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Jean-Pierre Bemba guilty in landmark ICC trial

Conviction of Congolese militia leader a victory for accountability for high ranking leaders and eradication of rape as a weapon of war says global civil society

The Hague—Today’s guilty verdict in the case against Jean-Pierre Bemba, a Congolese politician and militia leader, is a victory for accountability under “command responsibility” and the eradication of rape as a weapon of war, the Coalition for the ICC said today.

At a public hearing in the ICC’s new permanent premises in The Hague, ICC Trial Chamber III convicted Bemba—commander-in-chief of the rebel group Mouvement de Libération du Congo (MLC) and a former vice-president of the Democratic Republic of Congo—of war crimes and crimes against humanity against civilians committed by troops under his control during an unsuccessful MLC operation to suppress a 2002 coup d’état in the Central African Republic (CAR).

Civil society reactions

“Today’s judgment is another landmark in the short history of the ground-breaking International Criminal Court. By holding a high ranking politician and militia leader to account for atrocities committed by subordinates, this case further cements “command responsibility” in international law, an idea borne of Nazi crimes in the Second World War and developed by the temporary ad hoc tribunals for Sierra Leone, Rwanda and the former Yugoslavia,” **said William R. Pace, convenor of the Coalition for the ICC.** “Mass crimes involve a level of planning at the highest levels and it is for this reason that the international community agreed to prohibit immunities in the Rome Statute, the ICC’s founding treaty, and bring to justice those most responsible for grave crimes.

“Victims in the Central African Republic are relieved by this ICC decision declaring Jean-Pierre Bemba guilty,” **Bruno Hyacinthe Gbiegba, coordinator, of the Central African Republic Coalition for the ICC.** “All they are now waiting on is for his sentence, and for their compensation within a reasonable time after years of stressful waiting.”

“The paramount importance of this verdict cannot be overstated. It is a landmark along the road to justice for victims of crimes of sexual violence as it is the first conviction of this kind in the ICC. This trial contributed to raising the awareness about the consequences of these atrocious crimes on victims and their lives.” **said André Olivier Manguereka, president of the Central African League for Human Rights.**

“We have closely monitored the ICC case against senator Jean Pierre Bemba and welcome today’s decision today as a victory for victims of murder, rape and pillaging at the hand of the MLC in the Central African Republic. This decision strengthens the ICC’s its credibility in Africa where it is accused of bias and politicization,” **Descartes Mponge, secretary general**

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of the NGO ACADHOSHA, member of the DRC National Coalition for the ICC. We believe that the Court has given arguments that help to understand the establishment of the guilt of the accused. The Court's decision constituted a reparation for victims and reassures them of guarantees of non-repetition, at a time when violence in the Central African Republic is on the rise, after a period in which violations of human rights and international humanitarian law took a heavy toll on the population."

"Military and political leaders are responsible for the actions of their troops. If they know or should know about the crimes their troops are committing they will be held accountable if they do not prevent or punish them," **said Marceau Sivieude, director of operations with the International Federation for Human Rights**, who co-drafted the the FIDH report on the CAR crimes referred to by Presiding Judge Steiner during today's hearing.

The importance of civil society support to the Court and the Rome Statute system of justice could not be clearer than in this case. FIDH and its member organizations in CAR were instrumental in documenting wide spread sexual violence and other crimes after they occurred, and throughout the trial and today, civil society have encouraged and assisted victims to participate in the trial.

Bemba verdict explained

The "command responsibility" Bemba trial focused largely on whether he possessed authority but failed to properly prevent, repress, investigate, and prosecute crimes he should have known were being committed.

In their unanimous decision, judges said Bemba was responsible for murder and rape, both as crimes against humanity and war crimes, and for pillaging as a war crime. They determined that the prosecution's evidence demonstrated beyond a reasonable doubt Bemba's effective command over MLC troops in the Central African operation. Judges further determined that Bemba showed disregard for international humanitarian law principles during his operational command and failed to respond appropriately to reports of pillaging, rapes, and murders.

The Chamber also found beyond reasonable doubt that MLC troops murdered, raped and pillaged in various locations in CAR during the conflict, indiscriminately targeting civilians, including the elderly, men, women and children. Presiding judge Silvia listed harrowing accounts of rape of women, girls and men by MLC soldiers.

Judges found beyond responsible doubt that Bemba had the primary authority covering the MLC political and military spheres, taking the most important decisions, controlling funding, directly communicating with field commanders, had a well developed reporting system, had disciplinary powers and the ability to send or withdraw troops. Rejecting defense arguments, the Chamber said MLC forces communicated and cooperated with CAR authorities but were not subordinated to the CAR military hierarchy. They said the evidence showed that Bemba had effective control over the MLC at all relevant times.



Further civil society reactions

“This trial has also underlined the crucial role state cooperation plays in successful international prosecutions. The government of the Central African Republic asked for the ICC’s assistance after it found it could not deal with the crimes domestically, while Belgian and Congolese authorities have provided invaluable assistance in bringing Bemba to justice,” **Pace continued.** “While lessons must be learned from the delays in proceedings that have frustrated many victims, this trial has demonstrated the impact that international justice can have in addressing some of the most pressing issues of our time: lawlessness, impunity, and rape as weapon of war.”

“The heavy focus of this case on the use of rape to terrorize civilians is a huge step towards eliminating sexual and gender-based crimes in conflict. Rape is now well established as a war crime and a crime against humanity,” **said Jelena Pia-Comella, Deputy Executive Director of the Coalition for the ICC** “This is also the first international war crimes case where the bench is exclusively composed of female judges.”

The defense can appeal the judgment, which is the Court’s fourth to date.

Bemba’s sentencing may take into account the duration of his imprisonment to date, including the amount of time he has been detained while awaiting the conclusion of his case at the ICC.

As the Bemba trial was concluding, the ICC prosecutor [brought charges](#) against Bemba and four associates for suspected witness tampering. Those charges are being dealt with in a separate trial that began in September 2015.

More information

[Bemba verdict: First ICC command responsibility trial – all you need to know](#)

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 **ten active investigations** before the ICC: the Central African Republic I & II; Democratic Republic of Congo; Darfur, Sudan; Kenya; Libya; Uganda; Côte d’Ivoire; Mali and Georgia. The ICC has publicly issued **33 arrest warrants** and nine summonses to appear. **Four trials are ongoing**. There have been two convictions and one acquittal. **Seven preliminary examinations** currently ongoing, including into situations in Afghanistan, Colombia, Guinea, Palestine, Iraq/UK, Nigeria and Ukraine. The OTP has concluded



preliminary examinations relating to Honduras, Venezuela, Palestine, the Republic of Korea and the Comoros referral, declining in each case to open an investigation.

About us

The **Coalition for the International Criminal Court** is a global network of civil society organizations in 150 countries fighting for justice to victims of war crimes, crimes against humanity and genocide through national courts and the international Criminal Court.

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