



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

BEMBA
INFORMAL WEEKLY SUMMARY
21 - 25 FEBRUARY 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:
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:	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, **Witness 73** (11th Prosecution witness) commenced his testimony under protective measures provided by the Victims and Witnesses Unit (VWU).

Witness 73 is a middle-aged man who lived in PK12¹ in 2002. He and his family are alleged victims of pillaging and abuse by the *Banyamulenge*² during the period of events between October 2002 and March 2003³.

21 February 2011

The Prosecution began its examination-in-chief of **Witness 73**.

During the Prosecution's questioning, the witness provided insight on:

- **Bozizé's departure from PK12:** According to the witness, sometime in October 2002 Bozizé fled PK12 and was followed by young civilian men from PK12 in vehicles. The men spoke *Sango*⁴ and were natives of the CAR. They voluntarily followed Bozizé with the intention of supporting him - they left in civilian clothing and when they returned in March 2003, they came back wearing civilian clothing.

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 term "the period of events" refers to the time period between October 2002 and March 2003 in the Central African Republic.

⁴ *Sango* is the primary language spoken in the Central African Republic.

- **Arrival of the *Banyamulenge*:** According to the witness, the *Banyamulenge* arrived in PK12 in the morning of November 22nd 2002 with looted goods. Once inside PK12, the *Banyamulenge* took a woman hostage to cook for them.
- **Identification of the *Banyamulenge*:** The witness alleged that the *Banyamulenge* spoke *Lingala*⁵ amongst each other.
- **Weapons:** The witness alleged that the *Banyamulenge* used weapons of the CAR army.
- **Foreign troops:** The witness alleged that there were Libyan forces involved in the fighting between President Patassé's men and Bozizé's rebels. The foreign troops were allegedly employed to fight Bozizé's men - these foreign troops were not seen by the witness inside PK12, but were seen on multiple occasions in the surrounding areas of PK12. The witness alleged that they did not interact with the civilian population. The only troops present in PK12 were the *Banyamulenge*.
- **Acts of violence:** The witness alleged that Bozizé's rebels and the Libyans never committed any acts of violence upon the civilian population. However, the witness alleged that during the period of events, the *Banyamulenge* continuously committed acts of violence on the population of PK12 until their departure on March 15th 2003.
- **Pillaging:** According to the witness, once the *Banyamulenge* arrived in PK12, they allegedly took over homes and looted the goods of empty homes. Furthermore, the *Banyamulenge* would allegedly force the population from PK12 to "buy" their neighbour's looted goods.
- **Acts of violence against the witness:** On November 30th 2002, the witness allegedly suffered a beating by 6 *Banyamulenge* men and a number of his goods were looted or consumed by various groups of *Banyamulenge*.
- **Death of witness' wife:** The witness attributes his wife's death to the abuses undertaken by the *Banyamulenge*.

22 February 2011

The Prosecution continued its examination-in-chief of **Witness 73**.

During the examination by the Prosecution, the witness provided further insight on:

- **Alleged rape of the witness' daughter:** Confusion arose as to whether an encounter between the witness' 17 year old daughter and a *Banyamulenge* man was consensual sex or rape. The witness' wife had told him that a certain *Banyamulenge* man had sexual relations with their daughter. The witness considered this rape however he did admit that he has no way of knowing for certain if his daughter was in fact raped or not.
- **Alleged beating of the witness' neighbours son:** The witness alleged that he saw his neighbour's son being severely beaten by over 60 *Banyamulenge* men after his goods were looted.
- **Alleged rape of neighbour's daughter:** The witness alleged that he saw the daughter of his immediate neighbour⁶ taken away by three *Banyamulenge* men and alleged that she was raped, although the witness did not see this himself.

⁵ *Lingala* is a language spoken throughout the northwestern part of the DRC

⁶ It remains unclear if the daughter who was allegedly raped was the daughter of the neighbour whose son was beaten, as the hearing reverted frequently to private session.

23 February 2011

The Prosecution continued its examination-in-chief of **Witness 73**. The Legal Representative for Victims (LRV) questioned the witness on the period of events.

