



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

31 OCTOBER - 4 NOVEMBER 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 one witness gave his testimony.
Mr. Mathieu Ngudjolo continued to give testimony in his own defence.

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

During questioning by Maître Kilenda, Mr. Ngudjolo provided insight on:

- **Ceasefire agreement¹**: On 18 March 2003, Mr. Ngudjolo signed the ceasefire agreement, together with three other representatives of the Lendu North community. Mr. Ngudjolo stated that he was only wearing a military uniform because he wished to join the army after signing the agreement.
- **Meeting with Kale Kayihura²**: Mr. Ngudjolo met with Kale Kayihura, a Ugandan General of the UPDF³ on 7 March 2003. During this meeting, Kayihura called Mr. Ngudjolo "Docteur".

¹ A ceasefire agreement was signed in March 2003 by the different parties of the conflict in the Democratic Republic of Congo.

² Kale Kayihura is a Commander of the UPDF.

³ UPDF: Uganda National Armed Forces.

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- **Television Debate on Radio Candip:** On 30 March 2003, Mr. Ngudjolo participated in debate on Radio Candip on the pacification process in the Ituri District. During this debate, Mr. Ngudjolo stated that he was a well-trained soldier. During his testimony, however, Mr. Ngudjolo affirmed that he had not received any military training and that he only made this statement to give himself more importance.
- **Mr. Ngudjolo member of the FNI/FRPI⁴:** After 22 March 2003, Mr. Ngudjolo became a member of the FNI/FRPI alliance.
- **Mr. Ngudjolos visit to Bogoro:** Mr. Ngudjolo asserted that he went to Bogoro for the first time after the attack on 28 March 2003, after joining the FNI/FRPI. He went to Bogoro in his capacity as chief of staff of the FNI/FRPI alliance. He met with Dark⁵ and UPDF commanders.
- **Attack on Bogoro:** Mr. Ngudjolo alleged that the plan to attack Bogoro came from the Congolese and the Ugandan government.
- **Kale Kayihura held in hostage after the Bogoro attack:** Mr. Ngudjolo alleged that the UPC⁶ blamed the UPDF for the attack on Bogoro and held Kale Kayihura hostage. He was freed, in presence of the MONUC⁷, after the Ugandan government agreed to leave Bunia on 2 March 2003.
- **No child soldiers in Ngudjolo's escort:** Mr Ngudjolo stated that there were no child soldiers in his escort.
- **Mr. Ngudjolo arrested⁸:** On 23 October 2003, Mr. Ngudjolo was arrested in Bunia. In June 2004, he was acquitted by the Tribunal de Grande Instance de Bunia, but not released. He was only released on 24 December 2004.
- **UPDF caused the conflict between the different ethnic groups:** Mr. Ngudjolo asserted that the UPDF started the conflict between the ethnic groups, including the Hema and the Lendu.
- **Working as a nurse:** Mr. Ngudjolo worked as a nurse at the Kambutso health centre from 14 August 2002 until March 2003. He stated that he worked on the day of the Bogoro attack (24th February 2002) at the health centre.
- **Battle in Bunia on the 06 March 2003:** On 6 March 2003, a battle took place between the UPC and UPDF in Bunia. The UPDF considered the alliance of the UPC with the RCD-Goma⁹ as treason, because they see it as an alliance with Rwanda.

1st, 2nd, 3rd & 4th November, 2011 - No Hearings

⁴ FNI: *Nationalist and Integrationalist Front*: militia composed of Lendu, active in the Ituri region and fought against the Hema.

FRPI: *Forces de Résistance Patriotique d'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.

⁵ Androzo Zaba Dark was second commander of the APC in Bogoro.

⁶ UPC: Union des Patriotes Congolais, a militia composed almost exclusively of ethnic Hema.

⁷ MONUC: United Nations Organization Mission in the Democratic Republic of the Congo is a United Nations peacekeeping force in the Democratic Republic of the Congo (DRC) which was established by the United Nations Security Council in resolution 1279 (1999).

⁸ Mr. Ngudjolo was on trial for the murder of a Hema businessman. He was brought to trial before the Tribunal de Grande Instance in Bunia. He was acquitted in June 2004, but remained in custody.

⁹ RCD-Goma : *Rassemblement congolais pour la démocratie*. Based in Goma and supported by the Rwandan government.

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