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PRE-TRIAL CHAMBER III

Before: Judge Ekaterina Trendafilova (Single Judge)

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
*IN THE CASE OF
THE PROSECUTOR
V. JEAN-PIERRE BEMBA GOMBO***

Public Document

Prosecution's Written Submissions Regarding The Confirmation Hearing Held On 12-15 January 2009

Source: The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Background

1. The hearing to confirm the charges (“Hearing”) against Jean-Pierre Bemba was held before the Pre-Trial Chamber III (“Chamber”) from 12 to 15 January 2009. As stated in the Hearing, the Office of the Prosecutor (“Prosecution”) reiterates that the evidence as a whole presented by the Prosecution included in the Amended Document Containing the Charges (“DCC”), the Amended List of Evidence and in the In Depth Analysis Chart establishes substantial grounds to believe that from on or about 26 October 2002 to 15 March 2003 in the Central African Republic (“CAR”), Jean-Pierre Bemba committed the crimes charged in the DCC.

2. Pursuant to the Chamber’s decision issued during the Hearing on 15 January 2009, “to give the parties and the victims’ legal representatives the opportunity, not the obligation, if deemed necessary, to file written submissions ... no later than 26th January 2009, at 4:00 p.m., ... only if the parties and the legal representatives would like to make some additional enrichments related to their argumentation”, the Prosecution hereby submits its written submissions.¹

Main Submission

A) Defence’s argument on subordination

3. The Defence argued that the acts of the *Mouvement de Libération du Congo* (“MLC”) in the CAR are not attributable to Jean-Pierre Bemba. In doing so, they relied on two cases adjudicated by the International Court of Justice.² The Prosecution submits that the findings of these two cases are not legally applicable to the present case.

¹ ICC-01/05-01/08-T-12-CONF-ENG ET 15-01-2009, p. 141, lines 9 to 14 and lines 19 to 21.

² ICC-01-05-01-08-T-9- CONF-ENG ET 12-01-2009, p. 41, line 16 to p.42, line 20; ICC-01/05-01/08-T-12, CONF-ENG ET 15-01-2009, p. 57, line 10, p.59, line 2, and p. 109, line 21 to p.110, line 20.

Reference is made in particular to the “*Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America)*” Merits, Judgement, 27 June 1986, I.C.J. Reports 1986, paras. 109-110; and “*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*” Judgement, 26 February 2007, ICJ Reports 2007, para. 389.

4. The case against Jean-Pierre Bemba is not about the responsibility of States over the acts of another public authority. Rather, this case is about the individual criminal responsibility of Jean-Pierre Bemba for the crimes charged in the DCC.

5. Jean-Pierre Bemba's individual criminal responsibility for the crimes charged falls within the jurisdiction of the Court pursuant to Article 25 of the Rome Statute ("Statute"). In this case, Jean-Pierre Bemba is charged for the crimes referred to in the DCC pursuant to the theory of co-perpetration under Article 25(3)(a) of the Statute. The concept of co-perpetration as embodied in the Statute, and its elements are laid out in detail in prior decisions of Pre-Trial Chamber I.³

6. The Prosecution has presented evidence that Jean-Pierre Bemba did not surrender control of his troops, but instead retained control and command over them, and remained informed of all their actions during the 2002-2003 CAR Operation. The submissions by the Defence are therefore both factually and legally inapplicable to this case.

B) Bemba's intent and knowledge

7. One of the many factors supporting Jean-Pierre Bemba and Ange-Felix Patasse ("Patasse")'s intention that crimes be committed is their knowledge of the MLC's past crimes in the CAR in 2001, and in Mambasa in 2002.

8. The Defence erroneously relies on the International Criminal Tribunal for the Former Yugoslavia ("ICTY") Appeals Chamber judgment against *Hadzihasanovic* and *Kubura* of 22 April 2008.⁴ In that case, the ICTY Appeals Chamber rejected the Trial Chamber's finding that a commander's past failure to punish his subordinates' previous crimes automatically proved that he knew they would commit future crimes.

9. The facts in *Kubura* are not analogous to the facts of the Prosecution's case. Jean-Pierre Bemba not only failed to punish previous crimes. He had full knowledge of those crimes being committed as demonstrated during the Hearing by the Prosecution: "*Due to their*

³ See ICC-01/04-01/06-803, paras. 317-360; ICC-01/04-01/07-717, paras. 480-493 and 519-539.

