



JEAN-PIERRE BEMBA GOMBO

INFORMAL WEEKLY SUMMARY
APRIL 11TH - 15TH 2011

Situation Case	Central African Republic 01/05-01/08 The Prosecutor vs. Jean-Pierre Bemba Gombo	<u>Jean-Pierre Bemba Gombo</u> : 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).
Hearing Chamber	Trial Proceedings Trial Chamber III : Judge Sylvia Steiner (Presiding Judge), Judge Joyce Aluoch and Judge Kuniko Ozaki	Alleged crimes: <u>Jean-Pierre Bemba Gombo</u> is allegedly responsible, as military commander, of: <ul style="list-style-type: none">○ Crimes against humanity: Murder and rape.○ War crimes: Murder, rape and pillaging.
Parties:	OTP: Ms. Bensouda, Ms. Kneuer and team Defence: Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba and team	Start of Trial: 22 November 2010
Participants:	1312 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud	

This week, two witnesses gave testimony:

Witness 6 (OTP's 17th Witness) Mr. Firmin Feindiro: In his capacity as General Prosecutor of the CAR, Mr. Feindiro conducted legal investigations into the CAR conflict of 2002-2003.

Expert Witness 229 (OTP's 18th Witness) Dr. Andre Tabo: Dr. Tabo is head of the Psychiatric department at the *Centre National Hospitalier Universitaire de Bangui*. Dr. Tabo participated in a mission¹ to treat the victims of sexual violence from this CAR conflict in August 2006 and also wrote a report on rape as a weapon of war in the Central African conflict of 2002-2003.

April 11th 2011 - The Defence continued its cross examination of **Witness 6**, Mr. Feindiro.

The Defence's cross examination focused primarily on which high ranking individuals² were questioned during Mr. Feindiro's investigation³. Mr. Feindiro did not question Patassé or Zigélé, as both were exiled.

- **ICC Investigation:** The Mr. Feindiro was questioned by ICC investigators in Bangui in 2008 which focused primarily on the legal findings of his investigation.

¹ The witness' mission included a research on the psychological and psychiatric consequences manifested in the victims of sexual violence during the CAR conflict of 2002-2003.

² High ranking individuals such as Pierre Angois, the former CAR Defence Minister; Jackson Mazaytay, the former CAR Internal Affairs Minister Antoine Gambi, the former CAR General High Commander, etc.

³ The Defence consistently asked the witness whether ICC investigators tried to access/reach these individuals through the witness, who continuously responded that he was asked exclusively about his legal dossier by ICC investigators and not whom he could or could not contact.

- **Bemba's knowledge of alleged crimes:** When MLC General Bombayake was questioned during the investigation, he stated that reports on operations "were never really submitted" to Bemba or Patassé. Allegedly, General Bombayake stated in his interview with Mr. Feindiro that Bemba was well aware of the violence MLC troops were committing on civilians.

April 12th 2011

The Defence completed its cross examination of **Witness 6**.

The Prosecution began its examination-in-chief of **Expert Witness 229**.

While the Defence continued to cross-examine **Witness 6**, Mr. Feindiro further explained the legal findings from his investigation with the examining judge. According to the witness:

- **MLC Soldiers:** Could not be questioned since they all left the CAR by March 15th 2003. The witness confirmed that he is unaware how the MLC was organised and structured.
- **Rapes and looting:** Mr. Feindiro confirmed a statement he provided ICC investigators where he stated "that rapes and looting" by MLC troops "did not seem to correspond to a plan".

Expert Witness 229, Dr. Andre Tabo, was sworn in.

The Prosecution commenced its examination-in-chief of **Expert Witness 229**, Dr. Andre Tabo who treated victims of sexual violence during the CAR conflict of 2002-2003 provided insight on:

- **Victim Aid Program:** With funding from The World Bank in 2006, OCODEFAD⁴ asked the witness to help create a program that would provide psychological and social support to victims of sexual violence in the Bangui area. The witness completed this assignment with no remuneration.
- **Projects of May 2005 and 2006.** The UNFPA⁵ funded a project in May 2005 to treat victims of sexual violence in the CAR but did not deem the participation of the Dr. Tabo appropriate⁶. However when the WHO⁷ began funding the project in 2006, they asked that Dr. Tabo participate in the project as a consultant, which he did.
- **LIPUS⁸ Project with OCODEFAD/WHO:** For 6 weeks, the witness participated in the LIPUS project as a technician and practitioner to help establish the necessary psychological and social support to the victims of sexual violence.

⁴ OCODEFAD stands for *L'Organisation pour la compassion et le développement des familles en détresse*; it is an NGO that helps rape survivors to fill in application forms to participate in trial. It was founded by Madame Bernadette Sayot.

