



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

30 MAY - 3 JUNE 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"> ○ Crimes against humanity: Murder, sexual slavery and rape; ○ 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 two witnesses gave their testimony.

Witness 129, Mr. Malivo Kagaba Jano (11th witness for the Defence of Germain Katanga), currently works as the Principle Advisor to the Minister of Finance and Economy of the Oriental Province.

Witness 160, Mr. Christian Mbodjima Mbaraza (12th witness for the Defence of Germain Katanga), currently works as the Private Secretary to the Minister of Finance and Economy of the Oriental Province.

30 May, 2011

Witness 129 sworn in. The Defence of Mr. Katanga continued its examination-in-chief, and the Prosecution began its cross-examination.

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

- **The Witness' Personal History:** the witness testified that he had stayed in Nyakunde until July 2001, and then went to Bunia. In September he was supposed to return to Nyakunde, but due to the unrest there, he stayed in Bunia and eventually went to Aveba, where he stayed until the end of May 2003. The witness testified he had never been a member of any militia group.

This is a very informal summary. Please note we were unable to verify the spelling of some of the persons and locations mentioned. Please do not forward without prior consent from CICC staff.

- **Commander Kisoro:** Commander Kisoro (a commander of a number of combatants in the region) did not like Mr. Katanga, and had attacked Aveba twice. However, the witness could not confirm what Kisoro was doing on the day of the attack on Bogoro on 24 February 2003.
- **The Village of Bogoro:** the witness testified that many people avoided going through Bogoro, for fear of being attacked by the UPC¹ soldiers that were located there. The witness indicated that he had heard of the attack on 24 February 2003 and that after the attack the village was no longer under the control of the UPC.
- **Mr. Katanga's location on the day of the Bogoro Attack:** the witness testified he had seen Mr. Katanga at the hospital in Aveba on the day of the attack. He explained that Mr. Katanga came to the hospital in Aveba that day in order to learn what exactly had happened in Bogoro. The witness then indicated that Commander Yuda had arrived at the hospital to receive treatment for his injury, and that Mr. Katanga visited Yuda in hospital.

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

- **Mr. Ngudjolo's Position:** the witness testified that the information he had on Mr. Ngudjolo indicated that he was a nurse, and only at a later point became a soldier. The witness explained that Mr. Ngudjolo was first a soldier in Zombe, and then joined the FARDC.²
- **FRPI³ and Mr. Katanga's Position:** the witness testified that the FRPI was a resistance movement, and that its purpose was to bring all Ngiti combatants together. The witness then explained that Kandru had been the commander of his own group of combatants. However, although Mr. Katanga had replaced him officially, he had no authority over Commander Yuda (who controlled Kandru's group in the field). The witness testified that therefore, Mr. Katanga was the commander only in name.

31 May, 2011

The Prosecution completed its cross-examination of witness 129. The Legal Representatives of Victims (LRV) commenced their questioning of the witness, and the Defence of Mr. Katanga posed subsequent clarifying questions to the witness.

Witness 160 was then sworn in and the Defence of Mr. Katanga began its examination-in-chief.

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

- **Other Battles in March 2003:** the witness confirmed that he knew that on 4 March 2003 an attack was carried out on the village of Mandro by Ngiti and Lendu combatants, and that on 6 March 2003 a battle had taken place in Bunia with Ngiti and Lendu combatants participating as well. The witness testified he was in Aveba during both these attacks, and indicated that he had learned later on that

¹ *Union des Patriotes Congolais* (English: The Union of Congolese Patriots) is an armed group, allegedly associated with the Hema community in Ituri, northeastern Democratic Republic of the Congo.

² *Forces Armées de la République Démocratique du Congo* (English: Armed Forces of the Democratic Republic of Congo) is the state military organization responsible for defending the Democratic Republic of the Congo.

³ *Forces 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.

