

COALITION FOR THE INTERNATIONAL CRIMINAL COURT
TOGETHER FOR JUSTICE



KATANGA / NGUDJOLO CHUI

INFORMAL WEEKLY SUMMARY

27 JUNE - 1 JULY 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 196 (15th witness for the Defence of Germain Katanga), Leonard Katobe Adiso. Mr. Katobe is currently employed by Oxfam as a security guard, but previously worked as a teacher and was employed by Terre des Enfants in an Aveba based demobilization site.

Witness 259 (16th witness for the Defence of Germain Katanga), Mugangu Awena Bonheur. Mr. Mugangu allegedly passed through a demobilization centre in Aveba in 2005.

27 June, 2011

The Defence commenced its examination-in-chief of witness 196.

During his questioning by the Defence of Mr. Katanga, the witness provided insight on:

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.

- **Working for Terre des Enfants¹:** The witness stated he started working for Terre des Enfants in Bunia in 2001 where he did outreach work.
- **Missions to Aveba:** The witness was sent to Aveba twice to meet with Mr. Katanga to discuss setting up a demobilisation centre. Although he was received by Mr. Katanga, he only spoke to his secretary.
- **Setting up the centre:** The witness stated the demobilization centre at Aveba started its work on 1 November 2004. Several NGOs helped in its setting up, with the cooperation of Mr. Katanga.
- **Child soldiers:** The witness testified only one child soldier reported to the centre. The witness elaborated on categories used by the centre for deciding which children had to be demobilized. The first category was comprised of child soldiers; the second of EAFGA² children; the third of war traumatized children. According to the witness one out of ten children at the location was EAFGA.

28 June, 2011

The Defence of Germain Katanga finished its examination-in-chief of witness 196 and the Prosecution commenced its cross-examination.

Examination-in-chief by the Defence of Germain Katanga:

- **EAFGA status:** The witness testified that it had been very difficult to prove whether children were child soldiers or had otherwise been associated with the militias.

The Prosecution started its cross-examination:

- **Francine:** The witness indicated he had seen Francine, Mr. Katanga's sister, one month prior to leaving Ituri for The Hague. He did not know if Francine was aware he would testify since they rarely met and he did not tell her he would be going to The Hague.
- **Mr. Jean Logo³:** Jean Logo came to the house of the witness in August 2010 and introduced himself as counsel to Mr. Katanga. Over the course of one year the witness claimed to have had several meetings with Mr. Logo. During a meeting in early 2011 the witness handed over a document to Mr. Logo regarding the number of child soldiers in the demobilization centre in Aveba.
- **Child soldiers:** In 2003-2004, the witness heard about child soldiers but stated that when he was in Aveba in 2003 he did not see any. He again stated that he had only seen one child soldier in the demobilization centre in Aveba.
- **Threats:** The witness claimed to have received several threats from militia commanders who opposed the demobilization process.

¹Terre des Enfants is an independent French-based NGO focusing on children's rights.

²EAFGA: Children associated with forces and armed groups in the Congo. These children would help the armed groups and forces by bringing supplies or cooking but would not take part in actual fighting.

³Jean Logo is the 'person of resource' (possibly an intermediary) for the Defence of Mr. Katanga.

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.

29 June, 2011

The Prosecution finished its cross-examination of witness 196. The Defence commenced its examination-in-chief of witness 259.

The Prosecution continued its cross-examination of witness 196:

- **Demobilization centre:** According to the witness, about 1000 children passed through the demobilization centre in the period of 2004-2005. He estimated about 10% of them were EAFGA.
- **Mr. Jean Logo:** how exactly Mr. Logo got the address of the witness remained unclear to the witness. The witness alleged that even though Mr. Logo is not a lawyer, he did introduce himself as a lawyer to the witness.

The Prosecution concluded its cross-examination of witness 196. In his concluding remarks the witness indicated that since the centre closed down six years ago, it had been difficult for him to remember the names and numbers of children that he saw passing through the centre.

The Defence of Mr. Katanga began its examination-in-chief of witness 259:

- **Demobilization site:** The witness stated many of his friends went to the demobilization site in Aveba in the period of late 2004 to early 2005.
- **Demobilisation 'kits':** The witness testified that he had been told by his friends that at the demobilization site they had been questioned to find out whether they had been child soldiers and then had been given "kits" containing blankets, towels, bags and clothes.
- **NGOs:** According to the witness, several NGOs such as Terre des Enfants, Save the Children⁴ and AGEDEC were active in the Aveba region, informing children about the demobilization centre. The NGOs promised a 'kit' for every child soldier who reported to the demobilization centre.
- **Demobilization:** After hearing about the demobilization, the witness allegedly reported himself to Save the Children as a child soldier. The witness stated he was taken to the demobilization centre by CONADER⁵ that same day. He was interviewed at the centre and given a kit, and allegedly stayed for two days at the centre.

30 June, 2011

The Defence concluded its examination-in-chief of witness 259 and the Prosecution commenced its cross-examination of witness 259.

The Defence of Mr. Katanga continued its examination-in-chief of the witness:

⁴Save the Children's demobilization project in the DRC ran from October 2003 until the end of 2006, its objectives were education, social protection and post conflict reconstruction.

⁵ CONADER: Commission Nationale de la Demobilization et Reinsertion; The DRC government body for demobilization.

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.

- **List:** The witness elaborated on a list of children he disputed were child soldiers but who had been granted that status. The witness had made the list using a notebook handed over to him by Jean Logo. The list, covering the period of 2002-2005, contained the names of 37 children.

The Prosecution commenced its cross examination:

- **Church:** The witness confirmed that Mr. Katanga's family went to the same church in Aveba as he did in the period 1999-2005.
- **Francine:** The witness confirmed that he had seen Francine, Mr. Katanga's sister, in Aveba and that she lived in the same neighbourhood in Bunia as he does, but denied having seen her before leaving to The Hague to testify. The witness also denied having seen her work as an agent in the Aveba demobilization centre when he was there in 2005.
- **Jonathan and Baraka:** The witness confirmed both Jonathan and Baraka, Mr. Katanga's brothers, lived in the same part of Bunia as the witness. Although he saw them from time to time the witness denied he had recently been in contact with them and denied telling them he would be testifying before the ICC.
- **NGOs:** The witness stated he could not remember the exact organization that had brought him to the centre in Aveba.
- **Commanders opposing demobilization:** The witness stated he did not know whether Commanders Cobra, Dark, or Oudo opposed the demobilization of child soldiers. He stated he never saw them but had only heard of them.
- **Demobilization:** The witness had previously stated that he lied about his age upon entering the demobilization centre, claiming he was 15 in stead of 17. The witness confirmed that there had been no reason to lie about his age since the centre would take all child soldiers under the age of 18.

The Prosecution concluded its cross-examination of witness 259.

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.