



Coalition for the International Criminal Court

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MEDIA ADVISORY
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In Bangui, CAR: Bruno Gbiegba
(+ 236) 75 50 72 27; 70 02 72 27
gbiegbabruno@yahoo.fr

In The Hague: Oriane Maillet
(+31 0 70 311 10 82
maillet@iccnnow.org

In New York: Anaga Dalal,
(+1) 201 600 4718
dalal@iccnnow.org

BEMBA GRANTED INTERIM RELEASE BUT STILL FACES ICC TRIAL *Former DRC Vice-President Faces Charges of War Crimes and Crimes Against Humanity Allegedly Committed in the Central African Republic*

WHAT: Today, 14 August 2009, Pre-Trial Chamber II of the International Criminal Court (ICC) decided to grant interim release to Jean-Pierre Bemba Gombo who is awaiting his trial scheduled to start in 2010. The Chamber still has to determine to where and under what conditions Bemba will be provisionally released. Several public hearings are scheduled between 7 and 14 September 2009 to hear the views of states that may host him, the prosecutor, victims and the suspect.

Bemba will not be released until a state agrees to host him. States named by the suspect and currently under consideration are Belgium, Portugal, France, Germany, South Africa, The Netherlands and Italy. Once Bemba's trial is set to open in The Hague, authorities of the state hosting Bemba have the obligation to surrender him to the Court to stand trial.

The ICC Prosecutor Luis Moreno-Ocampo has announced that he will appeal the decision.

WHY: The Rome Statute provides that a suspect can apply for interim release while awaiting trial (Article 60.2 RS). The Chamber decided that the continued detention of Bemba at this stage does not appear necessary (1) to ensure his appearance at trial; or (2) to ensure that he does not obstruct or endanger the investigation of the Court proceedings; or (3) to prevent Bemba from continuing with the commission of alleged crimes under the jurisdiction of the Court. The Chamber said "the decision on continued detention or release is not of a discretionary nature, and [...] the underlying principle [is] that deprivation of liberty is the exception and not the rule."

WHO: Jean-Pierre Bemba Gombo is charged with three counts of war crimes (rape, murder and pillaging) and two counts of crimes against humanity (rape and murder)

allegedly committed in the Central African Republic (CAR). He is the first suspect and the first detainee of the Court's investigation in the CAR. Jean-Pierre Bemba, a national of the Democratic Republic of Congo (DRC), was the President and Commander in chief of the "Mouvement de Libération du Congo". He is a former vice-president of the DRC and a senator in the DRC Parliament.

COMMENT AND BACKGROUND:

"This decision comes as a shock for the victims as their torturer is to be set free," says Bruno Gbiefba, Board Member of the CAR National Coalition for the ICC. "It is, however, crucial to keep in mind that this decision is not a verdict on Bemba's guilt or innocence as he still has to face trial for very serious crimes," he added.

"The International Criminal Court relies on the cooperation of states for every step it takes," said Tanya Karanasios, Program Director at the Coalition for the ICC (CICC) - a global network of more than 2,500 non-governmental and civil society organizations. "This decision not only demonstrates the independence of ICC judges and the Court's commitment to fair trial principles, it tests the willingness of states to implement any and all Court decisions. This includes hosting Bemba now and, in the event that he is found guilty following his trial, detaining him."

The arrest warrant for Jean-Pierre Bemba Gombo was issued by the ICC on 23 May 2008 and made public on 24 May 2008. Bemba was arrested by Belgian authorities on 24 May and transferred to The Hague on 3 July 2008. Following a hearing held from 12 to 15 January 2009, ICC Judges decided on 15 June 2009 to send Bemba to trial for allegedly commanding crimes against humanity and war crimes in the CAR from 25 October 2002 to 15 March 2003.

Bemba requested interim release three times since his transfer but the Chamber rejected all his applications. According to the law, a hearing must be held at least once every year to consider detention. In Bemba's case, the one year period expired on 3 July 2009. A public hearing was held on 29 June 2009 to discuss the matter. After the hearing, the Chamber requested potential host states named by the suspect to submit their observations.

