



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

3 - 7 OCTOBER 2011

|                   |  |   |
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| Situation Case    | Democratic Republic of Congo<br>01/04-01/07<br>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<br>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:<br><u>Germain Katanga and Mathieu Ngudjolo Chui</u> allegedly jointly committed, through other persons: <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> |
| 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 continued giving testimony in his own defence.

3 October, 2011  
No hearing

4 October, 2011  
The Defence of Mr. Katanga continued its examination-in-chief of Mr. Katanga.

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

- **APC<sup>1</sup> uniforms:** The APC soldiers wore green uniforms with the insignia “APC” written in white on the pocket of the shirt.
- **Kinguana spoken:** The RCD-K/LM<sup>2</sup> soldiers mostly spoke Kinguana, the Congolese

<sup>1</sup> 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.

<sup>2</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 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.

version of Swahili.

- **Commander Hiller<sup>3</sup> of the APC:** In October 2002, Mr. Katanga was sent to see Commander Hiller in Marabu to brainstorm about future operations in Beni. Commander Hiller brought Mr. Katanga and the 50 other combatants to the battlefield in Chey, where they fought against the UPC<sup>4</sup>.
- **Mr. Katanga wounded:** During the battle against the UPC in Chey, Mr. Katanga got wounded on his left leg. He was brought back to Aveba in October 2002, where he was hospitalized for two weeks. On the 21st November 2002, Mr. Katanga left Aveba for Beni, where he spent two weeks.
- **Alliance between the MLC<sup>5</sup>, UPC and RCD-National<sup>6</sup>:** On 23-24 December 2002, the MLC, UPC and RCD-National alliance attacked Beni. Mr. Katanga intervened to help the APC.
- **BCA Camp<sup>7</sup> in Aveba:** The BCA camp in Aveba, first called "Bureau of combatants of Aveba", later "Bureau of coordination of Aveba" increased between November 2002 and late 2004. Mr. Katanga was the Commander of Aveba.
- **Self-Defence group:** The purpose of the Self-Defence group in Aveba was to provide protection to the civilians.
- **Rape:** Mr. Katanga stated that rape is unacceptable in the Ngiti culture, even when it is committed on women from another ethnic group.
- **FRPI<sup>8</sup>:** While in Beni, Mr. Katanga heard of the FRPI for the first time. Baudouin Adirodo was the leader of the FRPI.

**5 October 2011**

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

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

- **Meeting in Beni:** In November 2002, Mr. Katanga met together with the APC and the FRPI to discuss the situation in Bogoro. Bogoro was an important strategic location, because one had to pass through Bogoro to get to Bunia, capital of Ituri.
- **APC in Mambassa:** In November 2002, the APC moved from Lolwa to Mambassa and took control of Mambassa.
- **Attack on Bunia:** On the 23 and 24 December 2002, Mr. Katanga was in the field when the Mai-Mai<sup>9</sup> and the UPC attacked Bunia.

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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").

<sup>3</sup> Commander of the 11<sup>th</sup> APC battalion based in Marabo

<sup>4</sup> UPC: Union des Patriotes Congolais, a militia composed almost exclusively of ethnic Hema

<sup>5</sup> The 'Mouvement pour la Liberation du Congo' is a political party in the DRC founded by Mr. Bemba.

<sup>6</sup> RCD-National (RCD-N): *Rassemblement congolais pour la democratie-National*, a rebel group that split from the RCD-K/ML

<sup>7</sup> BCA Camp: Bureau of the Aveba Combatants camp, where Germain Katanga allegedly lived in Aveba

<sup>8</sup> FRPI: de Résistance Patriotique d'Ituri. English: The Front for Patriotic Resistance of Ituri, is a Beni-based armed militia and political party in the Ituri Province of northeastern Democratic Republic of the Congo, of which Germain Katanga was the alleged commander.

