



COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT

BEMBA  
INFORMAL WEEKLY SUMMARY  
24 - 28 JANUARY 2011



<b>Situation Case</b>	Central African Republic 01/05-01/08 <b>The Prosecutor vs. Jean-Pierre Bemba Gombo</b>	<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).
<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>
<b>Participants:</b>	1312 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud	
<b>Start of Trial:</b>	22 November 2010	

**Summary:** Two witnesses testified under protective measures with the support of the Victims and Witnesses Unit:

- **Witness 23 (6<sup>th</sup> OTP witness)**, an elder in the community, who lived in one of Bangui's neighbourhoods, close to the PK12 suburb. He and his family had allegedly been victims of rape and pillaging by the *Banyamulenge*<sup>1</sup>;
- **Witness 81 (7<sup>th</sup> OTP witness)**, a young woman who lived in one of Bangui's neighbourhoods, close to PK12. She too had allegedly been a victim of looting and rape by the *Banyamulenge*.

**24 January 2011**

The Prosecution finished its examination-in-chief of **Witness 23**.  
The Legal Representative of Victims put a few questions to the witness.

**The Prosecution finished its examination-in-chief of Witness 23**

The witness provided further details on:

- **Pillaging:** Between the 10<sup>th</sup> and the 30<sup>th</sup> of November 2002, it was alleged that the *Banyamulenge* began to take everything from his house. He had neither been able to put up resistance nor consented;
- **Mr. Bemba's visit:** Mr. Bemba had come to the neighbourhood in November 2002. Many people gathered, including Witness 23, soldiers and civilians. Mr. Bemba addressed his troops in *Lingala* and the local population in French. Mr. Bemba wore his camouflage uniform.

<sup>1</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.

- **Complaints:** The civilian population presented their grievances to Mr. Bemba about the pillaging and rapes. After the visit of Mr. Bemba, crimes did not completely cease, but diminished;
- ***Banyamulenge* left:** The witness stated that he saw the *Banyamulenge* flee his neighbourhood on the 15<sup>th</sup> of March 2003;
- **After the events:** To date, the witness indicated, he had not received compensation for what he and his family had endured. He had used traditional medicine to heal from the alleged rape, but raped women in his neighbourhood still suffer today;
- **Fighting at PK12:** Fighting had erupted in April 2002, making Mr. Bozizé flee to avoid arrest;
- **People who joined the *Banyamulenge*:** Some people allegedly came to the CAR from the DRC to join the *Banyamulenge*.

#### Questions from the Legal Representative of Victims (LRV) - Mr Zarambaud

The witness confirmed that:

- He had met people from the DRC in his neighbourhood;
- He had not heard them speak *Lingala* which he was able to recognise, but instead they spoke other languages.

#### 25 January 2011

The Defence commenced its cross-examination of **Witness 23**. Questioning focussed on the then President of CAR Ange-Félix Patassé.

The Defence, represented by Mr. Liriss, questioned the witness based on excerpts of the witness' statement given to OTP investigators and his testimony in Court. Several discrepancies were revealed.

The witness provided insight on:

- **President Patassé's support:** President Patassé was supported by the CAR regular forces (FACA, Presidential Guard) as well as *Miskine's forces*<sup>2</sup> and Libyans. The *Banyamulenge* were among these forces loyal to President Patassé, as Mr. Bemba had allegedly come to an agreement with President Patassé.
- **The *Banyamulenge*:** The witness alleged that the *Banyamulenge* wore CAR uniforms. It was stated that President Patassé must have provided them. Some alleged attackers were said to speak *Sango* (a CAR dialect)
- **President Patassé's order:** The witness had allegedly heard from a *Banyamulenge* corporal that it had been President Patassé who had given the order to the *Banyamulenge* to kill all boys from 2 years upwards in a rebel area. However, when the *Banyamulenge* had arrived in said area, they had not seen rebels, got annoyed and allegedly committed violent acts;

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<sup>2</sup> Abdoulaye *Miskine*: a Chadian commander, who fought with his forces on President Patassé's side from 1993 to 2003. He was in charge of a special unit outside the army that fought coup attempts by Mr. Bozizé.

- **President Patassé:** He was said to be ‘The leader, the President, the one in power, the person with responsibility for the people’.
- **Arrival of the *Banyamulenge* in November 2002:** Witness 23 stated that the *Banyamulenge* arrived in PK12 on the 7<sup>th</sup> (Saturday) after Bozizé’s rebels had left.