The witness provided insight on:

- **Dress of *Banyamulenge*:** The witness testified that the *Banyamulenge* wore different types of military and civilian clothing as well as a variety of head dresses; there was no insignia on any soldiers indicating rank.
- **Arrival of the *Banyamulenge* in PK12:** Confusion arose as to the date of arrival of the *Banyamulenge* and whether they arrived at PK12 first or in Bangui.
- **Bemba in command:** The witness alleged that Bemba was responsible for giving orders to the *Banyamulenge* to rape, pillage and threaten all civilian populations that did not follow and respect the Patassé Government. The witness has no evidence to uphold this accusation and admits this is merely a deduction he made from the events that happened in his neighbourhood and surrounding civilian populations.
- **Ongoing confusion as to the rape of his daughter:** The witness was still unable to confirm whether his daughter was raped by a *Banyamulenge* soldier or whether their relationship was consensual.

24 February 2011

The Legal Representatives of Victims finished its questioning of **Witness 73**. The Defence began its examination-in-chief of **Witness 73**.

During the LRV's questioning of witness 73, two main issues were discussed:

- **Inconsistencies in testimony:** It became apparent that a number of recent statements given by the witness to the Court are contradictory to previous statements the witness had provided the ICC investigators in 2009. For example, in relation to the treatment of his daughter by the *Banyamulenge* and the timeline of events that happened in PK12 in 2002. The witness explained the inconsistencies by stating that the ICC investigator, who helped him fill out his application for victims' participation, wrote down incorrect information due to translation problems. The witness added that he signed the application and other documents, but he did not fill them out himself.
- **Role of 'ICC official':** According to the witness, after the period of events in question, an individual who presented himself as an ICC official⁷ went around PK12 and recorded the items that were looted from people at PK12 (including the witness and his family). The witness alleged that this individual was telling people to increase the number of looted items and the stolen sums of money by the *Banyamulenge*. Allegedly, this same individual suggested to the witness to tell investigators and the Court that "it would be a good idea to say that your daughter was raped".

During the Defence's cross-examination, The witness provided further insight on :

⁷ This individual nor his title was not identified in public session. The witness alleged that the purported ICC official went around PK12 and asked over 500 residents from PK12 to fill out applications for reparations.

- **Alleged rape of his daughter:** The witness admitted that he never mentioned the rape of his daughter nor the rape of any other person to ICC investigators during the period of investigations in Bangui⁸.
- **Identification:** The witness testified that the *Banyamulenge* could be identified by their red scarves.
- **Other foreign troops:** The witness briefly discussed the presence of other foreign forces in the CAR during the period of events, such as the Cen-sad⁹ and the Barracudas¹⁰. These forces did not associate with other troops or the civilian population.
- **Pillaging by Bozizé’s rebels:** The witness alleged that although Bozizé’s rebels never committed any acts of violence against the population of PK12, he saw the rebels destroy shops during the “heat of fighting with the *Banyamulenge*”¹¹.

25 February 2011

The Defence continued its examination-in-chief of **Witness 73**.

The witness provided further insight on:

- **Acts of abuse:** The witness estimates that 7 family members of his neighbour suffered beatings by the *Banyamulenge*.
- **Timeline of events uncertain:** The witness was unable to coordinate a comprehensible timeline of events regarding the beatings of the neighbour’s family and how their daughter was dragged away by three *Banyamulenge* and what he actually witnessed and what he did not witness.
- **Detention of the neighbour’s son:** The Defence tried to raise a contradiction within previous statements¹² given by the witness to the Court. In a first statement, the witness claimed that, after the alleged beating, the neighbour’s son was detained in the *Banyamulenge* headquarters in PK12 for two days. In a second statement, the witness alleged that the boy was detained for less than an hour. The witness stands by his second statement where the boy was detained for less than an hour before he was released by the *Banyamulenge*.

Witness 73 will continue giving testimony on Monday 28 February.

⁸ The exact date of the ICC investigations were stated during public session. It is probable that the investigations happened between 2008 and 2009 in Bangui.

⁹ The term Cen-sad refers to an international organisation of 21 Saharan-Sahel States - founded with strong Libyan backing. The witness clarified that when he uses the term Cen-sad he is referring to the Libyans who live in Bangui.

¹⁰ According to the witness, the troops he calls “Barracudas” are a military unit forming part of the French Army.

¹¹ A date was not provided as to when the rebels might have destroyed the shops.

¹² The dates of the two statements and the parties to which the statements were made remain unclear as the Court had just exited a private session.