



JEAN-PIERRE BEMBA GOMBO

INFORMAL WEEKLY SUMMARY

MAY 30 - JUNE 3, 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	
Participants:	1312 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud	Start of Trial: 22 November 2010

This week, two witnesses gave testimony:
Witness 209 (OTP's 21st witness) is a witness under protective measures. The identity of the witness remains unknown.
Witness 110 (OTP's 22nd witness) is a witness under protective measures. The identity of the witness remains unknown.

June 6th 2011 The Defence continued its cross-examination of the witness 209.

Mr. Haynes questioned Witness 209 who provided insight on:

- **Rape**: According to the witness, women in Damara¹ that were victims of alleged rape were not raped by General Bozizé's² troops but by the *Banyamulenge*³. According to the witness, consensual sexual relationships took place between General Bozizé's troops and women in Damara.
- **Shelling of Damara**: The town of Damara was taken by the *Banyamulenge* with the help of 'the Libyans' who allegedly used heavy weaponry to shell the city. These events took place early December 2002.
- **Libyan bomber**: The witness alleged that his brother was killed when General Bombayacki⁴ bombed an ambulance carrying his brother and several other people. The plane was Libyan but was not flown by Libyans, it was General Bombayacki who flew it and who bombed the ambulance in Damara.

¹ Damara is a city not far from Bangui located where the 'route national 3' splits in two.

² General Bozizé is the current president of the CAR. At the time the alleged crimes took place Bozizé was the leader of a rebellion against former president Patassé.

³ 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 part of the MLC troops.

⁴ General Ferdinand Bombayacki was leader of the USP, the CAR presidential guard.

- **Journalists:** The witness claims to have seen two French journalists in Damara. They were allegedly sent by the head of State⁵ and were accompanied by two policemen from the CAR. According to the witness, their task was to investigate reported crimes for President Patassé.
- **Looting:** According to the witness, alleged looting in Damara began before the arrival of the *Banyamulenge*. When word spread of the *Banyamulenge's* approach to Damara, chaos erupted and people started to flee the city. This is when citizens of Damara started to loot.

June 7th 2011 The Defence continued its cross-examination of the witness 209.

The witness gave information on the positions of General Bozizé's forces after they had withdrawn from Damara:

- **Frontline:** after the *Banyamulenge* took Damara in early December 2002, the frontline between them and General Bozizé's men shifted to the road to Sibut⁶ about 10 kilometres outside of Damara.
- **Checkpoint:** General Bozizé's men set up a checkpoint on the 'route national 3' from Damara to Sibut. Sibut would become their new headquarters.
- **Nationalities:** the MLC⁷ forces consisted of former Mobutu⁸ soldiers, Mbaka⁹, Rwandans, and *Banyamulenge*. There were no Manja¹⁰ troops amongst them.
- **Airplane:** According to the witness, when he went to see Mr. Mustafa in January 2003 in Sibut, a plane landed there. (see below)

June 8th 2011 The Defence finished its cross-examination of the witness 209.

The Defence questioned the witness mainly on the airplane that allegedly landed near Sibut and the witness clarified his statement;

- **Landing site:** The plane landed near Sibut next to the house of a local *Banyamulenge* commander, on January 13th 2003, where goods (motorcycles, refrigerators and other things) were allegedly loaded on board before it took off again in the direction of Bangui.
- **White man:** According to the witness a "white man"¹¹ was present when the plane was being loaded with goods. All efforts were made to prevent the white man from seeing the MLC leader¹².

Mr. Haynes of the Defence finished his cross-examination of the witness.

⁵ At the time Ange-Felix Patassé was president of the CAR.

⁶ Sibut is located down the road from Damara following 'route national 3'.

⁷ MLC: Movement for the Liberation of Congo, a rebel group now turned political party.

⁸ Mobutu Sese Seko was President of Zaïre, now known as the DRC, from 1965 until 1997.

⁹ Mbaka (or Tara Baaka) are a people living in South Sudan in the Western Equatorial Province that borders both the DRC as well as the CAR.

¹⁰ The Manja are an ethnic group of mainly agrarian people living in the northern DRC and the CAR.

¹¹ On the 7th of June the witness mentions an Italian being present at the landing site. Unfortunately we were unable confirm that the "white man" and the "Italian" are one and the same due to frequent use of private session by the Chamber.

