



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

17 - 21 OCTOBER 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. Germain Katanga continued to give testimony in his own defence.

17 October, 2011
 No hearing.

18 October, 2011
 The Legal Representative of Victims (LRVs) continued their questioning of Mr. Katanga. The Chamber also asked questions to Mr. Katanga.

During questioning by Maitre Gilissen (LRV), Mr. Katanga provided insight on:

- **Child soldiers in his military camps:** Mr. Katanga stated that he accepted children in his military camps as they had no other place to go and could remain with their families. Many of the children in his community were involved in the demobilisation program because they had been traumatised by the war, not because they were child soldiers. Mr. Katanga alleged that there is much confusion about the definition of 'child soldiers' but he was sure that there was no mobilisation of children, no military training and no child soldiers in his camp.

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- **Child soldiers in Ituri and during the CCGA¹:** Mr. Katanga testified that he did not see any children carrying weapons during the relevant period². It was only when the CCGA took place that he received allegations about child soldiers in Ituri and in the UPC³ battalions. During the CCGA Mr. Katanga stated that he asked for the intervention of UNICEF with regards to children living in the military camps, traumatised by the war.
- **The Cease-Fire Agreement⁴:** Mr. Katanga asserted that he was not involved in the drafting of the document and that he had signed it only by chance as he was present at the moment of signing. He did not go in-depth with regards to the content of the document nor could he remember the reference to child soldiers but he decided to sign it anyway in order to put an end to the hostilities and restore peace.
- **Information about the attack on Bogoro on 24 February 2003:** Mr. Katanga stated that he did not receive any information about children present in the battle field.

During the questions posed by Maitre Luvangika (LRV), Mr. Katanga testified on the attack on Bogoro on 24th February 2003:

- **Civilians killed in Bogoro:** Mr. Katanga claimed that he had learnt about civilian casualties from the news. Allegedly, none of the commanders who were involved in the attack on Bogoro told him about the massacre of civilians. Mr. Katanga stated that he knew that many people had died but he could not say what took place was a massacre.
- **Perpetrators and weapons used in Bogoro:** Mr. Katanga asserted that the people involved in the attack were not combatants but trained soldiers equipped with heavy weapons. He claimed that they used machetes only to clear the forest. Mr. Katanga then stated that he did not fully believe the allegation that the perpetrators were singing and dancing while killing with machetes.
- **Duration of the attack:** Mr. Katanga alleged that the attack did not end in one day as there were still pockets of resistance from the UPC in the area and a massive attack from Kaseni took place a few days after as numerous bodies covered by UPDF⁵ uniforms were discovered there.
- **UPDF occupation:** Mr. Katanga asserted that during the UPDF occupation of Bogoro, numerous people were told to stay in their houses for security reasons and then burned or shot if they tried to escape. In the opinion of Mr. Katanga this represented a real massacre.
- **Looting:** Mr. Katanga stated that many Ngiti went to Bogoro after the attack in order to recover goods and property and by March 2003 the village seemed completely abandoned. Allegedly, the FARDC⁶ were the first to loot in Bunia as they had been professionally trained for that purpose while the local combatants just imitated them later on.

¹ CCGA: Meeting of the Committee for the Coordination of the Armed Groups in Ituri which took place in Kinshasa during the week of 10 May 2004.

² 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.

³ UPC: Union des Patriotes Congolais, a militia composed almost exclusively of ethnic Hema.

⁴ A ceasefire was signed on 22nd March 2003 in Buina

⁵ UPDF: Uganda National Armed Forces.

⁶ FARDC: *Forces Armées de la République Démocratique du Congo* ; are the DRC national armed forces.

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During the questions posed by Presiding Judge Cotte on behalf of the Chamber, Mr. Katanga provided insight on:

- **His relationship with Kasaki Bandro:** Mr. Katanga explained that in 2001 Mr. Kasaki entrusted him with the revision of his decisions. Mr. Katanga claimed that once he was chosen as Kasaki's personal body guard he became Mr. Kasaki's right hand man, assisting him in various matters.
- **Mr. Katanga's role as coordinator:** Mr. Katanga stated that in December 2002 after his trip to Beni he was appointed as the FRPI⁷ Coordinator in Aveba. He alleged that his role was to coordinate the activities between the APC⁸ Units and the local combatants in the Walendu Bindi collectivity. Mr. Katanga explained that his role was similar to the one that Commander Kandru had before.
- **Authority of Kasaki Bandro:** Mr. Katanga alleged that if someone disobeyed Mr. Kasaki's orders he would be deprived of almost everything. Mr. Katanga then testified that each commander in the Walendu Bindi collectivity had authority on their own area and the role of the coordinator was simply to guarantee harmony among those commanders.

19 October, 2011

The Chamber completed its questioning of Mr. Katanga. The Defence Team and the Prosecutor asked final questions.

