



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

BEMBA
INFORMAL WEEKLY SUMMARY
29 NOVEMBER - 3 DECEMBER 2010



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:
Parties:	OTP: Ms. Bensouda, Ms. Kneuer and team Defence: Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba and team	<ul style="list-style-type: none">○ Crimes against humanity: Murder and rape.○ War crimes: Murder, rape and pillaging.
Participants:	759 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud	
Start of Trial:	22 November 2010	

This week, three witnesses gave evidence:

1. **Witness 38**, an inhabitant of the PK12 suburb outside of Bangui claiming that he witnessed Mr. Bemba's MLC party's troops commit atrocities against the local civilians, finished giving testimony.
2. **Witness 221**, an expert witness on the impact of sexual violence on people during armed conflict, took the stand.
3. **Witness 22**, a victim of sexual violence, told her story.

29 November 2010 - The cross-examination by the Defence of **Witness 38** was concluded. The Prosecution put final questions to the witness on the rape he had witnessed. Subsequently, **Witness 221**, an expert-witness, gave evidence.

The Defence finished its cross-examination of Witness 38 with questions pertaining to the witness' knowledge of other armed groups which had been operating in the CAR at that time; the circumstances of the rapes he had either witnessed or heard of; and the atrocities and pillaging allegedly committed by MLC commanders in the field. The OTP re-examined the witness by questioning him on a rape he had witnessed.

Examination-in-chief of Expert-Witness 221

An expert-witness, Dr. Adeyinka Akinsulure-Smith, whose speciality is the impact of sexual violence on people during armed conflict, gave evidence. The Prosecution's questions focused on a report that the witness wrote for the OTP on the impact of

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.

sexual violence committed in the CAR in 2002-2003 and on the psychological assessment she made of 3 victims of sexual violence.

30 November 2010 - Expert-witness 221 finished giving testimony today. The Prosecution commenced its examination-in-chief of Witness 22, a victim of rape. The questions focused on the situation in Bangui in October 2002 - March 2003.

Examination of expert-witness 221 continues. Witness 221 gave evidence on Post-Traumatic Stress Disorder (PTSD) and its effects on victims in the CAR situation. PTSD has as consequence the difficulty collecting evidence and the stress level of witnesses, especially the younger ones.

In its cross-examination, the Defence asked questions about the credibility of victims' testimony in Court and the need for an individual clinical assessment of each victim.

Examination-in-chief of Witness 22. Witness 22, the victim of a gang rape, is subject to protective measures, including psychological safeguards such as a psychologist being present in the courtroom. Ms. Kneuer, OTP, questioned the witness on the situation in Bangui between October 2002 and March 2003. Ms. Kneuer asked questions about the behaviour of Mr. Bozizé's troops when they crossed the Bangui suburb PK12 in October 2002 and the alleged atrocities committed by the MLC troops afterwards. Questioning then focused on the rape Witness 22 was the victim of by allegedly three *Banyamulenge* men.

1 December 2010 - The Prosecution continued its examination-in-chief of **Witness 22**. The witness was taken through the day her aggressors entered her house. A discussion on the agreed facts in relation to the rape took place following an objection by the Defence on "humanitarian grounds".

The Prosecution continued its examination-in-chief of Witness P22. The witness claimed that she recognized the language that her aggressors spoke as lingala. Ms. Kneuer, OTP, also asked further questions regarding the rape the witness was subjected to. The Defence objected, claiming that it was not necessary to go into details and that it was already settled between the Prosecution and the Defence that the rapes were agreed facts with reservations regarding the identity of the perpetrators. The Prosecution subsequently submitted a request to have the Defence put in writing the details of the agreed facts of the rape. The Chamber asked the Defence to file a submission.

Further examination of Witness P22 pertained to what happened to the other family members present in the house, and the pillage that ensued. The remainder of the examination ended in private session.

2 December 2010 - The Chamber returned to the agreed facts of the rape. The Prosecution finished its examination-in-chief of **Witness 22**. The Chamber and the legal representative of victims put several questions to the witness and the Defence commenced its cross-examination.

The Defence's submission

The Defence had submitted a filing in which it retracted its agreement on the facts of the rape and expressed its intention to question the witness on the same facts in detail. The Chamber expressed its regret regarding the approach taken by the Defence and authorised the Prosecution to go back to the abandoned line of questioning. The Prosecution concluded its examination-in-chief; the remaining questions were put to the witness in private session.

Questions from the Legal Representatives of Victims

Mr. Zarambaud revisited several details following the witness' earlier testimony and questioned the witness on possible injuries and the fate of her family. Ms. Douzima continued with questions on the witness' knowledge of the *Banyamulenge* in general, the three men who raped her and whether she knew other women who had been victim of rape.

The Defence begins its cross-examination

The Defence, represented by Mr. Haynes, started its questioning on the arrival of Bozizé's forces at PK12. The questions then turned to the day the *Banyamulenge* aggressed the witness. Several questions were put to the witness in private session.

3 December 2010 - Defence concludes its cross-examination of **Witness 22**, asking questions on her statements and the turn of events.

The Defence's cross-examination of Witness 22 was concluded. Mr. Kilolo of the Defence Team in conclusion revisited several elements in her earlier statement to the OTP investigators, among others: the reason why the *Banyamulenge* came to their house (she had indicated earlier that the house had been pointed out), the possible presence of a commander among the *Banyamulenge* men and what happened after the attack.