



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

26 - 30 SEPTEMBER 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, Germain Katanga gave testimony in his own defence.

26 September, 2011
No hearing

27 September, 2011
The Defence of Mr. Katanga started its examination-in-chief of Mr. Katanga.

The Presiding Judge Cotte announced that the Registry had made a filing n°3173, concluding to call the Chamber to stop all interpretation into Lingala and asked the parties for their observations for the next day.

During examination-in-chief by the Defence of Mr. Katanga, Mr. Katanga testified on:

- **Katanga's Ethnicity:** Mr. Katanga's father is from the Indou Ngiti¹ ethnic group, his mother, is of Yogo ethnicity. As the system is patriarchal, Mr. Katanga is from

¹ The Ngiti is an ethnolinguistic, predominantly Lendu group, located in the Ituri Province of the DRC. 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.

the Ngiti ethnic group. The first time Mr. Katanga met his father was in 1998.

- **Mother tongue:** Mr. Katanga's mother tongue is Kinguana, a sub-dialect of Swahili, spoken in the Eastern Provinces of the RDC. But since he was born, he has spoken *Lingala*².
- **Move to Isiro:** Mr. Katanga lived with his uncle and aunt in Mombassa up to the age of 14, before moving to Isiro. His uncle was a member of the Zaire Armed Forces. They lived in Isiro within the military encampment.
- **Military training:** Mr. Katanga underwent military training while living in Isiro and he was a member of the "garde civile", which was attached to the civilian police. At the end of the training, he should have been integrated into other units, but it came at the same time as Mobutu's fall and the military branch was not properly functioning.
- **Uncle's death:** Mr. Katanga's uncle died in 1996. He was killed by the AFDL³, the army of Laurent Désiré Kabila.
- **Looking for his parents:** After his uncle's death in 1996, Mr. Katanga went to look for his mother who lived in Lolwa, wanting to continue his studies. From Lolwa he went to Aveba to find his father, in 1998. He lived in Aveba until 2001.
- **Presence of Uganda in DRC:** In 1999-2000, the UDF⁴ started to attack localities and civilians in the Walendu-Bindi area with tanks, causing the displacement of civilians.
- **Civilian self-defence organization:** When the Ugandans started to attack the localities in the Walendu-Bindi area, the civilian population set up a self-defence movement. The combatants chased the Ugandans out of Nyankunde. The group was not well organized. Mr. Katanga joined this civilian movement to protect the civilian population.
- **Attack on airport of Bunia:** Colonel Safari of the UDF launched an attack on the airport of Bunia and Kandroma in January 2001. The civilian population went to Bunia in order to stop this attack, but they were not properly equipped nor trained. There was no ethnic element in these attacks; it was a fight against another country.
- **Ethnic composition of Walendu-Bindi area:** The large majority of the population in the Walendu-Bindi area is from the Ngiti ethnic group however, Mr. Katanga never lived in a Lendu area.
- **Attack on Geti :** The UDF attacked Geti in 2001. The civilian combatants fought against the UDF.

28 September, 2011

The Defence of Mr. Katanga continued its examination-in-chief of Mr. Katanga.

At the beginning of the hearing, the Chamber discussed the issue of translation into Lingala for Mr. Katanga. After Mr. Katanga's decision to testify in French, the Registrar made a filing ordering all translation into Lingala to be stopped, as it was no longer necessary for Mr. Katanga. The parties made their observation on this issue. Presiding Judge Cotte answered that all translation into Lingala should be stopped for Mr. Katanga, as he demonstrated a sufficient knowledge of the French language.

² Lingala is a Bantu language spoken primarily in the northern area of the DRC

³ AFDL: Alliance of Democratic Forces for the Liberation of Congo-Zaire

⁴ UDF: Uganda National Armed Forces.