⁵ UNFPA, the *United Nations Population Fund*, is an international development agency that promotes the rights of every woman, man and child to enjoy a life of health and equal opportunity.

⁶ The witness was not asked to explain why FUNEAP would have deemed his participation inappropriate.

⁷ WHO stands for the *World Health Organization*, is the directing and coordinating authority within the United Nations system. They provide leadership on global health matters, shape health research agendas, set norms and standards and provide technical support to countries in need.

⁸ LIPUS was the name of the project and once the WHO started funding the project, it became a joint project with the Central African Ministry of Health and the Central African Ministry of Social Affairs.

- **Witness' mandate:** The witness was responsible for "building the capacity and tools" necessary for the medical and health care staff of the hospital, enabling them to provide care for the victims of sexual violence of 5 prefects⁹.
- **OCODEFAD:** Dr. Tabo confirmed that he is not a member of this NGO and furthermore he did not continue to work with OCODEFAD once he established the treatments/program that would help the victims of sexual violence.
- **Report:** The witness drafted a report with a colleague named Dr. Conjugo. The report was transmitted to the WHO and kept confidential.
- **Alleged Victim numbers:** The witness alleged that the first mission (which he did not partake in) found 192 victims of sexual violence; the second mission (which he partook in) found 87 new victims. A total of 279 victims of sexual violence had been identified by August 2006.
- **Medication:** Certain types of medication were provided during the project which lasted for 6 months. Once the project ended, it was difficult for the victims to obtain medication, primarily for financial reasons.
- **Medical Follow up:** Because the CAR cannot provide financial assistance for psychological help, the number of victims who continued to follow up with the witness dropped considerably¹⁰.

April 13th 2011

The Prosecution continued its examination in chief of **Expert Witness 229**.

- The Prosecution questioned the witness on the substance of his report and the witness provided essential definitions of sexual violence and an explanation of possible motivation behind sexual violence in the CAR and the use of rape as a weapon of war.
- **Alleged attackers:** During their treatment, the alleged victims identified their attackers as the *Banyamulenge*.
- **Male victims:** The witness only knows of one man who came forward in 2006 as a rape victim.
- **Consequence for victims:** The witness provided detailed accounts of some of the difficulties the victims of sexual violence continued to live; being repudiated¹¹ by their husbands, their children being taunted at school, being ostracized from their communities, suffering from various mental and physical health disorders, etc.

Once the Prosecution had completed its examination in chief of Expert Witness 229, **Maitre Zarambaud from the Legal representatives for victims (LRV)** questioned the witness on the medical team who assisted him in the treatment of victims of sexual violence and other types of physical injuries victims of sexual violence would have suffered.

⁹ These 5 prefects encompass the primary localities where crimes of sexual violence had occurred during the CAR conflict. The respective prefects are; Ombella Mpokop, Kimo, Nana Gribdzi, Luam and Ouham.

¹⁰ Patients would have to pay approximately 200 Francs per month for treatment - 300 victims were being treated in 2008 and now there are less than 150 who continue treatment.

¹¹ Out of 371 victims treated by the witness, 22 women were repudiated by their husbands. In 2 cases only, the witness was able to re-establish the marital ties between the repudiated wife and her husband.

April 14th 2011 - The LRV for victims continued to question **Witness 229** before the Defence began its cross examination.

Maitre Douzima from the LRV asked the witness questions regarding the basis of 512 victims as the statistical data to his report, the cost of medication provided to rape victims, washing rituals¹², symptoms of addictive behaviour and psychosomatic disturbances, etc.

Judge Steiner also asked the witness questions regarding *Médecins Sans Frontières* and how the witness did not use their data because he deemed it unreliable.

The Defence began its cross examination of the witness who provided insight on:

- **Previous medical experience:** The witness admitted that he had never worked in a war zone before, or specifically with victims of sexual violence.
- **Funding/organisation behind the research:** The witness admitted that the CAR Government was responsible for setting up the multidisciplinary team¹³ that treated the victims of sexual violence but the research conducted was independent of the CAR Government and was entirely funded by the UNDP¹⁴.
- **Not a rape specialist:** The witness admitted that he is not a rape specialist with regards to his medical opinion of the psychological trauma of rape.

April 15th 2011 - No hearing.

The Bemba trial will resume on May 3rd 2011 with the testimony of **Witness 9** (OTP's 19th Witness).

¹² Washing rituals are one of the most common symptoms manifested in women who have been raped - they feel the need to wash several times a day in order to "feel clean and wash away the rape".

¹³ The multidisciplinary teams included the witness, a few physicians, a sociologist and a general practitioner.

¹⁴ UNDP stands for the *United Nations Development Programme* and has various mandates including that of; poverty reduction, raising HIV/AIDS awareness, promoting equal rights for women, etc.