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

This week two witnesses testified: **Witness 173 (OTP's 26<sup>th</sup> witness)** and **Witness 178 (OTP's 27<sup>th</sup> witness)** are witnesses testifying under protective measures. The identities of the witnesses remain unknown.

**29 August 2011**

The Defence continued its cross-examination of witness 173.

A number of videos were shown to the Court of interviews given to Radio France Internationale in Sibut, CAR. The videos concerned a period where Bozizé's rebels had occupied Sibut for approximately 4 months in October 2002, before the MLC<sup>1</sup> took over Sibut in February 2003.

- **Video of 'Refugee' in Sibut:** A refugee from Sibut was filmed stating that the MLC 'liberated' the people of Sibut from Bozizé's rebels and that the MLC had provided treatment to the people of Sibut.
- **Video of Mayor of Sibut:** The Mayor testified that allegedly Bozizé's rebels went around the town showing off severed heads. The Mayor also alleged that Bozizé's rebels had looted in Sibut and forced inhabitants to flee to the bush. The Mayor then stated that the MLC had 'liberated' Sibut.
- **Video of Vicar from Sibut:** The vicar from Sibut alleged that Bozizé's rebels had looted the parish and the Sibut seminary and committed acts of violence. The Mayor also stated that the MLC troops did not commit abuses apart from 4-5 'uncontrolled' soldiers.

<sup>1</sup> The Mouvement pour la Liberation du Congo is a political party in Democratic Republic of the Congo. 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.

- **Video of President of the CAR Women’s Organisation (NGO):** The President stated that Mr. Bemba’s troops enabled the inhabitants of Sibut to come back from the bush.
- **Video of Muslim men:** Two Muslim men from Sibut alleged that Bozizé’s rebels killed Muslims in Sibut without trial. However, Sibut was liberated by the MLC troops who the population of Sibut ‘warmly welcomed’. The men stated that they had hoped that Mr. Bemba would continue to help President Patassé.
- **Video of civil servant with the Ministry for Youth and Sports:** the civil servant, resident of Sibut, stated that Mr. Bemba’s troops did not loot in Sibut and that the residents of Sibut were not victims of any wrongdoing by MLC troops.

Upon being questioned on the videos, witness 173 testified:

- **No comments on Videos:** The witness stated that he had no comments to make on the videos.
- **Witness ‘never in Sibut’:** The witness testified that he had never been in Sibut, but only in Damara.

**30 August 2011**

The Prosecution commenced its examination-in-chief of Witness 178.

During the examination-in-chief of the Prosecution, witness 178 provided testimony on:

- **Arrival of *Banyamulenge*<sup>2</sup>:** The witness testified that the *Banyamulenge* soldiers (approximately three to four thousand) arrived on 27<sup>th</sup> October 2002. This was following a request from President Patassé that Mr. Bemba send troops to the CAR.
- ***Lingala*<sup>3</sup> spoken by soldiers:** the arriving soldiers spoke *Lingala* so the inhabitants of the CAR knew that Mr. Bemba’s soldiers were on the ground.
- **‘Soutien Regiment’:** The staff of Mr. Bemba’s troops were located at the ‘soutien regiment’ or the ‘support regiment’.
- **Movement of the ‘Support Regiment’:** The support regiment was mobile and during October 2002 - March 2003 moved from PK12 to Damara to Bossombele and then to PK16.
- **Commanders’ movements:** Commanders moved around with the support regiment and arrived at Damara on 7 December 2002.
- **Funding of *Banyamulenge*:** The witness alleged that the *Banyamulenge* were funded by the government of the CAR via General Bombayake<sup>4</sup>.
- **Receipt of Weapons from DRC:** The MLC troops allegedly received weapons from the DRC, including Kalashnikovs and Rocket-Propelled Grenades.
- **Identification of the MLC:** The MLC could be identified by the language they spoke (*Lingala*), their appearance (The MLC wore plastic shoes), and the weapons they carried (Kalashnikovs).
- **‘Mopping-up Operations’:** The witness alleged that Bemba’s troops would ‘mop-up’ neighbourhoods, looting neighbourhoods and killing anyone who resisted. It was also alleged that women would be raped in these operations.

