JEAN-PIERRE BEMBA GOMBO
INFORMAL WEEKLY SUMMARY
MARCH 28TH - APRIL 1ST 2011

Situation	Central African Republic
Case	01/05-01/08
	The Prosecutor vs. Jean-Pierre Bemba Gombo
Hearing	Trial Proceedings
Chamber	**Trial Chamber III:** Judge Sylvia Steiner (Presiding Judge), Judge Joyce Aluoch and Judge Kuniko Ozaki
Parties:	OTP: Ms. Bensouda, Ms. Kneuer and team
	Defence: Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba and team
Participants:	1312 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud

Jean-Pierre Bemba Gombo: born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged President and Commander-in-chief of the *Mouvement de libération du Congo* (Movement for the Liberation of the Congo) (MLC).

Alleged crimes:
Jean-Pierre Bemba Gombo is allegedly responsible, as military commander, of:

o **Crimes against humanity:** Murder and rape.
o **War crimes:** Murder, rape and pillaging.

Start of Trial: 22 November 2010

This week, **Expert Witness 222** finished giving his testimony and **Witness 75** began giving their testimony in private session:

Expert Witness 222 (OTP's 15th Witness) - a retired linguistics professor, he specialises in *Baya*[1] languages with a specific concentration on the *Sango*[2] language. He submitted an expert report for the Office of the Prosecutor in September 2010 on the similarities and differences between *Lingala*[3] and *Sango*.

Witness 75 (OTP's 16th Witness) - gave full testimony in private session – this included the oral decision on extensive protective measures under which this witness would testify which was also given in private session.

March 28th 2011
The Legal Representatives for Victims (LRV) questioned **Expert Witness 222**. The Defence began its cross examination of **Expert Witness 222**.

Maitre Zarambaud questioned Expert Witness 222 who provided insight on:

- **Use of language**: In the witness' opinion, Bemba's forces did not need to speak *Sango* because they were armed and used force to obtain what they needed from people.
- **Victims identifying attackers through language**: The expert witness stated that an alleged victim of rape would be able to recognize *Lingala* more accurately than the average Central African if their alleged attacker spoke to them during the commission of the rape. «The words of their attacker [heard]

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[1] The *Baya* language family is a group of Ubangian languages and dialects from the Central African Region.
[2] *Sango* is the primary language spoken in the Central African Republic
[3] *Lingala* is the language spoken in Democratic Republic of Congo.

during the traumatic experience of rape would leave an imprint in the brain of the alleged victim».

- **French accent**: If and when MLC forces spoke French to Central Africans who live in the Bangui region, the latter would likely be able to identify them as people from the DRC because of their type of French accent.

Maitre Douzima from the **LRV** also questioned the expert witness on;

- The distinction between French accents from CAR and DRC residents, whether the witness himself is able to identify whether a person speaking French was from the DRC or the CAR and the cultural and political significance of the *Sango* language for Central Africans.

Judge Ozaki asked questions to which the expert witness clarified some elements of his expert report:

- **Distinguishing a Bantu[4] language:** The witness affirmed that in general, a Central African from the North[5] would recognize *Lingala* as a Bantu language, but would not likely be able to distinguish and classify the different Bantu languages.
- **Ubangian[6] language**: The witness stated that people who speak an Ubangian language would not fail to recognize other languages as Ubangian.
- **Bantu languages in CAR**: The expert witness confirmed that there is a Bantu language spoken in the South West region of the CAR by a small ethic group.

Judge Steiner asked questions regarding the scope of understanding Central Africans have of other languages, to which the expert explained;

- In the witness' experience, having lived with Central Africans, he has found that when indicating how they understand a language or not Central Africans are very precise in their description of their own understanding.

Judge Aluoch asked questions of the expert witness who further clarified;

- **Recognition of another language**: Recognizing another language has nothing to do with going to school[7]. Rather hearing other languages being spoken around and in your region or on the radio is sufficient enough for any individual to be able to identify accurately another language that is not their own.

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[4] Bantu is a language family that includes most languages South of the Equator in Africa. All Bantu languages share the same fundamental characteristics.

