



**Mission Viejo High School Model United Nations
29th Annual Conference
*"Through the Fire the Spirit is Forged"***



Topic Synopsis

ICC, The Prosecutor v. Jean-Pierre Bemba Gombo

IMPORTANT! You need to send your first and last name to mvhsmunicc@gmail.com by January 4th in order to have a personalized placard for the conference.

Hello justices! My name is Christine Cheung, and I am going to be one of your chairs for the ICC. The International Criminal Court (ICC), governed by the Rome Statute, is the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. The ICC is an independent international organization, and is not part of the United Nations system. Its seat is at The Hague in the Netherlands. Although the Court's expenses are funded primarily by States Parties, it also receives voluntary contributions from governments, international organizations, individuals, corporations and other entities.

Background:

NOTE: The case of the Prosecutor v. Jean-Pierre Bemba Gombo is fairly new, dating from May of 2008. Therefore, some aspects of the case have been fabricated so that you, as the judges, can fully complete your Preliminaries.

From October 26, 2002 through March 5, 2003, an "armed conflict not of international character took place in the Central African Republic (CAR)." During this period, the president of the CAR, Ange-Félix Patassé, allied with the forces of Jean-Pierre Bemba Gombo, President and Commander-in-Chief of the Movement de Liberation du Congo (Movement for the Liberation of Congo, MLC). Gongo, a citizen of the Democratic Republic of the Congo, was arrested on 24 May 2008 by the Kingdom of Belgium based on a warrant issued by the ICC on the day before. Mr. Bemba, accused of war crimes and crimes against humanity, was detained and is now being held at the Detention Centre in The Hague, in The Netherlands. He has not been permitted to leave the Centre and be free before the event of his trial. As the leader of the MLC, it is argued that Bemba had the responsibility to control his troops and prevent them from the violent and severely inappropriate actions they took against the civilian population. Many attacks made by Bemba's troops in the CAR were widespread and systematic. One such example was in Bangui, Boy-Rabé, during which the attack was carried out on a "large scale and targeted a significant number of civilian victims." An issue that is presented is the violation of article 28 of the Rome Statute, which the CAR ratified in October of 2001. This article outlines the criminal responsibility of a "military commander or superior" over his or her troops in the event of any form of war or attack. Thus, Mr. Bemba technically assumes responsibility for the actions of not only himself, but the forces of the MLC as well.

Plaintiff:

The Prosecutor has accused Jean-Pierre Bemba Gombo of a multiplicity of crimes. He has been charged with two crimes against humanity: rape and murder. In addition, the war crimes he has been charged with include war, pillaging, and rape. These crimes were allegedly committed during the armed conflict in the CAR in the time period between October 2002 and March 2003.



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The plaintiff also brings up the Rome Statute, which confirms the amount of responsibility that Bemba has over his troops. Further, it is claimed that Mr. Bemba was fully aware of the fact that the MLC was committing such crimes and he did not take all possible, necessary, and reasonable actions to deal with the situation.

Defendant:

Primarily, Mr. Bemba's defense argues over the admissibility of the case in the ICC. There are three main reasons for this that were presented. Firstly, the CAR courts were able to conduct the case themselves, and under the Rome Statute, "the ICC is a court of last resort, and does not have jurisdiction when states are willing and able to conduct genuine legal proceedings." Second, the defense argues that under Article 17 of the Rome Statute, the ICC can only become involved where the "worst" crimes have been committed. According to the defense, the alleged crimes of Mr. Bemba are not severe enough to draw the focus of the court. Lastly, Mr. Bemba apparently suffered from "abuses of the judicial process." These include accusations against the prosecution such as failure to promptly disclose evidence and "misuse of the judicial process for political purposes." Further, they claimed that Bemba's transfer to the ICC was "unlawful." Thus, the case of Mr. Bemba would be unable to receive a just trial and the case should not have reached the ICC to start with. Therefore, the defendant claims that the case should be dismissed. However, the defense also mentions that the MLC troops that primarily acted out in violence and participated in the rapes and pillages were individual groups and were acting not through orders of Mr. Bemba.

Witnesses:

MLC officer
CAR civilian, victimized by the actions of the MLC
President Ange-Félix Patassé
MLC soldier
Civilian who was at the attack at Bangui, Boy-Rabé
CAR soldier who defended his hometown
Recruit of the MLC
CAR civilian who survived an attack by the MLC

Things to Consider:

Is this even a case that the ICC should be dealing with?
Is Mr. Bemba responsible for the actions of the troops?
What crimes should Mr. Bemba be charged with (which individual crimes, if not all)?

Documents:

The Rome Statute

Sources:

<http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Situations/Situation+ICC+0105/Related+Cases/ICC+0105+0108/Case+The+Prosecutor+v+Jean-Pierre+Bemba+Gombo.htm>



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http://en.wikipedia.org/wiki/Jean-Pierre_Bemba#Arrest_and_trial

<http://www.iccnw.org/?mod=bemba>

<http://www.hpcrresearch.org/blog/dustinlewis/2010-11-22/icc-trial-against-jean-pierre-bemba-gombo-begins>

<http://www.fidh.org/Jean-Pierre-Bemba-Gombo-Before-the-Judges>

<http://www.bembatrial.org/trial-background/who-is-jean-pierre-bemba-gombo/>



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