



Coalition for the International Criminal Court
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MEDIA ADVISORY

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**ICC JUDGES MOVE CASE AGAINST JEAN PIERRE BEMBA TO TRIAL
FOR CRIMES IN CENTRAL AFRICAN REPUBLIC**

*World Criminal Court Confirms War Crimes and Crimes against Humanity Charges
for Former DRC Vice-President*

WHAT: On 15 June 2009 in The Hague, Pre-Trial Chamber II of the International Criminal Court (ICC) confirmed charges of crimes against humanity and war crimes against Jean Pierre Bemba Gombo, sending his case to trial. The crimes were allegedly committed in the Central African Republic (CAR) from 26 October 2002 to 15 March 2003.

HOW: The judges found sufficient evidence to try Bemba for three counts of war crimes: rape; murder and pillaging; as well as two counts of crimes against humanity: rape and murder. The Chamber declined the counts of torture as a crime against humanity and as a war crime as well as the count of outrages upon personal dignity as a war crime. The judges confirmed that Bemba is criminally responsible as a commander (pursuant to article 28(a) of the Rome Statute) and not individually responsible (article 25) or as a superior (article 28(b)).

WHO: Jean-Pierre Bemba Gombo is the first suspect and the first detainee of the Court's investigation in the CAR. Bemba, a national of the Democratic Republic of Congo (DRC), was born on 4 November 1962 in Bokada, in the Equateur province, DRC. Bemba was the President and Commander in chief of the "Mouvement de Libération du Congo" also referred to as the "Banyamulengue" forces. Bemba is a former vice-president of the Democratic Republic of Congo and a senator in the Parliament of the DRC.

NEXT STEPS: Jean Pierre Bemba Gombo will face trial at the International Criminal Court. The Presidency will constitute a Trial Chamber to be responsible for the conduct of trial proceedings. Before the start of the trial, a number of preparatory hearings will be held, to deal with issues such as the disclosure of evidence to the defense, participation of victims or the language to be used during the trial.

COMMENT AND BACKGROUND:

“This decision is a sign of hope for victims who see it as progress toward accountability for those who once tortured them,” declared Lucille Mazangue, a lawyer of the Association of Women Lawyers in the Central African Republic and member of the Central African Coalition for the ICC. “However this is only a beginning. Both the confirmation of charges hearing and the upcoming trial have and will make clear that there must be other investigations against other individuals for the crimes committed in the CAR. ”

“Given the high incidence of rape and the extensive documentation of this crime by local women’s rights organisations, the confirmation by the Judges of charges of rape as a war crime and crime against humanity was expected and justified,” said Brigid Inder, Executive Director, Women’s Initiatives for Gender Justice. “We welcome this as a first step towards justice and accountability for perpetrators of sexual violence in CAR and hope that this heralds an end to impunity for such crimes domestically,” she added.

“For justice to take hold in the region, people must truly believe in it,” said William R. Pace, convenor of the Coalition for the ICC, a civil society network in 150 countries advocating for a fair, effective and independent ICC. “This requires the Court to intensify its outreach efforts to Central African and Congolese populations—particularly the victims of the crimes for which Bemba has been charged. Furthermore, we call on the Court to maintain its commitment to fair, effective and independent trial proceedings.”

Today's decision is the result of a hearing held from 12 to 15 January 2009 by ICC Pre-Trial Chamber III to determine whether the charges against Bemba should be confirmed or not. At the hearing, the prosecutor was required to submit evidence in support of the charges, which the defense could dispute. 54 victims participated in the hearing through their legal representatives.

The ICC's investigation in the CAR was opened by Prosecutor Moreno-Ocampo on 22 May 2007, following a referral by the CAR government on 7 January 2005.

The warrant of arrest for Jean-Pierre Bemba Gombo was issued by the Court on 23 May 2008, for crimes against humanity and war crimes allegedly committed in the CAR. The warrant was made public on 24 May 2008. On the same day, Bemba was arrested by Belgian authorities and transferred to The Hague on 3 July 2008.

Initially, the Chamber had indicated that the decision on the confirmation of charges would be delivered 60 days after 26 January 2009. However, on 3 March 2009, judges requested the prosecution to consider submitting an amended document containing the charges addressing another mode of criminal liability than individual responsibility.

On 30 March 2009, the Office of the Prosecutor submitted an amended document containing the charges including superior responsibility (pursuant to Art 28 of the Rome Statute) as an alternative to, not in substitution of, individual criminal responsibility (Art 25 (3)(a) of the RS).

On 19 March 2009, the situation in the CAR was assigned to Pre-Trial Chamber II, which is composed of Judge Hans-Peter Kaul, Judge Ekaterina Trendafilova and Judge Cuno Tarfusser.

The trial against Jean-Pierre Bemba Gombo will be the Court's third trial. The Court's first war crimes trial against Congolese warlord Thomas Lubanga Dyilo started in January 2009. A second trial will start on 24 September 2009 against Congolese rebel leaders Germain Katanga and Mathieu Ngudjolo Chui for alleged war crimes and crimes against humanity.

The ICC is the first permanent international court capable of trying individuals accused of war crimes, crimes against humanity and genocide. To date, it has publicly issued twelve arrest warrants and one summons to appear for investigations in four situations: the Central African Republic; Darfur, Sudan; Uganda; and the Democratic Republic of Congo. Four suspects are in custody. The ICC Office of the Prosecutor has allegedly analyzed or is analyzing at least nine other situations on four continents.

Experts from CAR human rights organizations and international NGOs are listed on the following pages for further comment and background.

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