

**Transitional Justice Initiatives for Victims in the Central African Republic:  
A Case Study of the ICC Prosecution against Jean-Pierre Bemba Gombo**

Alexane Boulogne

Student number: 2741288

Utrecht University

August 1st, 2024

A Thesis submitted to the Board of Examiners in partial fulfillment of the requirements of the degree of Master of Arts in Conflict Studies & Human Rights

Supervisor: Dr. Iva Vukušić, PhD

Second reader: Dr. François Lenfant, PhD

Date of submission: August 1st, 2024

Trajectory: Lab, 15 ECTS

Word count: 11 145 words

## Summary

This thesis explores the feelings expressed by non-governmental organizations and victims regarding the International Criminal Court Appeals Chamber's acquittal of Jean-Pierre Bemba Gombo in June 2018, as well as their participation in the proceedings concerning the atrocities allegedly committed by the Movement for the Liberation of Congo forces. Using reflective thematic analysis, the research captures feelings expressed following the acquittal, categorized into four themes: responses to the Chamber of Appeal's decision, perceptions of the Court as an institution, reflections on past participation at the Court, and assessments of reparative measures resulting from Bemba's prosecution. The findings indicate a predominantly negative perception of the Court and victim participation post-acquittal, echoing scholars' criticisms of transitional justice efforts. This implies the need for a more inclusive approach to victim participation that is aligned with restorative justice principles. The thesis utilized artificial intelligence tools such as ChatGPT and Grammarly to correct spelling and grammar errors and improve sentence clarity.

*Keywords:* Central African Republic, International Criminal Court, Transitional Justice, Retributive Justice, Restorative Justice, Victim Participation

## Table of Contents

Summary .....	3
List of Abbreviations .....	5
Chapter 1: Introduction .....	6
<b>1.1. Research Question .....</b>	<b>6</b>
<b>1.2. The International Criminal Court .....</b>	<b>7</b>
<b>1.3. The Prosecutor v. Jean-Pierre Bemba case .....</b>	<b>10</b>
<b>1.4. Methods.....</b>	<b>13</b>
Chapter 2: Theoretical Framework .....	16
<b>2.1. Transitional Justice.....</b>	<b>16</b>
2.1.1 <i>Definitions</i> .....	16
2.1.2. <i>Relevance of Restorative Justice Efforts</i> .....	17
2.1.3. <i>Limitations Restorative Justice Efforts</i> .....	18
2.1.4. <i>Non-mainstream Transitional Justice Framework</i> .....	20
<b>2.2. Victims as agents in the justice process.....</b>	<b>20</b>
Chapter 3: Victim Participation at the ICC .....	24
<b>3.1. Registration of victims .....</b>	<b>24</b>
<b>3.2. Submitting views and concerns.....</b>	<b>25</b>
<b>3.3. Testifying .....</b>	<b>26</b>
<b>3.4. Trust Fund for Victims.....</b>	<b>27</b>
<b>3.5. Victim participation in The Prosecutor v. Jean-Pierre Bemba case .....</b>	<b>28</b>
Chapter 4: Analysis.....	30
<b>4.1. General Findings .....</b>	<b>30</b>
<b>4.2. Thematic Findings .....</b>	<b>31</b>
4.2.1. <i>What feelings have NGOs and victims expressed regarding the ICC Appeals Chamber's decision to acquit Bemba?</i> .....	31
4.2.2. <i>What feelings have NGOs and victims expressed regarding the ICC as an institution?</i> .....	34
4.2.3. <i>What feelings have NGOs and victims expressed regarding the reparative measure for the case?</i> .....	36
4.2.4. <i>What feelings have victims expressed regarding testifying at the Court?</i> .....	39
Chapter 5: Conclusion.....	41
<b>5.1. Findings.....</b>	<b>41</b>
<b>5.2. Limitations and avenues for further research.....</b>	<b>45</b>
References.....	47

