

JEAN - PIERRE BEMBA GOMBO

INFORMAL WEEKLY SUMMARY

7 - 11 FEBRUARY 2011



<b>Situation Case</b>	Central African Republic 01/05-01/08 <b>The Prosecutor vs. Jean-Pierre Bemba Gombo</b>	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>
	<u>Jean-Pierre Bemba Gombo</u> : born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged	<b>Start of Trial:</b> 22 November 2010
<b>Participants:</b>	1314 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud	

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

- **Witness 80**, a young woman who lived in PK12<sup>1</sup> in 2002. She is an alleged victim of looting and rape by the *Banyamulenge*<sup>2</sup> during the period of events between October 2002 and March 2003.

- **Witness 42**, a father who lived in PK12 with his family in 2002. He and his family were alleged victims of rape, pillaging and beatings by the *Banyamulenge* in November 2002.

**7 February 2011** - No hearing.

**8 February 2011**

The Prosecution concluded the examination-in-chief of **Witness 80**, who was sworn in on **Friday 4 February**. The Legal Representative for Victims asked questions regarding the period of events<sup>3</sup>. The Defence commenced its cross-examination.

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

- **Arrival of the *Banyamulenge* at PK12<sup>4</sup>:** The witness alleged that when the *Banyamulenge* entered PK12, with Bemba as their leader, they immediately broke off into groups and started pillaging and committing acts of violence against civilians.

<sup>1</sup> PK12 (point Kilometre 12): A suburb of Bangui

<sup>2</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.

<sup>3</sup> This being October 2002 and March 2003.

<sup>4</sup> The date of the arrival of the *Banyamulenge* was not heard in public session.

- **Language:** The witness stated that she identified the *Banyamulenge* because they spoke *Lingala*<sup>5</sup> and she could sometimes understand because they used French words.
- **Rape of the witness and family:** The witness alleged that upon their arrival in PK12, three *Banyamulenge* men raped her, at gun point, one after the other in her husband's house. According to the witness, later that day her husband and her four daughters were also raped at gun-point by the *Banyamulenge*.
- **Other rapes in the neighbourhood:** The witness alleged that her neighbours were also raped publicly by the *Banyamulenge*, although the witness did not see the rapes herself.
- **Pillaging:** The witness alleged that the *Banyamulenge* stole everything, including all of her belongings.
- **Departure for PK22:** The witness testified that after the acts of violence, she and her family fled for PK22<sup>6</sup>. After two days however, they went back to PK12.
- **Murders:** The witness saw numerous dead bodies on the road between PK12 and PK22 although she admitted that she never saw any killings so she could not say for certain who was responsible. She thought that it was the *Banyamulenge* because they were the only armed people at the time of the events.
- **OCODEFAD**<sup>7</sup>: The witness testified that she was a member of this NGO. She did not receive any financial assistance from them. The witness admitted that OCODEFAD gave her advice relating to the act of violence in PK12 that happened to her and her family.

The Defence began its cross-examination during which the witness provided further insight on:

- **Bozizé's rebels:** The witness testified that Bozizé's rebels were of various origins but she was unable to tell if some of them were formerly soldiers in the CAR army.
- **Identity of the armed troops:** The witness alleged that she saw many types of armed soldiers, some being of the President's Guard.
- **Inconsistencies:** The Defence raised an inconsistency between two previous statements made by the witness. The first statement was to ICC investigators in 2008 where she alleged that "I could tell if someone is a leader by the medals he wears on his uniform" and that this was how she distinguished Commanders in the *Banyamulenge* from regular soldiers. However, in a statement made to the Court earlier that week, the witness alleged she identified the commanders of the *Banyamulenge* by the fact that they gave orders. The witness stood by her latest statement given to the Court and admitted that she knew if a *Banyamulenge* was a commander by the fact that he gave orders.

<sup>5</sup>*Lingala* is a language spoken in the Democratic Republic of the Congo.

<sup>6</sup> PK 22 (Point Kilomètre 22): A town near Bangui

<sup>7</sup> 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.

- **Attack on PK12:** The witness alleged that Patassé had given the order to attack PK12<sup>8</sup> and that he lead the *Banyamulenge* to PK12.

**9 February 2011**

The Defence continued its cross-examination of **Witness 80**.

