

Situation in the Central African Republic

ICC-PIDS-CIS-CAR-01-010/14\_Eng

Updated: 14 November 2014

## ***The Prosecutor v. Jean-Pierre Bemba Gombo***

ICC-01/05-01/08

### **Jean-Pierre Bemba Gombo**

Accused of two counts of crimes against humanity and three counts of war crimes committed in the Central African Republic. Trial started on 22 November 2010 and closing oral statements took place on 12 and 13 November 2014. Judgement expected in due course. In ICC custody.



**Date of birth:** 4 November 1962

**Place of birth:** Bokada, Equateur province, of the Democratic Republic of the Congo

**Nationality:** Congolese

**Ethnicity:** Ngwaka

**Current situation:** Detained at the Detention Centre in The Hague

**Warrant of arrest:** 10 June 2008 (replacing the warrant issued on 23 May 2008)

**Transfer to The Hague:** 3 July 2008

**Confirmation of charges hearing:** 12 - 15 January 2009

**Decision on the confirmation of charges:** 15 June 2009

**Opening of the trial:** 22 November 2010

**Closing oral statements:** 12-13 November 2014

### **Charges**

Pre-Trial Chamber II considered that there are substantial grounds to believe that Mr Bemba is criminally responsible as a military commander for:

- two crimes against humanity: rape (article 7(1)(g)) and murder (article 7(1)(a));
- three war crimes: rape (article 8(2)(e)(vi)), murder (article 8(2)(c)(i)) and pillaging a town or place (article 8(2)(e)(v)).

### **Alleged crimes (non-exhaustive list)**

The Chamber considers that there are substantial grounds to believe that:

- An armed conflict not of an international character took place in the Central African Republic (CAR) from 26 October 2002 to 15 March 2003, during which part of the national armed forces of Ange-Félix Patassé, the then President of the CAR, allied with combatants of the *Mouvement de Libération du Congo* (MLC) led by Jean-Pierre Bemba Gombo, was confronted by a rebel movement led by François Bozizé, former Chief-of-Staff of the Central African armed forces.
- In the context of this conflict, the MLC forces, led by Mr Bemba, committed crimes against the civilian population, in particular, rape, murder and pillaging.
- The attack against the civilian population in the CAR was widespread and systematic. The attack against the civilian population, in particular, in Bangui, Boy-Rabé, Point Kilomètre 12 (PK 12), Point Kilomètre 22 (PK 22) and Mongoumba, was carried out on a large scale and targeted a significant number of civilian victims.
- Jean-Pierre Bemba was the President and Commander-in-Chief of the MLC. He effectively acted as a military commander and had effective authority and control over the MLC troops which allegedly committed the above-mentioned crimes.
- Mr Bemba knew that MLC troops were committing crimes and did not take all necessary and reasonable measures within his power to prevent or repress their commission.

## Key judicial developments

### REFERRAL AND INVESTIGATIONS

The Central African Republic ratified the Rome Statute on 3 October 2001.

On 21 December 2004, the Government of the Central African Republic referred to the Court crimes committed in the territory of the CAR after 1 July 2002.

In June 2005, the Government of the Central African Republic provided the Prosecutor with documents concerning the crimes committed in its territory in 2002 - 2003, and the records of judicial proceedings held in Bangui in relation to these crimes.

The Prosecutor undertook a detailed analysis of the information received from the Government of the Central African Republic, and also requested and obtained additional information from various sources. After reviewing the information received, the Prosecutor found that the conditions required by the Rome Statute for launching an investigation were satisfied.

On 10 May 2007, the Prosecutor informed the Government of the Central African Republic, Pre-Trial Chamber III and the President of the Court of his decision to open an investigation.

On 22 May 2007, the launching of an investigation concerning the crimes alleged to have been committed in the Central African Republic was made public.

### WARRANT OF ARREST AND SURRENDER TO THE COURT

On 9 May 2008, the Prosecution submitted to Pre-Trial Chamber III an application under article 58 of the Rome Statute for the issuance of a warrant for the arrest of Jean-Pierre Bemba Gombo.

On 23 May 2008, Pre-Trial Chamber III issued a warrant of arrest under seal and a request for provisional arrest addressed to the Kingdom of Belgium.

