



FACTSHEET

Situation in the Central African Republic

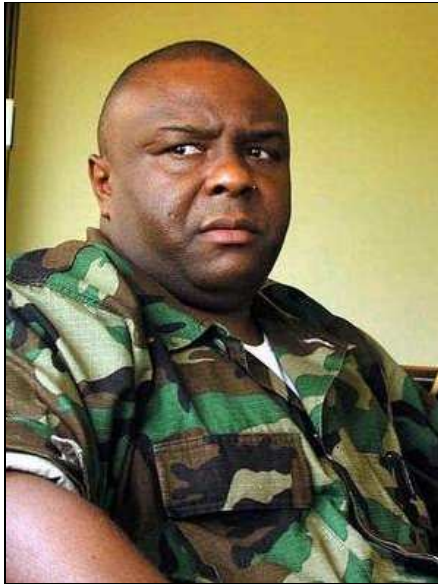
Jean-Pierre BEMBA GOMBO

11 JUNE 2008



PROFILE

Jean-Pierre BEMBA GOMBO



Name: BEMBA GOMBO, Jean-Pierre
Sex: Male
Age: 45 years old
Location of Birth: Equateur Province, Democratic Republic of the Congo ("DRC")
Nationality: Congolese
Ethnicity: Ngwaka
Family: son of businessman Jeannot BEMBA SAOLANA; married and has five children.

The alleged crimes

- Jean-Pierre BEMBA is allegedly responsible for crimes against humanity (including rape, murder and torture) and war crimes (including rape, murder, torture, outrages upon personal dignity, and

pillaging) committed in the Central African Republic in 2002-2003.

- Sexual crimes are a characteristic feature of this case. Hundreds of rapes were committed. In CAR, sexual violence was not just a by product of war: it was a weapon of war.

1. 1980 – 1997

- 1980 – 1986: acquired 2 University degrees – “*licence en sciences commerciales et financières*” and “*licence spéciale en économie du développement*” – at the “*Institut Catholique des Hautes Etudes Commerciales*” in Brussels and obtained an MBA;

- After completing his studies, entered the prosperous family business, eventually becoming the CEO of several companies and the General Director of Scibe Airlift;

- May 1997: after the overthrow of Mobutu’s Government in which his father was a powerful figure, and just before Laurent-Désiré KABILA took over power, BEMBA left the DRC and lived in exile;

2. 1998 – 2002 – The Congo War

- Fall 1998: established the *Mouvement de Libération du Congo* (“MLC”) in Kisangani, DRC;

- The MLC became one of the major armed groups involved in the conflict of 1998-2003 in the Democratic Republic of the Congo. Established in the northern Congolese province of Equator, the MLC carried out attacks into the north-eastern district of Ituri (such as in Mambasa in October 2002) and is known to have

intervened twice in the Central African Republic.

3. 2001 – 2003 – The CAR conflicts

- May 2001: BEMBA sent the MLC troops to the Central African Republic (“CAR”) to help President Ange-Felix PATASSE counter an attempted *coup d’Etat* attributed to former President Kolingba. Crimes against civilians were reported.

- October 2002 – March 2003: MLC soldiers intervened in CAR for the second time. MLC troops allegedly perpetrated large scale crimes against the CAR civilian population, including rapes, killings and pillaging;

4. April 2003 – 2007: The Transition period

- June 2003: became one of four DRC vice-presidents in the transitional Government in accordance with the All inclusive peace agreement signed in Pretoria, South Africa, on 17 December 2002;

- September/October 2006: ran in the first democratic DRC presidential election since 1965, and made it to the second round where he was defeated by the current President, Joseph KABILA;

- January 2007: was elected DRC Senator;

- 22 – 23 March 2007: his personal guards and the DRC *Garde Républicaine* clashed in Kinshasa, which resulted in him leaving the country and taking exile in Portugal.



BACKGROUND INFORMATION SHEET

The Prosecutor vs. Jean-Pierre BEMBA GOMBO

THE CRIMES

- Jean-Pierre BEMBA is charged with three counts of crimes against humanity (including rape, murder and torture) and five counts of war crimes (including rape, murder, torture, outrages upon personal dignity, and pillaging).
- The OTP alleges that crimes against the civilian population, in particular rape, murder, torture, outrages upon personal dignity and pillaging, were committed in the CAR between the end of October 2002 and 15 March 2003.
- The OTP alleges that these crimes occurred in the context of an armed conflict that was going on in the Central African Republic, as well as in the context of a widespread or systematic attack against a civilian population.
- In the warrant of arrest issued against Jean-Pierre BEMBA by Pre-Trial Chamber III on 23 May 2008, the ICC Judges noted that there are reasonable grounds to believe that Jean-Pierre BEMBA, as Chairman and Commander in Chief of the MLC, had *de jure* and *de facto* authority to make all political and military necessary decisions, including sending and maintaining troops in the Central African Republic.
- The Pre-Trial Chamber further considered reasonable to believe that, when sending his troops to CAR in support of President PATASSÉ, Jean-Pierre BEMBA had accepted the risk that they would commit crimes against the civilians. When informed of the actual commission of crimes, Jean-Pierre BEMBA further decided to maintain his troops in the country.

