight on:

- **A cover letter:** The witness confirmed he was the one who wrote and signed the letter and despite the fact that the letter mentions a delegation of 15 people, he and Mr. Banga were the only persons present.

During the re-direct examination by Prof. Fofé from Mr. Ngudjolo's Defence Team, the witness provided insight on:

- **The attack on Bogoro and military training in Bedu Ezekerie:** The witness stated he had no information about the attack on Bogoro of February 2003 and that the reports he drafted as Secretary concerned only the Bedu Ezekerie Groupement. The witness stated that there were no military camps in the Groupement.

⁶ FRPI: The Front for Patriotic Resistance of Ituri (French: Forces de Résistance Patriotique d'Ituri; FRPI) is a Beni-based armed militia and political party in the Ituri Province of the northeastern DRC. The FRPI was established from the Ngiti ethnic group as an ally to the FNI.

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26 August, 2011

Witness 88 was sworn in. The Defence of Mr. Ngudjolo started its examination-in-chief

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

- **The Bedu Ezekerie Groupement:** The witness specified that he was the chief of the Groupement from 2001 to 2005.
- **The visit of the ICC Prosecutor:** The witness stated that the Prosecutor had visited Zombe. According to the witness, the Prosecutor stated that massacres were committed in Zombe and that the ICC had already arrested Mr. Lubanga but there had also been attacks perpetrated by Mr. Katanga and Mr. Ngudjolo in which people from Zombe participated. The witness replied to the Prosecutor by saying that Mr. Ngudjolo did not take part in that attack. The witness stated that he wanted to show the Prosecutor the mass graves in Zombe but the Prosecutor said he didn't have the means to look underground.
- **Security situation in the Groupement:** The witness alleged that during the relevant period the Groupement was surrounded by forces. UPC and UPDF forces were present in Mandro, Bunia, Bogoro and Kaseni. According to the witness the war started all of a sudden. Allegedly, houses were burnt down and women and children got killed. Allegedly the Lendus started to move from various villages to Zombe. Zombe was chosen because it was difficult to reach as it was surrounded by hills.
- **Attacks by UPDF and UPC:** The witness testified on several attacks launched by UPDF and UPC in Zombe. The population was composed of women, children and young people. Allegedly the attacks lasted for the whole day
- **Land Mines:** On one occasion the enemy remained overnight allegedly placing land mines in the area which killed several people who were then placed in mass graves. The witness referred to the existence of two mass graves in Zombe and one in Kavalega.

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