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Situation Case	Central African Republic 01/05-01/08 The Prosecutor vs. Jean-Pierre Bemba Gombo	<i>Mouvement pour la 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	Participants: 1713 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud
Parties:	OTP: Ms. Bensouda, Ms. Kneuer and team Defence: Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba and team	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.

Jean-Pierre Bemba Gombo: born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged President and Commander-in-chief of the

Start of Trial: 22 November 2010

This week one witness testified:
Witness 69 (35th OTP witness), testified under protective measures, his identity remains unknown.

28 November 2011

The Prosecution commenced its examination-in-chief of witness 69.

During examination-in-chief by the Prosecution, the witness provided testimony on:

- **Presence of MLC¹ in CAR:** The witness testified that the MLC moved into the CAR at the request of President Patassé, in 2002 and stayed until 2003. The witness could not provide an estimate for the MLC's date of departure.
- **MLC occupying towns:** The witness further alleged that the MLC occupied various towns and localities, namely: Bangui, Begua, Bossembélé, Sibut, Besoa, PK 12², PK 13³, and PK 22⁴.
- **MLC presence in Begua:** The witness testified that the MLC spent a considerable amount of time in his locality of Begua, where they set up base at the local school. Furthermore, the MLC dug trenches from Begua all the way to PK 13.
- **MLC Uniforms, Weapons and Identity:** The witness testified that the MLC were dressed in faded green military attire and military/combat boots, which were

¹ *Mouvement pour la Libération du Congo* (Movement for the Liberation of the Congo)

² Point Kilometre 12: Suburb of Bangui

³ Point Kilometre 13: Suburb of Bangui

⁴ Point Kilometre 22: A town near Bangui

easy to identify. Furthermore, the MLC spoke *Lingala*⁵. In terms of weapons, the witness testified that on average an MLC soldier carried two or three weapons.

- **Crimes allegedly committed by the MLC:** The witness alleged that the MLC committed crimes directly towards him and his family. Allegedly, MLC soldiers killed his sister, after they attempted to rob her of money. In another event, six MLC soldiers forcefully allegedly entered his house and raped his wife and the witness. The witness also alleged that his children were raped. In other occasions, the witness alleged that the MLC would forcibly enter houses in the locality of Begua and rape the men, women and children.

29 November 2011

The Prosecution continued its examination-in-chief of witness 69.

During examination-in-chief by the Prosecution, witness 69 provided testimony on:

- **Looting and Pillaging by the MLC:** The witness alleged that the MLC troops looted and pillaged all the houses in the locality of Begua. They entered the houses after the inhabitants fled and looted all sorts of items from the houses. The witness testified that the MLC entered his house and stole a number of goods, amounting to sizable figures.
- **Compensation:** When asked by the Prosecution as to whether or not he was compensated for the items looted, the witness claimed that there was no way for him or anyone else to be compensated, and that was the reason he was testifying in Court. However, the witness stated that victims prepared an inventory of items looted.
- **Displacement of CAR civilians:** The witness alleged that pillaging and violence of the MLC drove many inhabitants of Begua to flee their homes and become internally displaced persons.
- **MLC acquirement of food:** The witness alleged that the MLC was provided food by President Patassé and the MLC also killed and ate farm and domestic animals acquired from the farmlands they invaded.

30 November 2011

The Prosecution concluded its examination-in-chief of witness 69. The Legal Representative for Victims (LRV) questioned the witness and the Defence began its cross-examination of witness 69.

During the examination-in-chief by the Prosecutor, the witness provided testimony on:

- **Violence by the Banyamulenge⁶:** The witness stated that after a visit by Mr. Bemba to Begoa, the abuses by the Banyamulenge, including the looting, continued. The Banyamulenge settled in houses of civilians and established their offices.

⁵ Lingala is a Bantu language spoken throughout the north-western part of the DRC.

⁶ *Banyamulenge* is a term historically describing the ethnic Tutsi Rwandans, concentrated on the High Plateau of South Kivu, in the eastern region of the DRC but is also used for certain troops, who were allegedly under the control of Mr Bemba.

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During questioning by Maître Zarambaud (LRV) the witness provided testimony on:

- **Looting:** The witness alleged that the Banyamulenge looted houses and settled in houses of civilians. The day the Banyamulenge arrived in Begua, all civilians fled their houses.
- **Violations committed by the Banyamulenge:** The witness alleged that the Banyamulenge killed members of the civilian population.
- **Mr. Bemba visiting CAR:** The witness stated that during his visits to CAR, Mr. Bemba was surrounded by safeguard officers.

At the end the questioning by the LRV, the witness asked how and when he would be compensated for his harm suffered, in order to live with dignity again.

During cross-examination by the Defence, the witness provided testimony on:

- **Killing by the Banyamulenge:** The witness alleged that the Banyamulenge killed his sister because she had money from trading.

01 December 2011

The Defence continued its cross-examination of witness 69.

During cross-examination by the Defence, witness 69 provided testimony on:

- **Aerial Assaults:** The witness testified that he did not personally see any aircraft over Begua or of any assault by military aircraft on Begua or the surrounding areas.
- **L'Organisation pour la Compassion et le Développement des Familles en Détresse (OCODEFAD):** As the witness was giving his testimony, Defence counsel Haynes brought to light the matter of a victim's assistance worker in OCODEFAD who allegedly charged money in order to fill out victims application forms. When asked about this individual, the witness claimed that he had no knowledge of his identity or that anyone charged money. On the contrary, the witness testified that the educated youngsters of the affected families filled out the application forms for their parents.
- **Inconsistencies:** Defence counsel Haynes highlighted several inconsistencies with the statement of the witness to the Prosecution and the testimony being carried out in Court.
- **Inconsistency regarding injury:** In one particular case, the Defence questioned the witness on an inconsistency concerning the method in which the witness allegedly lost function of his left eye. According to the statement made to the Prosecution, the witness claimed he lost his eye falling onto rocks. However, in his testimony in Court, the witness alleged that he lost the function of his left eye after being beaten, kicked, and stamped on by MLC soldiers.

02 December 2011

The Defence concluded its cross-examination of witness 69.

During cross-examination by the Defence, witness 69 provided testimony on:

- **Sequence of events according to the witness:** The witness testified that in 2002, MLC troops were deployed in Begua and set up in the Begua School and

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throughout the entire neighbourhood, digging trenches leading up to PK 13. The MLC then allegedly proceeded to break down doors and loot objects.

- **Identity of MLC:** The MLC soldiers were in military attire with military berets, and carried rifles with 2 or 3 ammunition magazines.
- **Death of witness's sister:** The witness alleged that his sister was shot in the head and 800,000 Francs were then taken off her person.
- **Language the MLC used:** The witness testified that the soldiers spoke fully in *Lingala*.

Before the conclusion of the witness's testimony, the witness demanded from the presiding judge he be given reparations for the loss of an eye; for bodily damage due to the alleged sodomy by MLC soldiers; for the alleged death of his sister; and for the alleged rape of his wife.

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