

JEAN - PIERRE BEMBA GOMBO

INFORMAL WEEKLY SUMMARY

14 - 18 FEBRUARY 2011



Situation Case	Central African Republic 01/05-01/08 The Prosecutor vs. Jean-Pierre Bemba Gombo	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.
	<u>Jean-Pierre Bemba Gombo</u> : born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged	Start of Trial: 22 November 2010
Participants:	1314 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud	

This week, the eighth week in the trial against Mr. Bemba Gombo, the tenth OTP witness testified under protective measures with Victims and Witnesses Unit (VWU) support:

- **Witness 42**, is a husband and a father who lived in the PK12¹ suburb. He and his family are alleged victims of rape and pillaging by the *Banyamulenge*² during the period of November 2002 until March 2003 (hereinafter referred to as “the period of events”). Witness 42 started giving evidence on Friday 11 February.

14 February 2011

The Prosecution continued their examination of **Witness 42**.

The prosecution questioned witness 42 who provided further insight on;

- **Terrorization of his family:** During the period of events³, armed *Banyamulenge* allegedly entered the witness’ home and used his washroom as they pleased.
- **Battle at PK22:** The witness claimed that there was a fight between the *Banyamulenge* reinforcements from the Equator Province and Bozizé’s rebels at PK22⁴.

¹ PK12 (point Kilometre 12): A suburb of Bangui where the Prosecutor claims some of Bemba’s alleged crimes took place.

² *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.

³ The acts of violence in question were discussed in last week’s summary: The witness and his family are alleged victims of pillaging and beatings by the *Banyamulenge* and his daughter was allegedly raped by two *Banyamulenge* men.

⁴ PK 22 (Point Kilomètre 22): A town near Bangui.

- **Bemba's Visit:** The witness alleges that Bemba visited the *Banyamulenge* at PK12 in November 2002 and spoke to them in Lingala.
- **Pillaging:** Allegedly, the witness saw with his own eyes the *Banyamulenge* looting people's goods. The witness allegedly saw the *Banyamulenge* store looted items in Port Beach and behind a church in Begoa.
- **OCODEFAD:** The witness testified he was a member of OCODEFAD⁵ as well the President of the branch of victims from the Bangui Region for OCODEFAD. The witness further alleged that the OCODEFAD had internal problems, notably an embezzlement problem.
- **Legal advice:** It is unclear whether the witness was advised on how to tell his story to the ICC as the Court entered a private session during this line of questioning.
- **Financial support Bemba troops:** The witness alleges that he has documentation proving that Bemba did not pay his troops nor provide them with any financial support during the time of the events.

15 February 2011

Two Legal Representatives of Victims (LRV) questioned **Witness 42** on the period of events in question. The Defence commenced its cross-examination of **Witness 42**.

The LRV's questioned witness 42 who provided insight on:

- **Recent beating of his son:** The witness' son recently suffered an alleged beating at his school in PK12 and the witness was informed of this by his wife last week.
- **Bemba's visit:** The witness testified that Bemba arrived to PK12 in vehicles and was accompanied by soldiers when he spoke to the *Banyamulenge* in PK12.
- **Identification of soldiers:** The witness described how he distinguished Chadians, Zairians and Cameroonians soldiers by their jobs, languages and accents.

The Defence began its cross-examination of **Witness 42** who provided insight on:

- **OTP Investigation:** The witness discussed the methods of investigation by ICC investigators, such as how he was contacted, the time, place and length of the interviews. The witness was advised to respect the confidentiality of his discussions with ICC investigators. The witness admitted to knowing the identity of other witnesses that were to come before the ICC and testify to alleged acts of abuse by the *Banyamulenge* during the same period of events in question.
- **Intermediary 'The Assistant':** The Defence asked extensive questions regarding an intermediary dubbed "The Assistant" during a private session. The witness discussed his encounters with the assistant, most notably, past conversations the witness had with the assistant in between the period of ICC Investigations in 2008 and the witness's current testimony before the Court.

⁵ L'OCODEFAD (L'Organisation pour la Compassion et le Développement des Familles en Détresse) is an NGO that helps rape survivors to fill in applications forms to participate in the trial.

- **Bozizé’s rebels:** The witness alleged that when Bozizé’s rebels took over PK12 from the *Banyamulenge* on March 15th 2003, they presented themselves as “Liberators”.

16 February 2011

The Defence continued its cross examination of **Witness 42**.