## List of Abbreviations

<b>Abbreviation</b>	<b>Definition</b>
ICC, Court	International Criminal Court
NGO	Non-governmental organizations
MLC	Movement for the Liberation of Congo
Bemba	Jean-Pierre Bemba Gombo
CAR	Central African Republic
LCDH	Ligue Centrafricaine des Droits de l'Homme
FIDH	Fédération Internationale pour les Droits Humains
OCDH	Observatoire Centrafricain des Droits de l'Homme
AFJC	Association des Femmes Juristes de Centrafrique
AVLRAC	Association des Victimes de la LRA en Centrafrique
ASF/ RCA	Avocates Sans Frontières Centrafrique
RONGDH	Réseau des ONG Centrafricains pour la Défense et la Promotion des Droits de l'Homme
UN	United Nations
RJDH	Réseau Centrafricains des Journalistes pour les Droits de l'Homme

## Chapter 1: Introduction

### 1.1. Research Question

Since its establishment on July 2, 2002, the International Criminal Court (“ICC” and “the Court” hereinafter) has secured the authority to prosecute war crimes, crimes against humanity, genocide, and crimes of aggression through referrals and in countries signatory of the Rome Statute.<sup>1</sup> Despite its aim to account for grave violations of fundamental rights, victims often feel marginalized during legal proceedings. Although Article 68(3) of the Rome Statute grants victims the right to participate,<sup>2</sup> scholars highlight its potential to impose additional psychological and physical burdens on witness victims and those unable to attend trials for various reasons.<sup>3</sup> This thesis aims to explore an ICC case involving a large number of victims who not only participated in the Court’s proceedings but also played a pivotal role in the accused’s initial conviction. This case holds particular significance because the Court’s decision to acquit the defendant was met with profound disappointment from participating victims and various civil society organizations that represented their rights and supported the legal process. Thus, this case holds significant academic and social relevance, fueling debates on the merits of victim participation in international criminal trials and highlighting the roles of civil society organizations advocating for victims’ rights.

This thesis aims to address the following question: “Following the ICC Appeals Chamber’s acquittal of Jean-Pierre Bemba Gombo in June 2018, what feelings have non-governmental organizations and victims expressed regarding the trial’s outcome and their participation in the proceedings concerning the atrocities allegedly committed by the Movement for the Liberation of Congo forces?”<sup>4</sup> In this research feelings are considered as subjective and evaluative mental experiences, which people use to judge different experiences as either positive, characterized by a pleasant experience, or negative, characterized by an unpleasant experience.<sup>5</sup> Furthermore, a non-governmental organization (“NGO” hereinafter) is defined as “a voluntary group of individuals or organizations, usually

---

<sup>1</sup> Rome Statute of the International Criminal Court, *opened for signature* 17 July 1998, 2187 U.N.T.S. 90 (entered into force 1 July 2002).

<sup>2</sup> Ibid.

<sup>3</sup> Charles P Trumbull, “The Victims of Victim Participation in International Criminal Proceedings,” *Michigan Journal of International Law* 29, (2008): 777–826.

<sup>4</sup> Hereinafter the “Movement for the Liberation of Congo” as “MLC”, and “Jean-Pierre Bemba Gombo as “Bemba” as per ICC legal documents.

<sup>5</sup> American Psychological Association, April 19, 2018, <https://dictionary.apa.org/feeling>.

not affiliated with any government, formed to provide services or advocate for public policy.”<sup>6</sup>

To address this research question, contextual information will be provided on the ICC and the case under study: *The Prosecutor v. Jean-Pierre Bemba*. This thesis will outline the methods used to answer the research question. Considering that the research will be explored within the transitional justice framework, with a focus on victim participation as a restorative justice effort, both constructs will be defined. Additionally, victim participation initiatives within the ICC, and specifically those for the case under study will be examined. A reflexive thematic analysis will be conducted to capture the diverse feelings expressed in light of Bemba’s acquittal. The findings from this analysis will be discussed in the context of restorative justice, with particular emphasis on the criticisms scholars made about victim participation at the ICC.

## 1.2. The International Criminal Court

The ICC defines itself as a court that “investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity, and the crime of aggression.”<sup>7</sup> The Rome Statute, which defines the legal framework, jurisdiction, and functioning of the Court, came into force on July 1, 2002, thereby establishing the Court.<sup>8</sup> The establishment of the ICC stemmed from the 1990s ad hoc international tribunals like those for the former Yugoslavia and Rwanda.<sup>9</sup> It consists of the Presidency, Chambers, a Registry, and the Office of the Prosecutor, which has the power to investigate and prosecute.<sup>10</sup> The Registry is composed of a Victims Participation and Reparations Section, a Victims and Witnesses Unit, the Office of Public Counsel for Victims, and the Trust Fund for Victims.<sup>11</sup> The Registry is particularly

---

<sup>6</sup> Margaret P Karns, “Nongovernmental Organization,” Encyclopædia Britannica, accessed June 25, 2024, <https://www.britannica.com/topic/nongovernmental-organization>.

