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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: 2287 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: 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.

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 witness testified:
Witness 45 (37th OTP witness), identity unknown.

30 January 2012

The prosecution commenced its examination-in-chief of witness 45.

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

- **Structure of the MLC:** The witness stated that the main organs of the MLC were the military wing, the political structure and the administration. The political structure was in the form of an Executive Committee. The head of the political structure and also of the military wing was Mr. Bemba, as Commander-in-Chief of the ALC.
- **Mr Bemba's role as political head:** The witness testified that Mr Bemba's role was to appoint and dismiss members of the Executive Committee of the MLC and issue instructions to those members. Only Mr. Bemba had the power to expel or change the MLC staff, at his own prerogative and discretion.
- **Secretary-General in the political wing:** The MLC Secretary-General's main duties were administrative, since contact with the President of the MLC was needed for every decision. The witness stated that the name of the Secretary-General was Olivier Kamitatu.
- **Bemba as Head of Military Wing:** The witness stated that Mr. Bemba was also the head of the military wing as Commander-in-Chief and he was responsible for the appointment of members of staff, military orders, and deciding on deployments on the ground.

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- **Contact with the field:** The witness testified that there was daily contact between the Commander-in-Chief and the commanders in the field, first by radio and later by satellite phone and mobile phone when available.
- **MLC Code of Conduct:** The witness stated that a military court was convened whenever serious issues arose, e.g. murder, rape, desertion and stealing of ammunition. Political senior leaders as well as officers of the military wing were arrested and dismissed when accused of minor offences during Mr. Bemba's leadership.
- **Payment of MLC troops:** The witness testified that the MLC troops were not paid, only rarely receiving food rations from the MLC headquarters. Consequently, theft of property by the MLC troops took place when they conquered more terrain. The witness stated that Mr Bemba was aware of this phenomenon.
- **Discipline within the MLC:** The witness stated that generally there were few crimes being committed in the South of the DRC. However, in the Eastern part of the DRC and in the Central African Republic there were many accusations regarding the discipline amongst the MLC troops. The witness alleged that Mr. Bemba was aware of these problems but he focused more on occupying the territory of the RCD-KML.¹ Since troops were often far away from Headquarters and communication was difficult it was difficult to apply the law. Only low-ranking MLC officials were ever sanctioned for minor offences. This was despite the fact that soldiers in CAR were accused of looting, stealing and rape in the media.
- **'Article 15'²:** This term was used during the conquest of the East, where there was a lot of looting and pillaging.
- **Second MLC intervention into CAR:** The decision for the MLC to intervene in the CAR in 2002 was allegedly made by Mr. Bemba to help President Patassé of the CAR quell a coup.
- **Expectations of soldiers when deployed to CAR in 2002:** The witness stated that the context of the MLC deployment was a military operation, so the soldiers followed orders. However, the witness alleged that the MLC forces welcomed their deployment since it was an opportunity to make the most of war looting.
- **Evidence of alleged Looting in CAR:** The witness stated that all his information about looting was second-hand information. Allegedly, looted items were brought to Zongo and Gbadolite, such as vehicles, money from banks that had been robbed, mattresses and clothing. Some of the vehicles were used as escort vehicles, others were assigned to officials by the President of the MLC, Mr. Bemba. The witness alleged that the manner in which the vehicles were brought in and the fact that they were not new showed that they were looted.

31 January 2012

The Prosecution continued its examination-in-chief of witness 45.

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

- **Funding of the MLC:** The witness alleged that Libya sent weapons and money to Mr. Bemba. For example, Muammar Gaddafi allegedly sent an aeroplane to take

¹ Congolese Rally for Democracy-Liberation Movement

² 'Article 15' originates from a song by a popular Congolese singer, which states that in a difficult situation people should fend for themselves. See also section on Pepe Kalle during the cross-examination by the Defence on the 30th of January.

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Mr Bemba to Libya to receive donations for the MLC. Additional funding came from the CAR government in the form of logistical and financial support.

