



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

BEMBA
INFORMAL WEEKLY SUMMARY
17 - 21 JANUARY 2011



Situation Case	Central African Republic 01/05-01/08 The Prosecutor vs. Jean-Pierre Bemba Gombo	Start of Trial: 22 November 2010
Hearing Chamber	Trial Proceedings Trial Chamber III: Judge Sylvia Steiner (Presiding Judge), Judge Joyce Aluoch and Judge Kuniko Ozaki	Jean-Pierre Bemba Gombo: 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).
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.
Participants:	1312 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud	

Summary: This week, two new witnesses testified under protective measures:

- **Witness 68 (5th OTP witness)**, a woman who lived in one of Bangui's neighbourhoods. She is an alleged victim of rape;
- **Witness 23 (6th OTP witness)**, a man who lived in one of the neighbourhoods of Bangui where first Bozizé's men, and later the *Banyamelenge*¹, had their base. He and his family were allegedly victims of rape and pillaging.

17 January 2011

The Prosecution commenced its examination-in-chief of **Witness 68**. The witness provided details on the situation in Bangui in October 2002 and her alleged rape by *Banyamulenge* men.

The Prosecution's examination-in-chief:

- **27th of October 2002:** the witness, together with her sister-in-law, had decided to stay in the family house in Bangui to watch over it, while the other family members had already left due to the firing. However, due to the heavy shooting, shelling and explosions, they decided in the end to seek refuge in the Bangui neighbourhood named 'PK5';
- **Radio:** Witness 68 had learned - via radio Bangui - that Bozizé's rebels were 200 metres from the Presidential Residence and had allegedly triggered the hostilities. In her testimony, she could not provide information on who Bozizé's rebels were fighting;

¹ *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.

- **Banyamulenge:** The witness indicated that the soldiers she met while she was leaving her home were allegedly called the *Banyamulenge*. They came from the other side of the river, thus from the DRC, to support CAR President Patassé. She testified that she had been told that Mr. Bemba was their leader;
- **Language:** She identified the soldiers as being *Banyamulenge* because of the *Lingala* language they spoke among themselves;
- **Uniform:** Witness 68 further stated that the *Banyamulenge* had been dressed in CAR military uniforms and that they all carried weapons;
- **Rape:** Guided by questions from the Prosecution, Witness 68 provided a detailed account of what happened to her. She alleged that her sister-in-law and she were stopped by a group of soldiers, dressed in CAR uniforms - identified by the witness as *Banyamulenge*. Their belongings were taken and they were forcibly taken into different compounds where they were raped by several soldiers. Afterwards, both women returned to their house;
- **Medical treatment:** As a result of the alleged rape, the witness suffered from physical problems so she went to the community hospital to be examined. There she was diagnosed as having contracted AIDS. She received medical treatment from Médecins Sans Frontières;
- **Mental health:** The witness stated that her mental health was poor and she is still afraid of armed soldiers.

18 January 2011

The Prosecution finished its examination-in-chief with questions relating to organisations which had provided help to the witness. The Legal Representatives of victims followed with a few questions and the Defence started its cross-examination.

The Prosecution finished its examination-in-chief of Witness 68:

- **Organisations:** After the events in October 2002, the witness joined an organisation which held a survey among victims. She, as well as other victims, were able to tell their story. The organisation informed her that one day 'white persons' would call upon her and other victims. When meeting with OTP investigators, she stated, she told them everything that had happened.
- **Other subjects:** The witness stated that she had seen Bozizé's rebels wearing turbans and walking around in the neighbourhood; she had seen other *Banyamulenge*, on her way back to her house.

Questions from the Legal Representative of Victims

Ms. Douzima indicated that some of her questions had already been answered during the Prosecution's examination and therefore her cross-examination returned to the arrival of the *Banyamulenge* in Bangui, their uniform, language and other possibly identifying features.

The Defence commenced its cross-examination

Upon questioning by the counsel for the Defence, the witness provided details about her knowledge of the *Lingala* language; as well as the composition of her family. Witness 68 confirmed that it had been the 27th of October 2002 when she had heard on the radio about Bozizé's rebels and the arrival of the *Banyamulenge* in support of President Patassé. This was the same day she and her sister in law intended to go to the PK5 neighbourhood. She further explained what happened on their way there.

A map of Bangui was presented to the witness and the witness was requested to locate the river the witness referred to in her previous statement. Some confusion arose as to the correct version. The Chamber eventually requested the Defence to explain the objective of its questioning. The Defence explained that it wanted to illustrate that the MLC forces - the *Banyamulenge* - had been on the other side of the river and thus far from where the witness was located.

Victim's participation: The remaining questions concerned a form² to apply as a victim in the proceedings, which the witness did not recognise.

19 January 2011 - No hearing

20 January 2011

The Defence finished its cross-examination of Witness 68 with several remaining questions. Witness 23 was sworn in.
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The Defence finished its cross-examination

The Defence expressed its approval of setting the date of the 30th of October 2002 as the day of the entrance of the MLC forces into Bangui.

Upon questioning, Witness 68 further stated that:

Lingala was the language she had heard the men speak; she had identified the *Banyamulenge* by their uniform, their language and their behaviour; Bozizé's rebels had been in the neighbourhood of her house well before she and her sister-in-law left to seek refuge from the fighting; she could not provide further information on the bases of the soldiers; she had visited Médecins Sans Frontières when she fell sick. In addition, she explained about the meetings of the victims and the OTP investigators.

² The exact nature or version of the form was not made clear during the proceedings, however this might be clarified when the Court publishes the transcript for the 18th January 2011 on its website.

21 January 2011

The Prosecution started its examination-in-chief of **Witness 23**. The witness gave his insight into the background of the conflict between Bozizé's men and President Patassé. He was questioned on his alleged rape and the rape of his family members at the time.

The Prosecution started its examination-in-chief of Witness 23:

- **October 2002 - March 2003:** The witness explained that after a problem with former CAR President Kolingba, Mr. Patassé and Mr. Bozizé had agreed to drive the president out of office together. However, a disagreement between Patassé's and Bozizé's forces had ensued. The fighting began at PK10 when Patassé's forces - then President of the CAR - wanted to have Bozizé arrested in April 2002;
- **Bozizé's soldiers:** Witness 23 stated that the soldiers were based in the witness' neighbourhood. He recognised Bozizé's soldiers because Bozizé's son was among them. The witness provided a description of the way the soldiers dressed, in particular the yellow turbans they wore;
- **Banyamulenge:** The witness alleged that the leader of *the Banyamulenge* was Mr. Bemba. When the conflict began between Mr. Patassé and Mr. Bozizé forces, the *Banyamulenge* intervened and provided assistance to President Patassé. The population of Bangui initially had been pleased with the *Banyamulenge's* arrival. The witness alleged to have identified the *Banyamulenge* based on their uniform and language. The soldiers were divided into four different groups and they covered the entire neighbourhood of PK12;
- **Rape: Upon questioning,** Witness 23 described how he was allegedly raped by *Banyamulenge* men who occupied his house. He described that he was sodomised by three soldiers in front of his family, and did not have the strength to resist the rape which lasted between 10 AM and 14 PM. His wives and daughters were also raped. Afterwards the *Banyamulenge* left his house. Over the following four days, the *Banyamulenge* kept coming back to rape his wives and daughters.
- **Pillaging:** Witness 23 alleged that the *Banyamulenge* had taken many of his belongings including his vehicle.

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.

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