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

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.

List of NGO Experts

Mr. Bruno Gbiegba, Lawyer and Board Member, CAR National Coalition for the ICC

Central African Republic

Telephone: + 236 75 50 72 27; + 236 70 02 72 27

E-mail: gbiegabruno@yahoo.fr

(French)

Ms. Lucille Mazangue, Lawyer and Chair, Association of Female Magistrates of CAR

Central African Republic

Telephone: + 236 75 50 88 47

E-mail: Lucillemaz@yahoo.fr

(French)

Ms. Marie-Edith Douzima Lawson, CAR National Coalition for the ICC

Central African Republic

Telephone: + 236 75 50 31 51; + 236 21 61 823

E-mail: douz6@yahoo.fr

(French)

Mr. Adolphe Ngouyombo, Mouvement de Défense des Droits de l'Homme et d'Action Humanitaire

Central African Republic

Telephone: + 236 75 04 13 86

E-mail: adolphengouyombo@yahoo.fr

(French)

Mr. Sebastien Mboutou, LEAD CENTRAFRIQUE

Central African Republic

Telephone: +236 75 03 62 88

E-mail: mboutouseba@yahoo.fr

(French)

**Mr. Christian Hemedi, Coordonnateur de la Coalition nationale pour la CPI
(Head of the DRC National Coalition for the International Criminal Court)**

Kinshasa

Telephone: + 243 99 99 166 96; + 243 81 700 5452

E-mail: coalition_cpi@yahoo.co.uk

(French)

Mr. Roger Muchuba, Secrétaire Exécutif de Héritiers de la Justice (Secretary of the Inheritors of Justice)

Bukavu

Telephone: +243 99 86 76 6477

E-mail: rogermuchuba@yahoo.fr
(English, French)

Ms. Karine Bonneau, Director of the International Justice Desk, Fédération Internationale des Ligues des Droits de L'Homme (FIDH - International Federation for Human Rights)

Paris, France

Mobile tel : +33 6 72 34 87 59

Email: kbonneau@fidh.org

(English, French, Spanish)

Mr. Richard Dicker, Director, International Justice Program, Human Rights Watch

New York, USA

Mobile tel: +1 917 747 6731

Email: dickerr@hrw.org

(English)

Mr. David Donat Cattin, Director, International Law and Human Rights Programme, Parliamentarians for Global Action (PGA)

The Hague, Netherlands

Mobile tel: +31 6 23 31 8581

Email: donat@pgaction.org

(English)

Ms. Carla Ferstman, Director, REDRESS

London, UK

Tel: +44 20 7793 1777

E-mail: carla@redress.org

(English, French)

Mr. Dadimos Haile, Head of the Thematic and International Justice Department, Avocats Sans Frontières

Brussels, Belgium

Telephone: 0032 2 22 33 654

E-mail: DHaile@asf.be

(English and French)

Mr. Christopher Hall, Senior Legal Adviser, Amnesty International

London, UK

Telephone: +44 207 241 1728

E-mail: chall@amnesty.org

(English)

Ms. Brigid Inder, Executive Director, Women's Initiatives for Gender Justice

The Hague, Netherlands

Telephone: +31 7 03 02 99 11

E-mail: brigid@iccwomen.org

(English)

Ms. Oby Nwankwo, Executive Director, Civil Resource Development and Documentation Centre

Enugu, Nigeria

Tel: +234 42 453 739, +234 803 313 2494

E-mail: nwankwooby@yahoo.com

(English)

Ms. Lorraine Smith, IBA Programme Manager, International Bar Association

The Hague, the Netherlands

Telephone: +31 (0)70 302 2859

Mobile tel: + 30 (0)634266310

Email: lorraine.smith@int-bar.org

(English)

Ms. Alison Smith, Legal Counsel, No Peace Without Justice

Brussels, Belgium

Mobile tel: +32 486 986 235

Email: alison@sensible.it

(English)

Mr. John Washburn, Convener, American NGO Coalition for the ICC

New York, USA

Tel: +1 212 907 1317;

Email: jwashburn@unausa.org

(English)

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