⁴ ICC-01-05-01-08-T-9- CONF-ENG ET 12-01-2009, p. 47, line 13 to p. 48, line 22.

Reference is made to *Prosecutor v. Hadzihasanovic and Kubura*, Judgment, ICTY Appeals Chamber, Case No. IT-01-47 (22 April 2008), para. 265.

knowledge that the MLC troops committed crimes against the civilian population on two prior occasions, Jean-Pierre Bemba's and Patasse's intention that crimes be committed against the civilian population as part of their common plan is supported (...). Both Jean Pierre Bemba and Patasse were informed of these crimes. In addition, Jean Pierre Bemba had daily contact with the Commander of the Central African Republic operation and received daily reports from the MLC Military and Civilian Intelligence Bureau's Chief of Staff and General Staff by virtue of his command and control over the MLC and the vertical channels of reporting. Witnesses also reported that Jean-Pierre Bemba received cars that were pillaged from the Central African Republic in 2002 and 2001. Collectively, the evidence reflects that Jean-Pierre Bemba and Patasse intended that crimes be committed against the Central African Republic civilian population”⁵.

10. Jean-Pierre Bemba's knowledge of his troops' earlier crimes is only one factor from which to infer his intention that crimes would be committed during the 2002-2003 CAR Operation. The Prosecution's collective evidence, including Jean-Pierre Bemba's knowledge of the crimes committed in the previous operations, coupled with the additional factors, including direct contact with his troops, continuous actions despite media reports, reports of the crimes from civilians and other sources, as well as possession of pillaged cars in 2002 provide evidence of Jean-Pierre Bemba's intention that crimes be committed. Further, the subsequent decision to strategize and send another battalion to the CAR after receiving knowledge from a variety of sources, solidifies that he intended the commission of crimes.

C) Defence's submission that the MLC's intervention in the CAR was legitimate

11. The argument asserted by the Defence is legally and factually flawed.⁶ Legally, the Appeals Chamber of the Special Court of Sierra Leone (“SCSL”) has rejected this argument.

12. The Appeals Chamber of the SCSL stated that “it is manifestly incorrect to conclude, that widespread or systematic attacks against a civilian population, cannot be characterised as crimes against humanity simply because the ultimate objective of the fighting force was legitimate and/or aimed at responding to aggressors. The Appeals Chamber held that it is no

⁵ ICC-01/05-01/08-T-9-ENG ET WT 12-01-2009 SZ-PT, Page 29, lines 6 to 20

⁶ ICC-01-05-01-08-T-12- CONF-ENG ET 15-01-2009, p. 44, lines 9-16, p. 51, line 9 to p. 54, line 7

justification that the perpetrators of a crime against humanity were fighting for the restoration of democracy.”⁷

13. The evidence before the Chamber establishes that Jean-Pierre Bemba sent MLC troops to the CAR knowing and intending that they would commit crimes of murder, pillage, and rape. Sending troops pursuant to a plan, which he knew and intended, would be implemented through the commission of crimes, and providing direction and support to the troops while they were inside the CAR renders Bemba criminally responsible, regardless of whether or not the MLC troops were deployed to the CAR for the claimed purpose of defending a democratically elected government..

D) Defence’s legal arguments on co-perpetration

14. The Defence made extensive legal arguments regarding the elements of the mode of liability of co-perpetration. In so doing, the Defence largely relied on the jurisprudence of the International Criminal Tribunal for Rwanda (“ICTR”).⁸

15. The references made by the Defence to the jurisprudence of the ICTR relate to elements of different modes of liability, including Joint Criminal Enterprise and Aiding and Abetting. These modes of liability are substantially different from the mode of liability of co-perpetration referred to in Article 25(3)(a) of the Statute, and are therefore not relevant to this case.

16. The Prosecution submits that the objective and the subjective approach to determine the responsibility of the co-perpetrators has been expressly rejected by ICC jurisprudence in the decisions on the confirmation of the charges in the cases against Thomas Lubanga Dyilo,⁹ and Germain Katanga and Mathieu Ngudjolo Chui.¹⁰

⁷ *Prosecutor v. Fofanah and Kondewa*, Judgment, SCSL Appeals Chamber, Case No. SCSL-04-14-A (May 28, 2008), para. 247.

⁸ On the link between the crimes attributed to the MLC soldiers and Jean-Pierre Bemba: ICC-01-05-01-08-T-11-CONF-ENG ET 14-01-2009, p. 52, line 24 to p. 53, line 1. On the assertion that the criminal act must be substantial: ICC-01-05-01-08-T-12-CONF-ENG ET 15-01-2009, p. 6, lines 19 -22 and p. 7, lines 1-2 and lines 12-14.