[5] The Northern part of the Central African Republic is the close to the DRC and a Northern Central African can often recognize this language family spoken in the DRC due to geographical proximity and the fact that there is frequent Congolese radio broadcast in that region.

[6] Ubangian Languages are languages spoken in the region of Bangui in the Central African Republic. This term was coined by the expert witness himself.

[7] This question was of great importance to Chambers given the fact that many of the witnesses have admitted that they never went to school and are "not educated". More precisely, witnesses have often stated this when trying to explain that they "think the *Banyamulenge* were speaking *Lingala* but they cannot be sure because they are not educated".

The Defence commenced its cross-examination of the expert witness who provided insight on:

- **The social and cultural makeup of a given society:** This may have changed since the witness' research visit in 1994. However, the witness affirmed that linguistically, any country including the CAR would not have any significant changes within a 17 year span.
- **Value of a socio-linguistic study:** Even 20 years after a study has been completed and published, a study is still valid and it is up to the researcher referring to the older study to take into account potential changes over time[8].
- **Sources and foundations to his expert report:** The witness explained that his conclusions drew on; his research data from his 1994 research in the CAR, fundamental linguistic principles agreed upon in this field of study, his analysis of testimonies[9] provided to him by the OTP and finally, his expertise and profound knowledge of the CAR and its dominant language *Sango*.
- **Expert's recent visits to Africa:** The witness admitted to visiting the CAR and the DRC approximately two weeks before beginning his testimony in court. The purpose of these visits was not for research reasons, nor to modify anything in his expert report submitted in September 2010.
- **Knowledge of *Lingala* challenged:** The defence challenged the value of the expert report based on the fact that the expert witness does not speak *Lingala*, but only *Sango*. The witness explained that in the field of linguistics, you do not have to speak two languages when comparing them. Furthermore, the witness insisted that his knowledge of *Lingala* was sufficient enough to produce his expert report.
- **Terms *Banyamulenge*[10] and *Mulenge*:** The witness explained that the Swahili word *Mulenge* is the name of a famous mountain in the DRC and that inhabitants had taken the name of that mountain to identify themselves.
- **Other languages:** The expert witness admitted that it is possible that the *Banyamulenge* spoke languages other than *Lingala*.
- **Lingala and the DRC:** People from Bangui are able to, and do relate the *Lingala* language to the DRC
- **No Knowledge of the CAR conflict:** The expert witness admitted that he was unaware of the armed conflict happening in the CAR during the period of the events in question.

March 29th 2011
The Defence completed its cross examination of **Expert Witness 222.**

- **Value of expert report contested:** The defence challenged the scientific value of the witness' expert report because the witness admitted that the type of research he conducted to produce his report resorted to *social science*

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[8] The expert witness explained extensively how his peers and colleagues would agree on the validity of a study 20 years later because such extensive studies are not undertaken on a yearly basis. It is their own professional responsibility to verify the areas of change in the given subject field.
[9] The OTP provided the expert witness with a certain number of testimonies from their witnesses when he asked to write an expert report for the OTP.
[10] *Banyamulenge* is a term historically describing the ethnic Tutsi Rwandans, concentrated on the High Plateau of South Kivu, in the eastern region of the Democratic Republic of the Congo.

methods. The witness explained that he never stated that his report was a scientific tool, but the result of an examination, research and observations.
- **Other training**: The witness testified that he has never received any legal training of any kind.

Judge Aluoch briefly questioned the expert witness – Judge Aluoch wanted to know if the fact that the witness did not know of the conflict in the CAR during 2002 and 2003, would have influenced the observations advanced in his expert report:
- The witness explained that it is highly unlikely that being aware of the conflict during the time that it happened would have influenced his observations or conclusions because his expert report only dealt with languages.

March 30th 2011
Witness 75 was sworn in and the Prosecution began its examination-in-chief of the witness in private session.

The testimony of **Witness 75** was given in private session as was the ruling on protective measures. Nothing about the witness' identity was revealed to the public.

March 31st 2011
Witness 75 continued giving their testimony in private session.

Witness 75 completed their testimony today in private session. **Witness 6** will begin giving testimony on Monday, April 4th 2011.

April 1st 2011 - No hearing.