



COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT

BEMBA  
INFORMAL WEEKLY SUMMARY  
22 - 26 NOVEMBER 2010



<b>Situation Case</b>	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).
<b>Hearing Chamber</b>	Trial Proceedings Trial Chamber III: Presiding Sylvia Steiner, 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>2 counts of crimes against humanity and 3 counts of war crimes:</b>
<b>Parties</b>	OTP: Ms. Bensouda, Ms. Kneuer. Defense: Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba.	
<b>Participants</b>	759 victims represented by Legal Representatives of Victims Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud, and OPCV	<ul style="list-style-type: none"><li>• Two counts of crimes against humanity: murder (article 7(1)(a) of the Statute) and rape (article 7(1)(g) of the Statute );</li><li>• Three counts of war crime: murder (article 8(2)(c)(i) of the Statute); rape (article 8(2)(e)(vi) of the Statute); and pillaging (article 8(2)(e)(v) of the Statute).</li></ul>
<b>Start of Trial</b>	22 November 2010	

Jean-Pierre Bemba Gombo: born in 1962 in Bokada, Equateur Province; National of the DR C; Alleged

This is the first week of the Bemba Trial. After a first day dedicated to opening statements, a protected witness, Witness P38, started giving testimony. He's an inhabitant of a suburb outside of Bangui, PK12, who claims that he witnessed Mr. Bemba's MLC party's troops commit atrocities against the local civilians.

**22 November 2010** - First day of trial, with each parties and participants giving their opening statements before the Court.

○ **Introduction by Presiding Judge Sylvia Steiner**

As of today, the Chamber granted **759** victims the right to participate, with **653** other applications still pending a decision.

Judge Steiner then moved to reading the charges to the accused. The Bemba Defence Team confirmed that it intended to plead not guilty to all the charges.

○ **Opening Statement of the Prosecution**

ICC Prosecutor Luis Moreno-Ocampo introduced the opening statement for the Prosecution, announcing that the Prosecution will show that Jean-Pierre Bemba is criminally responsible for Crimes against Humanity and War Crimes under **the Superior Command Responsibility**. The Prosecutor spoke of "unspeakable crimes" including pillaging, rape of women and men. The "Prosecution is not alleging that Jean-Pierre Bemba ordered these crimes," but that he is responsible of the crimes due to his failure to command his troops not to commit the crimes. This "forward-looking trial"

*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.*

has no precedent, the Prosecutor claimed, and ICC decisions will "influence the behaviour of military commanders in all States Parties"

- **Opening Statement of the LRV** - focused on justice for the victims.
- **Opening Statement of the Defence** - presented by Maître Liriss:
  - The standards of proof in the Rome Statute would not be able to prove the guilt of Mr. Bemba;
  - **Criticized the OTP's investigation** extensively. For example, Maître Liriss claimed that the Prosecution "ignored important witnesses" in favor of "second-rate witnesses";
  - Raised the **responsibility of Mr. Patassé** and of the CAR authorities;
  - Argued that the ICC could not understand local traditions, customs, ethnic groups, which is important to understand the case.
  - Calls for the **acquittal of Mr. Jean-Pierre Bemba**.

**23 November** - The first witness to be called before the Court is Witness P38, an inhabitant of PK12, who claims he saw the MLC troops arrive there and commit atrocities against civilians, including collective rapes.

The Chambers made a decision ordering the Prosecution to file an updated list of evidence regarding Witness P221, Chambers ordering Prosecution to expunge the materials excluded from the evidence list as per a Chamber's previous orders.

**Examination-in-Chief of Witness P38 began.** Witness P38 is the first witness to be called in the Bemba Trial. He benefits from protective measures, which include pseudonyms and distorted image/voice.

Deputy Prosecutor Fatou Bensouda started asking very general questions about the CAR such as what is the capital; what is the population; how is the population composed; what are the different ethnic groups; spoken languages?