⁹ ICC-01/04-01/06-803, paras. 317-360.

¹⁰ ICC-01/04-01/07-716, paras. 480-538.

17. The DCC and the Prosecution's oral submissions articulated, in detail, how Jean-Pierre Bemba exercised control over the crime, and how he contributed to the implementation of the common plan that he shared with Patasse.

18. The Prosecution's evidence included Jean-Pierre Bemba's provision of weapons to MLC soldiers. The Defence itself argues that the provision of weapons is critical to determining whether there are substantial grounds to believe that Jean-Pierre Bemba provided an essential contribution and is responsible as a co-perpetrator.¹¹

19. However, the provision of weapons was not Jean-Pierre Bemba's only essential contribution. Jean-Pierre Bemba contributions included the definition of the MLC's concept of operation, the provision and command of the MLC troops, transportation, control over the logistics and communication means. It is a combination of all of his contributions that define the essential role of Jean-Pierre Bemba in the implementation of the common plan, and his criminal responsibility for the crimes charged.

20. In addition to the provision of essential contributions, the Prosecution's evidence reflects that the MLC was at all times under the control of Jean-Pierre Bemba. The activities of the MLC were coordinated on the ground with the activities of others, but always under the command of Jean-Pierre Bemba. The MLC was never removed from the effective control and command of Jean-Pierre Bemba. The fact that others also contributed to the implementation of the common plan does not diminish his functional control over the crime and his criminal responsibility.

21. Patasse's provision of other essential contributions is consistent with the Prosecution's theory of co-perpetration. Should it be established that Patasse also exercised functional control over the crimes, it would not in any way diminish the essential contributions of Jean-Pierre Bemba to the crimes, his functional control over their commission and his criminal responsibility as a co-perpetrator. Likewise, the fact that Patasse also gave instructions in accordance to the common plan does not detract from Jean-Pierre Bemba's full authority over the MLC. Every action and decision, whether it involved Patasse or not ultimately required Jean-Pierre Bemba's authorization or instruction.

¹¹ ICC-01/05-01/08-T-12-Conf ENG-IT-15 January 2009, page 13, lines 3-11.

E) Defence's argument that the Prosecution failed to present evidence regarding Jean-Pierre Bemba's knowledge and intent in relation to the specific crimes charged

22. The Defence presented the argument that more evidence is necessary when there is greater distance between the responsible party and the crime.¹² The Defence specifically relied on and provided the Chamber with a quote from the ICTY trial judgement in the *Krnojelac* case.¹³ The Defence stated that it is established jurisprudence that "the more physically distant the suspect was from the scene of the crimes the more evidence may be necessary to prove that he had actual knowledge of them."¹⁴

23. The Prosecution submits that neither the parts referred to by the Defence (paras. 332-345), nor any other section from this trial judgement include the quote used by the Defence; nor does that decision support the argument of the Defence in any other way. To the contrary, it is established practice by the Appeals Chamber of the ICTY that the specificity requirement for pleading the details of a particular crime decreases the more remote the suspect or accused is from the physical commission of the crimes. This is particularly relevant in cases against political and military leaders who are not present at the crime scene but who control or contribute to the commission of the crimes remotely.¹⁵

24. Thus, it would be legally sufficient to establish that Jean-Pierre Bemba and Patasse were aware that implementing their common plan will result in the commission by MLC soldiers of rapes, murders and pillaging; and that they undertook their acts and conduct with the intent to bring about such crimes, or were aware that these crimes will be committed by MLC soldiers in the ordinary course of events. However, the Prosecution submits that in the instant case, it has brought evidence that Jean-Pierre Bemba had knowledge of the incidents which form the crimes base for the charges against him. Jean-Pierre Bemba was actually the

¹² ICC-01-05-01-08-T-10- CONF-ENG ET 13-01-2009, p. 93, lines 1-3

¹³ *Prosecutor v. Milorad Krnojelac*, Judgment, ICTY Trial Chamber, Case No. IT-97-25 (15 March 2002).