- **MLC Transmission Centre:** A radio-telecommunication system enabled communication between the President of the MLC (Mr. Bemba) and commanders in the field and in the main towns. Mr. Bemba also had satellite phones at his home to communicate with the troops and individuals around the world.
- **Mambasa Operation³:** The witness is unsure of the specific date of this operation but stated that it must have taken place in 2002 since it was a reaction of the MLC to the RCD-KML troops gaining terrain.
- **Investigations into Crimes During this operation:** Internal investigations were carried out by the MLC into crimes committed by MLC soldiers in CAR during this operation at Mr. Bemba's demand due to international pressure. Five MLC soldiers and one officer were arrested for murder and looting.
- **Bangui trial:** The witness testified that five to seven arrests were made in CAR, besides the soldiers arrested due to investigations in the Mambasa trial. Trials in Bangui took place virtually at the same time as in Mambasa; they were held in early in 2003 and lasted for seven to ten days. The MLC soldiers were tried for minor offences such as extortion of the population. The witness stated that the objective of the trial had been to show the international community that the MLC were not responsible for the crimes committed. After the international press had left, the soldiers were released. No other measures for crimes in the CAR were used in 2002/2003 according to the witness.
- **Personal relationship with Mr Bemba:** The witness testified that he had known Mr. Bemba since 1998. He described Mr. Bemba as a very 'courageous man,' with characteristics of those of an 'authoritarian or a tyrant'. The witness stated that the MLC has two dimensions, a political military movement and a political party and that Mr. Bemba is the leader of the political party to this day.
- **Witness' Motive for Testifying:** The witness stated that his motive for testifying was as a reaction to post-election events in 2006 when many people died in a war in Kinshasa which had erupted after Mr. Bemba had failed to accept his loss of the elections. The witness stated that it was important for people in Africa to know that no one could escape justice.

During the questioning by Maitre Zarambaud, Legal Representative for Victims, **Witness 45** provided insight on:

- **Mr Bemba as Commander:** The witness stated that Mr Bemba took it upon himself to make all the logistical decisions for MLC troops in the period of events, supposedly in an effort to help President Patassé. Nothing happened without Mr. Bemba's personal authorization.
- **Vehicles in possession of the MLC:** The witness testified that the MLC had several Antonov aeroplanes in their possession. Mr. Bemba would fly by helicopter or by small airplane. The witness testified that he had supplied a list of all the vehicles he had seen in Gbadolite. It was alleged that much of the gains of looting were sent to Zongo from Bangui.
- **Punishment for soldiers:** The witness stated that it was difficult to deliver supplies to MLC soldiers in the field and since the MLC leaders were not able to nourish their soldiers, crimes were allegedly committed and left unpunished.

³ In November 2002, Bemba's soldiers began a military operation in the Mambasa territory of the Ituri district in DRC.

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MLC commanders were overwhelmed by the number of accounts of extortion and racketeering.

- **Zairian Forces:** The witness claimed that Zairian forces were a bad influence on the MLC troops. Extortion and other crimes increased. The witness stated that Mr Bemba had been informed of these acts but that he did not act.
- **Judgment of the Court Martial:** The witness testified that he did not see the judgement in the Bangui Trials himself and he emphasized the fact that these trials needed to be seen in context: the purpose was to clear the MLC leadership of accusations by the international media with regard to not acting on crimes committed by the MLC troops.

During its questioning by Maitre Douzima-Lawson, Legal Representative for Victims, **Witness 45** provided insight on:

- **Decision-making in MLC:** Mr. Bemba allegedly made all the major policy decisions of the MLC.
- **Recruitment and teaching in the MLC:** Recruitment was on a voluntary basis. The MLC was mainly active in the Équateur province. The population from this area felt stigmatized since the Équateur province was the birthplace of President Mobutu and this made them eager to join the MLC. After recruitment, MLC officers were trained in Uganda for 3 months. Political officers had the duties to teach the soldiers about the objectives of the armed struggle and to explain how to treat the population within unconventional warfare. When these political officers were abolished (between February 2000 and September 2001), there was a big change in conduct of the soldiers. The witness stated that the phrase ‘effacer le tableau’ was used during the operation in the East of DRC. He does not know whether the same phrase was also used in CAR but the mode of conduct was similar, with looting and racketeering.

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

- **Political opinion:** When questioned about his feelings regarding President Kabila’s son appointing himself as leader, the witness testified that he was never a supporter of political assassination. The witness stated that the MLC is still a political opponent of President Kabila. In 2006, the witness stated that he believed there was a chance Mr. Bemba would win the elections but that he felt not enough resources had been set up throughout the country in order to win votes.

1 February 2012

The Defence continued its cross-examination of witness 45.