<sup>2</sup> 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.

<sup>3</sup> Lingala is a Bantu language spoken primarily in the northern area of the DRC

<sup>4</sup> General Ferdinand Bombayake, Commander of the Central African Republic presidential guard

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- **Distribution of Loot:** Looted goods would be distributed to the commanders and foot-soldiers in a hierarchical manner. Some goods were sent back to the DRC. The witness alleged that some goods were also sold at an open-market in Bangui.

**1st September 2011**

The Prosecution continued its examination-in-chief of Witness 178

During questioning by the Prosecution, Witness 178 provided testimony on:

- **Looted Vehicles:** The witness alleged that General Mustafa<sup>5</sup> and the MLC looted vehicles in the CAR and these were sent to the DRC. The witness alleged that Mr. Bemba was aware that the vehicles he had acquired from General Mustafa were looted.
- **Alleged Rapes:** The witness alleged that the *Banyamulenge* committed rape in PK12, PK13 and between PK12 and Damara. The witness suggested that if General Mustafa was aware of these rapes, then Mr. Bemba would also know about those rapes.
- **General Mustafa:** The witness alleged that General Mustafa was acting under the orders of Mr. Bemba.
- **Alleged Killings by *Banyamulenge*:** The witness alleged that the *Banyamulenge* killed civilians in PK12 because those they were fighting against in PK12 would dress as civilians.
- **Killings of imprisoned civilians:** The witness alleged that killings in PK12 took place between November 3, 2002 and December 6, 2003. Killings allegedly took place in Damara from December 7, 2002 and January 2003. None of these incidents were punished but encouraged by the MLC commanders who were aware of these killings.
- **Torture of prisoners** -The witness alleged that prisoners in PK12 and Damara who were not killed were arbitrarily tortured. The perpetrators of torture were never punished.
- **Bemba's Control Over Troops:** The witness testified that Mr. Bemba had the opportunity to stop his troops committing crimes and the witness insisted that Mr. Bemba was aware of his troops' progress.
- **President Patassé:** According to the witness, President Patassé had no means of stopping Mr. Bemba's troops.

**2nd September 2011**

The Prosecution completed its examination-in-chief of witness 178. The Legal Representatives of Victims (LRVs) questioned the witness, and the Defence commenced its cross-examination.

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

- **Map of CAR** - The witness 178 was shown a map of CAR in which he placed the towns where the MLC troops stopped and where prisons were installed.

Maître Zarambaud (LRV), questioned the witness who provided insight on:

- **FACA<sup>6</sup>** - The witness testified that the FACA did not participate in any actions.

<sup>5</sup> General Mustafa Mukiza, the 'overall commander' of the MLC troops

<sup>6</sup> The FACA were the CAR armed forces

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*The testimony was interrupted by a 60-year-old white man, screaming in French "This Court is a joke! Vive le peuple Congolais!" whilst holding a flag of DRC.*

- **Language spoken by MLC officers:** The witness testified that the majority of MLC officers were speaking in Swahili though they would also speak *Lingala*.
- **Congolese killed in CAR:** Congolese nationals in the CAR were allegedly killed between March 15 and March 30, 2003 because the Central African population wanted to take revenge after Mr. Bemba's actions.

Maître Kilolo of the Defence commenced his cross-examination of witness 178

- **No CAR military forces** - The witness insisted that no CAR military forces were present in the CAR between October 2002 and March 2003.
- **Vehicles and uniforms from General Bombayake** - The witness testified that President Patassé had given the order to General Bombayake to give new uniforms to MLC troops in Bangui and to release vehicles for MLC troops.

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