- Thus, the Prosecution alleges that BEMBA's responsibility is engaged in the commission of the crimes which were physically perpetrated by the MLC troops in the CAR between October 2002 and March 2003.

THE CONTEXT

- The CAR has been a State Party since it ratified the Rome Statute on 3 October 2001. The ICC has had jurisdiction in the CAR since the entry into force of the Rome Statute on 1 July 2002.
- The policy of the OTP is to focus on the most serious crimes. In CAR, those appear to have been mainly committed during a peak of violence From 25 October 2002 to at least 15 March 2003, where there was an armed conflict between the armed groups supporting BOZIZE and the armed groups supporting PATASSE (including the MLC).
- During this period, reports indicate that the MLC specifically targeted the civilian population. There are in particular many allegations of rapes and other acts of sexual violence perpetrated against hundreds of reported victims, as well as lootings. Sexual crimes are a characteristic feature of the investigation, and sexual violence is a major crime that will be prosecuted.
- The OTP is also monitoring acts of violence committed since the end of 2005 in the northern part of the country. In particular, unlawful killings and burnings of villages have been widely reported.

BACKGROUND

- The OTP received numerous reports and communications concerning alleged massive crimes committed in the Central African Republic, including horrific rapes, gang rapes, murders and pillaging, from non-governmental organizations (NGOs) and international organizations, as well as other sources.
- On 21 December 2004, the Prosecution received a letter from the Government of the CAR referring crimes committed after 1 July 2002 on the territory of the CAR.
- In June 2005, the CAR Government provided documentation to the Prosecution regarding the crimes committed in the CAR in 2002-2003, as well as the *procès-verbaux* from the judicial proceedings held in Bangui in relation to these crimes.
- The Prosecutor conducted a detailed analysis of the information he received from the CAR Government, and sought and obtained additional information from various sources. After reviewing the information received, the Prosecutor concluded that all requirements for initiating an investigation under the Rome Statute were satisfied.
- On 10 May 2007, the Prosecutor communicated to the CAR Government, to the Pre-Trial Chamber III and to the President of the Court his decision to initiate an investigation.
- On 22 May 2007, the Prosecutor publicly announced the commencement of an investigation of alleged crimes committed in the CAR.
- On 7 February 2008, an OTP delegation, headed by the Prosecutor, visited Bangui. The delegation met with victims, representatives of civil society and local population to answer questions and discuss with people throughout CAR the significance of the ICC investigation.
- On 9 May 2008, the Prosecution presented under seal its Application for a Warrant of Arrest under Article 58 of the Rome Statute against Jean-Pierre BEMBA to the Pre-Trial Chamber III.
- According to the Application, from on or about 25 October 2002 to 15 March 2003, Jean-Pierre BEMBA is believed to have played a central role in the horrific crimes committed by MLC troops in CAR towards the end of October 2002, until 15 March 2003. BEMBA was the undisputed leader of this movement at the time of the events relevant to this case.
- On 21 May 2008, Pre-Trial Chamber III requested additional information in respect of the Prosecution's application, which was subsequently submitted on 27 May.
- On 23 May 2008, Pre-Trial Chamber III issued under seal a warrant of arrest under article 58 of the Rome Statute against Jean-Pierre BEMBA along with a request for provisional arrest to the Kingdom of Belgium
- On 24 May, BEMBA was arrested by the Belgian authorities; subsequently, Pre-Trial Chamber III decided to unseal the arrest warrant.
- On 10 June 2008, Pre-Trial Chamber III issued a Decision on the Prosecutor's Application of 9 May 2008 and a new warrant of arrest, replacing the one previously issued on 23 May. The warrant of arrest of 10 June 2008 further charges Jean-Pierre BEMBA for murder as war crime and crime against humanity. Simultaneously, Pre-Trial Chamber III sent to the Kingdom of Belgium a request for arrest and surrender to the ICC.
- Jean-Pierre BEMBA is the first person charged in connection with the OTP investigation into crimes allegedly committed in the CAR in 2002 and 2003.