



**Questions & Answers:  
Confirmation of Charges Hearing -- THE PROSECUTOR  
VS. JEAN-PIERRE BEMBA GOMBO  
12 January 2009**

**What is a “confirmation of charges hearing”?**

The purpose of the Court's third confirmation of charges hearing is for ICC Pre-Trial Chamber III (‘the Chamber’) to determine whether the charges brought by ICC Prosecutor Luis Moreno-Ocampo against Jean-Pierre Bemba Gombo should be confirmed, sending his case to trial. Article 61 of the Rome Statute contains the legal basis for confirming charges brought by the prosecutor.

Prior to the start of the hearing, the Presiding Judge of the Chamber will establish the order and the conditions for presenting evidence at the hearing.

**Who is Jean-Pierre Bemba Gombo:** Bemba was the alleged president and commander in chief of the “Mouvement de Libération du Congo” (MLC). He is the former vice-president of the Democratic Republic of Congo (DRC) and a senator in the DRC Parliament. Judges will examine charges relating to crimes allegedly committed in the neighboring Central African Republic (CAR). He is the first suspect and the first detainee in the situation of the Central African Republic (CAR). On 23 May 2008, the ICC issued an arrest warrant for Jean-Pierre Bemba Gombo, which was made public on 24 May 2008 when he was arrested by Belgian authorities. He was transferred to The Hague on 3 July 2008.

**When will the confirmation of charges hearing take place?**

The hearing will take place on 12 January 2009. The hearing was postponed twice by the Chamber. It was initially scheduled for 4 November 2008 and then 8 December 2008.

**Who will be involved in the hearing?**

The full bench of Pre-Trial Chamber III (composed of Presiding Judge Ekaterina Trendafilova, Judge Hans-Peter Kaul, and Judge Mauro Politi) will be involved. So too will the Office of the Prosecutor (OTP), the Defense (the suspect and his counsels) and the Legal Representative of Victims whom the Chamber has granted the right of participation. Bemba’s team of lawyers includes Principal Counsel Nkwebe Liriss and Karim A.A.Khan as well as Associate Counsel Aimé Kilolo Musamba. The ICC Registry is responsible for courtroom services. The legal representatives for victims will be Marie Edith Douzima-Lawson and the Office of Public Counsel for Victims (OPCV). Nganatouwa Goungaye Wanfiyo, former president of the Central African League of Human Rights (LCDH), was initially to represent victims in the case but was recently killed in a car accident while gathering evidence.

**What are the charges to be confirmed?**

Bemba is alleged to have committed three counts of crimes against humanity and five counts of war crimes in the Central African Republic (CAR) from 25 October 2002 to 15 March 2003. The alleged acts include rape; torture; murder; outrages upon personal dignity, in particular humiliating and degrading treatment; and pillage of a town or place.

**Will victims participate?**

As of the time of the hearing, 54 applicants have been granted the right to participate in the public sessions of the confirmation hearing. Victims will participate through their legal representatives, which include Marie Edith Douzima-Lawson and Office of Public Counsel for Victims (OPCV)’s head Paolina Massida. Other participants in the hearing will refer to the victims by reference to their application number. Victims may make opening and closing statements, have access to the public record of the case and to public evidence, have access to transcripts of public sessions of the hearing, make succinct oral and written submissions after being authorized by the Chamber and if the Chamber deems that their interests

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are affected by the issue under examination. Victims must also be notified of public decisions and filings as well as of the outcome of the hearing.

### **How will the hearing proceed?**

At the outset of the hearing, the presiding judge will ask all parties if they have any objections or observations regarding the proper conduct of the proceedings.

The prosecutor will first submit evidence in support of the alleged crimes. The defense is then expected to submit evidence to dispute the prosecution's charges, or cast doubt on Bemba's responsibility and involvement in the perpetration of the alleged crimes. The parties will then be permitted to make final observations.

Once the hearing is concluded, the Chamber has 60 days to issue a decision regarding the alleged charges.

### **What type of decision can the judges make?**

Trial Chamber III judges have three options for their decision:

- 1) Confirm the charges and move the case against Jean-Pierre Bemba Gombo to trial;
- 2) Reject the charges due to insufficient evidence;
- 3) Adjourn the hearing and request the prosecutor to (i) consider providing further evidence or conducting further investigation with respect to a particular charge, or (ii) amend a charge to better conform with the evidence submitted.

If the chamber declines to confirm a charge, the prosecutor can subsequently resubmit the charge for confirmation based on additional supporting evidence. If, however, the charges have been confirmed by the chamber and the case is committed to trial, the prosecution may – after having notified the accused – still ask the chamber for more time to amend the charges. An additional confirmation of charges hearing must be held if the prosecution seeks to add charges or allege more serious charges.

If the chamber confirms some of the charges but adjourns the hearing on other charges, the chamber can decide whether to postpone Bemba's trial proceedings for the confirmed charges until the hearing to confirm all charges has been resumed. The office of the prosecutor as well as the defense and the ICC presidency will be notified once the chamber has made a decision on the charges and on a subsequent trial. If appropriate, the presidency will then assemble a trial chamber that will be responsible for conducting the trial.

### **Who can observe the hearing?**

The hearing, which will be held at ICC headquarters in The Hague, is open to the general public, including members of civil society as well as the media.

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