



JEAN-PIERRE BEMBA GOMBO

INFORMAL WEEKLY SUMMARY

MARCH 21 - 25, 2011

Situation	Central African Republic	<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).
Case	01/05-01/08 The Prosecutor vs. Jean-Pierre Bemba Gombo	
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">o Crimes against humanity: Murder and rape.o 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, **Witness 119**¹ continued her testimony under protective measures with Victims and Witnesses Unit (VWU) support and **Witness 222** began his testimony:

Witness 119 is a woman who lived in Boy Rabe² in 2002. She is an alleged victim of pillaging and a witness to rape by the *Banyamulenge*³ during the period of events between October 2002 and March 2003.

Witness 222 (expert witness) is a retired linguistics professor from the University of Toronto. He specialises in *Baya*⁴ languages with a specific concentration on the *Sango*⁵ language. He submitted an expert report to the Office of the Prosecutor in September 2010 on the similarities and differences between *Lingala*⁶ and *Sango*.⁷

March 21st 2011

The Prosecution began its examination-in-chief of **Witness 119**.

The witness provided insight on:

- **Arrival of Bozizé rebels and Banyamulenge:** Bozizé's rebels arrived in the witness' neighbourhood sometime in October 2002 and fled sometime before the arrival of the *Banyamulenge* on October 28th 2002.

¹ Most of Witness 119's testimony was held in private session and absolutely no elements relating to her identity were revealed in public session.

² Boy Rabe is a large market area in Bangui, the capital of the Central African Republic.

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 Democratic Republic of the Congo.

⁴ The *Baya* language family is a group of languages and dialects from the Central African Region.

⁵ *Sango* is the primary language spoken in the Central African Republic

⁶ *Lingala* is the language spoken in Democratic Republic of Congo.

⁷ Many previous OTP witnesses have testified that they recognized troops as *Banyamulenge* as they spoke *Lingala*.

- **Pillaging:** The witness allegedly saw *Banyamulenge* soldiers stocking three military vehicles with pillaged items.
- **Pillaged items:** The witness alleged that CAR authorities sent a communiqué over the radio to inform the population that pillaged items could be retrieved.
- **Alleged crimes:** The witness allegedly heard⁸ of the *Banyamulenge* committing rape, murder and pillaging in her town and in others such as PK12⁹, PK22¹⁰ and on the Zibout Road. The witness alleged to hearing this information either from the families of the alleged victims or over the radio in Bangui.

March 22nd 2011

The Prosecution completed its examination-in-chief of Witness 119. The Legal Representative for victims questioned Witness 119 and the Defence began its cross examination.

During the examination by the Prosecution, the victim provided insight on:

- ***Banyamulenge* Women:** The witness testified to seeing *Banyamulenge* women sitting beside and “watching over” pillaged items.
- **Financial assistance:** Allegedly, the witness was informed by a *Banyamulenge* leader named “Bawa” that President Patassé provided money to Bemba in order to provide assistance to the *Banyamulenge* to come to the CAR.
- **Alleged incitement:** The witness confirmed a previous statement she gave to ICC investigators according to which Bemba allegedly told the *Banyamulenge* that “all the people at Boy Rabe are rebels and they must be killed; the men, women and children”.
- **Neighbour’s help and identification:** according to the witness, her neighbour stopped a *Banyamulenge* soldier who was dragging a screaming woman away. When the neighbour spoke to the *Banyamulenge* they spoke *Lingala*, which the neighbour recognised because his wife was from the DRC and spoke *Lingala*.
- **Identifying the groups of soldiers who committed alleged crimes:** The witness alleged that the soldiers who were present in Boy Rabe could not have been CAR soldiers because the soldiers did not know where PK22 or PK12 were.

Maitre Douzima from the Legal Representatives for Victims questioned Witness 119 on matters regarding the *Lingala*, the French accents of the *Banyamulenge* and the nationality of other Africans living in the witness’ district during the period of events.

The Defence began its cross-examination of Witness 119 who provided further insight on:

- **Aerial Bombing in Boy Rabe:** The witness alleged that the day of the bombing¹¹, she transported an injured boy to a hospital.
- **Alleged beating:** Two girls allegedly raped by *Banyamulenge* soldiers informed the witness that the *Banyamulenge* had severely beaten their fathers.

⁸ The witness does not recall the dates of when she was told of the alleged crimes of the *Banyamulenge*.

⁹ PK12 (point Kilometre 12): A suburb of Bangui where the Prosecutor claims some of Bemba’s alleged crimes took place

¹⁰PK 22 (Point Kilomètre 22): A town near Bangui

¹¹ Last week, witness 119 alleged that the *Banyamulenge* operated an aerial bombing on Boy Rabe, three days after their arrival in Boy Rabe on October 28th 2002.

- **Alleged pillaging:** The witness admitted to never seeing the *Banyamulenge* take pillaged items back to the DRC, but a communiqué sent over the Bangui radio informed the population that is what happened.

March 23rd 2011

The Defence continued its cross-examination of **Witness 119**, however most of the day was spent in private session.

