



KATANGA / NGUDJOLO CHUI
 INFORMAL WEEKLY SUMMARY
 6 - 10 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"> 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 three witnesses gave their testimony.
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.
Witness 001, Mr. David Adirodu Acheli (13th witness for the Defence of Germain Katanga): was a combatant within the Ituri militia and was later involved in the demobilization process.
Witness 148 (14th witness for the Defence of Germain Katanga): who testified under protective measures, was a combatant within the Ituri militia and had participated in the Bogoro attack.

6 June, 2011
 No hearing.

7 June, 2011
 The Prosecution completed its cross-examination of witness 160. Witness 001 was then sworn in and the Defence of Mr. Katanga began its examination-in-chief.

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During his cross-examination by the Prosecution, witness 160 provided insight on:

- **Mr. Katanga's Position:** when the witness met Mr. Katanga in 2002, Mr. Katanga was carrying a weapon, but the witness did not know whether he was a commander or not. The witness indicated he had only heard of the FRPI¹ in 2004, and it was then that he learned that Mr. Katanga was the president of the FRPI.

Witness 160 completed his testimony. Witness 001 was sworn in.

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

- **The Witness' Personal History:** the witness described some of his travels, and then indicated that he had finally left Bunia when Nyakunde fell (early September 2002), and fled to Zombe. He spent at least two weeks in Zombe. The witness testified that he left Zombe with a group of civilians and APC² soldiers led by Commander Bahati Dezombe; and explained that Commander Bahati was the leader of the militia in Zombe. The witness indicated that he eventually arrived at Nyabiri, where he joined the Ituri militia.

8 June, 2011

The Defence of Mr. Katanga completed its examination-in-chief of witness 001, and the Prosecution began its cross-examination.

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

- **The Demobilization Process:** The witness had been demobilized in Aveba. The witness indicated that he then worked at the demobilization center in Aveba 2004-2005. The witness testified that his role was to ascertain whether those arriving at the site had belonged to a militia and could be accepted into the demobilization process.
- **The Attack on Bogoro:** the witness testified that a delegation approached Mr. Katanga and told him that they wanted to attack Bogoro. Mr. Katanga allegedly indicated that as Bogoro was not under his command, they should refer the matter to Commander Yuda in Kagaba. The witness explained that these people then went to meet Commander Yuda and planned the attack on Bogoro.
- **Commanders Yuda and Bahati:** the witness testified that he had heard that both Commander Yuda and Commander Bahati participated in the Bogoro attack
- **Katanga in Aveba:** On the day of the attack on Bogoro, Mr. Katanga was allegedly in Aveba.

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

- **The Attack on Bogoro:** the witness testified that the delegation that came to discuss the planning of the attack on Bogoro with Mr. Katanga, came to Aveba from Beni. The witness indicated that he was not present in Aveba at that time, and had heard about this meeting from a Commander Movi (now deceased).

¹ *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.

² Armée du peuple congolais (APC) Congolese People's Army - a mixed Congolese armed group, allegedly associated with the RCD-KML.

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- **Mr. Ngudjolo's Position:** the witness could not confirm whether Mr. Ngudjolo was the leader of the combatants in Zumbe. He indicated that as far as he knew, their leader was Commander Bahati.
- **Ngudjolo in Bunia:** The witness explained that when he saw Mr. Ngudjolo in Bunia, Mr. Ngudjolo was a Colonel in the Congolese army (FARDC).³
- **Ngudjolo as Leader:** The witness testified that on March 2003 (after Bogoro and Bunia both fell) he heard that Mr. Ngudjolo was the leader of the Lendu combatants and the Chief-of-Staff of the FNI/FRPI.
- **Internal Divisions within the Ngiti Groups:** the witness testified that Commander Kandru was killed by Commander Cobra Matata after the battle in Nyakunde. The witness then explained that after Commander Kandru died, Mr. Katanga was meant to become the leader, but actually, Mr. Katanga allegedly became the leader of all Ngiti fighters only in 2003 after the battle of Bogoro.
- **Participants in the Attack on Bogoro:** The witness testified that Commander Bahati participated in the Bogoro attack. The witness then explained that he had heard that Mr. Katanga was in Aveba on the day of the attack, but since he was not there himself, he could not know for sure.