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- Mr. Katanga had allegedly participated in the attack on Mandro.
- **Mr. Katanga's location on the Day of the Bogoro Attack:** the witness confirmed that there was a BCA camp in Aveba. The witness did not know why Mr. Katanga went to the hospital in order to learn what happened in Bogoro instead of to the camp to receive this information. He confirmed that he had seen Mr. Katanga at the hospital on that same day.
 - **Children in the BCA Camp⁴:** the witness testified he did not see any *child soldiers* in the BCA camp, but confirmed that there were indeed *children* under the age of 15 living in that camp.

During questions posed to the witness by the LRV representing child soldiers, the witness provided insight on:

- **The Demobilization Center in Aveba:** the witness testified he had heard that a demobilization center was located in Aveba, but he could not confirm this since the center was created only after he had left Aveba. The witness indicated he had heard that the program had also involved the demobilization of child soldiers.

During subsequent questions from the Defence of Mr. Katanga, the witness provided insight on:

- **Child Soldiers:** the witness testified he had not seen any children among the escort of Mr. Katanga or in Mr. Katanga's residence, and had never seen child soldiers in the BCA camp.
- **Other Battles in March 2003:** the witness indicated that while he had heard that Mr. Katanga had participated in the attack on Mandro on 4 March 2003 and the battle in Bunia on 6 March 2003, he could not confirm this.

Witness 160, Mr. Christian Mbodjima Mbaraza, sworn in.

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

- **Mr. Katanga's Position (End of 2002):** the witness testified that he was living in Bunia from April 2002 until the fall of Loponde. When he left Bunia, he returned to his family in Aveba. The witness indicated that on his journey back to Aveba, he met several groups of combatants and their commanders. Among those groups he had also seen Mr. Katanga in Bavi. However, the witness explained that he did not know what Mr. Katanga's position was at that time, but deduced that he was a combatant as he was carrying a weapon.
- **The Attack on Nyakunde:** the witness testified that on the day of the attack on Nyakunde (5 September 2002) he was in Aveba. The witness did not know where Mr. Katanga was on that day (5 September 2002.)
- **The Attack on Bogoro:** the witness testified that at the time of the attack on Bogoro he was in Gety.⁵ The witness indicated that while in Gety, he had heard that serious fighting was taking place between the UPC and Ngiti fighters. The witness then testified he had seen Commander Yuda in Gety with a bandage on his hand.

⁴ BCA Camp: Bureau of the Aveba Combatants camp, where Germain Katanga allegedly lived in Aveba

⁵ At some point in the end of 2002, the witness had left Aveba and gone to Gety for the new academic year. However, he would return to Aveba frequently to visit his family.

- **Mr. Katanga's Position (2003):** the witness testified that during his visits to Aveba before and after the attack on Bogoro, he saw Mr. Katanga several times, surrounded by bodyguards. The witness then explained that he knew that Mr. Katanga was a commander, but did not know what his rank or position exactly was. The witness indicated he never made enquiries about Mr. Katanga's position within the militia.
- **Links between the APC⁶ and the Ngiti Militia:** the witness confirmed that while he was living in Aveba, he witnessed several planes coming from Beni and landing in Aveba. The witness indicated that at that time, the APC were collaborating with the militia. Lastly, the witness testified that he could see officers arriving on board these planes.

1 June, 2011

The Defence of Mr. Katanga completed its examination-in-chief of witness 160, and the Prosecution began its cross-examination.

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

- **Mr. Katanga's Position:** The witness indicated that it was only in a meeting at a demobilization center that he had learned about Mr. Katanga's position as the President of the FRPI.

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

- **Ngiti Fighters:** the witness confirmed that at the time of the attack on Nyakunde in 2002 all Ngiti fighters were together. Lastly, the witness indicated he did not know whether Mr. Katanga was in Aveba or in Bavi at the time of the attack on Nyakunde.

2 June, 2011

No hearing.

3 June, 2011

No

heari

⁶ Armée du peuple congolais (APC) Congolese People's Army – a mixed Congolese armed group, allegedly associated with the RCD-KML

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