



**J E A N - P I E R R E B E M B A**

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<b>Situation</b>	Central African Republic	<b>Start of Trial:</b> 22 November 2010
<b>Case</b>	01/05-01/08 The prosecutor v. Mr Jean-Pierre Bemba Gombo	<b>Jean-Pierre Bemba Gombo:</b> born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged President and Commander-in-chief of the <i>Mouvement de libération du Congo</i> (Movement for the Liberation of the Congo) (MLC).
<b>Hearing Chamber</b>	Trial Proceedings <b>Trial Chamber III:</b> Judge Sylvia Steiner (Presiding Judge), Judge Joyce Aluoch and Judge Kuniko Ozaki	
<b>Parties:</b>		
<b>OTP:</b>	Ms. Bensouda, Ms. Kneuer and team	<b>Alleged crimes:</b> Jean-Pierre Bemba Gombo is allegedly responsible, as military commander, of:
<b>Defence:</b>	Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba and team	
<b>Participants:</b>	1312 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud.	<ul style="list-style-type: none"><li>▪ Crimes against humanity: Murder and rape.</li><li>▪ War crimes: Murder, rape and Pillaging</li></ul>

<b>Monday 10 January:</b>	No Hearing
<b>Tuesday 11 January:</b>	OTP commenced cross-examination of Witness 87
<b>Wednesday 12 January:</b>	OTP finished cross-examination, LRV had no questions, Defence commenced cross-examination of Witness 87
<b>Thursday 13 January:</b>	Defence continued cross-examination of Witness 87
<b>Friday 14 January:</b>	Defence finished cross-examination of Witness 87
<b>Summary:</b>	<b>Witness 87</b> , the <b>fourth Prosecution witness</b> (alleged victim of rape and pillaging) gave evidence of an alleged attack by <i>Banyumulenge</i> men taking over from Patassé's troops in Bangui in October 2002.

<b>Prosecution</b>
<b>Cross-Examination of Witness 87 - Key Testimony:</b>
<ul style="list-style-type: none"><li>I. Alleged Constitution of Rape, Murder and Pillaging</li><li>II. Presence of Other Armed Groups</li></ul>

### **I. Alleged Constitution of Rape, Murder and Pillaging**

Particular attention was paid by the Prosecution to the circumstances regarding the alleged gang-rape of Witness 87 by the *Banyumulenge*<sup>1</sup> men, to ensure that the crime of rape was constituted and that the witness' testimony was sound. Witness 87 also provided details of the alleged pillaging of her home, including the alleged taking of all of her money and killing of one of her brothers in order to steal a motorbike.

### **II. Presence of Other Armed Groups**

The Prosecution concluded its questioning by briefly returning to the possible presence of other armed groups other than the *Banyumulenge*. The witness stated that she had only seen Bozizé's rebels who fled when the *Banyumulenge* arrived.

<sup>1</sup> *Banyumulenge* 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.

## **Defence**

### **Cross-Examination of Witness 87 - Key Testimony:**

- I. Visit of Prosecutor Luis Moreno Ocampo and the ICC Investigation
- II. Identification of Alleged Perpetrators as *Banyamulenge*
- III. Events on Day of Attack
- IV. Orders Given to Troops

#### **I. Visit of Luis Moreno Ocampo (Prosecutor) and ICC Investigation**

The Defence commenced its cross-examination with several questions pertaining to the meetings of Witness 87 with the OTP investigators and Mr. Moreno-Ocampo who visited her neighbourhood. Witness 87 indicated that she had told her story to people from the ICC, as well as to her uncle who had filed a complaint with the human rights division of the CAR courts in relation to the events which had taken place. In addition, the uncle had applied for Witness 87 to be represented as a victim before the ICC. Witness 87 had met with OTP investigators in 2008. She had also met, along with the alleged victims of the *Banyamulenge* who had been allegedly been raped and robbed, Mr. Moreno-Ocampo. The Prosecutor had asked the witness to tell her story during his visit and had explained that the investigation was taking place to ensure that ones responsible would be sent to prison. Witness 87 stated that the ICC had taken her for an examination and medical and psychological treatment. She subsequently also confirmed that her brother's body had been exhumed by the ICC.

#### **II. Identification of Perpetrators as *Banyamulenge***

Witness 87 was informed that the *Banyamulenge* were coming by young people who were fleeing from them; she identified the attackers as *Banyamulenge* on the basis of their uniform, which she recognised as the uniform which was worn by the President Patassé's Presidential Guard. Their language was *Lingala*, which was the language spoken on the other side of the river (Democratic Republic of the Congo) where the *Banyamulenge* came from.

#### **III. Events on Day of Attack**

The Defence revisited the day of the events. Witness 87 gave evidence describing her rape and the theft of her belongings and a motorbike, as well as the alleged killing of her brother. She was asked to indicate the exact impact of the bullets on her brothers' body on a diagram. She marked his chest as the area and repeated that the wounds were on his chest, but she was not able to point out the exact impact.

#### **IV. Orders Given to Troops**

At the conclusion of the Defence cross-examination, Witness 87 stated that the Head of State at the time was President Patassé and alleged that he had been the one to ask Mr. Bemba for assistance. Witness 87 stated that she believed that if President Patassé 'had not given the order, the *Banyamulenge* would not have come: 'He was the one who gave them the directions'.

### **The Legal Representatives for Victims had no questions**

The ICC weekly audio and video summary of the proceedings can be found on:  
Audio (mpeg3): [http://www.fileserver.icc-cpi.info/audio/111701\\_Bemba.mp3](http://www.fileserver.icc-cpi.info/audio/111701_Bemba.mp3)  
Video (mpeg4): [http://www.fileserver.icc-cpi.info/video/111701\\_Bemba.mp4](http://www.fileserver.icc-cpi.info/video/111701_Bemba.mp4)  
Youtube (for viewing): <http://www.youtube.com/watch?v=TSB5hcCloGQ>

*This is a very informal summary. Please note we were unable to verify the spelling of some of the persons and locations mentioned. Please do not forward without prior consent from CICC staff.*