

Ground-breaking case for the ICC reaches closing stages

Closing Oral Statements in the ICC Trial of Jean-Pierre Bemba Gombo

The Prosecutor v. Jean-Pierre Bemba Gombo

11 November 2014

Tomorrow, the closing oral statements are commencing in the case against Jean-Pierre Bemba Gombo (Bemba) before Trial Chamber III of the International Criminal Court (ICC).

‘The Bemba Trial has broken new ground for the ICC, with evidence of sexual violence and charges for gender-based crimes comprising a significant part of the Prosecution case’, said Brigid Inder, Executive Director of the Women’s Initiatives for Gender Justice.

Bemba, a Congolese national, has been charged as a military commander with two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape and pillaging) in his alleged capacity as President and Commander-in-Chief of the *Mouvement de libération du Congo* (MLC). The crimes were allegedly committed by the MLC between 25 October 2002 and 15 March 2003 on the territory of the Central African Republic (CAR).

The Bemba case marks the first case before the ICC that an accused has been charged with command responsibility, including for acts of rape committed by members of the militia group over which he exercised control.

‘This trial has involved the largest number of witnesses for sexual violence in any ICC case to date, with 14 out of 40 Prosecution witnesses having testified about rape and other forms of sexual violence allegedly committed by the MLC under Bemba’s command’, said Inder.

‘Even nine of the 34 witnesses called by the Defence testified to the charges of rape. Interestingly, the Defence did not try to disprove the allegations that rape occurred, rather it focused on introducing testimony suggesting that rape was committed not by Bemba’s soldiers, but by other actors, primarily the rebel factions within CAR’, Inder explained.

On 20 November 2013, shortly after the conclusion of Defence testimony in the Bemba case, a warrant of arrest was issued against Bemba and four members associated with his Defence, alleging offences against the administration of justice under Article 70 of the Statute, including witness tampering and evidence forgery. On 11 November 2014, the charges were confirmed against Bemba and four members associated with his Defence.

‘These allegations suggest that witnesses were forced or encouraged to provide false testimony and that members of Bemba’s Defence team intentionally presented evidence including documents which they knew to have been forged. Significantly these allegations call into question the veracity of the statements made by seven of the nine Defence witnesses who testified that the rapes alleged in this case were not committed by the MLC but by combatants of other rebel groups’, said Inder.

Given that no gender-based crime charges were sought in the case against Thomas Lubanga Dyilo, that the Trial Chamber acquitted Mathieu Ngudjolo Chui of all crimes charged, and Germain Katanga

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was acquitted for all sexual violence charges, to date, there have been no convictions for gender-based crimes in the ICC's three Trial Judgments.

'We hope this case will change that record and usher in a new era of accountability for sexual violence before the ICC', said Brigid Inder.

'The Women's Initiatives for Gender Justice has worked in CAR since 2006 and we have met with many women's rights organisations who described the brutality of the violence committed in the 2002-2003 period', said Inder.

'Many of these organisations were formed in response to the large numbers of women who were raped during the attempted coup d'état and the following period of instability and violence. We interviewed women victims/ survivors of sexual violence allegedly committed by 'Bemba's men', learning of the repercussions they, and others, faced. Many were rejected by their families, ostracised by their communities, contracted HIV, gave birth to children as a result of rape and continue to experience medical and psychological complications and high levels of violence-related trauma', said Brigid Inder.

The Women's Initiatives for Gender Justice is an international women's human rights organisation that advocates for gender justice through the International Criminal Court (ICC) and through domestic mechanisms, including peace negotiations and justice processes, and works with women most affected by the conflict situations under investigation by the ICC. The Women's Initiatives has extensive country-based programmes in selected conflict sites and legal monitoring initiatives in all situations under investigation by the ICC.

For more information about the Situation in the CAR and the case against Bemba, see *Gender Report Card 2013*, p 105-115; *Gender Report Card 2012*, p 252-261; *Gender Report Card 2011*, p 234-262; *Gender Report Card 2010*, p 113-118; *Gender Report Card 2009*, p 63-67; *Gender Report Card 2008*, p 50-51.

Read the full statement by the Women's Initiatives for Gender Justice on the Opening of Bemba's Trial http://www.iccwomen.org/documents/Bemba_Opening_Statement.pdf.pdf

View comments on Bemba Trial by the Women's Initiatives for Gender Justice Executive Director Brigid Inder on Al-Jazeera http://www.iccwomen.org/news/berichtdetail.php?we_objectID=90

Read post on the IntLawGrrls blog by the Women's Initiatives for Gender Justice on prosecution of gender-based crimes in the Bemba case
http://www.iccwomen.org/news/berichtdetail.php?we_objectID=36

Read *Amicus curiae* observations by the Women's Initiatives for Gender Justice in the Bemba case http://www.iccwomen.org/publications/articles/docs/Legal_Filings_submitted_by_the_WIGJ_to_the_International_Criminal_Court_2nd_Ed.pdf

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Read the full statement by the Women's Initiatives for Gender Justice on the ICC decision to omit charges for gender-based crimes against Jean-Pierre Bemba Gombo

<http://www.iccwomen.org/news/docs/Statement---PTC-Decision-on-Bemba.pdf>

Read the full statement by the Women's Initiatives for Gender Justice on Bemba's arrest

http://www.iccwomen.org/news/berichtdetail.php?we_objectID=60

For more information about the recent conflict in the CAR, read the two Women's Voices Special Issues on the CAR by the Women's Initiatives for Gender Justice available at

<http://www.iccwomen.org/news/docs/WI-WomVoices7-14/WomVoices7-14.html> (Special Issue #1)

and <http://www.iccwomen.org/news/docs/WI-WomVoices8-14/WomVoices8-14.html> (Special Issue #2)

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