



JEAN-PIERRE BEMBA GOMBO

INFORMAL WEEKLY SUMMARY
MAY 9TH - MAY 13TH 2011

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| Situation Case | Central African Republic 01/05-01/08 The Prosecutor vs. Jean-Pierre Bemba Gombo | Jean-Pierre Bemba Gombo: born in 1962 in Bokada, Equateur Province; National of the DRC; Alleged President and Commander-in-chief of the <i>Mouvement de 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 | Alleged crimes: <u>Jean-Pierre Bemba Gombo</u> is allegedly responsible, as military commander, of: |
| Parties: | OTP: Ms. Bensouda, Ms. Kneuer and team Defence: Mr. Nkwebe Richard Liriss, Mr. Aimé Kilolo-Musamba and team | <ul style="list-style-type: none">o Crimes against humanity: Murder and rape.o War crimes: Murder, rape and pillaging. |
| Participants: | 1312 victims represented by Legal Representatives for Victims: Ms. Marie Edith Douzima-Lawson and Mr. Assingambi Zarambaud | Start of Trial: 22 November 2010 |

This week, two witnesses gave testimony:
Expert Witness 9 (OTP's 19th Witness) Mr. Oradimo gave evidence. He is a senior investigative judge in the Regional Court in Bangui (CAR).
Witness 63 (OTP's 20th Witness) is a witness under protective measures. The identity of the witness remains unknown.

May 9th 2011 - The Defence continued its cross-examination of witness 9.

The defence questioned the witness on the outcomes of his investigation as an investigative judge in the CAR. Testifying on the chain of command in the various armed groups present in the CAR during the relevant period, the witness stated the following:

- **Miskine's men**¹: Allegedly reported directly to president Patassé².
- **CEN-SAD**³: Allegedly reported directly to Patassé as well.
- **Banyamulenge**⁴: According to the witness, General Bombayacki⁵ told him they were under the shared authority of Colonel Lengebe and General Bombayacki himself. This was until Colonel Lengebe defected to the rebel forces opposing

¹ Colonel Abdoulaye Miskine: a Chadian national who was in charge of a special unit separate from the army established to fight coup attempts.

² President of the CAR from 1993 to 2003 when he was overthrown by general Bozizé.

³ CEN-SAD is an organization of Sahara and Sahel States that was founded with Libyan support. The CEN-SAD troops in question were Libyan.

⁴ 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.

⁵ Bombayacki was Director-General of the USP (the CAR presidential guard) and chief of staff of the army.

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- president Patassé. After Lengbe's defection Bombayacki had sole authority over the *Banyamulenge*.
- **Mr. Ouadane⁶:** the witness was told by Mr Ouadane that operations of the *Banyamulenge* in cooperation with the USP⁷ were coordinated by General Bombayacki and “a representative” of Mr. Bemba under the supervision of the CAR minister of Defence.
 - **Alleged payments to Mr. Bemba or the MLC⁸:** According to staff from Patassé's office, payments for food were made by the CAR treasury from a fund used to cover the needs of the president. The witness had no evidence to indicate payments were made to Mr. Bemba directly.
 - **Accommodation:** According to the witness, the CAR government also provided the *Banyamulenge* with accommodation in a military camp and allegedly provided them with vehicles requisitioned from CAR State- owned companies and State agencies.

May 10th 2011 - The Defence continued its cross-examination of witness 9.

- **Start of the fighting:** The witness' investigation⁹ led the witness to believe the fighting in the CAR started in November 2001, well before the MLC joined the fighting in October 2002.
- **Fighting parties before the arrival of the MLC:** According to the witness, CEN-SAD troops, the USP and loyalist FACA troops¹⁰ were fighting Bozizé from November 2001.
- **Fighting in Bangui:** Bozizé's rebels originated from Chad and reached Bangui in October 2002 after fighting their way through the CAR.
- **Crimes:** The witness' investigation found that most of the crimes before the entry of the MLC into the CAR were attributable to militias such as those of Miskine¹¹ and Barril¹². No accounts of rape committed by parties other than the MLC were recorded by the witness.
- **Victims:** During his investigation, the witness did not make a distinction between victims of the violence prior to or after October 2002.
- **Victims of rape:** The witness testified that not all women who came forward as rape victims were actually raped. According to him many prostitutes came forward as rape victims after the fighting had ended, hoping for reparations by the new CAR government.
- **Chain of command:** It was unclear to the witness who controlled the MLC. Both General Mazzi¹³ as well as General Bombayacki claimed the other had control over the MLC during their questioning by the witness.

