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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 DR Congo; Alleged	Start of Trial: 22 November 2010
Participants:	1312 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud	

This week, **Witness 73** finished giving testimony. **Witness 79** was sworn in under protective measures with Victims and Witnesses Unit (VWU) support:

Witness 73 (OTP's 11th Witness) is a middle aged father who lived in PK12¹ in 2002. He and his family were alleged victims of abuse and looting by the *Banyamulenge*² during the period of events between October 2002 and March 2003.

Witness 79 (OTP's 12th Witness) is a mother who lived in PK12 in 2002. She and her family are alleged victims of murder, rape and looting by the *Banyamulenge* during the period of events.³

February 28th 2011

The Defence completed its cross examination of **Witness 73**.
The Prosecution began its examination-in-chief of **Witness 79**.

The Defence completed its cross examination of **Witness 73**:

- **Looted Items:** The witness clarified what kinds of items were looted from him by the *Banyamulenge*. He alleged that a purported ICC official went around PK12 writing down items -on forms containing ICC headings- that were looted, allegedly encouraging the population to claim more than what was actually stolen. The witness saw 9 people filling out the form with the ICC official, and believes that over 500 people from PK 12 would have been subject to this extortive list of items.

¹ PK12 (point Kilometre 12): A suburb of Bangui.

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

- **Allegation of rape:** The witness alleged that this same ICC official encouraged him to tell the Court that his daughter was raped by a *Banyamulenge*.
- **Rape of neighbour's daughter:** The witness clarified that while he saw his neighbour's daughter be taken away by three *Banyamulenge* soldiers, he did not hear her scream or see her being raped.

Witness 73 finished his testimony whereupon **Witness 79** was sworn in. The Prosecution began their examination-in-chief of **Witness 79**, who provided insight on:

- **Presence of military troops:** Witness 79 testified that Bozizé's rebels arrived in PK 12 around 3pm on a Wednesday in October 2002 and stayed a full week. According to the witness, Bozizé's rebels did not invade neighbourhoods or commit any acts of violence against the population.
- **Fighting between troops:** The witness alleged that shortly after Bozizé's rebels arrived in PK12 they were engaged in a heavy battle against the *Banyamulenge* near PK12 which lasted roughly two days.

March 1st 2011

The Prosecution continued its examination-in-chief of **Witness 79**. Maitre Zarambo from The Legal Representatives of Victims (LRV) asked a short number of questions to clarify events. The Defence began its cross examination.

During the examination by the Prosecution, **Witness 79** provided further insight on:

- **Language of Bozizé's rebels:** The witness testified that she heard most of Bozizé's rebels speak *Sango*⁴, while a few others spoke Arabic and *Sara*⁵.
- **Identification of the *Banyamulenge*:** The witness alleged that the *Banyamulenge* came from the Democratic Republic of Congo (DRC) and were sent by Bemba to the CAR. When the *Banyamulenge* arrived in PK12, they allegedly wore different types of clothing, from green military uniforms, to civilian clothing; green berets or red berets or simply just caps. The witness testified that the *Banyamulenge* were speaking *Lingala*⁶.
- **Murder of the witness' husband:** The witness alleged that her husband had been murdered in the cattle market of PK13 by Miskine⁷ and his men, the *Banyamulenge*.
- **Rape and pillaging:** The witness alleged that five armed *Banyamulenge* soldiers entered her home and two *Banyamulenge* men raped the witness while another raped her 11 year old daughter. All five of them then allegedly looted the valuable goods from her home as well as her two brother's homes. Her mother and her sister were also allegedly raped by *Banyamulenge* soldiers⁸.
- **Medical Assistance:** The witness testified that she received some medication from *Médecins sans Frontières* shortly after the alleged rape.

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

⁵ *Sara* is a dialect from the Central Sudanic language family. It is most commonly spoken in Chad and in the North of the Central African Republic.

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

⁷ Miskine is also known as Martin Koumtadji, a Chadian National whom Patassé allegedly entrusted with the command of a special unit.

⁸ The Prosecution did not go into depth in this line of questioning. It ended after the witness was asked if she knew if anyone else had been raped.

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.

- **OCODEFAD⁹**: The witness testified to being a member of this NGO. They provided the witness with meals and flour. The witness stated that she was never advised on how to give testimony to the ICC about the acts of violence she allegedly suffered by the *Banyamulenge*.

Following a short period of questioning by Maitre Zarambo (LRV) regarding the arrival of the *Banyamulenge* in PK12, the Defence began questioning **Witness 79**:

- **Role of Bemba**: The witness testified that it was under Patassé's instructions, reading "that all the men and boys over 5 years of age should be killed and the women taken as wives because everyone at PK12 was a rebel", that Bemba sent the *Banyamulenge* to attack PK12.
- **Pillaging**: The witness alleged seeing the *Banyamulenge* pillaging other people's goods in PK12. No dates were given.

March 2nd 2011

The Defence continued its cross examination of **Witness 79**.

- **Knowledge of abuse**: The witness heard of the acts of abuse over the radio broadcast after March 15th 2003. The witness allegedly heard about other acts of violence by the *Banyamulenge* once OCODEFAD was founded, but admitted that she never saw another person being raped or murdered by the *Banyamulenge*.
- **The *Banyamulenge* soldiers and Bozize's rebels**: The witness testified that both the *Banyamulenge* and Bozize's rebels were seen in green coloured military clothing. The witness alleged that she heard that Rwandan soldiers were among the *Banyamulenge* troops in PK12 during the period of events, but never saw any CAR soldiers amongst them.
- **DRC Nationals**: Allegedly, DRC Nationals living in PK12 during the time of the events showed the *Banyamulenge* which houses to loot but never took part in the looting or in other acts of violence.
- **Miskine's intention to kill Muslims**: Allegedly, the witness was warned that Miskine intended to come to PK12 and kill all the Muslims. However, the witness testified to never having seen Miskine or his men come to PK12.

March 3rd 2011

The Defence continued its cross examination of **Witness 79**.

- **OCODEFAD**: The witness reiterated that she was never told she would receive any (financial) assistance from OCODEFAD other than flour.
- **Protest to *Banyamulenge* Commanders**: The witness and other PK12 neighbours complained to two *Banyamulenge* commanders of the abuses committed in PK12. The two leaders explained in French that some of the *Banyamulenge* soldiers were not professional and that is why they may be behaving badly¹⁰.

The Defence finished its examination-in-chief of Witness 79. Hearings will resume during the week of March 14th 2011 with **Witness 29**.

March 4th 2011- No hearing

⁹ OCODEFAD (L'Organisation pour la compassion et le développement des familles en détresse) is an NGO that helps rape survivors to fill in application forms to participate in trial.

¹⁰ Very little information was given in public session regarding this protest, no names or dates were mentioned.

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