The witness provided further insight on:

- **Information within OCODEFAD:** The witness was questioned on what information was given to him by other OCODEFAD members regarding alleged acts of violence committed by the *Banyamulenge* during the period of events.
- **ICC investigations:** The witness clarified that he had 3 interviews in three different places with ICC investigators. The first interview was held in May 2008. The witness alleged to having never spoken of the confidential content of these interviews.
- **Correction of statement:** The witness clarified an earlier statement he had made this week - when Bemba had visited the *Banyamulenge* troops in PK12, he was accompanied by men from the Presidential Guard, whereas the witness had originally stated that Bemba was not accompanied by any armed men.
- **Intermediary ‘The Assistant’:** The witness further described his relationship with the intermediary dubbed “The Assistant”, such as their topics of discussion and what kind of information they may have shared with one another regarding the period of events in question.

17 February 2011

The Defence continued its cross examination of **Witness 42**.

The witness provided further insight on:

- **Bozizé’s rebels:** The witness alleged that he was present when Bozizé’s rebels arrived in PK12 on March 15th 2003 and that Bozizé’s rebels did not commit any acts of violence against the population.
- **Soldiers from the CAR Army:** The witness alleged that soldiers from the CAR Army were also present in PK12 when Bozizé’s rebels entered PK12.
- **Contradictions:** The Defence raised numerous contradictions within various statements provided by the witness to ICC investigators in 2008 and recent statements made to the Court. The contradictions concerned the date of arrival of the *Banyamulenge* in PK12.
- **Alleged beating of his son:** The witness further clarified the timeline of events leading up to the alleged beating of his son and the whereabouts of his other children while his son was allegedly beaten.

18 February 2011

The Defence concluded its cross examination of **Witness 42**.

The witness provided further insight on:

- **Contradictions:** The witness told the Court that 90,000\$ CAR Francs were stolen from him by the *Banyamulenge*, however the amount declared stolen to ICC investigators was 180,000\$. The witness stood by his courtroom testimony.

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.

- It is unclear whether the mistaken amount was made by ICC intermediaries while helping Witness 42 to fill out the application form for witness status.
- **Alleged acts of abuse against the witness:** The witness further clarified detailed events surrounding his, his son's and his wife's' alleged beating by the *Banyamulenge*.
 - **Rape of his daughter:** The witness further clarified the timeline of events surrounding the alleged rape of his daughter by two *Banyamulenge* men. The witness testified that his wife prepared a sits bath for their daughter but did not take her to the hospital.
 - **Complaint to a lieutenant:** The witness alleged that the day after he and his family suffered the alleged acts of abuse by the *Banyamulenge*, he made a complaint to a lieutenant. It is unclear where exactly the witness made the complaint, but it was not at PK12.
 - **General Macie:** The witness testified that his son, who was allegedly beaten and taken away by the *Banyamulenge*, was recovered by a General Macie.
 - **Inconsistency:** The Defence tried to raise another contradiction within previous statements made by the witness to the Court. In a first statement the witness said he paid for the treatment of his beaten son in a Catholic physiotherapy Center. However in a second statement he said the treatments were free. The witness clarified the inconsistency by explaining that the services are almost free because the Center asks for a small amount of money to support their organisation. The witness did give them a nominal amount of money but clarified it was more a donation than a payment for the services.
 - **Medical Treatment:** The witness testified to having paid and undergone an operation in his left eye in a public hospital in March 2006. The witness alleges that he had a catarax problem prior to the period of events, but that it was the alleged abuse he suffered by the *Banyamulenge* that caused pain and loss of vision to his left eye, forcing him to undergo the said operation.
 - **ICC Investigations:** The witness alleges he never knew that intermediaries were trained by the ICC's Prosecutor's Office. The Defence continued an extensive line of questioning on intermediaries in a private session.
 - **Nearest Neighbor:** The Defence asked the witness a number of questions regarding an individual who lived in PK12 at the time of the events and whom the Court dubbed as "The Nearest Neighbour" in a private session. The witness explained their friendship, their conversations together following ICC interviews in 2008.
 - **Rape of "The Nearest Neighbour's" daughter:** The witness testified that the "nearest neighbour" talked to him about the alleged acts of violence against his family and about the rape of his daughter by the *Banyamulenge*.
 - **Contradiction:** The Defence highlighted a contradiction within two previous statements given to the Court by the witness. In a first statement the witness alleged to not having seen his neighbour being beaten by the *Banyamulenge* and in another statement the witness alleged he saw his neighbour being beaten. The witness stood by his first statement in which he never saw the alleged beating of his neighbour by the *Banyamulenge*.
 - **Apparent contradiction:** The Defence raised a significant contradiction within the testimony of Witness 42 and his interactions with the individual dubbed "The Assistant". The witness had previously stated that the last time he saw

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“The Assistant” was in Nairobi Airport in Kenya, sometime after the ICC investigations in Bangui. While referring to confidential documents, the Defence pointed out that this encounter was impossible. In response to this, the witness admitted to another date, the 14th of January (year not mentioned) in which the two engaged in a telephone conversation. This telephone conversation would allegedly be the last time the witness and “The Assistant” interacted.

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