



JEAN-PIERRE BEMBA GOMBO

INFORMAL WEEKLY SUMMARY
31 JANUARY - 4 FEBRUARY 2011

Situation Central African Republic
Case 01/05-01/08
The Prosecutor vs. Jean-Pierre Bemba Gombo

Hearing Trial Proceedings
Trial Chamber III: Judge Sylvia Steiner (Presiding),
Judge Joyce Aluoch and
Judge Kuniko Ozaki

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

Jean-Pierre Bemba Gombo: born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged President and Commander-in-chief of the *Mouvement e libération du Congo* (Movement for the Liberation of the Congo) (MLC).

Alleged crimes:
Jean-Pierre Bemba Gombo is allegedly responsible, as military commander, of:
Crimes against humanity: Murder and rape.
War crimes: Murder, rape and pillaging.

This week, two witnesses testified under protective measures with Victims and Witnesses Unit (“VWU”) support:

- **Witness 81 (7th OTP witness)**, a young woman who lived in PK12¹ in 2002. She is an alleged victim of looting and rape by the *Banyamulenge*².
- **Witness 82 (8th OTP witness)**, a 19 year old women who was an 11 year old girl who lived in PK12. She is an alleged victim of rape and pillaging by the *Banyamulenge*.

31 January 2011

The Defence finished its cross-examination of **Witness 81**.

The witness provided further detail regarding:

- **The PK22 neighbourhood:** The witness and her family went to PK22³ from PK12 following her alleged rape. When they arrived at PK22 the *Banyamulenge* were allegedly shooting. They decided to return home to PK12;
- **The *Banyamulenge* after the events:** The same soldiers who had allegedly raped Witness 81, dug trenches in front of her house and stayed there for two weeks. Witness 81 was allegedly forced to prepare the soldiers’ food. The soldiers spoke *Lingala*⁴ to each other. As a result, the witness had been able to learn their names (these were revealed in closed-session). However, the witness did not complain to the authorities about the events;

¹ PK12 (Point Kilomètre 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 PK 22 (Point Kilomètre 22): A town near Bangui and one of the locations where the Prosecutor claims that some of Bemba’s alleged crimes took place

⁴ *Lingala* is a language spoken in the Democratic Republic of the Congo

- **Visit of Mr. Bemba to Bangui:** Allegedly, Mr. Bemba spoke to the population of Bangui whilst surrounded by his soldiers. In addition Witness 81 stated that she had seen Mr. Bemba boarding the helicopter which was the same colour as his military uniform.
- **Inconsistencies:** The Defence stated that there were inconsistencies in the witness' testimony arising from contradictions with testimony the defence possessed of another individual who went with 'Witness 81' to see Mr. Bemba the Defence possessed: Mr Bemba had arrived by vehicle, he had not worn military uniform and had not made an address. However, the witness stood by her courtroom testimony.

1 February 2011 - No hearing

2 February 2011

The Prosecution commenced its examination-in-chief of **Witness 82**. The Legal Representatives of Victims cross-examined **Witness 82** in closed session.

The witness provided further detail regarding:

- **Rape:** The witness was 11 years old when she was allegedly raped at gun-point, in her home, by two *Banyamulenge* men. The alleged rape occurred at 0400 on 7th October 2002, when soldiers attacked the witness' home. Witness 82's sisters and pregnant grandmother were also allegedly raped on the same day;
- **Pillaging:** Witness 82 alleged that the *Banyamulenge* had taken her family's livestock, 'everything' from her home and destroyed many things in her house, as well as stealing other neighbours' belongings.
- **Murder:** The *Banyamulenge* allegedly murdered witness 82's brother.
- **Identification of the attackers:** The alleged perpetrators of her rape did not identify themselves as *Banyamulenge*. However, witness 82 recognised the way the attackers spoke. They did not speak *Sango*⁵, but a language she did not understand. However, Witness 82 knew people from her neighbourhood who spoke *Lingala* and she was able to recognise that as the language spoken by her attackers.