¹⁴ ICC-01-05-01-08-T-10-ENG, p. 91, lines 5-8

¹⁵ *Prosecutor v. Miroslav Kvocka et al.*, Judgment, ICTY Appeals Chamber, Case No. IT-98-30/1 (28 February 2005). In the Kvocka Appeals Judgement, paragraph 65, the Appeals Chamber of the ICTY states as follows: "It is well established that an indictment is required to plead the material facts upon which the Prosecution relies. ... [W]hether or not a fact is material depends upon the proximity of the accused person to the events for which that person is alleged to be criminally responsible. As the proximity of the accused person to those events becomes more distant, less precision is required in relation to those particular details, and greater emphasis is placed upon the conduct of the accused person himself upon which the Prosecution relies to establish his responsibility as an accessory or a superior to the persons who personally committed the acts giving rise to the charges against him".

master of the concept of the operation and he intended his men to commit the crimes against the civilians in CAR.

25. Similarly, in its oral submission on war crimes, the Defence referred to the ICTR trial judgement in the *Semanza* case.¹⁶ They argued that the Prosecution has not sufficiently established that Jean-Pierre Bemba “had the necessary knowledge of each crime attributed to the main perpetrator”.¹⁷ The Prosecution submits that it has provided evidence to the effect that, as Commander in chief, Jean-Pierre Bemba had the necessary knowledge, defined the concept of the operation in CAR including whether the troops on the ground should be authorized to rape, kill or pillage.

26. Furthermore, the Defence relies on a quote from the *Semanza* judgement relating to aiding and abetting. Again, as the Prosecution argued in the confirmation hearing, Jean-Pierre Bemba knew the precise crime that were intended and which in the event were committed. He was aware that a number of crimes would be committed and were in fact committed, as he had intended.¹⁸

27. Finally, regarding in general the sufficiency of the evidence, the Prosecution would submit that it has demonstrated there were substantial grounds to believe that Jean-Pierre Bemba committed the crimes he is charged with.

F) Defence’s reference to the extract of a transmission notebook, allegedly containing the transcripts of telephone messages sent by the MLC field commander in the CAR to the MLC Chief of Staff

28. On multiple occasions, the Defence argued that this piece of evidence would show that all messages were sent to the Chief of Staff only, and never mentioned any crime committed by the MLC soldiers.¹⁹

¹⁶ ICC-01-05-01-08-T-11- CONF-ENG ET 14-01-2009, p. 52, line 24 to p. 53, line 9.

¹⁷ *Prosecutor v. Laurent Semanza*, Judgment, ICTR Trial Chamber, Case No. ICTR-97-20 (15 May 2003). The relevant section of the *Semanza* judgement referred to by the Defence states that “The accused need not necessarily share the mens rea of the principal perpetrator; the accused must be aware, however, of the essential elements of the principal’s crime including the mens rea” (para. 388).

¹⁸ *Prosecutor v. Thomir Blaskic*, Judgment, ICTY Appeals Chamber, Case No. IT-95-14-A, 29 July 2004.

¹⁹ ICC-01-05-01-08-T-11- CONF-ENG ET 14-01-2009, p. 122, line 12 to p. 123, line 3 and ICC-01-05-01-08-T-12- CONF-ENG ET 15-01-2009, p. 18, line 9 to page 19, line 9

29. The Prosecution submits that such evidence is not inconsistent or contrary to the Prosecution's case that Jean-Pierre Bemba had the requisite knowledge of the crimes committed by the MLC troops in the CAR during the period in question.

30. The Prosecution's evidence shows that Jean-Pierre Bemba received daily reports from the CAR about the events during the relevant time period. The MLC Chief of Staff receipt of messages from the CAR about the military operations carried out by the MLC troops is not inconsistent with the Prosecution's evidence, and does not mean that Jean-Pierre Bemba was not informed about events in the CAR. To the contrary, the organigramme of the MLC clearly reflects that the Chief of Staff ultimately reported to Jean-Pierre Bemba as the Commander in Chief of the MLC army.

G) Defence submission of video clip during their closing statement

31. This video clip shows interviews of three CAR individuals.²⁰ The three interviewees expressed their appreciation for the MLC intervention in CAR. In particular, in the third and last segment of the video, the speaker stated that he does not understand those people who don't want the MLC troops to be here. He further speculated that perhaps the reason is that they assisted the rebels.²¹ Furthermore, there are no details identifying who produced the video clip, how interviewees were selected, or other conditions surrounding the content of the interviewee's statements.

32. The video clip in question demonstrates that a segment of the civilian population in Sibut who supported former President Patasse and the MLC, were not victimised and appreciated their efforts. However, the video clip is not inconsistent with the Prosecution's case. In fact, one interviewee specifically states that other segments of the civilian population wanted the MLC to leave. The fact that this interviewee speculates that the "anti-MLC" segment of the CAR population may have been supporters of the rebels, is consistent with the Prosecution's theory that the MLC systematically victimised civilians who were perceived to be sympathetic to Bozize's rebels..