***Inconsistent Testimony by the Witness:*** In his testimony, confusion as to the exact dates of the alleged rape persisted. The witness was presented with a calendar and it was apparent that there was *no Sunday dated the 8<sup>th</sup> in November 2002*. The witness stated that his confusion was due to the intensity of the events, and it was possible he had made a mistake concerning the day and the date. *It is the Defence’s position that according to a ‘military source’ who had been involved in the conflict personally, the Banyamulenge arrived in the CAR on the 30<sup>th</sup> of October and that according to this ‘military source’ the neighbourhood of PK12 could not have been conquered less than two weeks after the 30<sup>th</sup> October.*

**Identification of attackers:** Some alleged attackers were said to speak *Sango* (a CAR dialect)

**26 January 2011**

The Defence finished its cross-examination of **Witness 23**. The Prosecution re-examined the witness. The Defence then raised some minor issues with the witness. Presiding Judge Steiner followed finally with a few questions of clarification which she put to the witness in private session. Subsequently, **Witness 81** was sworn in.

**The Defence finished its cross-examination of Witness 23**

Inconsistencies between the statements Witness 23 gave to OTP investigators in 2008 and his oral testimony this week became apparent.

- **Application form to participate in the trial proceedings:** Witness 23 stated that dates of birth of his children, which he wrote personally on the application form, were wrong. Witness 23 confirmed that the dates he had given in the courtroom were correct.
- **Written statement made to OTP:** Witness 23 stated that the statement he gave to OTP investigators in 2008 contained inaccuracies relating to when his daughters were allegedly raped by the *Banyamulenge*.

**Prosecution Re-examination of Witness 23**

The Prosecution asked questions pertaining to the witness’ concerns about the consequences of his testimony as well as the inconsistencies between his statement to the OTP investigators and his application to participate as a victim in the proceedings against Mr. Bemba.

**Witness 81 was sworn in.** The Prosecution questioned her on her identity in a private session

**27 January 2011**

The Prosecution resumed its examination-in-chief of **Witness 81**. The LRV had a few questions for the witness and subsequently the Defence started its cross-examination.

**The Prosecution resumed its examination-in-chief of Witness 81**

- **The *Banyamulenge*:** The witness had heard that Patassé had asked the *Banyamulenge* to assist him. She later learned that they allegedly came from the DRC and that Bemba was their leader. When they arrived in the witness' neighbourhood they started to commit violent acts against the population. At the time only the *Banyamulenge* had control of the neighbourhood. They wore the same uniforms as the CAR soldiers and spoke *Lingala*;
- **Looting & Rape:** The witness was allegedly raped by four *Banyamulenge*, as were some family members. She and her sisters were obliged to do the cooking for the *Banyamulenge*, who had stayed in front of her house. Acts of violence were also occurring in the PK22 neighbourhood.
- **Mr. Bemba's visit to the neighbourhood:** Mr. Bemba came to the neighbourhood and the *Banyamulenge* were assembled. Mr. Bemba addressed them and left.

**Questions from the Legal Representative of Victims**

The witness stated to the LRV that: the *Banyamulenge* did not continue to rape her after Mr. Bemba's visit; Mr. Bemba had been dressed in military uniform; nothing was done to the perpetrators of the alleged abuse after it had occurred. The witness also indicated that she did not understand Bozizé's strategy, but she was told that he wanted to take power.

**The Defence started its cross-examination**

The Defence, represented by Mr. Haynes, briefly before adjourning, started with the visit of Mr. Bemba to PK12 and the victim's organisation she had become involved in.

**28 January 2011**

The Defence continued its cross-examination of **Witness 81**

**The Defence continued its cross-examination**

The witness stated that:

- She had talked about compensation with an **NGO** that helped rape survivors to fill in applications forms to participate in the trial - OCODEFAD (L'Organisation pour la Compassion et le Développement des Familles en Détresse); she confirmed it was her mark on the form.
- She stated that Bozizé's soldiers came to PK12 twice. They were all dressed in uniform and wore turbans. She had neither seen forces under the command of Miskine nor the CAR armed forces (FACA); Patasse's troops were composed of Lybians, Presidential Guard troops who wore green berets and FACA troops who wore red berets.
- It was a Saturday when the men who attacked her arrived in the area; She further explained the circumstances of her rape and her departure for PK22. As to the latter, the Presiding Judge intervened due to the intrusive nature of the questions and the witness' confusion as a consequence.

*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.*