<sup>7</sup> ICC, “About the Court,” International Criminal Court, accessed June 12, 2024, <https://www.icc-cpi.int/about/the-court>.

<sup>8</sup> UN, “Rome Statute of the International Criminal Court,” United Nations Treaty Collection, accessed June 12, 2024, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-10&chapter=18&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=_en).

<sup>9</sup> HRW, “International Criminal Court,” Human Rights Watch, April 4, 2024, <https://www.hrw.org/topic/international-justice/international-criminal-court>.

<sup>10</sup> rep., *What Prospects for Justice in the Central African Republic? Complementarity between National and International Mechanisms: Status and Challenges* (FIDH, 2022): 4-48, 25.

<sup>11</sup> Ibid.

relevant for our case as it is responsible for granting individuals the status of “victims,” which allows them to participate in the proceedings and reparations program.<sup>12</sup>

The Court adheres to seven core principles. The ICC operates according to the principle of complementarity, trying individuals only as a last resort when local jurisdictions cannot prosecute.<sup>13</sup> The Court will initiate prosecutions only when a State party, signatory of the Rome Statute, or the United Nations Security Council submits a referral that grants the ICC jurisdiction over given crimes. The ICC was set up as an independent institution and strives to conduct fair trials where the accused is presumed innocent until proven guilty, has the right to a defense, and has their rights protected throughout the proceedings. The ICC aims to conduct fair trials while ensuring that victims have the right to participate in the proceedings by submitting views and concerns and acting as witnesses. The Court also strives to ensure their protection and psychological well-being. Finally, the Court relies on international cooperation for evidence gathering, arrests, convict surrenders, and enforcing sentences. Overall, the ICC is only concerned with atrocities affecting the international community due to their heinous nature.<sup>14</sup>

Although the ICC claims to be an impartial institution striving to ensure lasting peace and stability,<sup>15</sup> scholars Kersten, Wasonga, and Iaccino have argued that its prosecutions have become heavily politicized.<sup>16</sup> They claim that due to political pressures, the ICC operates within the limits of realpolitik, heavily depending on state parties' collaboration and international relations agreements.<sup>17</sup> Scholar Iaccino has further argued that the ICC's selective prosecution might be caused by implicit agreements, whereby prosecution is granted in exchange for access and support in investigations.<sup>18</sup> Finally, the ICC's selective

---

<sup>12</sup> ICC, “Case Information Sheet - the Prosecutor v. Jean-Pierre Bemba Gombo,” International Criminal Court, March 2019, <https://www.icc-cpi.int/sites/default/files/CaseInformationSheets/BembaEng.pdf>.

<sup>13</sup> ICC, “About the Court,” International Criminal Court, accessed June 12, 2024, <https://www.icc-cpi.int/about/the-court>.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Mark Kersten, “Whither the Aspirational ICC, Welcome the ‘Practical’ Court?,” web log, *EJIL:Talk!* (blog), May 22, 2019, <https://www.ejiltalk.org/whither-the-aspirational-icc-welcome-the-practical-court/>; Joseph Wasonga, “20 Years since the Rome Statute of the International Criminal Court: Status of International Rule of Law in Africa,” web log, *Knowledge Management Fund* (blog), accessed January 14, 2019, <https://www.kpsrl.org/blog/20-years-since-the-rome-statute-of-the-international-criminal-court-status-of-international-rule-of-law-in-africa>; Ludovica Iaccino, “Phil Clark: The ICC Has Been Used as a Weapon against Opponents,” JusticeInfo, December 4, 2018, <https://www.justiceinfo.net/en/39686-phil-clark-the-icc-has-been-used-as-a-weapon-against-opponents.html>.

<sup>17</sup> Mark Kersten, “Whither the Aspirational ICC, Welcome the ‘Practical’ Court?,” web log, *EJIL:Talk!* (blog), May 22, 2019, <https://www.ejiltalk.org/whither-the-aspirational-icc-welcome-the-practical-court/>.