9 June, 2011

The Legal Representatives of Victims (LRV) presented their questions to witness 001, the Defence of Mr. Katanga asked its subsequent questions, and the witness completed his testimony. Witness 148 was sworn in and the Defence of Mr. Katanga began its examination-in-chief.

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

- **Children in BCA Camp:** The witness testified that the only male child he had seen in the BCA camp was around 13 years old and he first saw the boy in the camp towards the end of 2003.
- **Demobilization Criteria:** The witness testified that the reason why so few children arrived in the demobilization centre in Aveba was due to the criteria used to admit children. At first, only children that were "child soldiers" could be admitted to the program, and not enough children that fell under this category. Subsequently, the criteria for admission was broadened to include "children associated with an armed group", and more children entered the demobilization process.

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

- **Prior Attacks on Bogoro:** the witness testified that there were four attacks on Bogoro, and it was after the fourth attack that Bogoro fell. The witness could not remember the dates of the prior attacks.

Witness 001 completed his testimony. Witness 148 was sworn in.

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

³ 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. 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.

- **The Witness' Military History:** The witness underwent military training in Tchey, where the commanders in charge were Commander Dodova and Commander Nyamulongi. The witness testified he had participated in a battle in Tchey and, following that, a battle in Aveba (against 'the Ugandans').

10 June, 2011

The Defence of Mr. Katanga concluded its examination-in-chief of witness 148, and the Prosecution began its cross-examination.

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

- **The Attack on Nyakunde:** the witness testified that the UPC⁴ had headquarters in Nyakunde, Rampara, Bunia, Mandro, and Bogoro. The witness indicated that after the attack on Songolo, the combatants prepared an attack for Nyakunde. He then explained that the principle commanders of the Nyakunde attack were Commanders Kandru, Cobra Matata and Fauste (who was an APC soldier).
- **Commander Kandru's Death:** the witness testified that after the attack on Nyakunde, Commander Kandru went to Bavi, in order to calm things down, but he was killed by Commander Cobra Matata. After Kandru's death, Cobra returned and attacked Kandru's group (in Avenuma), and the soldiers subsequently fled to Kagaba and remained under the command of Commander Yuda.
- **The Attack on Bogoro:** the witness testified he had taken part in the attack on Bogoro, and indicated that several groups had participated in that attack as a coalition.
- **Katanga not seen in Bogoro attack:** The witness explained he had not seen Mr. Katanga on the day of the attack, and that it was Commander Yuda who had ordered the attack to be planned.
- **Crimes during Bogoro attack:** The witness alleged that civilians were killed in the battle, but that the majority of them were armed. The witness stated that he did not see any child soldiers during the battle in Bogoro, nor had he seen any woman being raped.
- **Mr. Katanga's Position:** the witness testified that Mr. Katanga was appointed Head of the FRPI, but could not remember when exactly this had happened.

During his examination by the Defence of Mr. Ngudjolo, the witness provided insight on:

- **The Battle in Bogoro:** the witness testified that the attack on Bogoro was planned by Commander Yuda with the assistance of his deputy - Androso Zaba Dark. The witness then confirmed that after the battle in Bogoro, Dark remained there to become the commander in Bogoro.

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

- **Commander Kandru's Position:** the witness testified that Commander Kandru was considered the supreme commander of the Ngiti combatants.

⁴ UPC: Union of Congolese Patriots/Union des Patriotes Congolais, a predominantly Hema/Gegere armed group led by Thomas Lubanga (currently on trial at the ICC).

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