

Situation in The Central African Republic

The Prosecutor v. Jean-Pierre Bemba Gombo

ICC-01/05-01/08

Questions and answers: Verdict delivered in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* on 21 March 2016

1. WHO IS JEAN-PIERRE BEMBA GOMBO?

Jean-Pierre Bemba Gombo is a Congolese national, born in Bokada, Equateur province, in the Democratic Republic of the Congo (“DRC”). Mr Bemba is a former Vice-President of the DRC.

Mr Bemba was the President of *Mouvement de Libération du Congo* (“MLC”) – a movement he established in 1998 with the goal of overthrowing the government in Kinshasa. In his capacity, he was also the Commander-in-Chief of its military branch, the *Armée de Libération du Congo* (“ALC”), and the organization’s figurehead, and source of its funding, goals, and aims.

In October 2002, at the request and in support of former President of the Central African Republic, Ange-Félix Patassé, Mr Bemba ordered the deployment of three MLC battalions, approximately 1500 men, to the Central African Republic to counter forces loyal to former Chief of Staff of the Central African Army, General François Bozizé.

Mr Bemba was arrested on 24 May 2008, by the Belgian authorities, pursuant to a warrant of arrest issued by the Court, and was surrendered to the Court on 3 June 2008. Following the confirmation of charges against him on 15 June 2009, his trial began on 23 November 2010.

2. WHAT CRIMES DID MLC TROOPS COMMIT?

The Chamber concluded that, from on or about 26 October 2002 to 15 March 2003, the 2002-2003 Operation, MLC forces took part of an armed conflict not of an international character occurring in the Central African Republic.

The conflict was between the Central African governmental authorities, supported by other forces, including the MLC, on the one hand, and, the organized armed group of General Bozizé’s rebels, on the other.

Additionally, the Chamber found that, during the 2002-2003 Operation, the MLC forces directed a widespread attack against the civilian population in the Central African Republic.

In the course of the 2002-2003 Operation, MLC soldiers committed many acts of pillaging, rape, and murder against civilians. The crimes were committed over a large geographical area, including in and around Bangui, PK12, PK22, Bozoum, Damara, Sibut, Bossangoa, Bossembélé, Dékoa, Kaga Bandoro, Bossemptele, Boali, Yaloke, and Mongoumba.

The Chamber found that acts of murder, rape, and pillaging were committed consistent with evidence of a *modus operandi* apparent from the earliest days and employed throughout the 2002-2003 Operation. After General Bozizé’s rebels would leave an area, the MLC soldiers would search “house-to-house” for remaining rebels, raping civilians, pillaging their belongings, and, on some occasions, killing those who resisted.

3. OF WHAT DID THE CHAMBER FIND MR BEMBA GUILTY?

Trial Chamber III declared, unanimously, Jean-Pierre Bemba Gombo guilty beyond reasonable doubt of two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape, and pillaging). The crimes were committed in Central African Republic from on or about 26 October 2002 to 15 March 2003 by a contingent of MLC troops.

The Chamber concluded beyond reasonable doubt that Jean-Pierre Bemba Gombo was a person effectively acting as a military commander, who knew that the MLC forces under his effective authority and control were committing or about to commit the crimes charged.

Additionally, the Chamber found that Mr Bemba failed to take all necessary and reasonable measures to prevent or repress the commission of crimes by his subordinates during the 2002-2003 Operation, or to submit the matter to the competent authorities.

Further, the Chamber found beyond reasonable doubt that the crimes against humanity of murder and rape, and the war crimes of murder, rape, and pillaging committed by the MLC forces were a result of Jean-Pierre Bemba Gombo's failure to exercise control properly.

4. ON WHICH BASIS DID THE CHAMBER CONCLUDE THAT MR BEMBA IS GUILTY?

The three ICC Judges found Mr Bemba guilty beyond reasonable doubt on the basis of all the evidence submitted and discussed before the Chamber at the trial.

The Chamber admitted a total of 733 items of evidence, including 5724 pages of documents, and heard 76 witnesses called by the parties and participants, and one witness called by the Chamber.

5. WHAT SENTENCE CAN BE PRONOUNCED AGAINST MR BEMBA AND WHEN?

The judges may impose a prison sentence, a fine may be added or forfeiture of the proceeds, property, and assets derived directly or indirectly from the crimes committed.

The maximum sentence is 30 years. However, in extreme cases, the Court may impose a term of life imprisonment.

Trial Chamber III will decide on the procedure to be followed for sentencing, after hearing the parties and the Legal Representative of Victims on that matter.

6. WHERE WILL THE SENTENCE BE SERVED?

Persons convicted of crimes under the jurisdiction of the Court do not serve their sentences at the ICC's Detention Centre in The Hague, as the facility is not designed for long-term imprisonment.

Convicted persons are transferred to a prison outside the Netherlands, in a State designated by the Court from a list of States which have indicated their willingness to allow convicted persons to serve their sentence there. The Court consults with the national authorities and takes into account the situation of the convicted person.

7. WILL VICTIMS OBTAIN REPARATIONS?

Victims before the ICC have rights that have never been granted before an international criminal court or tribunal. They can participate during the proceedings. In particular in this case, Trial Chamber III authorised 5229 victims to participate in the trial proceedings.

Independently of the participation, victims may ask for reparations in case of conviction.

In the case against Mr Bemba, issues related to the procedure for victims' reparations will be addressed in due course, after sentencing.

8. WHY DID THE CHAMBER TAKE MORE THAN A YEAR IN DELIBERATIONS?

The Chamber took the time necessary to evaluate the totality of the large amount of evidence presented at trial for a case involving five counts of crimes against humanity and war crimes, committed over a large geographical area, and for a time period of over four and a half months.

In order to reach the verdict, the three Judges analysed 733 pieces of evidence, including 5724 pages of documents, and more than 33,000 pages of transcripts from the testimony of 77 witnesses.

9. IS THE TIME TAKEN FOR DELIBERATIONS RELATED TO THE CASE AGAINST MR BEMBA ET AL. FOR ALLEGED OFFENCES AGAINST THE ADMINISTRATION OF JUSTICE?

No. Each case refers to different conduct and charges.

In accordance with Article 74 of the Rome Statute, each case must be decided by the two different Trial Chambers to which they have been assigned, and based only on evidence submitted and discussed before them at trial.

Trial Chamber III analysed and evaluated the evidence presented to it independently of any other proceedings before another Chamber.

10. IS THIS VERDICT FINAL OR CAN IT BE APPEALED?

The parties (the Prosecution and Defence) may appeal the decision of conviction within thirty days, in which case, an Appeals Chamber composed of five judges will decide on the matter.