



J E A N - P I E R R E B E M B A G O M B O

I N F O R M A L W E E K L Y S U M M A R Y

A U G U S T 2 2 - 2 6 2 0 1 1

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:
<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		<ul style="list-style-type: none">o Crimes against humanity: Murder and rape.o War crimes: Murder, rape and pillaging.
		Start of Trial: 22 November 2010

This week, one witness gave testimony: **Witness 173 (OTP's 26th witness)** is a witness under protective measures. The identity of the witness remains unknown.

22 August 2011 - No Hearing

23 August 2011

The Prosecution commenced its examination-in-chief of witness 173.

Maître Badibanga from the Prosecution questioned Witness 173 on:

- **Arrival of the MLC¹:** the witness stated he witnessed a battalion of MLC troops cross the Ubangi River, using rafts in 2002. After arriving in the CAR, the witness stated the MLC split up in two with one part of their forces heading towards Bossembélé and the other part towards Damara. Bossembélé was of interest to the MLC because they could control the roads to Chad from there.
- **MLC leadership:** the witness stated he befriended MLC soldiers and that was why he knew some of their commanding officers. The witness pointed out Mustafa Mokize as the commanding officer, and testified about having met him in Damara.
- **Looting:** large scale looting allegedly occurred in Bossangoa. The witness stated he saw the *Banyamulenge*² in Bangui with their looted goods from

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

² 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.

Bossangoa. The witness was told that Muslims especially, most of whom were of Chadian descent, were allegedly targeted by the *Banyamulenge* in Bossangoa.

- **Article 15³:** the witness testified that, in order to survive, the Banyamulenge 'applied article 15', meaning they would loot to get food, supplies and money.
- **Rape:** Women in PK13 were allegedly mass raped by the *Banyamulenge*.
- **Uniforms:** according to the witness, the *Banyamulenge* were dressed in civilian clothes when they arrived, but were soon supplied with uniforms by the USP⁴. The uniforms did not resemble those of any of the CAR armed forces.
- **Language:** the witness told the Prosecution that the MLC leaders spoke Swahili⁵ and *Lingala*⁶ but that most of the troops only spoke *Lingala*.
- **Payment:** a Libyan friend of the witness, working for the Presidential Office under Patassé, allegedly told the witness that no payments were made to the MLC troops. A payment was allegedly made by Patassé directly to Mr. Bemba but the troops did not see any of the money.
- **Measures to prevent crimes:** according to the witness Mr. Bemba knew of the crimes that the MLC troops allegedly committed in the CAR, but did not take any measures even though he had the power and resource to do so.
- **Briefing and contact:** Mr. Bemba allegedly briefed the MLC troops before their crossing into the CAR. The soldiers were told that their objective was to oust Bozizé's men from the CAR; the witness continued by stating Mr. Bemba came to Bangui a few times where he was in close contact with Generals Mazzi⁷ and Bombayacke⁸.

24 August 2011

The Prosecution completed its examination-in-chief of witness 173. The Legal Representatives of Victims (LRVs) questioned the witness, and the Defence commenced its cross-examination.

Maître Jean-Jacques Badibanga (OTP) continued his questioning of the witness.

- **Chain of command:** the witness stated that Mustafa Mokize was the MLC commander in the CAR, but he allegedly got his orders from Mr. Bemba. President Patassé was said to have no power over the MLC troops at all.
- **Communication:** a phone call between Mustafa Mokize and Mr. Bemba was allegedly overheard by the witness; the two discussed troop developments, casualties and other news from the front.
- **Mixed operations:** according to the witness, the MLC and the CAR armed forces coordinated their operations around Bossembélé but as time went on, the MLC became more independent.

³ The term 'article 15' stems from the Mobutu period when there was no money to pay the salaries, the term refers to this period when people made up this fictive constitutional article which allowed for breaking the law during harsh times.

⁴ USP is the CAR presidential guard.