⁶ Ouadane was an assistant to Bombayacki.

⁷ USP: United Presidential Security, the CAR presidential guard.

⁸ Movement for the Liberation of the Congo, a rebel group headed by Jean-Pierre Bemba Gombo. The MLC nowadays also is the name of a political party in the DRC.

⁹ The witness, a CAR investigative judge, conducted an investigation on crimes committed on the territory of the CAR and found accounts of torture, murder, rape, looting and misuse of public funds. For more information see the Bemba summary 3-5 May 2011.

¹⁰ Loyal to the CAR government under Patassé.

¹¹ Colonel Abdoulaye Miskine: a Chadian national who is in charge of a special unit outside the army to fight coup attempts.

¹² Paul Barril, a former French officer that up to today has led several private security companies.

¹³ General Mazzi: former CAR army chief of staff.

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May 11th 2011 - The Defence continued its cross-examination of witness 9. The Prosecution commenced its examination-in-chief of Witness 63.

- **Support from the CAR:** The CAR government under Patassé allegedly provided the MLC with food and communications equipment.
- **Camp Béal:** General Mazzi set up an operations centre at camp Béal but the witness could not say whether the MLC were directed from this camp.

The defence ended its cross-examination of Witness 9. The Prosecution commenced its examination-in-chief of **Witness 63:**

- **First knowledge of *Banyamulenge*** The witness heard of the *Banyamulenge* presence in Bangui over the radio. He first saw them at a CAR military base at a place called Riverport.
- **Uniforms:** According to the witness, the *Banyamulenge* appeared not to be wearing any uniforms but rags and rubber boots and were bare chested.
- **“Villagers”:** When he saw the *Banyamulenge* for the second time they were staying at the Bangui naval base, they looked like “villagers”.
- **Languages:** The *Banyamulenge* spoke *Lingala*¹⁴, French and English.
- **Weapons:** The *Banyamulenge* allegedly made use of heavy weapons such as artillery.
- **Witness’ Inability to read or write:** The witness explained that he is illiterate and has trouble remembering dates when events take place.
- **Meeting with the *Banyamulenge*:** The witness stated that he was allowed to accompany the *Banyamulenge* and take their pictures.

May 12th 2011 - The Prosecution continued its examination-in-chief of Witness 63.

The prosecution questioned the witness on what he had seen when accompanying the *Banyamulenge*:

- **Communication and transportation:** The *Banyamulenge* did not use cell phones which they allegedly stole but sold them instead. Their leadership used radios and walkie-talkies to communicate with one another. The *Banyamulenge* used CAR military vehicles allegedly provided to them by then President Patassé.
- **Command structure:** Mr. Mustafa was allegedly the leader of the *Banyamulenge*. He was sent by “his own chief” to lead operations on the ground in the CAR.
- **Composition:** the witness testified that the MLC groups consisted of men from Zaire¹⁵, Uganda, and Rwanda. He testified that some men looked like they were

¹⁴ *Lingala*: a Bantu language primarily spoken in the DRC but also in Congo-Brazzaville and some parts of the CAR.

¹⁵ The DRC was called Zaire during the Mobutu regime from 1963 until 1997.

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- Fulani.¹⁶ Child soldiers were allegedly used by the *Banyamulenge*, primarily as scouts.
- **Air transportation and Mr. Bemba:** The witness testified that he once saw a helicopter land near a house in Damara. The witness was told by the *Banyamulenge* it was Mr. Bemba and that all of the *Banyamulenge* leaders were present. The witness did not see Mr. Bemba there himself.

May 13th 2011 - No Hearing

¹⁶ Fulani is the name of a tribe of traditional nomadic people spread out across most of western and central Africa.

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