

**FOR IMMEDIATE RELEASE**

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First ICC witness tampering trial to open

Jean-Pierre Bemba and four Congolese nationals suspected of corruptly influencing witnesses

The Hague—The opening tomorrow, 29 September, of the first International Criminal Court (ICC) witness tampering trial sends a clear message to anyone attempting to interfere in the administration of international justice, the Coalition for the ICC said today.

ICC Prosecutor Fatou Bensouda alleges that, since early 2012, defense witnesses testifying in the now-concluded ICC trial of Congolese politician Jean-Pierre Bemba were given money and instructions to provide evidence and testimony that they knew to be false or forged.

Bemba has been implicated in the alleged criminal scheme along with four Congolese nationals. All face charges of offences against the administration of justice under Article 70 of the Rome Statute—the ICC’s founding treaty.

The four other accused are: Aimé Kilolo-Musamba, Bemba’s lead defense counsel; Jean-Jaques Mangenda Kabongo, also part of Bemba’s defense team; Fidèle Babala Wandu, a member of the DRC parliament and deputy secretary general of Bemba’s Movement for the Liberation of Congo; and Narcisse Arido, a defense witness in the case.

“The protection of witnesses bravely participating in ICC trials is crucial for their safety as well as to the integrity of the Court’s judicial proceedings. This trial is a clear warning to anyone attempting to interfere in the administration of international justice,” **said William R. Pace, convenor of the Coalition for the International Criminal Court.** “The Bemba case has highlighted the potential influence that high-ranking and powerful suspects could have on the fair trial process even, as it is alleged, from a prison complex in The Hague.”

Four were granted interim release but must be present for their trial. Bemba remains in ICC custody having been refused interim release on several occasions.

“Witness tampering is a problem that we are seeing across several cases at the ICC. It is a very serious offense and it is critical that allegations of witness interference and bribery are prosecuted, in order to ensure fair ICC trials and genuine access to justice for the victims of the crimes under the ICC’s jurisdiction,” **said Mariana Pena, legal officer at the Open Society Justice Initiative.**

Although not core ICC crimes, offenses such as witness interference can have a great impact on the reliability of evidence submitted at trial and the ability of the judges to make an impartial judgment based on sound evidence.

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The ICC prosecutor is also currently seeking the arrest and transfer of three Kenyans suspected of interfering with witnesses in the cases involving Kenyan President Uhuru Kenyatta and Deputy President William Ruto and broadcaster Joshua Sang.

“Governments must also do much more to assist the ICC in protecting witnesses by entering into relocation agreements and providing the Court with technical assistance when needed,” **Pace continued.**

Bemba’s trial for crimes against humanity and war crimes allegedly committed by his militia, *the Movement for the Liberation of Congo*, in the Central African Republic in 2002-3 concluded in November 2014. A verdict is expected later this year.

The trial opening on 29 September is separate from the original Bemba case and is taking place before a different ICC trial chamber.

BACKGROUND: The ICC is the world’s first permanent international court to have jurisdiction over war crimes, crimes against humanity, and genocide. 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 perpetrators of genocide, crimes against humanity and war crimes.

There are currently nine active investigations before the ICC: the Central African Republic I & II; DRC; Darfur, Sudan; Kenya; Libya; Uganda; Côte d’Ivoire and Mali. The ICC has publicly issued 34 arrest warrants and nine summonses to appear. Two trials are ongoing. There have been two convictions and one acquittal.

Nine preliminary examinations are currently ongoing, including into situations in Palestine, Honduras, Ukraine, Iraq, Afghanistan, Colombia, Georgia, Guinea and Nigeria. The Office of the Prosecutor has concluded preliminary examinations relating to Venezuela, Palestine, the Republic of Korea and the Comoros referral, declining in each case to open an investigation.

The Coalition for the International Criminal Court is a global network of civil society organizations in over 150 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. www.coalitionfortheicc.org.