



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

23 - 27 MAY 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 their testimony.
Witness 146, Mr. Obiya (9th witness for the Defence of Germain Katanga), was living in Aveba at the relevant period of time, and knows several members of Mr. Katanga's family.
Witness 261 (10th witness for the Defence of Germain Katanga), who testified with protective measures, was living in Aveba at the relevant period of time, and knows several members of Mr. Katanga's family.

23 May, 2011
 The Prosecution cross-examined witness 146.

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

- **Soldiers in Aveba:** the witness testified that while he was living in Aveba, the soldiers he had seen present in the village belonged to the APC¹. He indicated

¹ Armée du peuple congolais (APC) Congolese People's Army - a mixed Congolese armed group, allegedly associated with the RCD-KML

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.

there were indeed members of a militia living close by, but those who were in Aveba were APC. The witness then testified he had never seen the BCA (Bureau of the Aveba Combatants) camp in Aveba, and never visited the camp.

- **Mr. Katanga's Position:** the witness testified that at the time he was living in Aveba, he did not know who the leader of the Aveba militia was; it was only later that on that he heard that Mr. Katanga was in charge. He then indicated he had never seen Mr. Katanga while he was residing in Aveba.
- **Mr. Ngudjolo's Position:** the witness testified he had only heard about Mr. Ngudjolo, but didn't know exactly what his position was.

24 May, 2011

Witness 146 completed his testimony.

- The Prosecution concluded its cross-examination, the Chamber presented a question to the witness regarding the age of a person with the pseudonym "Sam", and the Defence teams presented their subsequent questions. Most of the morning hearing was spent in private session.
- The second session of the day took place in a closed session.

25 May, 2011

Witness 261, who testified with protective measures was sworn in, and the Defence teams of Mr. Katanga and Mr. Ngudjolo carried out their examination-in-chief. Large parts of her testimony were given in private sessions.

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

- **Mr. Katanga's Position:** the witness testified she had first met Mr. Katanga when he was a student and at that time he was not a soldier. The witness then explained that it was only later when she arrived at Aveba that she learnt that Mr. Katanga was in the military and was a commander in Aveba. The witness indicated that Mr. Katanga was the commander of the combatants in Aveba, but insisted he was not the commander of any other location where Ngiti combatants were present. Finally, the witness testified she had visited the BCA camp in Aveba.
- **The Attack on Naykunde (5 September 2002):** the witness testified she did not witness the attack on Naykunde, and only heard what happened from other people. However, she alleged that Commander Kandro and his soldiers were those who attacked Naykunde. The witness then explained that it was only after the attack on Naykunde that Commander Kandro had moved on to another village (where he was ultimately shot by another soldier and died).
- **Mr. Katanga's Relation with the Population:** the witness testified that Mr. Katanga had good relations with the population residing in Aveba. She further indicated that Mr. Katanga had no problems with the Hema population that came to Aveba at that time (most of them were refugees fleeing from Bunia due to the fighting between the UPC and the Lendu/Ngiti combatants).
- **Allegations regarding Women Enslavement:** the witness indicated she had not seen or heard of any woman in Aveba being forced into sexual or other forms of

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.

slavery. The witness then explained about the "rat" culture² which Mr. Katanga did not tolerate.

- **The Attack on Bogoro:** the witness alleged that she heard that Commander Yuda and others had led the attack on Bogoro, and that she had indeed seen Yuda around the time the attack was carried out. She indicated that Yuda came to the health center in Aveba to get treatment for his wound, after been hit by a bullet in his arm during the fight in Bogoro.
- **Demobilization Process:** the witness testified that during her visits to BCA camp she had not seen any children carrying weapons. The witness then indicated that she was 'demobilized' after handing over a weapon which in fact belonged to someone else. She explained went through the process of demobilization in order to get money - 410 US Dollars.

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

- **Supply of Weapons in Aveba:** the witness testified that she had seen Commander Yuda when a plane had arrived in Aveba from Beni. She indicated that on board the plane there were APC soldiers, and when the plane landed in Aveba, the soldiers supplied themselves with weapons and ammunitions from the plane, and went to Kagaba with Commander Yuda. The witness then testified that some of these soldiers were also involved in the attack on Bogoro on 24 February 2003.

26 May, 2011

The Prosecution began its cross-examination of witness 261. Large parts of her testimony were given in private sessions.

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

- **Mr. Katanga's Position in Aveba:** the witness testified that when she arrived in Aveba two weeks after the attack on Naykunde (September 2002), Mr. Katanga had been living in his father's house. She then indicated that there were soldiers guarding the house, and some soldiers would normally escort Mr. Katanga.
- **Mr. Ngudjolo's Position:** the witness testified that she had heard about Mr. Ngudjolo being the commander of the combatants in Zumbe, but had never witnessed that herself and therefore could not confirm that assertion.
- **Mr. Katanga's commanding position in relation to all Ngiti combatants:** the witness testified that after Commander Kandro had died, Mr. Katanga inherited his title. However, this title was only official and Katanga had not actually assumed the role of general in practice. The witness then indicated that at some point at the end of 2002 Mr. Katanga went to Beni and returned by an airplane with boxes of weapons.

² This relates to situations where a man and a woman have been in a close relationship such that the woman had already spent time at the man's house. In such cases, if the man wishes to marry the woman but the woman refuses, the man can then take the woman to his house, and both families would settle the matter creating an official marriage.

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.

27 May, 2011

The Prosecution completed its cross-examination of witness 261, and the Legal Representatives for Victims (LRV) presented their questions. Large parts of testimony were given in private sessions.

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

- **Child Soldiers:** the witness could not confirm whether there were children under the age of 15 in the militia in Ituri. She indicated that she had seen people carrying weapons in Bavi, but did not know whether they were children. The witness then explained that she had seen children wearing uniforms in the BCA camp, but attributed that to the fact that these children had no other clothing. Lastly, the witness testified that there was a demobilization center in Aveba in 2002-2003, and that children were also demobilized in that center, not only adults.
- **The Attack on Bogoro:** the witness testified that she did not know whether Mr. Katanga went to Bogoro or not on the day of the attack. She explained that she hadn't been to the camp on that day.

During questions presented by the LRV representing child soldiers (Mr. Gillisen), the witness provided insight on:

- **Children in the BCA Camp:** the witness confirmed that she had indeed seen children present in the BCA camp, and indicated that these children did not have a family and usually had people in the camp taking care of them. The witness could not confirm whether the children she had seen in the camp wearing uniforms were later on demobilized or not.
- **The Demobilization Process:** the witness indicated that the first time she went through the demobilization process was as a child (with "Save the Children" organization); the second time she went through the process was as an adult (with a different organization). The witness then testified that when arriving at the demobilization center, the only information she was asked to give was her name, identity, whether she served as a child soldier, who was her commander, and where had she stationed or served. Lastly, the witness explained that after receiving the money, there was no follow-up by the organization that demobilized her.

Witness 261 concluded her testimony, Witness 129 was sworn in and will commence his testimony on Monday 30th May.

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.

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.