



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

9 - 13 MAY 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 two witnesses gave testimony.

Witness 176 (5th witness for the Defence of Germain Katanga), who testified with protective measures, is a former UPC¹ soldier who was located in Bogoro at the time of the attack on 24 February 2003.

Witness 134 (6th witness for the Defence of Germain Katanga), **Mr. Mula Metu Alle**, is responsible for guidance of children and youth in the church, and knows Mr. Katanga's wife and other members of his family. He is of Lendu ethnicity.

9 May, 2011

The Prosecution commenced its cross-examination of witness 176, and the Legal Representatives for Victims (LRV) and Chamber presented their questions for the witness. A large part of the testimony was given in private session.

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

- **The Attack on Bogoro:** the witness testified that at the time of the attack, there were several ethnic groups in Bogoro, although the majority were Hema. He then indicated that the attacks were carried out by Ngiti and Lendu groups from

¹The *Union des Patriotes Congolais*, (UPC). English: The Union of Congolese Patriots is an armed Hema rebel group active in Ituri, northeastern Democratic Republic of the Congo during the Ituri conflict. 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.

Zumbe.

- **The Fight in Bunia on March 2003:** the witness testified that he had participated in the fight in Bunia as a UPC soldier. The UPC was allegedly chased out of Bunia by the UPDF² troops assisted by the Lendu and Ngiti combatants. The witness alleged that after the fighting, the Lendu and Ngiti who stayed in Bunia, had started killing civilians. The witness then explained that when Bunia was taken back by the UPC in May 2003, he was a member of PUSIC³.
- **Previous attacks on Bogoro:** the witness testified that previous attacks in January 2001 and August 2002 on Bogoro were carried out by Lendu combatants from Zumbe.

During questions presented by the LRVs, the witness provided insight on:

- **Civilian presence in Bogoro:** the witness testified that during 2001-2002, the civilian residents of Bogoro who had fled the village because of the attacks returned from time to time. When the attack of February 2003 started, the civilian population had fled to Bunia.

During questions presented by the Chamber, the witness provided insight on:

- **The Origin of the Conflict in Bogoro:** the witness indicated the conflict had begun as a land dispute between livestock farmers and crop growers. He then explained that the conflict started in 2001 when the Lendu attacked the local population, and consequently people who belonged to other ethnic groups left or fled the village.
- **Civilians in Bogoro on February 2003:** the witness indicated that in February 2003 there were more civilians than military personnel in Bogoro.
- **Attacks on Bogoro in February 2003:** the witness confirmed that there were two attacks by Lendu militias on Bogoro in February 2003, but could not confirm that the attackers of 10th February were the same attackers as those of the attack on 24th February. The witness indicated that the attack on 10 February was launched from only one location; but the attack on 24 February was allegedly launched from all sides of the village and was much larger in scale and was carried out with superior weaponry (as opposed to the weapons of UPC soldiers).

10 May, 2011

Witness 176 completed his testimony, and the defence of Mr. Katanga began its examination-in-chief of witness 134.

During subsequent questions presented by the Defence of Mr. Ngudjolo, witness 176 provided insight on:

- **Mathieu Ngudjolo Chui's position:** the witness testified that Mr. Ngudjolo had the highest rank in Zumbe and supervised the operations in Bogoro on 24 February 2003. The witness however testified that Mr. Katanga was “only a soldier receiving and following orders”.

² UPDF: Uganda Peoples Defence Force, is the armed forces of Uganda

³ PUSIC: Party for Unity and Safeguarding the Integrity of Congo, a Hema group which split from the UPC.

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During its examination-in-chief by the Defence of Mr. Katanga, witness 134 provided insight on:

- **The Town of Naykunde:** the witness testified that the Naykunde population was a collectivity of many ethnic groups, however, the majority of the population in Naykunde was Lendu. The witness then explained that the conflict in Naykunde began in August 2001 when an attack was directed against the Ngiti population. As a result, many Ngiti residents fled, including the witness, who left Naykunde in November 2001. The witness testified he was never a member of a militia.
- **The Witness' and "John's" (a pseudonym) locations during the war:**⁴ the witness testified that after fleeing Naykunde, he went to Bunia and stayed there until August 2002. After the fall of Lopondo, the witness indicated he left for North Kivu and stayed in Beni until April 2003. The witness then discussed some of the locations "John" had gone to at that same period of time.
- **The Question of Whether "John" was a Member of a Militia:** the witness testified that "John" was never a member of a militia. He indicated that "John" went to a demobilisation center for the sole purpose of obtaining the assistance that was provided to demobilized ex-militia members.
- **The Witness' Residence in Aveba:** the witness testified that while he was living in Aveba (May 2003), Mr. Katanga was also residing there in an area that was known as BCA. The witness indicated that at that time, Mr. Katanga had good relations with the civilians in the village, and was addressed to as "Kunzi" (which is the *Lingala*⁵ word for "Chief"). The witness was however unable to determine Mr. Katanga's official position at that time, since other people were addressed to as "Kunzi" as well.
- **Child Soldiers in Aveba:** the witness testified that he did not see any children fighting. He indicated that the children he had seen in the BCA camp were children of militiamen who were living with them. The witness explained that it is true that there were children who had been demobilized, but indicated that not all the children present were actually soldiers (they simply wanted to obtain the support kits that were provided in the demobilisation center).

11 May, 2011

No hearing.

12 May, 2011

Status Conference.

13 May, 2011

The Prosecution conducted its cross-examination of witness 134, and the witness completed his testimony.

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

- **Germain Katanga's Position in the Militia:** the witness testified that the first time he met Mr. Katanga was in Beni on December 2002. The witness could not confirm whether Mr. Katanga was the leader of the militia group in Aveba. He indicated that while he worked in an NGO in Aveba, the NGO would consult with Mr. Katanga from time to time regarding issues of security but he did not know

⁴ The true identity of "John" (pseudonym) was not revealed but was discussed in private session.

⁵ Lingala, or Ngala, is a Bantu language spoken throughout the northwestern part of the Democratic Republic of the Congo.

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the exact position Mr. Katanga held.

- **Mathieu Ngudjolo Chui's position:** the witness testified that he met Mr. Ngudjolo when he arrived at Bunia in April 2003. He indicated that Mr. Ngudjolo was working as a nurse in Zombe at that time, and the witness met him at a training seminar for health professionals. The witness could not confirm whether Mr. Ngudjolo carried out any activities other than those he carried out in his capacity as a health professional.
- **Armed Forces Present in Bunia on April 2003:** the witness indicated that when he arrived at Bunia, he saw the UPDF troops, but could not confirm whether Lendu and Ngiti groups were also present. He testified that he had heard that the UPC were no longer in control of Bunia, but never heard the names of Mr. Katanga and/or Mr. Ngudjolo as associated with the UPC's removal from Bunia in any way.
- **BCA Tribunal:** the witness testified that there was a tribunal in the BCA military camp, where civilians were tried. He explained that Mr. Katanga could give orders at the tribunal, and they would normally be followed - but not always.
- **Child Soldiers:** the witness testified that he had not seen any children under the age of 15 fighting in the militia; he had only read about this in the newspaper.

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