



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

5 - 9 SEPTEMBER 2011

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

This week one witness gave his testimony. **Witness 88, Mr. Gabu Mandro Emmanuel also known as 'Chief Manu' (4th witness for the Defence of Mathieu Ngudjolo), was the Chief of the Bedu Ezekerie Groupement between 2001 and 2005.**

5 September, 2011
The Prosecution continued its cross-examination of witness 88.

During cross-examination by the Prosecution, the witness testified on:

- **The Position of Zombe in the Bedu Ezekerie Groupement:** The witness provided information about the view from the hill of Zombe. He stated that during the relevant period ¹ the UPC camp was visible. The witness was later given a map of the area in which he pointed out some localities.
- **Refugees in Zombe:** The witness stated that a large number of refugees started

¹ 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 goes from around August 2002 to April 2003. 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.

to reach Zumbe from various localities including Bunia and Bogoro after the Fall of Governor Lopondo².

- **Photos taken by Mr. Renault Kan:** The witness was shown a number of pictures of the area of Zumbe after the arrival of the ARTEMIS³ forces. The witness stated he did not remember a photographer called Renault Kan and denied that the child soldier in FARDC⁴ uniform that appeared in one of the pictures belonged to his Groupement.

06 September, 2011

The Prosecution continued its cross-examination of witness 88.

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

- **ICC Prosecutor's visit in July 2009:** The witness asserted that the Community of Zumbe prepared for the visit in advance, through public announcements in the surrounding areas. Notables and representatives from the church, from Kambutso, from Ezekerie and from other groups attended .
- **Witness 88's trip to Beni and the letter to the DRC Government:** The witness stated that, although he signed a letter sent to the DRC Government by the Lendu representative delegation in Aveba, explaining the extreme difficulties suffered by Lendu people because of the war, he was not familiar with some content of the letter.
- **Witness 88's trip to Beni and the role played by Mr. Katanga:** According to the witness during the voyage from Aveba to Beni the delegation was allegedly accompanied by young people carrying firearms. Mr. Katanga was also present and once in Beni, a discussion took place concerning who, between the witness and Mr. Katanga, was to be considered as the head of the delegation at the meeting with the RCD-K/ML⁵ commanders.
- **Witness 88's return trip by plane from Beni to Aveba:** The witness testified about his return trip by plane together with Mr. Katanga. The witness alleged that they were transporting ammunitions, rifles and food. Upon arrival in Aveba, commanders and many young people allegedly carried all the material to Mr. Katanga's residence. The witness alleged that he received some ammunition from Mr. Katanga and that with the help of some young people he transported it to Zumbe.
- **Mr. Katanga's authority in Aveba:** The witness alleged that Mr. Katanga was the military chief in Aveba but that he didn't have enough information to state whether his authority extended to other areas.

² 'The Fall of Governor Lopondo': commonly referred in the trial, is the 6th of August 2002 when the Governor of the Ituri region, Molondo Lopondo, was chased out of Bunia by the UPC and UPDF.

³ Operation ARTEMIS: was a short-term EU military mission to the DRC launched on the 12th June 2003.

⁴ FARDC: The armed forces of the Democratic Republic of Congo.

⁵ 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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7 September, 2011

The Prosecutor continued its cross examination of witness 88

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

- **Mr. Ngudjolo's position in the Red Cross and in President Mobutu's army:** According to the witness both Mr. Ngudjolo trained with the Red Cross in Bunia. Allegedly people trained by the Red Cross were chosen to give medical support to President Mobutu's civil guard in Goma. The witness asserted Mr. Ngudjolo remained in Bunia and he did not go to Goma, so there were no chances he could be subsequently integrated into President Mobutu's army.
- **Authority over the young people in Zombe:** Challenging an assertion by the Prosecution, the witness stated that there was no commander in the self-defence committee and that the traditional chiefs in Zombe had total authority over the young people.
- **Document related to the structure of the Base Committee:** In response to the Prosecution, the witness confirmed that the document, an extract of a previous document, was drafted in 2009 following a request from the OTP. The witness alleged that the drafters did not create anything new nor did they alter the document in order to support Mr. Ngudjolo's cause.
- **Mr. Ngudjolo's authority within the Bedu Ezekerie Groupement:** The witness denied that the inhabitants of Zombe organised themselves in order to support Mr. Ngudjolo's cause before the ICC, and he rejected the assertion that those testifying against Ngudjolo would have been threatened.

