



Coalition for the International Criminal Court

www.coalitionfortheicc.org

MEDIA CONTACT:

In The Hague: Oriane Maillet

CICC Head of Communications

Tel: (+31) 70 311 10 82

E-mail: maillet@coalitionfortheicc.org

In New York: Mariana Rodríguez Pareja

Media Strategist, CICC

Tel: +1-646-465-8517

Email: rodriguez@coalitionfortheicc.org

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BEMBA TRIAL TO OPEN IN THE HAGUE

High Expectations Surround Trial Against Former DRC Vice-President For Alleged Crimes in the Central African Republic

The Hague - On 22 November 2010, the International Criminal Court (ICC) will open its third trial in the case against Jean-Pierre Bemba Gombo for alleged crimes in the Central African Republic (CAR). The upcoming opening of the Bemba trial is yet another step forward in the Court's work to prosecute the gravest crimes, the Coalition for the International Criminal Court said today.

"Victims and civil society in the Central African Republic have long sought justice for the terrible crimes Mr. Bemba is accused of committing," said William R. Pace, Convenor of the Coalition. "The Coalition for the ICC will monitor the trial closely to ensure core principles are respected, including fair trial guarantees and the right of victims to participate in proceedings," he added. "The Coalition will support the Court in its efforts to bring the trial closer to victims and their communities, including relevant outreach activities. We also urge all organs of the Court to better explain and to make every effort to reduce the long delays between arrests and trials."

Two years after Bemba's arrest, more than seven years after the commission of the alleged crimes and two postponements of the trial later, expectations are high around the Court's first and only case in its CAR investigation. "The opening of the Bemba trial will be a historical moment for victims from the Central African Republic" said Lucille Mazangue from the Coalition of the Central African Republic for the ICC. "Although the trial's many postponements were a setback for the victims, they still hope that the ICC will bring them justice," Mazangue stated. She noted that the longer the trial takes, the greater the risk that evidence fades - notably with the passing of victims - and the greater victims' expectations can get. "We hope that the Bemba trial will be held with due process and without any excessive delays," she added.

Jean-Pierre Bemba is charged with command responsibility for crimes against humanity (rape and murder) and war crimes (rape, murder and pillaging) allegedly committed in CAR from 26 October 2002 to 15 March 2003. The prosecution has informed judges that 14 witnesses will testify as victims of rape and sexual violence or as experts on gender crimes.

"This trial breaks new ground for the ICC, with evidence of sexual violence comprising a significant part of the Prosecution's case, and as the first ICC trial to charge an accused for command responsibility for rape," Brigid Inder, Executive Director of Women's Initiatives for Gender Justice said. "While we remain concerned by the Pre-Trial Chamber's decision to not confirm all the charges for sexual violence, we urge the Trial Chamber to admit evidence of the full range of harm suffered by victims/survivors of these crimes," Inder added. "The Bemba trial presents an opportunity for the Court to say firstly to women, that crimes of sexual violence are important

enough to prosecute those who commit such acts; and secondly to leaders of armed forces and militias, that should they fail to prevent or punish subordinates for gender-based crimes, they will be held accountable.”

A groundbreaking feature of ICC trials is the right of victims to participate in judicial proceedings. 134 victims were authorized by Trial Chamber III to participate in the trial through their legal representative, lawyer Marie Edith Douzima Lawson. The Chamber is currently processing further 1200 victims' applications. “The number of victims applying to participate in this trial is unprecedented. Hundreds of victims of rape, murder and pillage have exercised their rights by requesting to take part in the proceedings,” said Souhayr Belhassen, President of the International Federation for Human Rights (FIDH). “FIDH welcomes the upcoming opening of this first trial on serious crimes committed in the Central African Republic as it will help to break the silence and the stigmatization of victims of rape, which was widely used as a weapon of war in the CAR. We hope this trial will shed light on the atrocities committed in the CAR in 2002-2003. We also plead strongly for the prosecution of others involved in the commission of crimes at the time, including other parties to the conflict,” she added.

Jean-Pierre Bemba was the President and Commander in chief of the “Mouvement de Libération du Congo” at the time of the commission of the alleged crimes. He is also the former Vice-President of the Democratic Republic of Congo (DRC) and a senator in the DRC Parliament. Bemba is defended by lawyers Nkwebe Liriss and Aimé Kilolo-Musamba.

Background

The arrest warrant against Jean-Pierre Bemba Gombo for alleged war crimes and crimes against humanity was announced by the ICC on 24 May 2008, at the time of his arrest in Belgium. Bemba was transferred to the ICC's Hague detention centre on 3 July 2008. Following a number of status conferences and a three-day confirmation of charges hearing in January 2009, ICC Pre-Trial Chamber II confirmed charges of war crimes and crimes against humanity for Jean-Pierre Bemba Gombo, sending his case to trial.

The ICC's investigation in the CAR was opened by the Prosecutor on 22 May 2007, following a referral by the CAR government on 7 January 2005. The Bemba trial is the Court's third trial, with two other trials ongoing for Congolese warlords Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui.

The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity and genocide. 114 states are party to the ICC's treaty. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute. To date, the ICC has opened five investigations in the CAR, Darfur, Sudan, Uganda, Democratic Republic of Congo and Kenya. It has publicly issued twelve arrest warrants and three summonses to appear. The ICC Office of the Prosecutor has made public that it is examining at least eight situations on four continents, including Afghanistan, Colombia, Côte d'Ivoire, Georgia, Guinea and Palestine.

The Coalition for the International Criminal Court (CICC) includes 2,500 civil society organizations in 150 different countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide.

CICC NGO experts are available for interviews and background. List available upon request to maillet@coalitionfortheicc.org or rodriguez@coalitionfortheicc.org

For additional information, please visit the Coalition's website at: <http://www.coalitionfortheicc.org/?mod=car>

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