

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/05-01/08

Date: 7 May 2010

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio-Benito
Judge Joyce Aluoch

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
V. JEAN-PIERRE BEMBA GOMBO**

Public document

**Submission of Joint Instructions to Experts by the Prosecution and the Office of
Public Counsel for Victims**

Source: The Office of the Prosecutor
The Office of Public Counsel for Victims

Document to be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence of Jean-Pierre Bemba Gombo

Mr Nkwebe Liriss

Mr Aimé Kilolo Musamba

Legal Representatives of Victims

Ms Marie-Edith Douzima-Lawson

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

I. Introduction

1. On 29 March 2010, Trial Chamber III (“Chamber”) issued its decision approving four experts proposed by the Office of the Prosecutor (“Prosecution”) and the Office of Public Counsel for Victims (“OPCV”)¹ in this case and ordered the parties and participants to submit joint instructions to these experts.²
2. Following the Chamber’s order, the Prosecution contacted the Defence on 14 April 2010 to initiate the joint instructions procedure. On 19 April 2010, the Defence opposed the experts and declined to participate in joint instructions of them.³
3. Pursuant to the Chamber’s order, the Prosecution and the OPCV, in consultation with the other Legal Representative, Ms Douzima-Lawson, hereby submit their joint instructions to the four experts approved by the Chamber.⁴

II. Questions and themes for General Daniel Opande (military expert)

- Provide an overview of the military structure of the *Mouvement de Libération du Congo* (“MLC”) during the 2002-2003 conflict in the CAR. Identify its leadership, its chain of command, and how the leadership exercised command and control? Identify how orders were transmitted, and the training MLC

¹ The OPCV acts as Legal Representatives for a set of victims in this case.

² ICC-01/05-01/8-T-21-ENG ET, p. 13, line 20 to p. 24, line 19. The Chamber approved all four experts and ordered the parties and participants to submit joint instructions to these experts.

³ Following the Chamber’s order, the Prosecution contacted the Defence on 14 April 2010 at 18:54 hrs with a view to initiating joint instructions of the 4 approved experts. On 19 April 2010 at 17:02 hrs, the Defence expressed its opposition to any joint instructions of the approved experts. The Defence reiterated that it reserves its right to cross-examine the experts and requested the Prosecution to disclose all contacts and correspondences with the experts.

⁴ Ms Douzima-Lawson acts as Legal Representative for another set of victims in this case.

soldiers underwent. How did this training enable MLC soldiers to follow the orders of those higher in command?

- Identify the MLC's overall military commander during the conflict in the CAR in 2002-2003. What was the overall commander's role in this conflict? How did he exercise command and control over his troops in the CAR? Were the means and methods used by the commander sufficient to enable him to be in effective command and control of his troops?
- What was the level of interaction amongst the MLC and other security forces in the CAR, the *Forces Armées Centrafricaines* ("FACA") and the *Unité de Sécurité Présidentielle* ("USP")? What was the distribution of functions? Given this interaction, where did actual command of MLC troops in the CAR lie in this period, 2002-2003?

III. Questions and themes for Professor William Samarin (expert in linguistics)

- What is the relationship between Sango and Lingala? To what extent has each language been influenced by the other? To what extent does the CAR population speak Lingala? To what extent does the CAR population recognize Lingala? To what extent does the Democratic Republic of Congo ("DRC") population speak Sango?
- What is the most tested method of language recognition? Applying this method, how would a speaker of one of the languages recognize the other language, when spoken? Applying this method further, identify the main vocabulary, oral and sound distinctions of both languages.

IV. Questions and themes for Dr. Binaifer Nowrojee (expert on “sexual violence as a tool of war”)

- What were the objectives and roles of the different forms of sexual violence (use of torture and inhuman and degrading treatments as well as abduction and sexual slavery as part of sexual violence) in the CAR conflict in 2002-2003?
- Collectively what were the effects of these different forms of sexual violence on victims in the CAR during that period?
- In light of these effects, what is the assessment of the overall impact of acts of sexual violence on the lives of the victims (distinctively children, women and men) in the CAR up to the present time? What is the CAR society’s overall perception of these victims?

V. Questions for Dr. Adeyinka M. Akinsulure-Smith (expert on gender crime, Post Traumatic Stress Disorder (“PTSD”))

- The effect of direct and indirect sexual violence on the development of young persons (girls and boys);
- The effect of sexual violence on the development of a girl as a woman in its relational, social, behavioural and psychological components;
- The effect of direct and indirect sexual violence on couples, families and society (micro aspects and macro aspects – stigmatization, isolation of victims and abandonment of the household by relatives);

- The psychological and social consequences of pregnancies following acts of rape;
- The full range of difficulties encountered by victims in reintegrating into their families/communities;
- The impact of abduction for sexual slavery on the ability of the survivors victims to re-integrate their families and communities;
- The psychological and social difficulties encountered by victims infected by diseases following acts of sexual violence;
- The development of guilt and fear amongst victims of sexual violence;
- Criteria to evaluate the extent of harm caused by acts of sexual violence and gender crimes and the means to address/soften/repair the prejudices suffered;
- The influence of the age, gender and familial as well as social position of the victim on the incidence of PTSD;
- The consequences of PTSD on the ability of victims/witnesses to remember the events he or she has suffered from;
- The consequence of PTSD on the ability of victims/witnesses to remember the circumstances of the events from which she or he suffered and previous events that occurred;
- The influence of major shocks or traumas on the ability of a person to identify a language;

- The impact of PTSD following gender crimes and sexual violence on the capacity of victims to identify their best interests in relation to their security and well-being.



Luis Moreno-Ocampo, Prosecutor



Paolina Massidda, Principal Counsel

Dated this 7th Day of May 2010
At The Hague, The Netherlands