<sup>18</sup> Ludovica Iaccino, “Phil Clark: The ICC Has Been Used as a Weapon against Opponents,” JusticeInfo, December 4, 2018, <https://www.justiceinfo.net/en/39686-phil-clark-the-icc-has-been-used-as-a-weapon-against-opponents.html>.



justice undermining its universal jurisdiction over atrocity crimes might be explained by the lack of Rome Statute signatories like the United States, China, and Russia.<sup>19</sup> As such, the ICC is viewed by some governments as a tool to target political opponents and non-state rebels rather than reprehensible government officials.<sup>20</sup> The Court has also been viewed as a neo-colonial institution.<sup>21</sup> Due to its prior focus on prosecuting Africa-based rebels and non-state actors, African leaders have argued that the ICC operates according to a Western neo-colonial agenda.<sup>22</sup> Furthermore, scholars have argued that the ICC's distance from local expertise and civil society, as well as its actions potentially preventing the development of domestic initiatives and courts, might reinforce this image of a neo-colonizer.<sup>23</sup>

Despite the ICC's current focus on investigating atrocities committed in Palestine and Ukraine, scholar Iaccino has argued that the Court's main issue is its tendency to solely prosecute African non-state actors. This appears to be caused by the Court's structural issues such as lack of funding and staff shortages.<sup>24</sup> This has led the ICC to become a "practical court,"<sup>25</sup> drifting away from its founding vision to ensure impunity for atrocity crimes where it has jurisdiction to prosecute.<sup>26</sup> Indeed, because of its limited resources, poor funding, and geopolitical constraints, the Court has had to reduce the number of cases, and the ongoing cases are viewed as ineffective.<sup>27</sup> This issue has also extended to the Court's limited capacity

---

<sup>19</sup> Joseph Wasonga, "20 Years since the Rome Statute of the International Criminal Court: Status of International Rule of Law in Africa," web log, *Knowledge Management Fund* (blog), accessed January 14, 2019, <https://www.kpsrl.org/blog/20-years-since-the-rome-statute-of-the-international-criminal-court-status-of-international-rule-of-law-in-africa>.

<sup>20</sup> Ludovica Iaccino, "Phil Clark: The ICC Has Been Used as a Weapon against Opponents," JusticeInfo, December 4, 2018, <https://www.justiceinfo.net/en/39686-phil-clark-the-icc-has-been-used-as-a-weapon-against-opponents.html>; Joseph Wasonga, "20 Years since the Rome Statute of the International Criminal Court: Status of International Rule of Law in Africa," web log, *Knowledge Management Fund* (blog), accessed January 14, 2019, <https://www.kpsrl.org/blog/20-years-since-the-rome-statute-of-the-international-criminal-court-status-of-international-rule-of-law-in-africa>.

<sup>21</sup> *Ibid.*

<sup>22</sup> Joseph Wasonga, "20 Years since the Rome Statute of the International Criminal Court: Status of International Rule of Law in Africa," web log, *Knowledge Management Fund* (blog), accessed January 14, 2019, <https://www.kpsrl.org/blog/20-years-since-the-rome-statute-of-the-international-criminal-court-status-of-international-rule-of-law-in-africa>.

<sup>23</sup> Ludovica Iaccino, "Phil Clark: The ICC Has Been Used as a Weapon against Opponents," JusticeInfo, December 4, 2018, <https://www.justiceinfo.net/en/39686-phil-clark-the-icc-has-been-used-as-a-weapon-against-opponents.html>.

<sup>24</sup> *Ibid.*

<sup>25</sup> Mark Kersten, "Whither the Aspirational ICC, Welcome the 'Practical' Court?," web log, *EJIL:Talk!* (blog), May 22, 2019, <https://www.ejiltalk.org/whither-the-aspirational-icc-welcome-the-practical-court/>.