The witness provided insight on:

- ***Banyamulenge* Base Camp:** The witness testified that Patassé was responsible for providing all tools and facilities to set up a Base camp at PK22.
- **Number of civilian bodies:** The witness claimed that two days after her rape, her and her family left for PK22. While on the road to PK22, she saw the bodies of deceased civilians. The Defence tried to reveal a contradiction between her previous statements to ICC investigators in 2008 where she said that she saw many bodies compared to a recent statement in Court where she claims she saw one body.
- **Identification of those responsible for civilian deaths:** While admitting she never saw the *Banyamulenge* kill civilians, the witness alleged that the *Banyamulenge* are responsible for the deaths of civilians she saw on the road to PK22 because only the *Banyamulenge* had weapons. However, the witness had previously stated that the civilians died because of the fighting at PK22 between Bozizé's rebels and the *Banyamulenge* - which implies the presence of armed forces other than the *Banyamulenge*.

**10 February 2011**

The Defence finished its cross-examination of **Witness 80**. **Witness 42** was sworn in.

**Witness 80** provided insight on:

- **Pillaging:** The witness' property was pillaged while she was at PK22, although the witness could not testify as to those responsible for this. The witness was however an eye-witness to the *Banyamulenge* pillaging other people's homes.
- **Medical Records:** The Defence tried to demonstrate a potential contradiction within the statements of the witness as to whether or not she had seen a doctor after her rape. This remained inconclusive.
- **ICC investigation:** The witness stated that she had never been advised or trained on how to answer questions to investigators.
- **Account of other rapes:** The witness mentioned knowing many other women who were raped but could not confirm having been an eyewitness to their rapes.
- **Acts of violence by Bozizé's rebels:** The witness alleged that Bozizé's rebels committed acts of violence against the population sometime after<sup>9</sup> they and the *Banyamulenge* fought in PK22.

<sup>8</sup> No date was mentioned as to when Patasse allegedly ordered the *Banyamulenge* to attack PK12 and no date was mentioned as to when Patasse allegedly wanted the *Banyamulenge* to attack PK12.

<sup>9</sup> The line of questioning by the Defence was not extensive - no date was provided by the witness as to when these alleged acts of violence were committed by Bozizé's rebels, nor what kind of "violent acts" they were committing.

Witness 42 was sworn in.

The Prosecution began its examination-in-chief of **Witness 42**. The latter described the following elements:

- **Arrival of the Banyamulenge in PK12:** According to the witness, the *Banyamulenge* arrived in PK12 by foot on November 7<sup>th</sup>, 2002. The commanders of the *Banyamulenge* arrived in vehicles they had allegedly stolen from civilians prior to their arrival at PK12.
- **Description of the soldiers:** The witness claimed he saw many children among the arriving *Banyamulenge* soldiers. He further alleged that among the arriving *Banyamulenge* soldiers were soldiers from the CAR army. The soldiers wore no particular uniform. There were women walking with the *Banyamulenge*, though it is unclear if these women were soldiers.

**11 February 2011**

The Prosecution continued its examination-in-chief of **Witness 42**.

The Witness provided insight on:

- **Language:** the witness testified that he heard the *Banyamulenge* men speak *Lingala*.
- **Violence by the Banyamulenge:** After the arrival of the *Banyamulenge* in PK12 Witness 42 was allegedly beaten and his house pillaged by the *Banyamulenge*. The *Banyamulenge* also severely beat and stole from the witness' son. The witness' 10 year old daughter was allegedly raped by two *Banyamulenge* men. The witness alleges that his neighbours suffered acts of violence from the *Banyamulenge* as well including rapes and beatings.
- **Battle at PK22:** The witness testified that there was a fight between Bozizé's rebels and the *Banyamulenge* a couple of days after their arrival in PK12, sometime in November 2002. The witness alleged that everyone was deemed a rebel by the *Banyamulenge* and that this is when the acts of violence were perpetrated against civilians. Among the victims was the witness' uncle - he did not however, witness his uncle's death.
- **Bozizé's troops:** The witness testified that the *Banyamulenge* were not the only armed troops that were present at PK12 during the time of the events<sup>10</sup>. After the *Banyamulenge* committed the alleged acts of violence against the witness and his family, Bozizé's rebels arrived<sup>11</sup> to PK12 but never committed any acts of violence (nor looted) against the population.
- **Presence of High ranking officers in PK12:** Some *Banyamulenge* commanders present in PK12 would reprimand the *Banyamulenge* soldiers for looting but they allegedly never punished any of the *Banyamulenge* for their behaviour.
- **Cooperation with the CAR Army:** According to the witness, the loyalist troops in favour of the Patassé Government did not cooperate with the *Banyamulenge*. According to the witness, Patassé did not trust the loyalist troops and put his trust entirely in the *Banyamulenge*.

<sup>10</sup> Other troops were present in PK12 from November 2002 and March 2003. The identity of these troops is unclear as well as how long they stayed.

<sup>11</sup> No date was given as we the hearing had entered into a private session before this information was provided by the witness.