During his questioning by the Chamber, Mr. Katanga provided insight on:

- **His role as coordinator:** Mr. Katanga admitted that at many times he did not succeed in reconciling the different positions of the various local commanders in the Walendu Bindi collectivity.
- **Chief Akobi's authority in the Walendu Bindi collectivity:** Mr. Katanga explained that Chief Akobi theoretically still had the authority over the Walendu Bindi territory during the relevant period, but in concrete terms his power was limited by the wise men, and there was no reporting going on between him and the local commanders.
- **The Hema-Tutsi Empire:** Mr. Katanga asserted that the UPC started to fight the Lendus in Ituri as they were supported by both the UPDF and the Rwandese Army. This was to further a specific common plan to create a Hema-Tutsi Empire. Mr. Katanga stated that the plan entailed the removal of all the Lendus from their native land.
- **Attacks on civilians:** Mr. Katanga stated that he had never seen APC soldiers intentionally directing attacks against civilians in Chai village or anywhere else. He then admitted that often the combatants in his collectivity did not follow the required rules of conduct especially after having witnessed the death of their families. As coordinator, Mr. Katanga warned the Lendu combatants not to threaten the Hema population on numerous occasions.

⁷ 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.

⁸ APC: *Armée du Peuple Congolais*, was the armed forces of the RCD-K/ML (Congolese Rally for Democracy - Liberation Movement) which until 2002 claimed to be the political and administrative authority throughout Ituri and North Kivu province.

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- **Plan to attack Bogoro and Bunia:** Mr. Katanga stated that he was aware of a plan involving a massive attack in Bogoro and Bunia in February and March 2003. Allegedly the plan had been in the works since November 2002 and a hierarchy of military ranks and functions was set up for that purpose. Mr. Katanga stated that as coordinator, his role was to organise the distribution of the ammunition to the combatants on the ground and to manage the communication between the APC commanders and the local combatants on the ground.
- **Others' roles as commander:** Mr. Katanga stated that Karim Baya, Yuda and Blaise-Koka were the commanders in charge of the operations with regard to the Bogoro attack. The APC military authorities had allegedly given the operational command to another commander due to his strong knowledge of the territory.
- **Fetishes⁹:** Mr. Katanga stressed that Mr. Kakado and Mr. Kasaki distributed fetishes to protect everyone in the community. Allegedly the local combatants could not go to the battle field without being equipped with these objects. Mr. Katanga stressed that he himself brought a fetish to the Hague.
- **Mr. Katanga's trip to Uganda:** Mr. Katanga stated that during the relevant period, he was well known to the Ugandan Government for his actions against the UDFP in Aveba. He testified that he decided to take the risk of travelling to Uganda to meet with President Museveni because he wanted to eradicate the tensions existing between the Ngiti and Uganda, while at the same time, facilitating new cooperation.
- **Organisational and military structures of Aveba in February 2003:** Mr. Katanga alleged that the commander of the front was Kasaki Bandro while Mr. Katanga himself was the commander in Aveba.

After a specific request presented by the Katanga Defence Team was granted by the Chamber, Mr. Katanga was examined and cross-examined with regard to the content of a letter sent by Commander Oudo Mbafele to Bernard Kakado on 6th March 2003.

During his examination by the Defence, Mr. Katanga provided insight on:

- **Military Commanders in the Walendu Bindi collectivity during the relevant period:** Mr. Katanga confirmed that during the relevant period Mr. Cobra Matata was the Supreme Commander of the FRPI in the Walendu Bindi collectivity while he himself was the Commander 'Auditeur'.

During cross-examination by the Prosecutor, Mr. Katanga testified on:

- **His role as 'Auditeur':** Mr. Katanga stated that, despite his role and authority, the local commanders engaged in fighting with each other and did not recognize his power as mediator and coordinator.
- **Mr. Mbafele's role as operational commander:** Mr. Katanga asserted that he was not aware of the self-definition given by Mr. Mbafele in the letter as operational commander of the FRPI.
- **Photos of children carrying AK-47 rifles:** Mr. Katanga stated that it was not possible that a child of 15 years age could handle two rifles at the same time.
- **UPC attacks in Walendu Bindi:** Mr. Katanga reported that the first UPC attacks in his collectivity took place in Songolo on the 31st August 2002.

⁹ Fetish derives from the French word "fétiche" and is an object believed to possess supernatural powers. 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.

- **Cobra Matata at the BCA¹⁰ Camp:** Mr. Katanga alleged that when Cobra Matata went to Aveba after passing through Bunia and Nyakunde, he launched an attack on the BCA military camp which caused the death of at least 20 people.
- **Cobra Matata letter to President Kabila of 3rd March 2003:** Mr. Katanga stated that he was surprised that Cobra Matata referred to himself as the Supreme Chief of the Etat Major of the FRPI. Cobra Matata was also allegedly well aware of the exploitation of gold in his Groupement as he was the person in charge of the administration of the goldmines.

The Chamber granted the request of Katanga Defence Team to review all the transcripts of Mr. Katanga's testimony due to several inconsistencies between the English and the French versions. The Chamber thus asked the Registrar to apply the guidelines laid down in the Lubanga case in order to undertake a full and consistent review of the transcripts.

20 October, 2011

The hearing was suspended.

¹⁰ BCA Camp: Bureau of the Aveba Combatants camp, where Germain Katanga allegedly lived in Aveba
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