

## Situation in the Central African Republic

***The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido***

ICC-01/05-01/13

## Trial opens in the Bemba, Kilolo *et al.* case, 29 September 2015

The trial in the case *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* is scheduled to open on 29 September 2015 before Trial Chamber VII of the International Criminal Court (ICC). Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido are accused of offences against the administration of justice in connection with witnesses' testimonies in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.

### WHAT ARE OFFENCES AGAINST THE ADMINISTRATION OF JUSTICE?

ICC legal texts give the Court jurisdiction over offences against its administration of justice when committed intentionally. These serious offences include: giving false testimony; presenting evidence that the party knows is false or forged; corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, retaliating against a witness for giving testimony or destroying, tampering with or interfering with the collection of evidence; impeding, intimidating or corruptly influencing an official of the Court; retaliating against an official of the Court; or soliciting or accepting a bribe as an official of the Court.

### WHAT PENALTIES CAN A PERSON CHARGED WITH OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE RECEIVE?

In the event of conviction, the Court may impose a term of imprisonment not exceeding five years, or a fine, or both.

### ARE THE FIVE ACCUSED IN THIS CASE PROSECUTED FOR THE SAME CRIMES?

Yes. According to the Prosecution, the five accused would have committed offences against the administration of justice in connection with witnesses' testimonies in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, between the end of 2011 and 14 November 2013, including corruptly influencing witnesses by giving them money and instructions to provide false testimony, presenting false evidence and giving false testimony in the courtroom. The five accused, however, had different roles in the commission of such offences, which will be examined at trial.

### WHAT COULD BE THE IMPACT OF THE BEMBA, KILOLO *ET AL.* CASE ON THE MAIN CASE AGAINST MR BEMBA?

The two cases are separate and relate to different acts before two different Chambers.

The trial opening on 29 September 2015 against five accused relates to offenses against the administration of justice, while the trial in the main case against Mr Bemba relates to crimes against humanity allegedly committed in the Central African Republic.

The main trial against Mr Bemba is now closed following closing statements held on 12 and 13 November 2014. The judges have begun their deliberations and their verdict will be delivered within a reasonable time during a public hearing.

### WILL THE VICTIMS AUTHORISED TO PARTICIPATE IN THE MAIN CASE AGAINST MR BEMBA ALSO PARTICIPATE IN THE BEMBA, KILOLO *ET AL.* CASE?

No, the Court's legal texts do not foresee the participation of victims in a case involving offenses against the administration of justice.

### FOUR OF THE FIVE ACCUSED ARE CURRENTLY ON INTERIM RELEASE. WILL THEY APPEAR VOLUNTARILY BEFORE THE COURT FOR THEIR TRIAL? WHAT WILL HAPPEN IF THEY DO NOT?

The Court's judges have decided to grant interim release to four of the accused and that they would appear voluntarily before the Court for their trial, but nevertheless imposed a number of conditions.

One of the conditions is to abide by all instructions and orders from the Court, including the order for the accused to be present in The Hague at their trial commencing on 29 September 2015.

Should the accused not comply with the imposed conditions, it would be up to the judges to decide whether it is justified to order their detention.

#### WHO ARE THE JUDGES CONDUCTING THE TRIAL?

The trial is conducted by Trial Chamber VII of the International Criminal Court, which is composed of presiding Judge Bertram Schmitt (Germany), Judge Marc Perrin de Brichambaut (France) and Judge Raul Pangalangan (Philippines).

ICC judges are persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. They all have extensive experience relevant to the judicial work of the Court and established competence in criminal law and procedure.

#### HOW WILL THE TRIAL UNFOLD?

The trial will begin on 29 September 2015 and may last several months.

The Prosecution will first present its evidence before the judges of Trial Chamber VII, and it will then be the turn of the Defence, after which the judges will render their verdict.

The accused persons are presumed innocent. They are present in the courtroom during the trial, and have a right to a public, fair and impartial hearing of their case.

The judges will only convict the accused persons if the Prosecutor has proven the commission of the offences beyond reasonable doubt.