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Situation Case	Central African Republic 01/05-01/08 The Prosecutor vs. Jean-Pierre Bemba Gombo	<i>Mouvement de libération du Congo</i> (Movement for the Liberation of the Congo) (MLC). Participants: 1312 victims represented by Legal
Hearing Chamber	Trial Proceedings Trial Chamber III: Judge Sylvia Steiner (Presiding Judge), Judge Joyce Aluoch and Judge Kuniko Ozaki	Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud
Parties:	OTP: Ms. Bensouda, Ms. Kneuer and team Defence: Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba and team	Alleged crimes: Jean-Pierre Bemba Gombo is allegedly responsible, as military commander, of: <ul style="list-style-type: none">o Crimes against humanity: Murder and rape.o War crimes: Murder, rape and pillaging.
<u>Jean-Pierre Bemba Gombo</u> : born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged President and Commander-in-chief of the		Start of Trial: 22 November 2010

This week one witness gave testimony:
Witness 33 is a witness testifying under protective measures. The identity of the witness remains unknown.

12 September 2011

The OTP continued its examination-in-chief of witness 33.

During the examination-in-chief by the Prosecution, the witness testified on:

- **Judicial System within the MLC¹:** The witness testified that the MLC set up a judicial system with Courts and Tribunals. Loyalty was an important criterion to be eligible for a position within the system. For military justice, there was no permanent Court in place, only extraordinary Courts. Members of these Courts were appointed by Mr. Bemba.
- **No independence of Judges:** According to the witness, the judges were not completely independent or autonomous and orders had been given by the Commander in Chief, Mr Bemba.
- **Bemba's Control Over Troops:** The witness stated that daily reports had to be sent to Mr. Bemba. All troops were in possession of radio communication.
- **Decision to intervene in CAR:** The decision was made by Mr. Bemba himself, who was the only person in the position to decide to send troops to Bangui.
- **Weapons delivery from Libya:** The witness testified that two weapons deliveries came from the Libyan government. These weapons were to be used in Bangui.

¹The 'Mouvement pour la Liberation du Congo' is a political party in the Democratic Republic of the Congo

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- **Troops deployed in Bangui:** The troop deployed to Bangui was the troop located in Libenge which was under the command of Commander Mustafa². Most of the soldiers belonged to the *Banyamulenge*³. The deployment happened in a gradual manner until a whole Brigade was in Bangui.
- **Violation by troops in CAR:** Allegedly, looting, rapes and murders of civilians were committed by MLC troops in CAR.
- **Looting:** Promises of remuneration were made to the troops in the CAR. As these promises were not met, the soldiers allegedly started looting goods from the civilians in Bangui.
- **Looted goods:** Allegedly, looted goods, such as vehicles, trucks and household appliances, would be brought back to the DRC and the low ranking officers would keep them.
- **Looted cars:** Mr. Bemba allegedly established a list of persons who would get these vehicles, knowing that they were looted.
- **No reparation for civilians.** No compensation or reparation has been paid to the civilian population of CAR for the looted goods.
- **Special Court for violations in Mbaso and Bangui:** The witness testified that a special Court has been set up after the withdrawal of the troops from Bangui to deal with the crime of looting. Some of the lower ranked officers have been convicted. The meanings of these trials were only to get local support. Authors of other violations, such as executions of Prisoners of War, were not tried.
- **Possession of aeroplanes by MLC:** The MLC was in possession of two Antonov planes and one Pilatus, as well as helicopters, acquired by Bemba.
- **Code of conduct of the ALC⁴:** The ALC had a Code of Conduct, which was not very well known by the soldiers because it was written in French and most of the soldiers were illiterate.
- **Bemba's double position:** Bemba was the only one within the MLC holding a political and a military function at the same time. Although his influence in the political branch was flexible, he had a complete influence on the military branch.
- **Contact with President Patassé:** Mr. Bemba and President Patassé were in contact on a regular basis.

13 September 2011

The Legal Representatives of Victims (LRVs) questioned the Witness 33. The Defence commenced its cross-examination of Witness 33.

During the questioning by the Maitre Douzima-Lawson, witness 33 provided testimony on:

- **Professional soldiers:** The witness testified that the troops who were sent to Bangui were official members of the ALC.
- **Chain of command:** Mr. Bemba was in permanent direct communication with the commanders in the field, bypassing the chain of command despite the MLC Statute providing that this contact should be made via the intermediary of the Chief of Staff. But sometimes he also respected the chain of command.

² General Mustafa Mukiza, the 'overall commander' of the MLC troops

³ Banyamulenge is a term historically describing the ethnic Tutsi Rwandans, concentrated on the High Plateau of South Kivu, in the eastern region of the DRC but is also used for part of the MLC troops.

⁴ The ALC: "L'armée de Libération du Congo" was the Army within the MLC

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- **Trials after the withdrawal of troops from Bangui:** None of the persons who got arrested and tried in the Special Court for violations in Mbasia and Bangui ended up in prison.

During cross-examination by the Defence, witness 33 provided testimony on

- **Two main rebel factions:** In 1998, there were two main rebel factions in the DRC. The RCD (Rassemblement congolais pour la démocratie) and the MLC. In the beginning, the RCD was militarily supported by Rwanda and Uganda. After the creation of the MLC, Uganda started to support the MLC.
- **The Political and Military Council:** The Political and Military Council defined the national policy of the MLC, which had to be executed by the National Executive.
- **Separation of power:** The Statute of the MLC provided for the separation of legislative, executive and judicial powers, but - according to the witness - this was not the case in reality.

14 September 2011

The Defence continued its cross-examination of Witness 33

During the questioning by the Defense, Witness 33 provided testimony on:

- **Movement of Brigades:** The witness testified that the movement of MLC brigades was a major strategic decision, which had to be approved by Mr. Bemba. According to the Statute of the MLC, the Commander in Chief, Mr. Bemba would define the general policy of operations and the General Staff would implement it.
- **Violations by the Chadian troops:** The witness alleged that the Chadians, as well as the troops of the Congolese government, behaved really badly towards the civilian population of the Equatorial Province in DRC.
- **Transitional phase:** According to the witness, the Lusaka-agreement⁵ of 1999, establishing a cease-fire, was not observed by the government of the DRC.

15 September 2011

The Defence continued its cross-examination of witness 33 in closed session.

16 September 2011

The Defence continued its cross-examination of witness 33.

During the questioning by the Defence, the Witness gave testimony on:

- **Ituri Trials:** The Witness testified that Junior officers got sentences of a few months in prison.
- **“Commissaire politique”:** Within the MLC, there was a function of Commissaire politique, commonly known as “PC”, whose duty was to teach the ideology and the philosophy of the MLC movement to the troops. When the troops got to Gbadolité, Valentine Senga was the PC for a short time. The Commissaire politique worked with both the civilian population and the army.

⁵ The Lusaka Ceasefire Agreement attempted to end the Second Congo War through a ceasefire, release of prisoners of war, and the deployment of an international peacekeeping force under the auspices of the United Nations. The heads of state of Angola, the Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zambia, and Zimbabwe signed the agreement in Lusaka, Zambia on July 10, 1999

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