8 September, 2011

The Prosecutor concluded its cross-examination of witness 88.

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

- **The Attack on Mandro of 4th March 2003:** The witness was told that Commander Mbulo had participated in the attack on Mandro and that there had been a misunderstanding between Mr. Mbulo and Mr. Katanga on the distribution of heavy weapons. The witness stated he couldn't say which groups precisely took part in the attack but he alleged that people came back to Zombe with cows, food and other goods.
- **The attack on Bogoro:** The witness asserted that on the 24th of February 2003 there was fog and he couldn't see what was going on. The witness denied that people from his Groupement looted Bogoro after the attack and stated that he was not aware of civilian casualties.
- **The meeting in Beni and the role of Mr. Katanga:** The witness asserted that, before the attack on Bogoro, a meeting took place in Beni between various Lendu and Ngiti commanders. The witness was told that a decision was taken to cut the contacts between the UPC⁶ and the UPDF⁷ and to take control over Bogoro so fighting could stop. During the meeting it was alleged that Mr. Katanga received a considerable amount of money and ammunition in order to attack Bogoro, however his community had more interest in freeing Bunia.

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

⁷ UPDF: Uganda National Armed Forces.

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- **Common Interest between Lendus and Ngitis:** The witness then denied the existence of a common interest between the Lendus in Bedu Ezekerie and the Ngitis in Walendu Bindi
- **'Pierre's' testimony:** The witness confirmed that he knew that a Lendu young man under the pseudonym of Pierre had given testimony for the OTP in the present case. The witness asserted he had never discussed issues with Pierre and that he was not aware of the substance of Pierre's testimony.
- **'Pierre's' Parents:** According to the witness, Pierre's father, named Erik, stated that his son had given testimony in The Hague asserting that both his parents were dead.
- **Jean Logo:** The witness testified that he had driven Mr. Jean Logo⁸ to Erik's house in order to meet Pierre's family but that he did not participate to the following meeting.

During the questioning by Presiding Judge Cotte the witness testified on:

- **Mr. Ngudjolo's position:** The witness alleged that Mr. Ngudjolo transformed from being a nurse to an FNI⁹ commander of his own volition, without the witness being informed. The witness stated he did not know the reasons why Mr. Ngudjolo was appointed as Commander of the FNI after the battle of Bunia.
- **Mr Ngudjolo's participation in attacks:** The witness denied that Mr. Ngudjolo had participated in the attacks on Bogoro and Mandro.

9 September, 2011

A Legal Representative for Victims (LRV) and the Chamber examined witness 88

During questioning by Maitre Gilissen (LRV), the witness provided insight on:

- **Child Soldiers in the Bedu Ezekerie Groupement:** The witness stated that during the relevant period there were neither child soldiers nor military camps in his Groupement.
- **Demobilization program of the DRC Government:** The witness testified that through a body called CONADER¹⁰ and in cooperation with some local NGOs, money and demobilization kits were given to children that had weapons or military uniforms.
- **Weapons sold to children:** Allegedly people from the army sold weapons to the children who subsequently received money from the Government. The witness stated that his community fiercely opposed this practice.

⁸ Jean Logo is the 'person of resource' (possibly an intermediary) for the Defence of Mr. Katanga.

⁹ FNI: *Front des Nationalistes et Intégrationnistes*, a militia originally created to help the Kinshasa government to regain control over Ituri.

¹⁰ CONADER: Commission Nationale de la Demobilization et Reinsertion; The DRC government body for demobilization.

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