<sup>26</sup> *Ibid.*

<sup>27</sup> Mark Kersten, "Whither the Aspirational ICC, Welcome the 'Practical' Court?," web log, *EJIL:Talk!* (blog), May 22, 2019, <https://www.ejiltalk.org/whither-the-aspirational-icc-welcome-the-practical-court/>; Joseph Wasonga, "20 Years since the Rome Statute of the International Criminal Court: Status of International Rule of Law in Africa," web log, *Knowledge Management Fund* (blog), accessed January 14, 2019, <https://www.kpsrl.org/blog/20-years-since-the-rome-statute-of-the-international-criminal-court-status-of-international-rule-of-law-in-africa>.

to offer victims the participatory rights and reparations they've been told they are entitled to.<sup>28</sup>

In addition to these criticisms, scholar Iaccino has outlined various recommendations to address these challenges. As such, they have encouraged the ICC to take a supportive role in helping domestic courts use local conceptions of justice.<sup>29</sup> Taking a more passive role would not only address the Court's structural issues but also help the ICC regain its impartial image and avoid being seen as a neo-colonial institution. Scholars Kersten and Wasonga have argued that the ICC should take a more balanced approach, working according to its founding aspirations while navigating various political influences.<sup>30</sup> Finally, a common recommendation from scholars Kersten, Wasonga, and Iaccino is to continue supporting grassroots civil society efforts.<sup>31</sup>

### 1.3. The Prosecutor v. Jean-Pierre Bemba case

The case under study concerns Bemba, a commander convicted for allegedly committing atrocity crimes in the Central African Republic (the "CAR" hereinafter).<sup>32</sup> The CAR is an African country located in the central region of the continent. Its capital city is Bangui, and the country has two official languages: Sango and French, due to its past colonization by France.<sup>33</sup> Bemba, a native of the Democratic Republic of Congo, created the

---

<sup>28</sup> Joseph Wasonga, "20 Years since the Rome Statute of the International Criminal Court: Status of International Rule of Law in Africa," web log, *Knowledge Management Fund* (blog), accessed January 14, 2019, <https://www.kpsrl.org/blog/20-years-since-the-rome-statute-of-the-international-criminal-court-status-of-international-rule-of-law-in-africa>

<sup>29</sup> Ludovica Iaccino, "Phil Clark: The ICC Has Been Used as a Weapon against Opponents," JusticeInfo, December 4, 2018, <https://www.justiceinfo.net/en/39686-phil-clark-the-icc-has-been-used-as-a-weapon-against-opponents.html>.

<sup>30</sup> Mark Kersten, "Whither the Aspirational ICC, Welcome the 'Practical' Court?," web log, *EJIL:Talk!* (blog), May 22, 2019, <https://www.ejiltalk.org/whither-the-aspirational-icc-welcome-the-practical-court/>; Joseph Wasonga, "20 Years since the Rome Statute of the International Criminal Court: Status of International Rule of Law in Africa," web log, *Knowledge Management Fund* (blog), accessed January 14, 2019, <https://www.kpsrl.org/blog/20-years-since-the-rome-statute-of-the-international-criminal-court-status-of-international-rule-of-law-in-africa>.

<sup>31</sup> Mark Kersten, "Whither the Aspirational ICC, Welcome the 'Practical' Court?," web log, *EJIL:Talk!* (blog), May 22, 2019, <https://www.ejiltalk.org/whither-the-aspirational-icc-welcome-the-practical-court/>; Joseph Wasonga, "20 Years since the Rome Statute of the International Criminal Court: Status of International Rule of Law in Africa," web log, *Knowledge Management Fund* (blog), accessed January 14, 2019, <https://www.kpsrl.org/blog/20-years-since-the-rome-statute-of-the-international-criminal-court-status-of-international-rule-of-law-in-africa>; Ludovica Iaccino, "Phil Clark: The ICC Has Been Used as a Weapon against Opponents," JusticeInfo, December 4, 2018, <https://www.justiceinfo.net/en/39686-phil-clark-the-icc-has-been-used-as-a-weapon-against-opponents.html>.

<sup>32</sup> Rini Fathonah and Mashuril Anwar, "The Jurisdiction of the International Criminal Court in Trying War Crimes: A Case Study of Jean-Pierre Bemba Gombo," *International Journal of Multicultural and Multireligious Understanding* 10, no. 2 (2023): 453–59, 455.

<sup>33</sup> "Central African Republic," World Bank Group, accessed June 12, 2024, <https://www.worldbank.org/en/country/centralafricanrepublic/overview>.

