



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

4 - 8 APRIL 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 Demebele 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, **Witness 236 (2nd witness for the Defence of Germain Katanga)**, continued giving testimony. Witness 236, **Mr. Njabu Gabu Floribert**, was the national president of the FNI¹ prior to his arrest in 2005. The witness has been detained in the DRC for the last six years.

4 April, 2011 - No hearing

5 April, 2011 - The Defence of Mr. Katanga completed its examination-in-chief

During the Defence's examination-in-chief, the witness provided insight on:

- **The establishment of the FNI:** The witness had testified that the FNI was formed in November 2002 at Kwandruma. The witness had been present when the FNI was formed and he participated in the committee for the cessation of hostilities. In 24 December 2002, the witness became president of the FNI.

¹ *Front des Nationalistes et Intégrationnistes* ('FNI'). English: The Nationalist and Integrationist Front. Is a Lendu rebel group active in the Ituri conflict in Ituri, Democratic Republic of the Congo, of which Mr. Ngudjolo Chui was the alleged leader.

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- **Meeting in Dar-es-Salaam on 9 February 2003:** The witness testified that he had participated, as President of the FNI, in a meeting in Dar-es-Salaam in 9 February 2003 including DRC's President Kabila and Uganda's President Museveni. A UPC² delegation was also present in Dar-es-Salaam at that time, but its President Mr. Lubanga did not take part in the meeting. At an unofficial side-meeting, the participants discussed the setting up of a mechanism to stop the UPC so it would no longer block the pacification commission³ in Ituri.
- **Bogoro Attack:** The witness, whilst in Kampala, heard on the radio about the fighting in Bogoro. He subsequently gave a radio interview about the attack.
- **Links between FNI and FRPI⁴:** the witness testified that prior to 18 March 2003, there were no links between the FNI and the FRPI, and there were no plans of working together.
- **Germain Katanga's Position:** the witness first met Mr. Katanga in August 2003 in a meeting in Bunia. The witness testified that he had never heard that Mr. Katanga was the leader of the Ngitis or the Lendu Bindi, or that he had ever seen Mr. Katanga accompanied by child soldiers.

6 April, 2011 - The Defence of Mr. Ngudjolo Chui examined witness 236.

During the Defence of Mr. Ngudjolo's examination, the witness provided insight on:

- **The Purpose of Forming the FNI:** The FNI had emphasized the concept that any Congolese could belong to the movement. The FNI was created as a political and military movement with the purpose of helping the Kinshasa government and the RCD-KML in their struggle to regain control over the district of Ituri and to take it from the hands of the UPC.
- **No Military Headquarters:** The witness indicated that from November 2002 (the time the movement was formed) to 18 March 2003, the FNI did not yet have a general military headquarters.
- **FNI Statute and Founding Members:** The witness testified that the FNI Statute was adopted on the same day the movement was founded. The Statute contains a list of the names of the FNI's founding members, however Mr. Ngudjolo was not on that list because he was a soldier and national law prohibited the participation of soldiers in political parties.
- **Links between RCD-KML⁵ and the Kinshasa Government:** the witness testified that the RCD-KML and the Kinshasa Government were allied. The Kinshasa

² The *Union des Patriotes Congolais*, (UPC). English: The Union of Congolese Patriots was an armed Hema rebel group active in the Ituri conflict in the northeastern Democratic Republic of the Congo.

³ Following the Luanda agreement which was signed on September 2002, the formation of a pacification commission in Ituri was agreed, and it was agreed that the political aspirations of the people of Ituri were to be channeled through MONUC.

⁴ The *Forces de Résistance Patriotique d'Ituri*, (FRPI). 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.

⁵ The RCD-Kisangani-Movement for Liberation (RCD-K/ML) now known as The Forces for Renewal (French: *Forces du Renouveau*) is a political party in the Democratic Republic of Congo. The party originated as a breakaway faction of the rebel Rally for Congolese Democracy (RCD).

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Government moved its military base to Beni and set-up its EMOI⁶ military command there. The witness indicated that there had been several military operations on the road between Beni and Bunia that were carried out by EMOI.

- **The Bogoro Attack:** the witness testified that the main objective of EMOI was to regain control over the territory of Ituri. As Bogoro is located inside the Ituri district, EMOI had been involved in the Bogoro attack. The Bogoro attack was at the time celebrated and seen as evidence of the UPC fall. However, the witness emphasized that the attack was carried out by the forces of the Kinshasa Government, and not by the FNI or FRPI forces.

7 April, 2011 - No hearing

8 April, 2011 - The Prosecution began its cross-examination of witness 236.

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

- **The Background for the Creation of the FNI:** the witness testified that in November 2002, he went with a delegation to meet the Ugandan President. On 17 November 2002 a meeting between the Ugandan President, the RCD-KML and the UPC was held. Following the meeting with Mr. Museveni (Ugandan president), the delegation went back to report to the elders in Pandroma, and it was in the next few days that the FNI was created (on 20 November 2002).

The Prosecution will continue its cross-examination next week.

⁶ Etat-Major Opérationnel Intégré (EMOI). In English: The 'Integrated Operational Head Command'.