

JEAN-PIERRE BEMBA GOMBO

INFORMAL WEEKLY SUMMARY

14 - 18 MARCH 2011



<b>Situation Case</b>	Central African Republic 01/05-01/08 <b>The Prosecutor vs. Jean-Pierre Bemba Gombo</b>	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>Alleged crimes:</b> <u>Jean-Pierre Bemba Gombo</u> is allegedly responsible, as military commander, of:
<b>Parties:</b>	OTP: Ms. Bensouda, Ms. Kneuer and team Defence: Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba and team	<ul style="list-style-type: none"> <li>○ <b>Crimes against humanity:</b> Murder and rape.</li> <li>○ <b>War crimes:</b> Murder, rape and pillaging.</li> </ul>
	<u>Jean-Pierre Bemba Gombo</u> : born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged	<b>Start of Trial:</b> 22 November 2010
<b>Participants:</b>	1312 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud	

This week, **Witness 29** began her testimony under protective measures with Victims and Witnesses Unit (VWU) support and **Witness 119** was sworn in this week and began her testimony:

**Witness 29 (OTP's 13<sup>th</sup> witness)** is a middle aged woman who lived in Mongoumba<sup>1</sup> in 2002. She is an alleged victim of rape and looting by the *Banyamulenge*<sup>2</sup> during the period of events between October 2002 and March 2003.

**Witness 119 (OTP's 14<sup>th</sup> witness)** is a young woman who lived in the Bangui<sup>3</sup> region in 2002. She was an alleged witness to rapes and pillaging by the Banyamulenge. Upon request by the Victims and Witnesses Unit (VWU), Witness 119 provided her testimony in the company of a psychologist.

**March 14, 2011**

The Prosecution began its examination-in-chief of **Witness 29** and was followed by questions from the Legal Representatives of Victims (LRV).

During the Prosecution's examination in chief, the witness provided insight on:

- **Banyamulenge:** The witness identified *Banyamulenge* soldiers as people who crossed over from the DRC and who spoke *Lingala*.<sup>4</sup>
- **Refuge from Banyamulenge:** For three days in February 2003, the witness provided refuge for 3 young girls who had fled Gobongo Sector<sup>5</sup>. The girls told

<sup>1</sup> Mongoumba is a region south of Bangui where the Prosecutor claims that some of Bemba's alleged crimes took place.

<sup>2</sup> *Banyamulenge* 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.

<sup>3</sup> The name of the Witness' neighbourhood remained confidential.

<sup>4</sup> *Lingala* is the language spoken in Democratic Republic of Congo.

the witness of how the *Banyamulenge* were allegedly committing atrocities in Gobongo and that this is why they fled.

- **Looted goods:** A few days before March 5<sup>th</sup> 2003, *Banyamulenge* soldiers had allegedly arrived in Mongoumba with looted goods.
- **Arrival of *Banyamulenge*:** The witness testified that shortly after 0500 on the March 5<sup>th</sup> 2003, many armed soldiers arrived in Mongoumba neighbourhood and the witness tried to flee.
- **Alleged rape of the witness:** Allegedly, while the witness was attempting to flee her home, she was approached by 3 unarmed MLC soldiers<sup>6</sup> who gestured to her to go back inside her house. The witness went back inside and all three then allegedly followed her in the house and allegedly raped her.
- **Witness' alleged Attackers:** The witness testified that the three men who raped her were MLC soldiers<sup>7</sup> - they did not speak *Lingala*
- **HIV:** As a result of her rape by 3 *Banyamulenge*, the witness contracted HIV.
- **Possible pillaging:** The witness alleged that her house had been pillaged. The witness testified that most people from her neighbourhood alleged that their houses were pillaged after the arrival of the *Banyamulenge* in Mongoumba neighbourhood.
- **CAR Soldiers:** The witness testified to seeing CAR soldiers in her neighbourhood. They spoke *Sango*<sup>8</sup>, wore the National CAR uniform and did not commit any acts of violence against the population.
- **Alleged public killing:** Allegedly, a well known woman from the witness' neighbourhood was killed by the *Banyamulenge*.
- **OCODEFAD<sup>9</sup>:** The witness testified to being a member of OCODEFAD. She stated that she was never advised on how to give testimony before the ICC. The witness also testified to never having received assistance of any kind.

Maitre Zarambo from the LRV questioned witness 29 on:

- **Dress code of alleged attackers:** The witness clarified that her attackers were unarmed and were dressed in military uniform.