⁵ Swahili is a Bantu language spoken primarily in the eastern area of the DRC as well as in Tanzania, Kenya and Uganda.

⁶ Lingala is a Bantu language spoken primarily in the northern area of the DRC as well as in Congo-Brazzaville.

⁷ General Mazzi was chief of staff of the FACA, the CAR armed forces.

⁸ General Ferdinand Bombayacke was leader of the USP, the CAR presidential guard

This is an informal and unofficial summary of the trial hearings. Whilst every effort has been made to ensure accuracy, the CICC is not responsible for any omissions or inaccuracies contained within the following summary, which is provided for informational purposes only. Please do not forward without prior consultation with CICC staff.

- **Transportation:** the witness stated transportation came in the form of jeeps and armoured vehicles provided to the MLC by the CAR Presidency and Libya.

Maître Badibanga finished his examination-in-chief of witness 173 and Maître Zarambaud (LRV), questioned the witness who provided insight on:

- **Looting:** the witness alleged that the MLC commanders on the ground had knowledge of the looting that was going on including the pillaging of Mongoumba, where large scale looting and rape allegedly took place.

Maître Zarambaud was followed by Maître Douzima (LRV) who questioned the witness on:

- **Victims:** according to the witness the victims near Bossembélé and Bossangoa were groups of tradesmen, stock breeders and Chadian Muslims.
- **Miskine's⁹ men:** the witness alleged that Miskine and his men had committed crimes against civilians including the mass murder of people in PK 12¹⁰. The militia allegedly worked closely together with the MLC around Bossembélé and Bossangoa.

Maître Kilolo of the Defence team started his cross-examination of witness 173:

- **MLC-USP cooperation:** according to the witness the USP and the MLC worked together, and their leaders were in close and constant contact. The USP soldiers at the front were allegedly under MLC control.

25 August 2011

The Defence continued its cross-examination of witness 173.

Maître Kilolo continued with his cross-examination of the witness:

- **Equipment:** the witness elaborated on the MLC's equipment that was allegedly provided for by the CAR and Libya.
- **Food:** the CAR government did not give money for food to the MLC but brought food to the troops from a Market in PK 5 in Bangui.
- **Cooperation:** the witness reiterated that there had been cooperation between the armed forces of the CAR and the MLC but stated this cooperation lessened as the conflict worsened because of defectors in the CAR army ranks.
- **Zongo:** The witness stated he was not present in Zongo in the DRC when the MLC crossed the Ubangi river into the CAR but that he was in Bangui.

26 August 2011

The Defence continued its cross-examination of witness 173.

Maître Kilolo continued questioning the witness on:

- **General Miskine:** according to the witness, Miskine's men allegedly committed acts of violence towards the civilian population and they allegedly killed civilians at PK 12. The witness further testified on rape and

⁹ Abdoulaye Miskine is a Chadian national who was working for Patassé. He had his own militia and was Bombayacke's deputy commander of the USP.

¹⁰ PK 12 is also known as Point Kilometre 12 and is a neighbourhood of Bangui, the capital of the CAR. This is an informal and unofficial summary of the trial hearings. Whilst every effort has been made to ensure accuracy, the CICC is not responsible for any omissions or inaccuracies contained within the following summary, which is provided for informational purposes only. Please do not forward without prior consultation with CICC staff.

looting that had allegedly been going on in PK 12 at the hands of Miskine's men.

- **Muslims:** according to the witness Muslims were allegedly targeted by Miskine. The witness testified to having visited a mosque where the corpses of Muslims were brought before they were buried.
- **Shoe polishers:** the witness stated that most of the 'shoe polishers' in the CAR came from the DRC in the years before the conflict. When the MLC entered the CAR, Bozizé's men targeted these shoe polishers because they were suspected to be helping the MLC. Shoe polishers throughout the CAR were allegedly murdered.

Judge Steiner announced that due to technical issues the trial would be adjourned until 29 August 2011.