



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

29 AUGUST - 2 SEPTEMBER 2011

<p><b>Situation Case</b></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><b>Hearing: Chamber:</b></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><b>Parties:</b></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><b>Alleged crimes:</b> <u>Germain Katanga and Mathieu Ngudjolo Chui</u> allegedly jointly committed, through other persons:</p> <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>
<p><b>Participants</b></p>	<p>365 victims represented by Legal Representatives for Victims: Mr. Fidel Nsita Luvengika and Mr. Jean-Louis Gilissen</p>	
<p><b>Start of Trial:</b></p>	<p>24 November 2009</p>	

This week one witness gave his testimony.

**Witness 88, Mr. Gabu Mandro Emmanuel also known as 'Chief Manu' (4<sup>th</sup> witness for the Defence of Mathieu Ngudjolo), was the Chief of the Bedu Ezekerie Groupement between 2001 and 2005.**

**29 August, 2011**

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

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

- **The Report to the ICC Prosecutor:** The witness testified that when Mr. Ocampo came to Zumbe he was given a report that served three purposes: explaining the inhabitants position vis-à-vis the enemy; providing some information about deaths and mass graves and; clarifying that Mr. Ngudjolo was not responsible for the Bogoro attack.

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.

- **Administration in the Bedu Ezekerie Groupement:** The witness explained that during the relevant period<sup>1</sup> the Bedu Ezekerie Groupement was organized in five Committees, including the health committee where Mr. Ngudjolo was working as a nurse.
- **The Fall of Lopondo and the APC<sup>2</sup> in Zumbe:** The witness stated that after the fall of Governor Lopondo in Bunia, many people from different ethnicities fled to Zumbe. Allegedly among them there were the APC soldiers. The witness alleged that around 300 APC members stayed in Zumbe for a month with the aim to reach Beni.
- **The APC passing through Bogoro:** The witness stated that the APC tried to leave through Bogoro but were repelled two times by the UPC<sup>3</sup> and UPDF<sup>4</sup>. The witness stated he tried to persuade the APC Commander not to pass through Bogoro and he even refused to provide the APC with some of his young people.
- **Self-Defence Committee:** The witness explained that young people were appointed in the self-defence committee as they were the only one that could run and hide in the bushes. The witness denied the existence of military training in his Groupement.
- **Soldiers at least 18:** The witness asserted he could not give the precise age of each member of the self-defence committee but that they were normally married and thus at least of the age of 18.
- **No Child Soldiers in the Groupement:** The witness stated that there were no child soldiers in his Groupement during the relevant period. He asserted that Lendu people look small and sometimes they can be confused with children even if they are adults.
- **The attack on Bogoro:** On the day of the attack on Bogoro, there was fog everywhere and it was impossible to see. The witness asserted that explosions and gun fire were heard but that they could not recognize from which direction the noise came. He stated that he rested at his house for the whole day and that he prohibited to the people of Zumbe to leave the area.
- **Meeting with Prosecutor:** The witness stated that during his conversation with the ICC Prosecutor he had underlined that allegations against Mr. Ngudjolo were false and that Mr. Ngudjolo did not kill any people in Bogoro.

**30 August, 2011**

The Defence of Mr. Ngudjolo continued its examination in chief.

During his examination in chief, the witness testified on:

- **Witness' relationship with Mr. Ngudjolo:** The witness stated that he knew Mr. Ngudjolo but they are not blood relations.

<sup>1</sup> 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 runs from around August 2002 to April 2003.

<sup>2</sup> *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.

<sup>3</sup> UPC: Union des Patriotes Congolais, a militia composed almost exclusively of ethnic Hema.

<sup>4</sup> UPDF: Uganda National Armed Forces.

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- **Mr. Ngudjolo as a Nurse:** The witness asserted that Mr. Ngudjolo was undergoing medical training in Bunia during the relevant period. After the fall of Governor Lopondo, a Health Committee was set up in Zumbe and Mr. Ngudjolo came back on express request of the witness.
- **Ngudjolo not Commander of the FNI:** The witness stated that Mr. Ngudjolo was not the commander of the FNI in Zumbe during the relevant period as he was a nurse and thus not in a position to give orders. According to the witness, Mr. Ngudjolo became the senior commander of the FNI in Bunia only after 18<sup>th</sup> of March 2003.
- **Witness' trip to Beni:** The witness testified about a trip to Beni he went on as part of a delegation including Mr. Katanga. Allegedly the invitation came from the RCD-K/ML<sup>5</sup>. The witness stated that on the way they stopped in Aveba where they prepared and signed a letter directed to the Government to explain the extreme difficulties suffered by Lendu people at the time. Upon arrival in Beni they were hosted by the RCD-K/ML representatives and the witness received 400 dollars from Commander Bakaliki.
- **Witness' return trip through Bolo:** The witness stated that he spent two weeks in Beni and went back to Bolo in a helicopter. He asserted that from the helicopter he could see the entire areas of Zumbe and Lagura on fire. This was the reason why the witness allegedly asked Mr. Katanga for some boxes of ammunition in order to face the situation he could find in Zumbe.

**1 September, 2011**

The Defence of Mr. Ngudjolo completed its examination-in-chief of witness 88, the Defence of Mr. Katanga asked a number of questions and the Prosecution began its cross-examination.

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

- **Reporting activity:** The witness testified about reports on the situation in the Bedu-Ezekerie Groupement during the relevant period which had been prepared by the young people charged with self-defence. The reporting activity started in 2001 upon request of Mr. Bemba who wanted to restore peace between the Lendus and the Hemas in the region and therefore asked for reports on any attacks.
- **The Battle of Bunia:** The witness referred that at the time of the attack on Bunia on 6<sup>th</sup> March 2003, the UPDF was no longer cooperating with the UPC. The witness testified that he received a letter from Captain Kisa from the UPDF about imminent attacks by the UPC on Zumbe and Bogoro. The witness moved his population to Bunia where they supported the UPDF against the UPC.
- **Mr. Ngudjolo present in Bunia:** The witness stated that Mr. Ngudjolo was also present in Bunia.

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<sup>5</sup> 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 North-Kivu 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").

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- **Mr. Ngudjolo and FNI:** The witness stated that after the battle in Bunia the FNI arrived on the 18<sup>th</sup> of March 2003. At that time, Mr. Ngudjolo reached an agreement with the FNI and decided to remain in Bunia.
- **Video of the ICC Prosecutor video:** The witness was shown a video of the OTP related to the visit of Mr. Ocampo to Zombe. The witness asserted that parts of the discussion he had with the Prosecutor (including his reference to mass graves) have not been recorded in that tape.

During the questions posed by the Defence of Mr. Katanga, the witness testified on:

- **Reliability of the Reports:** The witness was shown a series of Reports produced by the Secretary of the Bedu Ezekerie Groupement in the relevant period and signed by the witness himself. The witness stated he could confirm the reliability of the information contained even if he was not the one drafting the documents.
- **Investigations carried out by DRC authorities:** According to the witness several investigators came from Kinshasa to his Groupement during the war in Ituri but they did not accept the reports nor did they authorise any form of compensation as they appeared more focused on the situation in Kisangani.

During his cross-examination by the Prosecution the witness gave evidence on:

- **Difference between notables and wise men in the Bedu Ezekerie Groupement:** The witness explained that while wise men are guards of the notables, notables have an inherent right to be the traditional chiefs. The witness stated that Mr. Ngudjolo was not a notable within his Groupement.

2 September, 2011

No hearing.

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