MLC forces in 1998.<sup>34</sup> In 2002, in response to an attempted coup d'état, CAR President Ange-Félix Patassé requested Bemba and his MLC troops to help resist the rebellion led by General François Bozizé. Bemba agreed to provide military assistance in exchange for financial compensation. Between 2002 and 2003, Bemba's troops entered the CAR and systematically looted, raped, and murdered individuals they suspected of being affiliated with Bozizé's rebellious group.<sup>35</sup> NGO reports claim that rape was used as a weapon of war "with the goal of humiliating, terrifying, and punishing the Central African civilian population accused of complicity with the rebellion."<sup>36</sup>

In November 2002, the Ligue Centrafricaine des Droits de l'Homme (the "LCDH" hereinafter) requested assistance from the France-based NGO Fédération Internationale pour les Droits Humains (the "FIDH" hereinafter) to investigate crimes committed by MLC forces against civilians in the CAR.<sup>37</sup> The FIDH documented these atrocities and sent a report to the ICC Office of the Prosecutor in February 2003. Due to the lack of response from the ICC, the FIDH advised CAR authorities to reach out directly to the ICC. Consequently, President Bozizé sent a referral in December 2004. Between 2005 and 2007, the FIDH held many strategic meetings and conferences in The Hague urging the ICC to investigate the crimes. Representatives of CAR authorities contacted the Court's registry in September 2006 to inquire about the delay.<sup>38</sup> It wasn't until May 2007 that the Office of the Prosecutor started an official investigation. Subsequently, an arrest warrant against Bemba was issued, leading to his arrest and transfer to The Hague in May 2008.<sup>39</sup>

The CAR's ratification of the Rome Statute on October 3, 2001, was significant for this case as it enabled the ICC to prosecute the alleged crimes committed by the MLC forces between 2002 and 2003.<sup>40</sup> These MLC forces were prosecuted for war crimes<sup>41</sup> and crimes

---

<sup>34</sup> rep., *FIDH and the Situation in the Central African Republic before the International Criminal Court: The Case of Jean-Pierre Bemba Gombo*, 2008.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*, 17.

<sup>37</sup> FIDH and LCDH, rep., *The ICC Verdict in the Jean-Pierre Bemba Case. 15 Years of FIDH Action: From Field Investigations to Prosecutor's Conclusions*, 2016.

<sup>38</sup> *Ibid.*

<sup>39</sup> Joseph Powderly, "Prosecutor v. Jean-Pierre Bemba Gombo: Judgment on the Appeal of Mr. Jean-Pierre Bemba Gombo against Trial Chamber III's 'Judgment Pursuant to Article 74 of the Statute' (Int'l Crim. Ct.)," *International Legal Materials* 57, no. 6 (2018): 1031–79, <https://doi.org/10.1017/ilm.2018.50>.

<sup>40</sup> Rini Fathonah and Mashuril Anwar, "The Jurisdiction of the International Criminal Court in Trying War Crimes: A Case Study of Jean-Pierre Bemba Gombo," *International Journal of Multicultural and Multireligious Understanding* 10, no. 2 (2023): 453–59.

<sup>41</sup> War crimes are defined in Article 8 of the Rome Statute. They include breaches of the 1949 Geneva Conventions (e.g., killing, torture, and unlawful deportation) and other serious violations of international law (e.g., intentional attacks on civilians, civilian objects, and humanitarian missions, as well as conscripting children under 15 into armed forces).

against humanity<sup>42</sup>, including murder, pillage, and rape.<sup>43</sup> As a leader of the MLC forces, Bemba was held individually responsible by the ICC Trial Chamber for these crimes<sup>44</sup> and sentenced to 18 years in prison.<sup>45</sup> This trial marked a significant milestone, not only for demonstrating how victim participation influenced the judges' verdict but also as the first ICC case to recognize rape as a war crime and to convict an individual in an international criminal proceeding for such an offense.<sup>46</sup>

In March 2016, Bemba filed an appeal against his conviction, arguing that the Conviction Decision went beyond the “facts and circumstances described in the charges.”<sup>47</sup> Specifically, Bemba's lawyers argued that he was convicted based on individual acts occurring at specific times and places where he had not been present.<sup>48</sup> The Appeals Chamber concluded that the Trial Chamber failed to prove that, as commander of the MLC forces, Bemba had not taken all necessary and reasonable measures within his power to prevent or address the crimes.<sup>49</sup> Consequently, Bemba was acquitted because the crimes listed were not within the scope of the charges as described, thus preventing a valid verdict by the Trial Chamber.<sup>50</sup> Human rights activists have expressed concerns that this decision represents a significant setback for the many victims of MLC forces' atrocities.<sup>51</sup> While research focuses on the judicial rationale behind Bemba's acquittal, the perceptions of this decision within

---

<sup>42</sup> Crimes against humanity are defined in Article 7 of the Rome Statute. They include acts committed with the intent of widespread or systematic attack (e.g., murder, extermination, enslavement, torture, rape, persecution, enforced disappearance).