Questions then moved to the series of events from **Bozizé's rebellion** against the Patassé regime to the MLC's intervention in the conflict. Ms. Bensouda asked questions as to how the rebels were called - *the Banyamulenge* - and how they were brought into the conflict by Patassé.

Ms. Bensouda targeted her questions on **the MLC's entry into CAR through "PK12"** (point kilométrique 12), and the atrocities committed there.

Following a request by the Prosecution, Witness P38 drew a sketch that showed the set up of the MLC's different bases in PK12, with the names of the different commanders there, including "Colonel Mustafa", "Mopao", and others whom he did not know the names of. Questions also focused on the clothing of MLC militias and their weaponry.

P38 claimed he witnessed directly or indirectly **arbitrary violence**, even killings, against civilians, constant **pillaging**, and **rape**. He broke down in tears when he talked about a little 8-year-old girl who was raped by MLC militia. He explained that the militia had preferred the 8 year old over her mother because she was "fresh", and raped her in front of her mother. Most of the population had fled, even though he chose to remain behind.

**24 November** - Examination-in-Chief by the Prosecution of Witness P38 was concluded today. Witness P38 gave more details about the series of events, and alleged atrocities, committed over the period of the occupation of PK12 by MLC troops.

**Examination-in-chief of Witness P38 continued.** Ms. Fatou Bensouda, Deputy Prosecutor of the ICC, went back to several points made the day before by the witness in order to clarify and obtain more information about each of them. She asked for more information regarding:

- The **cruelty of certain MLC officers** and troops;
- How he obtained certain information given to the Court - he obtained them from rumours, spread by “military sources” in the CAR army;
- The numbers of MLC soldiers, their uniforms and weaponry;
- **Pillaging** and violence committed against civilians, including **the raping of women;**

The witness also testified that **Jean-Pierre Bemba** came to visit his troops at a certain moment in time, and that despite the demonstrations of the local population, he did not manage to approach him to let him know of the atrocities committed by his troops. The Examination-in-Chief was concluded at the end of today’s hearing.

**25 November** - Ms. Douzima of the LRV asked a few questions before the Defence started its cross-examination of Witness P38, asking questions about Bozizé’s rebellion and the series of events from October 2002 to March 2003.

**Legal Representative of the Victims Ms. Douzima** asked several questions, regarding the events in the Central African Republic prior to the 2002 rebellion, the different ethnic groups present in the country, and other military groups present during the 2002-2003 conflict.

**Mr. Peter Haynes, of the Bemba Defence Team** began its cross-examination, asking questions to the witness regarding **Bozizé’s rebellion**, their behaviour when they were present in PK12, and the series of events that took place in the Central African Republic in 2002-2003. The witness testified that the population of PK12 applauded Bozizé’s forces when they arrived, and that they committed no violence against civilians. Questions also moved back to the MLC troops and their arrival in the CAR.

**26 November** - The cross-examination of Witness P38 continued. Questions were asked on the different military groups present in the CAR at the time, as well as what exactly the witness saw in terms of atrocities.

**The Bemba Defence Team’s cross-examination** continued today, Mr. Peter Haynes continuing to ask questions about the events that took place in the CAR. Questions were put to the witness on other military groups operating in the country at that time, the different **ethnic composition** of the CAR as well as the languages spoken there (questions focused on lingala, the language of the MLC troops).

Questions moved to the atrocities Witness P38 directly witnessed. In particular, the witness was questioned on a rape he claimed during his testimony he saw himself, even though he had forgotten it when he gave his statement to the OTP during the investigation phase. The Defence also asked the witness whether he created a log of the atrocities that were reported to him. The witness answered that he did not.

Once Mr. Haynes was finished, Mr. Liriss, leading counsel for the Bemba Defence Team, resumed the cross-examination and went back to several points made during the witness' testimony to clarify.

The Defence's cross-examination should be concluded Monday morning.

*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.*

INFORMAL SUMMARY

*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.*