¹² It remains uncertain if the witness referred to Mr. Bemba or a local MLC leader.

June 9th 2011 The Prosecution commences its examination-in-chief of witness 110

Mr. Iverson of the Prosecution commenced his questioning of witness 110 by asking her to provide some general information on the *Banyamulenge*:

- **The term *Banyamulenge*:** The first time she heard of the term was in October 2002 when Mr. Bemba's troops came to the CAR.
- **Appearance:** According to the witness, some of the *Banyamulenge* were dressed in CAR military uniforms. They operated military vehicles like the ones used by the CAR army.
- **Language:** According to the witness, the *Banyamulenge* spoke *Lingala*¹³ and some French.
- **Dates and location:** The witness stated she first encountered the *Banyamulenge* in October 2002. They occupied PK12¹⁴ and the compound of the witness' neighbour. They left around mid-February 2003.

As to the events that took place after the arrival of the *Banyamulenge* the witness testified the following:

- **Looting:** The witness alleged having seen the *Banyamulenge* use stones to smash open her neighbours' door. The compound was allegedly looted and the looted goods were loaded onto a military vehicle. Later on, the witness' house was allegedly looted by the same group of men that looted the compound of her neighbour.
- **People from Zaire**¹⁵: According to the witness, there had been people from Zaire living in the CAR for years before Mr. Bemba's troops arrived. When Mr. Bemba's troops arrived they were joined by these people.
- **Mr. Bemba:** Although the witness testified she never saw Mr. Bemba herself, she had been told that Bemba allegedly attended a gathering of the *Banyamulenge* at a primary school.

Mr. Iverson of the Prosecution concluded his examination-in-chief of **witness 110**.

June 10th the Legal Representatives of Victims (LRV) questioned the witness. The Defence commenced its cross-examination of witness 110.

Maître Zarambaud of the LRV questioned the witness on the *Banyamulenge* who provided insight on:

- **The term *Banyamulenge*:** The witness was asked whether Congolese people living in the CAR were known as *Banyamulenge* prior to the arrival of Mr. Bemba's troops. The witness replied that she only heard the term after the arrival of the MLC.
- **Quarters:** According to the witness the *Banyamulenge* allegedly used peoples' houses as places to sleep instead. The *Banyamulenge* also allegedly stole foam mattresses and beds.

Maître Zarambaud concluded his questions for the witness.

¹³ Lingala is a Bantu language spoken primarily in the northern area of the DRC as well as in Congo-Brazzaville.

¹⁴ PK 12 is also known as Point Kilometre 12 and is a neighbourhood of Bangui, the capital of the CAR.

¹⁵ The DRC was known as "Zaire" from 1971 until 1997.

Maître Kilolo started the questioning on behalf of the Defence. The witness testified that:

- **CAR civilians:** According to the witness there were civilians from the CAR working for the *Banyamulenge*. They did not act as co-perpetrators but as servants for the Banyamulenge.
- **Shoe polishers:** According to the witness, shoe polishers from the DRC had come to the CAR several years before Mr. Bemba's troops crossed the river¹⁶ from the DRC to the CAR in October 2002 and some had even established families.
- **Language:** The shoe polishers from the DRC could speak *Sango*¹⁷, albeit with an accent.
- **Quarters and apparel:** According to the witness the shoe polishers that joined the *Banyamulenge* were mainly stationed in PK12. Their apparel was mixed: some wore military uniforms whilst others wore civilian clothes. Although allegedly all of them were armed.

Maître Kilolo then asked the witness to elaborate on the time her house was looted by the *Banyamulenge*.

- **Looting:** The witness alleged that after her neighbour's house was looted, eight men looted her house.¹⁸

Judge Steiner inquired if the witness recognized any of the eight men as being one of the shoe polishers that had come to the CAR before. The witness responded that she recognised one man as being a former shoe polisher.

¹⁶ The Oubangui river separates the DRC from the CAR.

¹⁷ *Sango* is the primary language spoken in the Central African Republic

¹⁸ The witness stated the *Banyamulenge* were deployed in her area from October 30th 2002 until mid-February 2003. It is likely the witness' house was looted in this period but she did not mention a specific date.