



JEAN-PIERRE BEMBA GOMBO

Informal weekly summary  
MAY 2<sup>ND</sup> - MAY 6<sup>TH</sup> 2011

**Situation** Central African Republic  
**Case** 01/05-01/08  
The Prosecutor vs. Jean-Pierre Bemba Gombo

**Hearing** Trial Proceedings  
**Chamber Trial** Chamber III: Judge Sylvia Steiner (Presiding Judge), Judge Joyce Aluoch and Judge Kuniko Ozaki

**Parties:** OTP: Ms. Bensouda, Ms. Kneuer and team  
Defence: Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba and team

Jean-Pierre Bemba Gombo: born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged

**Participants:** 1312 victims represented by Legal Representatives for Victims:  
Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud

President and Commander-in-chief of the *Mouvement de libération du Congo* (Movement for the Liberation of the Congo) (MLC).

**Alleged crimes:**

Jean-Pierre Bemba Gombo is allegedly responsible, as military commander, of:

- Crimes against humanity: Murder and rape.
- War crimes: Murder, rape and pillaging.

**Start of Trial:** 22 November 2010

This week one witness gave evidence.

**Expert Witness 9** (OTP's 19<sup>th</sup> Witness) Mr. Oradimo - Is a senior investigative judge in the Regional Court in Bangui (CAR). He conducted investigations into charges of murder, rape, looting, and financial crimes committed during the conflict. In his capacity as an investigative judge he interviewed several victims as well as suspects.

May 2<sup>nd</sup> 2011 - No Hearing

May 3<sup>rd</sup> 2011 - The Prosecution commenced its examination-in-chief of **Witness 9**

The Witness testified: :

- **Victims:** Most of the witnesses he heard as a judge were referred to him by a special victims unit funded by the UNDP<sup>1</sup>.
- **Command structure:** The witness stated "it was generally known that Bemba was the overall leader of the MLC <sup>2</sup>" but it remained unclear to him whether Bemba was commander of the MLC factions on the ground in the CAR.
- **Distinction between the MLC and other armed factions:** the MLC troops wore uniforms without insignia and were less disciplined than the other armed factions like FACA<sup>3</sup>, the USP<sup>4</sup>, and Miskine's men<sup>5</sup>.

<sup>1</sup>United Nations Development Programme.

<sup>2</sup> Movement for the Liberation of the Congo, rebel group headed by Jean-Pierre Bemba Gombo. The MLC nowadays also is the name of a political party in the DRC.

<sup>3</sup>Forces Armées Centrafricaines , the CAR army.

<sup>4</sup>The CAR presidential guard.

<sup>5</sup>Colonel Abdoulaye Miskine: a Chadian national who is in charge of a special unit outside the army to fight coup attempts.

- **Language:** The MLC troops allegedly spoke *Lingala*.<sup>6</sup>
- **Child Soldiers:** The MLC allegedly made frequent use of child soldiers.

**May 4<sup>th</sup> 2011**

Prosecution continued its examination-in-chief of **Witness 9**. The LRV examined the witness and the Defence commenced its cross-examination

The witness provided testimony on his **investigations in the CAR:**

- **Geographical scope:** The investigations covered all of the CAR but due to the dangerous on site situation the witness was confined to Bangui. He did speak to witnesses and victims from outside Bangui.
- **Other militias:** The investigation was not limited to the MLC alone. The witness also found other militias committed crimes.<sup>7</sup>
- **Crimes Committed:** the investigation gathered accounts of alleged crimes including rape and murder.
- The information on the crimes committed in the CAR came to him six months after the events occurred making it difficult to get a clear image of the circumstances of the rape and looting.
- **Autonomy of MLC troops:** The MLC troops in the CAR seemed to be autonomous.
- The name of a “Mr. Mustafa” came up during the investigation. He allegedly acted as a “go-between” for the CAR government and the MLC HQ in the DRC. The rank of this “Mr. Mustafa” remained unclear to the witness.
- **No Clear Command Structure:** The MLC had no base in the CAR and there was no clear MLC command structure in the CAR.
- **Uncertain Ground Commander:** It remained unclear to the witness who commanded the MLC troops on the ground.
- **Visit of Bemba to Bangui:** The witness had heard in the local media that Mr. Bemba visited Bangui and was received by president Patassé. It seemed unlikely to the witness Mr. Bemba did not meet his troops although the purpose of the visit was not known by the witness.
- **Awareness of Bemba:** The witness was unsure if Mr. Bemba was aware of the crimes committed by the *Banyamulenge*.<sup>8</sup>

**Inability to speak to Bemba:** The witness was not able to speak to Mr. Bemba or MLC troops during his investigation.

- **Effects on victims:** Many of the people the witness interviewed six months after the took place were still in shock. Many victims of rape were abandoned

<sup>6</sup>A language mainly spoken in the DRC and Congo-Brazzaville.

<sup>7</sup>These other militia's include the FACA and Miskine's men. According to the witness the crimes were most often attributed to the MLC but the other militia's committed 'isolated' crimes.

<sup>8</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,

by their spouses. None of the victims received compensation, neither from the MLC nor from the CAR government.

**Maitre Zarambaud and Maitre Douzima** from the LRV asked the witness in what capacity he considered Mr. Bemba to have acted and what languages were spoken by the men who committed the crimes.

- The witness replied that Mr. Bemba at one time was a politician (civilian) but he did not know whether Mr. Bemba also acted in a military capacity.
- Most men spoke *Lingala* and some tried to speak French and *Sango*.<sup>9</sup> Other languages were spoken that the witness did not recognize.

The Defence began its cross-examination of witness 9:

- **Dismissal of charges:** The witness stated that the charges against Mr. Bemba were dropped towards the end of the investigation after most witnesses, including FACA officers, and victims were heard.

**Judge Steiner** inquired whether these FACA officers were heard as suspects or witnesses. Mr. Oradimo indicated that some of them were suspects whilst other were heard as witnesses.

**May 5<sup>th</sup> 2011**

The Defence continued its cross-examination of Witness 9.

The witness testified on the dismissal of charges against Bemba:

- **Immunity:** When Mr. Bemba became vice president of the DRC he enjoyed immunity from prosecution making it impossible for the witness to prosecute him.
- **Evidence:** the evidence at the disposal of the witness was not deemed sufficient by the witness.<sup>10</sup>

**Judge Steiner** inquired whether it was the immunity or the evidence that led to the dismissal of charges.

The Defence replied that in this case there exists a certain duality so both the evidence and the immunity led to the dismissal.

**Defence Document:** The Defence produced a document<sup>11</sup> from the CAR stating that the MLC were placed at the disposal of Patassé under the control of general Bombayacki, a “confidant” of Patassé. The witness questioned general Bombayacki before the decision to dismiss the charges against Mr. Bemba was made. According to the witness, General Bombayacki had stated to him that the MLC troops were supplied

<sup>9</sup>For Lingala see footnote 6, Sango is a language primarily spoken in the CAR but also in Chad and the DRC.

<sup>10</sup>The witness never interviewed Mr. Bemba or Patassé and found it difficult to interview the MLC troops since they were on the move.

<sup>11</sup>The nature of the document remains unclear.

by the CAR government under Patassé with uniforms; an operation centre was set up under the command of a CAR general.

The case was adjourned until Monday May 9th 2011.

**May 6<sup>th</sup> 2011 - No Hearing**

Informal