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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">○ Crimes against humanity: Murder and rape.○ 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 **Witness Flavien Mbata** (OTP's 24th Witness) gave evidence remotely via video from Bangui (where he resides) in the Central African Republic (CAR). The witness is a Magistrate in the CAR and is also the current Director of the Cabinet of the Constitutional Court, having held this position since November 2004.

27 June 2011

The Prosecution commenced its examination-in-chief of **Witness Flavien Mbata**.

- During the examination-in-chief of the Prosecution the witness testified on:
- **Key events during the CAR conflict:** The witness testified on the arrival of the militia from the Congolese Liberation Army in November 2002; and the **successful coup d'état** by General Bozizé and his men on 15 March 2003.
 - **Arrival of militia:** The witness alleged that on 25 October 2002, he heard shots coming from Bangui and that he saw militiamen marching towards PK12.¹ The witness inferred that they were Congolese because they allegedly spoke *Lingala*² and 'it was notorious that they were men of Jean-Pierre Bemba'.
 - **Arrival of the *Banyamulenge*³ in Bangui:** The witness alleged that the *Banyamulenge* came to Bangui in order to support Patassé's regime. The witness claimed that he first saw them approaching PK12 on 1 November 2002.
 - **Appearance of the *Banyamulenge*:** The *Banyamulenge* allegedly bore weapons and wore unconventional military uniforms - 'there was not uniformity among

¹ Point Kilomètre 12 is a suburb of Bangui in the Central African Republic where the Prosecutor claims some of Bemba's alleged crimes took place.

² *Lingala* is a [Bantu language](#) spoken throughout the northwestern part of the [Democratic Republic of the Congo](#)

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 Democratic Republic of the Congo.

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the uniforms.' These are alleged to have consisted, in the main, of combat fatigues in combination with casual clothing.

- **Distinguishing from FACA soldiers:** The witness conceded there was some difficulty in distinguishing the *Banyamulenge* from FACA⁴ soldiers.
- **Looting and forced domestic occupation of witness' home:** The witness alleged that his house was looted and occupied by the *Banyamulenge*. After it took him three months to make his property habitable again.
- **Attitude and behaviour of the *Banyamulenge* towards the people of the CAR:** The witness alleged that the *Banyamulenge* had built-up road barricades and would stop people along the road in order to get money from them.
- **Rape and looting:** The witness alleged that there had been cases of rape and looting in Bangui around the period in question and that this was allegedly committed by the *Banyamulenge*.
- **Physical harm suffered:** The witness claimed that he and his family did not suffer any physical harm only psychological pain and suffering.
- **Position as Magistrate:** The *Banyamulenge* allegedly ridiculed the privileged position the witness occupied as a Magistrate and Judge by parading around his neighbourhood in his gown.
- **Recovered *Banyamulenge* documents:** The witness alleged that when he returned to his home, he found a series of documents which he believed were left behind by the *Banyamulenge*. These were of a military genre and were allegedly published by senior officers of the Congolese Liberation Army for training purposes. *These were tendered before the Chamber as an exhibit by the Office of the Prosecutor.*

28 June 2011:

The Legal Representative of Victims (LRV) examined the witness and the Defence commenced its cross-examination.

During examination by the LRV - Ms. Marie-Edith Douzima-Lawson - the witness testified on:

- **Involvement of underage children:** The witness further alleged that there children under the age of 15 among Bemba's troops.
- **Authorities' investigation into looting:** The witness stated that the Prosecutor of the CAR sought to open an investigation, not only in respect of his own case, but also on behalf of numerous other victims of alleged looting.
- **No attempt to evict *Banyamulenge*:** The witness stated that he was perplexed at the lack of political and military will to vacate the *Banyamulenge* from his home, given his role as a Magistrate.
- **Arrival of brutalising foreign forces on 1 November 2002:** The witness revealed that Bangui authorities were making announcements saying that the entire city of Bangui was under siege. There were reports of 'looting and violence' over which responsibility was never admitted and in which soldiers of the CAR failed to intervene.

The Defence commenced its cross-examination of the witness, who testified on:

- **Inaction of soldiers of the CAR:** The witness alleged that he saw senior members of the *Banyamulenge* driving through PK12 and Bangui accompanied

⁴ Forces Armées Centrafrican (FACA) is the national army of the Central African Republic, allied to the government.

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by Superior Officers of the CAR army who looked on as Congolese soldiers brutalized civilians in Bangui.

- **Responsibility of Pattassé:** The witness could not comment on the role of President Pattassé in operations carried out by soldiers in the CAR.
- **Inconsistencies with previous statements:** The witness had previously made statements to the Office of the Prosecutor in which the witness alleged that Mr. Pattassé, his staff and his militia had committed atrocities for which they should be held responsible.

29 June 2011:

The Defence continued its cross-examination of **Witness Flavien Mbata**.

The witness testified on:

- **Uncertainty as to pillagers' identity:** The witness conceded that he was not sure whether the soldiers who pillaged his home in fact belonged to Mr. Bemba's troops as he was not at home at the relevant time.
- **Statements given to the witness:** The witness claimed that the alleged facts relating to the occupation of his home were given to him by individuals referred to as 'Peter' and 'Mary'. The witness stated that he gave these statements to a court official named 'Françoise' together with other relevant documents.
- **Delayed Reports:** The witness admitted to the Chamber that he only reported the events five years after the facts, as part of a case file for persons suspected by authorities for having been related to the rebellion of the President Bozizé.
- **Complaints of murder, pillaging and rape:** The witness, who was a Senior Instructing Judge with the *Tribunal de Grand Instance* in Bangui until August 2003, denied having been seized with complaints of murder, pillaging and rape of which the MLC soldiers were accused; it was only after the accession of President Bozizé to power that the complaints started and would become registered with the tribunal in Bangui.

30 June 2011:

The Defence concluded its cross-examination of **Witness Flavien Mbata**.

During cross-examination by the Defence, the witness testified on:

- **Uncertainty as to the identity of looters:** The witness was unable to confirm or deny whether the militia who looted his home were in fact Bozizé's rebels.
- **Appearance of Bozizé's militia men:** The witness was not able to comment on the appearance of General Bozizé's militia men given the violence. He had merely heard about their arrival in Bangui over the news.

1 July 2011:

The Chamber scheduled the examination of **Witness 169 (OTP's 25th witness)**. The Chamber indicated that this would be done entirely in a closed setting and imposed time limits upon counsels' questioning so as to conclude their examination before the judicial recess (12 July 2011).