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Situation Case	Central African Republic 01/05-01/08 The Prosecutor vs. Jean-Pierre Bemba Gombo	<i>Mouvement pour la libération du Congo</i> (Movement for the Liberation of the Congo) (MLC).
Hearing Chamber	Trial Proceedings Trial Chamber III: Judge Sylvia Steiner (Presiding Judge), Judge Joyce Aluoch and Judge Kuniko Ozaki	Participants: 1713 victims represented by Legal 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: <u>Jean-Pierre Bemba Gombo</u> is allegedly responsible, as military commander, of: <ul style="list-style-type: none">○ Crimes against humanity: Murder and rape.○ War crimes: Murder, rape and pillaging.

Jean-Pierre Bemba Gombo: 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 witnesses testified:
Witness 151 - Joseph Mokondwe, testified in open session.

17 October 2011
The Prosecution began its' examination-in-chief of witness 151

During cross-examination by the Prosecution, the witness provided testimony on:

- **Military Rank:** The witness testified that he was commander of the 5th Combat Company, a division of the FACA¹ that was in charge of logistics, staff oversight, and communications. Furthermore, he mentioned that he was a logistical officer at the Operations Command Centre (CCOP), which was in charge of:
 - Troop reallocation to areas of security breaches;
 - Administration;
 - Logistics;
 - Communications;
 - Food and Supplies;
 - Coordination of movements and battle strategies.
- **Military High Command:** The witness testified that the Military High Command was the highest authority in the FACA, which prepared and issued decisions to all other units. Accordingly, the CCOP was under the authority of the High Command.
- **Dissent in the Army:** The witness alleged that there was conflict within the CAR army, leading to a group to defect from army ranks and join the rebel forces of François Bozizé.

¹ FACA: Central African Republic Armed Forces.

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- **Military Groups in CAR:** According to the witness, the acting military forces in the CAR, from the time when Patassé asked for assistance in putting down Bozizé's rebels, included the FACA, the MLC², *Banyamulenge*³ and Libyan troops.
- ***Banyamulenge*:** The witness alleged that when the *Banyamulenge* entered the CAR, they set up base at PK 12⁴, whilst deploying troops at advanced positions. The witness further alleged that while the *Banyamulenge* and FACA had the same military goals - to drive out the rebels positioned in Bangui - the *Banyamulenge* acted independently of the FACA. Additionally, the *Banyamulenge* did not take part in any strategic planning with the FACA, and there was limited exchange of intelligence. In the case that there was, the *Banyamulenge* leader in command of the troops, General Mustafa⁵, would go to the CCOP to collect intelligence reports to relay to the *Banyamulenge*.

18 October 2011

The Prosecution concluded its examination-in-chief and the Legal Representative for Victims concluded its cross-examination of Witness 151. The Defence for Mr Bemba, Maitre Kilolo, began his cross-examination of Witness 151.

During cross-examination by Mr Zarambaud (LRV), the witness provided testimony on:

- **Acts of Violence in Bangui by the *Banyamulenge* during their occupation:** The witness alleged that, while he did not witness these acts first-hand, he had received information by various military sources on the *Banyamulenge*'s treatment of civilians and various acts of violence. The witness mentioned the following allegations against the *Banyamulenge*:
 - **Alleged Rape of women:** Women were taken by force, even in the presence of their husbands, in order to be raped.
 - **Alleged Rape of children:** Children were taken from their families by force and raped.
 - **Civilian houses:** Houses of civilians were allegedly either taken and their residents thrown out forcefully or torched and destroyed - other houses were requisitioned.
 - **Alleged Atrocities:** Civilians were allegedly beaten and/or killed indiscriminately.
- **Battalion of Support Services (BSS):** The witness alleged that the *Banyamulenge* took control of and occupied the BSS in Bangui and then proceeded to destroy the building in its entirety.
- **Compensation:** The witness alleged that the *Banyamulenge* did not provide any compensation to the civilians whose houses they destroyed.
- **Command of *Banyamulenge*:** While General Mustafa claimed that all *Banyamulenge* troops were placed under the authority of FACA, the witness alleged that the *Banyamulenge* received no instructions from the FACA or any of its officers. The witness further noted that the CCOP gave no orders to the *Banyamulenge*, and that General Mustafa had full command of the *Banyamulenge* forces.

² Movement for the Liberation of the Congo

³ *Banyamulenge* is a term historically describing the ethnic Tutsi Rwandans (Banyarwanda) concentrated on the High Plateau of South Kivu, in the eastern region of the DRC. Sometimes the term is used interchangeably with MLC troops.

⁴ Point-Kilometre 12: A suburb of Bangui where Bemba allegedly carried out crimes.

⁵ Acting field commander of the MLC forces during the commission of the crimes.

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19 October 2011

The Defence continued its' cross-examination of Witness 151

During cross-examination by the Defence, witness 151 provided testimony on:

- **Briefing Meetings:** The CCOP routinely held briefings to draw up combat strategies and to be aware of friendly and enemy troop movements. The witness alleged that the *Banyamulenge* troops were never present at the meetings, and that they had no knowledge of messages relayed to the CCOP.
- **Messages:** The witness alleged that whilst the *Banyamulenge* did not cooperate with FACA and the CCOP, the Deputy of General Mustafa did go on occasion to a sub-unit of the CCOP to collect messages containing intelligence.
- **Decision to deploy *Banyamulenge*:** The witness alleged that the decision to ask for military assistance from the *Banyamulenge* might have come from either Patassé or Bombayake⁶ However, the witness could not confirm fully whether this was true, but mentioned that the troops could have not been deployed of their own initiative.

20 October 2011

The Defence concluded its cross-examination of Witness 151

During the cross-examination of the Defence, witness 151 provided testimony on:

- **Atrocities committed by Bozizé's rebel forces:** The witness alleged that the rebel forces ransacked Bangui between 2002 and 2003 and were the cause of the population's suffering. Allegedly, according to the witness, there were cases of slaughter, severe punishment, torture and fatalities were also included in the list.
- **Displaced Persons:** The witness alleged that there were displaced persons as a result of the battles between Patassé's supporters and Bozizé's rebels and that they sought refuge in Chad and in Bangui.
- **Rebel Occupation:** The witness alleged that Bozizé's rebels occupied Sebut and the surrounding localities.

21 October 2011

Court recess - no trial. Trial to be resumed on the 27th of October.

⁶ General Ferdinand Bombayake, Head of the CAR Presidential Guard

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