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

- **Conflict in Nyankunde:** During his presence in Nyankunde in July/ August 2001, a conflict broke out between the Bira and the Lendu/Ngiti. The Bira tried to get the Lendu and Ngiti out of Nyankunde, although the majority of the collectivity was occupied by Lendu and Ngiti. The UPDF supported the Bira in these attacks.
- **Origins of the conflict between Bira and Lendu in Nyankunde:** Mr. Katanga was not sure of the origin of this conflict but according to what he had heard, the Hema community influenced the Bira to take action against the Lendu. The Bira had a Chief of collectivity, Bulamuzi Sezabo, who organised the militia. He was killed by the Hema afterwards.
- **Leaving Nyankunde:** Mr. Katanga and his family left Nyankunde for Aveba in August 2001.
- **Alliance Bira-Lendu:** After the death of Sezabo, many of the Bira rallied to the Lendu in order to express their discontent with the Hema.
- **Relation with family of Thomas Lubanga:** Mr. Katanga considers Thomas Lubanga's⁵ family as his family in law.
- **No hatred of Hema:** Mr. Katanga stated that he has no hatred towards the Hema and that he even lived with them and went to school with them. The ethnic difference was not important. Before meeting his father, Mr. Katanga did not even know which ethnicity he belonged to.
- **Ugandans leaving Geti:** In the middle of 2002, after the arrival of Jean-Pierre Lopondo Mulongo, who was part of the RCD-K/LM⁶, the UPDF pulled out of Geti and the Walendu-Bindi area.
- **APC⁷ army weakened:** After the arrival of the Governor Lopondo, APC military members revolted and left the APC to join the UPC⁸.
- **The Fall of Lopondo:** In August 2002, Lopondo fell in Bunia.
- **Attack on Songolo:** UPC troops attacked Songolo in September 2002. Allegedly, they committed looting, murder and set houses on fire. Colonel Kandro, with his remaining soldiers of the APC, resisted. But the UPC was fully prepared and chased Kandro and his troops out.
- **Mr. Katanga in Nairibi:** At the time of the attack on Songolo, Mr. Katanga was in Naibiri, where he was engaged in illegal activities, such as hunting for elephants and Okapi, to have the means to survive. He was "covered" by Kasaki Banjo who was a healer. In September 2009, Mr. Katanga was a bodyguard of Kasaki Bandro.
- **Bogoro:** After the fall of Lopondo in August 2002, the UPC occupied Bogoro on their way to Zumbe.
- **Attack on Nyankunde:** The APC, under the command of Colonel Kandro,

⁵ Thomas Lubanga Dyilo: Alleged founder of Union des Patriotes Congolais (UPC) and the Forces Patriotiques pour la liberation du Congo (FPLC) and alleged President of the UPC.

⁶ RCD-K/ML: Rassemblement congolais pour la démocratie - Mouvement de libération: Until 2002 it was the movement that claimed to be the political and administrative authority throughout Ituri and northern NorthKivu with headquarters in Bunia. The group was forced out of Bunia in August 2002 (usually mentioned at the hearings as "the fall of Governor Lopondo").

⁷ APC: *Armée du Peuple Congolais*, 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.

⁸ UPC: Union des Patriotes Congolais, a militia composed almost exclusively of ethnic Hema
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attacked Nyankunde on the 5th September 2002. Katanga was in Nairbiri at this time. He only went back to Nyankunde in October. The UPC forces fought against Kandro's and Fauste's⁹ forces of the APC, but then abandoned Nyankunde. In October, the UPC took Nyankunde back.

- **“Combatant”**: When using the term “combatant”, Mr. Katanga referred to the act of self-defence by the civilian population. The term was used for villagers who were fighting with traditional weapons. Mr. Katanga considered himself as a combatant in 2002.
- **Leadership fight Kandro/Cobra**: In September 2002, Kandro was killed by the bodyguard of Colonel Kobra after a leadership fight between them. Kandro had the trust of the civilian population. Their modus operandi was different: Kandro joined the AFDL and then the new rebellion under Mobutu and only targeted specific people who he could steal from. Cobra, however, allegedly attacked indiscriminately.
- **Camp in Aveba**: Mr. Katanga left Nairibi in 2002 to go back to Aveba with Kasaki. In 2002, there was a camp set up in Aveba, called BCA Aveba, which was occupied by local combatants and a Platoon of the APC.
- **Commander Hiller**: Commander Hiller was the Commander of the 11th APC battalion based in Marabo. Mr. Katanga went to see Commander Hiller in October 2002 to prepare the move to Beni.

<p>29 September, 2011 No hearing.</p>
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<p>30 September, 2011 No hearing.</p>
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⁹ An APC soldier.

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