Maitre Douzima from the LRV questioned witness 29 on:

- **Invasion of Mongoumba:** The witness clarified that the town was invaded by numerous soldiers and that there were young people amongst the soldiers.
- **Alleged rapes:** The witness testified that during NGO meetings she heard about the rapes of young girls, men and women from her town.
- **NGO Participation:** Prior to the period of events, the witness was a regular volunteer for Anti-Aids organizations and the National Committee for the fight against AIDS (CNLS).
- **Medication:** The witness is currently taking medication for HIV.

The Prosecution and the LRV finished their examination-in-chief of **witness 29**.

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<sup>5</sup> The Gobongo Sector is the north of Bangui, CAR

<sup>6</sup> MLC Soldiers are soldiers who are part of the "Mouvement de liberation du Congo" and are from the Democratic Republic of Congo.

<sup>7</sup> As the hearing was in and out of private session, it remains unclear whether the witness chose on her own accord to use the term "MLC soldiers" or if the term was used within one of the Prosecutor's questions. Regardless, the terms seem interchangeable as the witness used both "*Banyamulenge*" and DRC soldiers throughout the examination.

<sup>8</sup> *Sango* is the primary language spoken in the Central African Republic.

<sup>9</sup> OCODEFAD (L'Organisation pour la compassion et le développement des familles en détresse) is an NGO that helps rape survivors to fill in application forms to participate in trial.

*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.*

**March 15, 2011**

The Defence commenced its examination-in-chief of **Witness 29**.

Witness 29 provided insight on:

- **Identification of attackers:** The witness clarified that the soldiers who allegedly raped her were *Banyamulenge*.
- **Alleged killings:** The witness alleged that she knew of killings of civilians by the *Banyamulenge* in Mongoumba around the time of March 5<sup>th</sup> 2003, but did not witness the killings herself.
- **Alleged acts of violence:** The witness testified to hearing about rape, murder and pillaging by the *Banyamulenge* while she was a member of an NGO<sup>10</sup>.

**March 16<sup>th</sup> and 17<sup>th</sup> 2011 : No hearing.**

**March 18, 2011**

**Witness 119** was sworn in and the Prosecution began their examination in chief. However, most of the hearing was in private session.

The Witness 119 provided insight on:

- **Arrival of the Banyamulenge:** The witness testified that the *Banyamulenge* arrived in her neighbourhood on October 28<sup>th</sup> and they were carrying metal weapons, wooden weapons and Kalashnikovs.
- **Aerial Bombardment:** The *Banyamulenge* allegedly aurally bombed the witness' neighbourhood from October 25<sup>th</sup> to October 28<sup>th</sup> 2002 during which time Bozizé's rebels left the neighbourhood. A resident from the witness' village allegedly told the witness that the person responsible for the bombing was called Bombayacki, a pilot in an unnamed air force.
- **Bozizé's rebels:** According to the witness, Bozizé's rebels spoke *Sango*, wore the CAR green military uniform and did not commit any acts of violence against the population.
- **Presence of other military troops:** The witness stated that the FAQA<sup>11</sup> set up their base camp and stayed in the witness' neighbourhood during the time that the *Banyamulenge* entered and allegedly pillaged, raped and committed murder in the witness' neighbourhood<sup>12</sup>.
- **Alleged attempted rape:** The witness testified that she saw 6 *Banyamulenge* drag a woman away. The witness later saw a *Banyamulenge* leader order the 6 *Banyamulenge* soldiers to release her and they did<sup>13</sup>.
- **Alleged rape:** On the same day of their arrival, the witness allegedly saw a large number of *Banyamulenge* soldiers raping two girls near a canal.
- **Pillaging and Murder:** The witness alleged that the *Banyamulenge* pillaged her neighbourhood and her home and allegedly committed murder in her neighbourhood.

The examination-in-chief of **Witness 119** will continue next week.

<sup>10</sup> It remains unclear whether the witness was referring to OCODEFAD or another NGO since the witness participated in multiple NGO activities before and after the period of events in question.

<sup>11</sup> FACA is a term to designate "Les Forces Armées Centres Africaines".

<sup>12</sup> The witness does not know why they stayed confined to their bases while the *Banyamulenge* were attacking her neighbourhood.

<sup>13</sup> The witness allegedly had a conversation with this *Banyamulenge* leader but their conversation was discussed in private session.

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