On 24 May, Mr Bemba was arrested by the Belgian authorities, and the Pre-Trial Chamber decided to unseal the warrant of arrest.

On 10 June 2008, Pre-Trial Chamber III rendered a decision on the Prosecutor's application of 9 May 2008. It also issued a new warrant of arrest replacing the warrant issued on 23 May 2008, adding to the counts against Mr Bemba the charge of murder, constituting both a war crime and a crime against humanity. At the same time, the Chamber addressed to the Kingdom of Belgium a request for Mr Bemba's arrest and surrender to the ICC.

On 3 July 2008, Mr Bemba was transferred and surrendered to the ICC.

On 4 July 2008, Mr Bemba appeared before Pre-Trial Chamber III for the first time.

### CONFIRMATION OF CHARGES AND COMMITTAL FOR TRIAL

The confirmation hearing took place from 12 to 15 January 2009.

On 3 March 2009, the Pre-Trial Chamber decided to adjourn the confirmation hearing in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* and requested the Prosecutor to consider submitting to it an amended document containing the charges, taking into account that the legal characterisation of the facts of the case may correspond to a mode of liability other than the individual responsibility relied on by the Prosecutor, namely criminal responsibility as a military commander or superior within the meaning of article 28 of the Rome Statute.

Following an in-depth review of the amended document containing the charges submitted by the Prosecutor, and of the observations of the Defence and the legal representatives of the victims, the Pre-Trial Chamber II considered, on 15 June 2009, that there is sufficient evidence to establish substantial grounds to believe that Jean-Pierre Bemba Gombo is criminally responsible for having effectively acted as a military commander within the meaning of article 28(a) of the Statute, for war crimes (murder, rape and pillaging) and crimes against humanity (murder and rape).

Following the confirmation of the charges on 18 September 2009, the Presidency constituted Trial Chamber III and referred the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* to it for the conduct of the subsequent phase of the proceedings: the trial, which started on 22 November 2010

Closing oral statements in the case took place on 12 and 13 November 2014. The judges have commenced their deliberations and the judgment will be pronounced in due course.

## INTERIM RELEASE

On 14 August 2009, Pre-Trial Chamber II issued a decision granting interim release to Jean-Pierre Bemba. The implementation of this decision is deferred pending a determination in which State Jean-Pierre Bemba Gombo will be released and which set of conditions shall be imposed.

The same day, the Prosecutor appealed this decision. On 2 December 2009, the Appeals Chamber reversed the decision of Pre-Trial Chamber II. The accused remains in the custody of the Court.

## FREEZING OF ASSETS AND LEGAL ASSISTANCE

On 27 May 2008, Pre-Trial Chamber III addressed to the Portuguese Republic a decision and request for the identification, tracing, freezing and seizure of the property and assets of Jean-Pierre Bemba.

On 25 August 2008, the Registrar provisionally decided that Jean-Pierre Bemba is not indigent and that, accordingly, he is ineligible for legal assistance, in full or in part, paid by the Court.

On 10 October and 14 November 2008, the Pre-Trial Chamber decided to reject the Defence application for the lifting of the seizure of Mr Bemba's property and assets. It also ordered the Registrar to monitor, in consultation with the Portuguese authorities, the distribution of a monthly sum, drawn on a Portuguese bank account owned by Mr Bemba, to ensure that he meets his financial obligations to his family and his counsel.

On 20 October 2009, Trial Chamber III ordered the Registry to advance a monthly sum (with retroactive effect starting March 2009) to Mr Bemba to cover his financial obligations to his counsel, until there is a material change in his financial circumstances. Mr Bemba will have to repay the Court out of his own funds.

## PARTICIPATION OF VICTIMS

Trial Chamber III granted 5229 persons the status of victims authorised to participate in the proceedings.

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### Composition of Trial Chamber III

Judge Sylvia Steiner, Presiding Judge  
Judge Joyce Aluoch  
Judge Kuniko Ozaki

### Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor  
James Stewart, Deputy Prosecutor  
Petra Kneuer, Senior Trial Lawyer

### Defence Counsel for Jean-Pierre Bemba Gombo

Peter Haynes, Lead Counsel  
Kate Gibson, Associate Counsel

### Legal Representatives of the Victims

Marie Edith Douzima-Lawson