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

This week, **two witnesses** gave testimony:  
**Witness 63** (OTP's 20<sup>th</sup> Witness) is a witness under protective measures. The identity of the witness remains unknown.  
**Witness 209** (OTP's 21<sup>st</sup> Witness) is a witness under protective measures. The identity of the witness remains unknown.

**May 23<sup>rd</sup> 2011** - The Legal Representatives for Victims (LRV) asked questions in private session and the Defence commenced its cross-examination of Witness 63.

LRV: Maître Douzima of the LRV questioned the witness in private session.

The Defence subsequently commenced its cross-examination of Witness 63. Mr. Haynes of the Defence questioned the witness on the **structure and strength of the FACA**<sup>1</sup> but the witness replied that he could not answer these questions as he is not a military expert.

- **Increase in attacks:** The witness testified that the attacks on civilians in the CAR increased after an alleged visit by Mr. Bemba to his troops.

**May 24<sup>th</sup> 2011** - The Defence continued its cross-examination of witness 63.

- **Arrival of the *Banyamulenge***<sup>2</sup>: the witness testified that the *Banyamulenge* first appeared in Bangui in 2001.

<sup>1</sup> FACA: Force Armée Centre Africaine, the CAR regular army.

<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 the MLC troops.

- **Riverport:** According to the witness, the first place the *Banyamulenge* were seen was at Riverport in Bangui.
- **Return:** The witness testified that after arriving in 2001 the *Banyamulenge* stayed only briefly and then left, and did not return until late 2002.

May 25<sup>th</sup> 2011 - The Defence completed its cross-examination of witness 63.

The Defence continued its cross-examination. The witness gave evidence on<sup>3</sup>:

- **Geography:** the *Banyamulenge* appeared to be using an incorrect map of the CAR and did not seem to understand the geography of the CAR.
- **'Child Scouts':** The reason the *Banyamulenge* managed to penetrate so deeply into CAR territory is because they allegedly made use of "child scouts".
- **Relationship between Bawa<sup>4</sup> militia and the USP<sup>5</sup>:** according to the witness the USP incorporated the Bawa militia. According to the witness, the men of the Bawa militia wore French uniforms and helmets instead of berets. The witness stated he had seen them at PK12.<sup>6</sup>
- ***Banyamulenge* uniforms:** the *Banyamulenge* allegedly told the witness some of them had purchased CAR soldier uniforms.
- **Command of *Banyamulenge*:** the witness testified the *Banyamulenge* were split up in to two groups, one in PK12 and one in Damara. Their commander was Mr. Mustafa. The witness stated he saw Mr. Mustafa in Damara but not in PK12.
- **Helicopter carrying Bemba:** the helicopter that allegedly flew Mr. Bemba into Damara landed there around noon and stayed there for more than 30 minutes. The witness claims he saw the helicopter land and take off but he did not see Mr. Bemba.
- **Consensual Relations with *Banyamulenge*:** the witness' sister-in-law lived in Damara and had a consensual relationship with a member of the *Banyamulenge*. The witness stated other young girls engaged in consensual relationships with members of the *Banyamulenge* as well.

May 26<sup>th</sup> 2011 - The Prosecution commenced its examination-in-chief of Witness 209.

- **MLC:** the witness stated the MLC came from "Zaire"<sup>7</sup> and were a very diverse group consisting of various ethnicities. The name *Banyamulenge* referred to one of those groups but according to the witness it is a derogatory term.
- **Languages:** the witness testified that the *Banyamulenge* wore rubber boots and clothing that was too large. They spoke Lingala, Swahili and Baka.<sup>8</sup>

<sup>3</sup> As the witness previously stated on the 11<sup>th</sup> of May 2011 he is incapable of reading and writing and has difficulties remembering dates. Thus the dates on which the alleged events occurred remain uncertain.

<sup>4</sup> The Bawa militia belonged to former CAR president Patassé.

<sup>5</sup> USP, United Presidential Security, the CAR presidential guard.

<sup>6</sup> Pk 12, Point Kilometre 12 is a suburb of Bangui.

<sup>7</sup> The DRC was called Zaire from 1971 until 1997.

<sup>8</sup> Lingala is a Bantu language mainly spoken in the DRC and in Congo-Brazzaville; Swahili is a Bantu language mainly spoken in Kenya and Tanzania but also in the DRC. It is considered the lingua Franca of most of East Africa. Baka is the language of the Baka people who live predominantly in the CAR, Cameroon and Gabon.

- **Command:** the witness alleged that the MLC leader in the CAR was Mr. Mustafa.
- **Damara:** when the witness was in Damara the MLC troops only occupied the city centre while General Bozizé's men occupied the road to Libi and Sibut<sup>9</sup>.
- **Libyan troops:** the witness alleged that Libyan troops supported the MLC in taking Damara. The Libyans allegedly supplied them with transportation (trucks) but did not stay in Damara after the city was taken. The witness himself never saw the Libyan troops.
- **Looting:** after the MLC had taken Damara they allegedly began looting.

May 27<sup>th</sup> 2011 - The prosecution continues its examination-in-chief of Witness 209.

The witness was asked to clarify his statements of the day before. When asked **who he meant by the MLC troops** the witness stated:

- **Subgroups:** According to the witness, the MLC was composed of multiple subgroups including Congolese, Rwandans, former Mobutu soldiers<sup>10</sup> and the lower classes of society, to which the *Banyamulenge* belonged.
- **Clothing of Mobutu soldiers and *Banyamulenge*:** according to the witness the former Mobutu soldiers dressed like "career soldiers" wearing uniforms and ranger boots while the *Banyamulenge* allegedly wore all kinds of clothing and rubber boots.

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<sup>9</sup> Sibut and Libi are two towns in the Central African Republic, located to the north of Damara.

<sup>10</sup> Mobutu Sese Seko was president of the DRC from 1965 to 1997.