²⁰ ICC-01-05-01-08-T-12- CONF-ENG ET 15-01-2009, p. 122, line 24 to p. 128, line 20

²¹ ICC-01-05-01-08-T-12- CONF-ENG ET 15-01-2009, p. 127, line 14 to p. 128, line 20

33. These interviews also corroborate the Prosecution's evidence that Jean-Pierre Bemba retained full control over the MLC troops. All interviewees attributed the MLC's activities to Jean-Pierre Bemba. The first interviewee refers to the MLC as "President Jean-Pierre Bemba's troops".²² The second interviewee, when asked about what message she had to Jean-Pierre Bemba, gave the following response: "That I thank him, that the whole population of Sibut, each and every one of us thanks him. Even the babies thank him for what he did for us."²³

34. Similarly, the third interviewee, when asked what he would tell to Jean-Pierre Bemba, responded: "Well, I would say, 'I don't know how to thank you, President Bemba. I don't know how to do that. It's really a dream. Thank you, thank you. It's great that President Bemba could help President Patasse to liberate us. [...] He gave a helping hand to Patasse, to help with these rebels who took over most of the towns in Central Africa. That's how Bemba assisted Patasse, to push back the rebels.'"²⁴

35. Based on the statements of the interviewees, it is clear that Jean-Pierre Bemba retained control over the MLC during the 2002-2003 CAR Operation.

H) Defence's argument that the MLC soldiers were well trained

36. The Defence stated during the Hearing that "the MLC troops were not a bridge of bandits", and asserted that they were well trained, disciplined and had a code of conduct.²⁵

37. This assertion corroborates the Prosecution's theory that the crimes committed by the MLC soldiers were not opportunistic acts committed by undisciplined, unruly and out of control troops. By their own assertion, these crimes were committed by soldiers complying with instructions they had received to implement a plan. A plan which included the punishment, humiliation and intimidation of the CAR civilian population perceived to support the rebels.

²² ICC-01-05-01-08-T-12- CONF-ENG ET 15-01-2009, p. 123, line 8

²³ ICC-01-05-01-08-T-12- CONF-ENG ET 15-01-2009, p. 127, lines 7-9 and p. 128, lines 11-20

²⁴ ICC-01-05-01-08-T-12- CONF-ENG ET 15-01-2009, p.127, line 25 to p. 128, line 14

²⁵ ICC-01-05-01-08-T-9- CONF-ENG ET 12-01-2009, p. 44, lines 17-18; ICC-01-05-01-08-T-12- CONF-ENG ET 15-01-2009, p. 39, line 22, to p. 40, line 24 and p.42, lines 17-19

38. The Defence's argument is also contrary to and inconsistent with their argument that the Prosecution did not establish that the Battalion Poudrier B and the 28th Battalion were involved in the two prior incidents in the CAR in May 2001 and in Mambasa.²⁶

39. By their own assertion, the MLC troops, as an entity, were well trained. Therefore, the MLC troops acted according to Jean-Pierre Bemba's instructions, regardless of whether the same battalions were involved.

40. The Prosecution emphasizes that the relevance of the three operations (2001 CAR Operation, 2002 Mambasa, and 2002-2003 CAR Operation) is that on all three interventions, the MLC acted within a framework of impunity. The fact that impunity existed during all three operations supports the finding that impunity was not accidental but rather intentional. It was intentional because it was instrumental for Jean-Pierre Bemba to achieve his objective in implementing the common plan.

I) Defence's chronology of events in Bangui and its environs

41. During the presentation of its case, the Defence stated that the MLC engaged in the first attack against Bozize's forces on 30 October 2002, and occupied Point Kilomètre 12 ("PK12") in Bangui on 7 November 2002.²⁷

42. The dates submitted by the Defence are contradicted by the Prosecution's chronology of events which is supported by independent sources. The Prosecution relied on reports which are the most accurate sources of information, as they were prepared during, or right after the events occurred.