The witness provided further insight on:

- **Military vehicles:** The witness allegedly saw *Banyamulenge* soldiers traveling in 3 military vehicles, similar to those of that transport the FACA¹² army.
- **Burning of neighbourhood:** Witness 119 alleged that a *Banyamulenge* leader¹³ told the witness that Patassé gave him orders to burn down the 4th arrondissement¹⁴ because Bozizé and his rebels took refuge there. The neighbourhood was not burned down but instead suffered aerial bombing by the *Banyamulenge*.
- **Patassé's alleged order:** According to the witness only Patassé could have given the order to General Bombayacki to execute an aerial bombing on the 4th arrondissement because "he is the supreme chief".
- **Lingala:** The witness stated she could recognize *Lingala* because many people who moved from the DRC to the CAR still speak *Lingala* and also Congolese music (in *Lingala*) is played constantly on CAR radio stations.
- **Various militia groups in Boy Rabe:** The witness alleged that Patassé was responsible for employing various vigilante units¹⁵ throughout Bangui to fight Bozizé's rebels. According to the witness each of these groups consisted of around 500 men, trained and armed with Kalashnikovs.
- ***Banyamulenge* arrival date in Boy Rabe:** The Defence tried to raise a contradiction within a previous statement the witness gave to ICC investigators in 2008 and a statement given before the Court yesterday relating to the date the *Banyamulenge* arrived in Boy Rabe. The witness explained that she had rectified the mistake with ICC investigators in 2009 and that she still stands by her latest testimony.

March 24th 2011

Defence completed its cross-examination of **Witness 119**. **Expert Witness 222** was sworn in and the Prosecution began its examination in chief.

Witness 119 provided further insight on:

- **Uniforms:** The witness testified that the *Banyamulenge* were wearing new military uniforms.

¹² FACA is a term to designate "Les Forces Armées Centres Africaines"

¹³ Last week the witness testified to speaking with a *Banyamulenge* leader in October 2002. Last week however, the substance of the conversations was only discussed in private session.

¹⁴ Bangui is divided into 8 arrondissements (districts) of which the 4th is one

¹⁵ Three main military units were mentioned; Karakos, Balawa and Salawee. The Salawee militia were stationed in the 5th arrondissement; the karakos militia was stationed in the 4th arrondissement and the Balawa militia was stationed in the 8th arrondissement. According to the witness, these three military groups were set up by Patassé when he realised that MLC and the Presidential Guard soldiers he employed were not enough to help ensure his political survival.

Witness 119 completed her testimony. Witness 222 - William John Samarin - a retired professor of linguistics¹⁶, was sworn in and began giving his testimony.

- **PhD:** The witness' thesis was on the *Ubangian language*¹⁷ family called BAYA¹⁸, of which *Sango* is a part.
- **Travel:** The witness has traveled to the CAR three times in order to study Central African languages.
- **Expert Report:** The witness wrote an expert report on *Lingala* and *Sango* languages, their similarities, how they are spoken and where, and their influence on each other, their historical and sociological origins, etc.
- **Languages:** The witness speaks *Sango* perfectly and is considered a specialist in *Sango*, but does not consider himself a specialist in *Lingala*. He has however undertaken an in depth study of the *Lingala* language in order to write his report for the OTP.

March 25th 2011

The Prosecution continued its examination-in-chief of Witness 222.

The witness provided insight on:

- ***Sango:*** Is a *Baya* language (Ubangi language family), it is the dominant language in Bangui and is the official language of the Central African Republic.
- ***Lingala:*** Is a simplified *Bantu*¹⁹ language and is one of the three *lingua francas*²⁰ spoken in the DRC²¹.
- ***Lingala vs Sango:*** According to the witness, the Bantu language family and the Ubangi language family are very different languages, phonetically, grammatically and lexically.
- ***Sango:*** Used to be a language spoken in the DRC but has now been replaced by *Lingala*. Following the Expert witness' last trip to the CAR in 2010, he was able to conclude that very few people from the DRC spoke *Sango*.
- **Language as a military tool:** The expert witness stated that language is a tool that can be used to express authority and force over a community when operated by an armed group in a conquered territory. The witness stressed that it is likely that MLC soldiers used their language as a unifying tool among themselves to commit alleged crimes against Central Africans.
- **Identifying *Lingala:*** According to the witness, the average Central African can identify *Lingala* when it is spoken by a Congolese person. Furthermore, he explained that identifying any language requires a certain level of personal experience of that language, which most Central Africans have with regards to

¹⁶ This field of study concentrates on the variety of languages used in particular circumstances, i.e. why people use certain languages in different situations.

¹⁷ Ubangian Languages are languages spoken in the region of Bangui in the Central African Republic. This term was coined by the expert witness himself.

¹⁸ BAYA is a group of languages with different dialects and sub-languages, according to the witness.

¹⁹ Bantu language family includes most languages South of the Equator in Africa. All Bantu languages share the same fundamental characteristics.

²⁰ The term *lingua Franca* describes languages that are systematically used to make communication between people not sharing a mother tongue.

²¹ The two other languages are Swahili (which is spoken in the Eastern part of the DRC and Ketuba which is spoken in the Southern part of the DRC). Lingala is spoken in the large middle region of the DRC.

Lingala. Moreover, the witness stressed that you do not need to speak a language to be able to identify it.

- **Lingala as an identifier:** The witness confirmed the conclusion advanced in his expert report in which he stated that Central Africans were able to identify the military force in the CAR as the MLC because they spoke *Lingala*, one of the languages of the DRC. The witness affirmed that *Lingala* was an indicator that allowed Central Africans to identify of their alleged attackers.

The Prosecution completed its examination-in-chief of **Witness 222**. The LRV will question **Witness 222** on Monday.