3 February 2011

The Defence commenced its examination-in-chief of **Witness 82** relating to previous statements made to ICC investigators in 2008.

- **ICC Investigations:** The witness testified that the interviews between herself and ICC investigators were held over a three day period and that it was during the third interview in which she was informed that she would testify before the ICC.
- **Identification of Bozize's Rebels.** The witness identified her alleged attackers as *Banyamulenge* by the language they spoke (*Lingala*), the uniforms and head dresses they wore and the weapons they carried. Witness 82 had some difficulty in describing the uniforms and head dresses, but she testified that the uniforms and weapons of the *Banyamulenge* were those of the CAR army.
- **Departure for PK22:** The witness and her family fled for PK22 following 'acts of violence' (it remained unclear if this meant the rape of the witness). The witness stated that the armed men present at PK22 were Bozize's rebels but witness 82

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

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stated that they were not harming any civilians and they were telling the civilians to leave PK22.

- **Alleged rape - confusion in testimony:** The Defence demonstrated some inconsistencies and confusion in the witness' statements as to what point in time the rape took place - *before* or *after* her stay at PK22. In a previous statement given by the witness the rape took place before her visit to PK22. But before the Court, the witness claimed the rape took place after her return home from PK22. The witness and the VWU stated that the confusion stemmed from the employment of multiple terms such as "acts of violence" and "rape".
- **Chamber Review:** The Chamber agreed to review the statements that appeared contradictory.
- **After the rape:** The witness testified that after being raped she could not walk so she stayed at home.

4 February 2011

The Defence completed its cross-examination of **Witness 82**. Questioning on the alleged rape continued and addressed the witnesses' meetings with the OTP and l'OCODEFAD⁶

The witness provided insight on:

- **Witnesses to her rape:** The Defence continued its line of questioning on the inconsistencies between the witness' initial statements to ICC investigators and her testimony given in the Court room. The witness had previously told ICC investigators that no one saw her being raped, however before the Court she stated that her father came running to her aid when he heard her cries for help while being raped. The witness then told the defence she doesn't believe what is written in her prior statements to ICC investigators.
- **Medical Records:** Confusion arose as to when the witness went to the hospital and whether medical records existed to that effect.
- **Grandparents:** Allegedly, the *Banyamulenge* were responsible for the death of witness 82's grandmother. The witness also allegedly saw her grandfather suffer a severe beating from the *Banyamulenge*.
- **Alleged Pillaging:** Witness 82 alleged that the *Banyamulenge* stole goods from the family home. Inconsistency arose as to whether the witness saw the pillaging with her own eyes or not. The witness further stated that she had *heard* of other attacks by the *Banyamulenge* in her neighbourhood.
- **The role of l'OCODEFAD:** The Defence raised questions regarding the recruitment of the witness, whether she had been offered compensation and if the witness knew how the OCODEFAD operated.
- **Role and position of Bernadette Sayo:** The witness was questioned on how she knew Madame Bernadette Sayo and whether she was aware of Ms. Sayo's role in the l'OCODEFAD and the government of CAR in which Ms. Sayo held a position. The witness stated that she had met with l'OCODEFAD and Ms. Sayo, but was only given 'advice'... 'concerning the acts of violence committed by Banyamulenge' and her testimony before the Court.
- **OTP Visit:** The witness stated that she had met with Prosecutor Ocampo, however, she stated that he had not influenced her testimony. Furthermore, the witness

⁶ L'OCODEFAD (L'Organisation pour la Compassion et le Développement des Familles en Détresse) is an NGO that helps rape survivors to fill in applications forms to participate in the trial. It was founded by Bernadette Sayo - a cabinet minister in the current government of the CAR.

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would not confirm filling out the witness application form but could confirm signing it.

Witness 80 was sworn in and began her testimony in private session and will resume in open session on Monday.

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