43. In an effort to provide the Chamber with further clarity on the chronology of the events, the Prosecution submits the citations for the relevant pieces of evidence that were not stated during the Hearing. The relevant points and their corresponding citations are as follows:

²⁶ ICC-01-05-01-08-T-9- CONF-ENG ET 12-01-2009, p. 49, lines 5-11

²⁷ ICC-01-05-01-08-T-11- CONF-ENG ET 14-01-2009, p. 50, lines 20-21 and p.51, line 12

- a) The movement of MLC troops in the CAR began after General Bozize led troops towards Bangui in an attempt to take power on or about 25 October 2002.²⁸
- b) By 27 October 2002, most of the MLC troops to be deployed in this military operation were already in the CAR.²⁹
- c) The first attack against the troops led by General Bozize was launched by the MLC troops from Camp Beal.³⁰ The MLC troops then proceeded towards the north of Bangui and occupied an area of Bangui called the 36 Villas.³¹
- d) The MLC troops were then deployed from the 36 Villas to Point PK 12. After a second day of fighting against Bozize's forces, the MLC troops arrived at PK 12.³²
- e) On 29 and 30 October 2002 the MLC troops were in several areas of Bangui, including Boy-Rabe, Fou, Gobongo and PK12.³³
- f) On 30 October 2002, the MLC troops, together with the other forces loyal to Patasse, pushed the troops of General Bozize out of Bangui and occupied the northern quarters of that town.³⁴

²⁸ Federation Internationale des Ligues des Droits de l'Homme (FIDH) Report, Crimes de guerre en République Centrafricaine: Quand les éléphants se battent, c'est l'herbe qui souffre, February 2003, EVD-P-0001, CAR-OTP-0001-0034, at 0040, 0042.

²⁹ Statement of CAR-OTP-WWWW-0031, EVD-P-02169, CAR-OTP-0007-0192 at 0279-80

³⁰ Transcript of the interview of CAR-OTP-WWWW-0046 13 June 2008, EVD-P-02334, CAR-OTP-0027-0292, at 0315; transcript of the interview of CAR-OTP-WWWW-0040, 29 April 2008, EVD-P-02295, CAR-OTP-0020-0191, at 0204

³¹ Transcript of the interview of CAR-OTP-WWWW-0046, 13 June 2008, EVD-P-02331, CAR-OTP-0027-0232, at 0234-0237, EVD-P-02334, CAR-OTP-0027-0292, at 0315-0318; transcript of the interview of CAR-OTP-WWWW-0040, 29 April 2008, EVD-P-02296, CAR-OTP-0020-0215, at 0237

³² Transcript of the interview of CAR-OTP-WWWW-0046 13 June 2008, EVD-P-02334, CAR-OTP-0027-0292, at 0315-0318, EVD-P-02332, CAR-OTP-0027-0246, at 0248, 0252; transcript of the interview of CAR-OTP-WWWW-0040, 29 April 2008, EVD-P-02295, CAR-OTP-0020-0191, at 0207.

³³ Radio France internationale (RFI), Ref: 2002 MRP 4904-5 December 2002, at EVD-P-02258, CAR-OTP-0031-0099, CD 4, at 10:03'

³⁴ Radio France internationale (RFI), Ref: Journal Afrique soir-3 November 2002, EVD-P-02162, CAR-OTP-0031-0093, CD2, at track 2, 03:45'; CD 2 at track 4, 4:45': Bangui taken on Wednesday 30.10.2002; Federation Internationale des Ligues des Droits de l'Homme (FIDH) Report, Crimes de guerre en République Centrafricaine: Quand les éléphants se battent, c'est l'herbe qui souffre, February 2003, EVD-P-0001, CAR-OTP-0001-0034 at 0049, 0050 (according to a victim the MLC troops arrived at PK 22 on 31 October 2002; according to another victim, MLC troops returned to Bangui centre passing through PK12 with looted items on 31 October 2002); Amnesty International (AI), République Centrafricaine: Cinq mois de guerre contre les femmes, Novembre 2004, EVD-P-00044, CAR-OTP-0011-0459 at 0474, 0477 (four victims reported that they were raped by the MLC at different locations of PK 22 on 31 October 2002)

J) Conclusion

44. The Prosecution submits that the evidence presented to the Chamber during the Hearing is sufficient to establish substantial grounds to believe that Jean-Pierre Bemba committed the crimes charged.

Relief Sought

45. The Prosecution respectfully requests that the Chamber confirm the charges against Jean-Pierre Bemba as articulated in the DCC, and commit him for trial.

A handwritten signature in blue ink, appearing to read 'Luis Moreno-Ocampo', is positioned above a horizontal line.

Luis Moreno-Ocampo, Prosecutor

Dated this 26th day of January 2009

At The Hague, the Netherlands