<sup>9</sup> Mai-Mai : Community based militia group formed to defend their local territory to resist the invasion of Rwandan force

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- **Coordinator of Aveba:** Mr. Katanga went back to Aveba in mid-December 2002. His status changed then from Commander of Aveba to Coordinator of Aveba. His duty was to bring the combatants closer to the APC and to coordinate the actions. He was based in Atelembe. The Commander of the BCA camp at this time was Commander Mbadu.
- **Structure of the FRPI:** The self-defence group in Aveba appropriated the name FRPI. The FRPI did not have a president or a status. The FRPI was used as umbrella structure but they did not have any clear defined objectives.
- **First meeting between Katanga and Ngudjolo:** On the 8 March 2003, Mr. Katanga and Mr. Ngudjolo met for the first time.
- **Means of Communication:** 'Walkie Talkies' began to appear in Aveba around December 2002, when Mr. Katanga came back from Beni. The APC and Self/Defence Group in Aveba also had satellite phones. Two multifrequency radios came to Aveba in January 2003 which had a large distance capacity. After the Bogoro attack, the communications used sophisticated systems.
- **BCA-munitions storage:** The BCA camp served as a munitions store. Combatants were only given weapons when going to the front.
- **Arrival of Blaise Koka:** Blaise Koka, a member of the APC, arrived in Aveba in February 2003. Upon his arrival, an attack was launched on Bogoro on 10 February 2003.
- **Attack on Bogoro on the 10 February 2003:** The attack on Bogoro was a disaster for the FRPI; many of their men were wounded and died. On the 11 February 2003, Mr. Katanga went back to Aveba.
- **Arrival of Badouin Adirodo<sup>10</sup>:** On 15 February 2003, Adirodo landed in Aveba, bringing munitions with him. He stated that the forces had to return to Bogoro to fight as soon as possible.
- **Commander Kisoro:** Commander Kisoro was a former soldier of the APC who left the APC after the fall of Lopondo who had more than a 100 men under his command and he presented an ongoing threat to the APC and FRPI in Aveba.

**6 October, 2011**

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

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

- **Attack on Bogoro on 10 February 2003:** The APC was pushed back before gaining any control over Bogoro. Mr. Katanga could not give any information on the situation of the civilian population in Bogoro at this time. Blaise Koka and combatants from Kagaba and Aveba participated in this attack.
- **Attack on Bogoro on 24 February 2003:** After the arrival of Adirodo, Blaise Koka received the order to attack Bogoro for a second time. The concrete details of this attack, such as the number of soldiers and weapons, were discussed and decided in Kagaba.
- **Mr Katanga in Aveba during Bogoro attack:** Only Koka's and Garimbaia's soldiers participated in the attack. The commander of the attack was Blaise Koka. The weapons for this attack came from Kagaba. Mr. Katanga did not

<sup>10</sup> Dr. Adirodo is the founder of the FRPI

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participate in this attack, he stayed in Aveba.

- **Knowledge of the attack of Bogoro:** Mr. Katanga knew that there was an impending attack on Bogoro in mid-February 2003, but he did not know the details of it.
- **Commander Yuda's arrival in Aveba:** In the morning of 24 February 2003, Commander Yuda arrived in Aveba, wounded in his left hand and his chest. He stayed in the hospital in Aveba for one week and then left Aveba.
- **No pillaging in Bogoro:** According to Mr. Katanga, there was no pillaging taking place in Bogoro, as there was nothing to loot.
- **Katanga in Bogoro:** On 8 March 2003, Katanga went to Bogoro to see the outcome of the attack.
- **Androzo Zaba Dark:** Dark was the second commander of the APC in Bogoro after Yuda. When Yuda had to leave Bogoro after having been wounded, Dark took over the command.
- **Presence of UPDF<sup>11</sup> in Bogoro:** When Mr. Katanga was in Bogoro on 8 March 2003, he didn't see any UPDF soldiers. But on the 22 March 2003, there were UPDF soldiers in Bogoro.
- **Attack on Bunia:** On 6 March 2003, the UPC attacked the UPDF in Bunia.
- **Ceasefire agreement:** On 21 March 2003, Mr. Katanga went to Bunia. On 22 March 2003, he was taken to sign the ceasefire agreement. The same day, Mr. Katanga left for Aveba.

7 October, 2011

No hearing.

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<sup>11</sup> UPDF: Uganda National Armed Forces.

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