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

- **‘Article 15’:** The witness confirmed that Pepe Kalle (a singer) had written the popular song ‘Article 15’ which states that in a difficult situation people should fend for themselves. The witness stated that the way it was applied by the soldiers had negative consequences for the population. The witness emphasized that this train of thought had not been taught to the soldiers of the MLC.
- **Training Programme for MLC soldiers:** The witness repeated that when recruitment of soldiers had first begun there was a training program for MLC

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soldiers. This program was later abandoned and after the large-scale integration of the former Zairian soldiers, the number of crimes by MLC soldiers increased.

2 February 2012

The Defence continued its cross-examination of witness 45.

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

- **Bangui trials:** The witness stated that the international media started raising the issue of alleged crimes in the CAR just days after the deployment of the MLC troops in October 2002 and the attention of the media multiplied over time. For this reason MLC leadership decided to hold the trial to show that the MLC was not responsible. The witness states that he experienced an “unhealthy climate” due to the fact that the CAR population wanted the MLC troops to withdraw. The witness testified that most senior officials were in favour of withdrawal from CAR.
- **Meeting with Mr. Bemba:** The witness stated that he had told Mr. Bemba in a one-on-one meeting that the intervention in CAR was not welcomed by the local population. According to the witness Mr. Bemba was already fully aware of this. This meeting took place a few days after January 8, 2003. The witness testified that he had suggested a trial to absolve Mr Bemba of responsibility, based on a proposal by other high officers. The witness only spoke about the problems in CAR with Mr. Bemba once one-on-one but meetings with more officers present also took place. Mr. Bemba only acted upon this meeting much later according to the witness.⁴
- **Letter from Mr. Bemba to UN:** The witness was shown a letter by the Defence, which was written by Mr. Bemba to Mr. Cissé, who was the Special Representative of the Secretary-General of the United Nations, on the 4th of January 2003. The letter indicated that at the time of writing, eight people had been detained in Bangui. The witness repeated that the Bangui trials only dealt with minor offences. The witness stated that he did not remember whether the letter was discussed during his one-on-one meeting with Mr Bemba.
- **Mambasa and Bangui trials:** The witness stated that the Bangui trial took place right after the Mambasa trial, lasting for five or six days. A report on the Mambasa Trials was shown in Court which indicated that the Bangui trials started on 18th February 2003. In the witness’ recollection the suspects of both cases were arrested at the same time and he indicated that he did not fully trust this document. The witness indicated that he attended the trial in Bangui.
- **Looting activities:** The witness stated that he remembered seeing vehicles arriving in Gbadolité from Bangui.⁵ The witness had been told by a Security Officer that the vehicles were the ‘spoils of war’. The witness stated that he had never witnessed banks being robbed but he had heard this from an MLC Security Officer.
- **Mambasa Intervention:** The witness could not precisely state when the Mambasa intervention took place, he stated that it must have been between February and September 2001. The operation did not take very long in

⁴ The witness was unable to state exactly when his meeting with Mr Bemba took place, estimating it was during the beginning or middle of January 2003. The witness was unclear during this part of his testimony with regard to the order of events taking place, like this one-on-one meeting with Mr. Bemba.

⁵ The witness did not provide an exact date and time of when this took place.

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comparison with the operation in CAR and the witness knew no further details of the operation. The witness had not heard this intervention as a topic of discussion within the MLC. He himself had been in Lusaka at the time.

- **CAR Intervention:** The witness did not take part in the preparation for the second intervention, but knew it was far more extensive than the first intervention, involving 700 to 1000 soldiers. The decision for this intervention had been decided unilaterally by Mr. Bemba. Defence indicated they have evidence of preparation meetings taking place but the witness testified he had not been aware of any such meetings.
- **Other forces in CAR:** The witness stated that Libyan forces had allegedly also been deployed in CAR to help President Patassé. Towards the end of the MLC mission there had also been SEMAC⁶ forces present, with the aim of replacing the MLC forces. The Libyan forces had intervened with the intention of acting as President Patassé's personal security. The MLC was allegedly mostly re-supplied by Libya as Mr. Gadaffi had a good personal relationship with Mr Bemba. The MLC intervention benefited from logistical and technical support from Mr Gadaffi.

3 February 2012

The cross-examination of Witness 45 was concluded. The Chamber decided that the testimony of witness 44 (38th OTP witness) would be given in Closed Session.

⁶ Economic Community of Central Africa States

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