<sup>43</sup> Anthony Clay, “In the Case of the Prosecutor v. Jean-Pierre Bemba Gombo: Cementing Sexual Violence and Command Responsibility within International Criminal Law,” *Tulane Journal of International and Comparative Law* 25, no. 2 (2017): 403–24.

<sup>44</sup> *Ibid.*

<sup>45</sup> “Timeline,” International Justice Monitor, accessed July 12, 2024, <https://www.ijmonitor.org/jean-pierre-bemba-gombo-timeline/#:~:text=Bemba%20is%20sentenced%20to%2018,crimes%20and%20crimes%20against%20humanity.>

<sup>46</sup> Anthony Clay, “In the Case of the Prosecutor v. Jean-Pierre Bemba Gombo: Cementing Sexual Violence and Command Responsibility within International Criminal Law,” *Tulane Journal of International and Comparative Law* 25, no. 2 (2017): 403–24.

<sup>47</sup> Joseph Powderly, “Prosecutor v. Jean-Pierre Bemba Gombo: Judgment on the Appeal of Mr. Jean-Pierre Bemba Gombo against Trial Chamber III's ‘Judgment Pursuant to Article 74 of the Statute’ (Int'l Crim. Ct.),” *International Legal Materials* 57, no. 6 (2018): 1031–79, 1052.

<sup>48</sup> *Ibid.*

<sup>49</sup> rep., *Accountability for Sexual and Gender-Based Crimes at the ICC: An Analysis of Prosecutor Benouda's Legacy* (FIDH, 2021).

<sup>50</sup> Joseph Powderly, “Prosecutor v. Jean-Pierre Bemba Gombo: Judgment on the Appeal of Mr. Jean-Pierre Bemba Gombo against Trial Chamber III's ‘Judgment Pursuant to Article 74 of the Statute’ (Int'l Crim. Ct.),” *International Legal Materials* 57, no. 6 (2018): 1031–79.

<sup>51</sup> “Car: Acquittal of Bemba a Blow to Victims,” Amnesty International, October 7, 2021, <https://www.amnesty.org/en/latest/news/2018/06/car-acquittal-of-bemba-a-blow-to-victims/>.

CAR's civil society and among the victims themselves have yet to be fully explored. This is crucial, given the substantial contribution of numerous victims to the case against him.<sup>52</sup>

#### 1.4. Methods

This thesis aimed to address the following research question: "Following the ICC Appeals Chamber's acquittal of Bemba in June 2018, what feelings have NGOs and victims expressed regarding the trial's outcome and their participation in the proceedings concerning the atrocities allegedly committed by the MLC forces?" To achieve this, the thesis adopted an exploratory approach, focusing on feelings expressed in light of Bemba's acquittal beyond the victims' participation. Specifically, it sought to answer four sub-questions: (1) What feelings have NGOs and victims expressed regarding the ICC Appeals Chamber's decision to acquit Bemba? (2) What feelings have NGOs and victims expressed regarding the ICC as an institution? (3) What feelings have NGOs and victims expressed regarding the reparative measures for the case? (4) What feelings have victims expressed regarding testifying at the Court? Addressing these sub-questions allowed the analysis to capture the NGOs' and victims' feelings about the acquittal, the ICC, and two important participatory initiatives at the Court for this case, naming reparative measures and testifying.

This thesis used a reflexive thematic analysis conducted using Nvivo to address the aforementioned question and sub-questions. This method was well-suited to address this question as it aimed to identify themes across a broad range of data.<sup>53</sup> It also employed a flexible and interpretative approach to data analysis, which is essential for addressing an exploratory research question.<sup>54</sup> The reflexive thematic analysis helped identify recurring themes in the data, which were used to organize the feelings for data analysis. Recognizing the potential physical and psychological toll that interviews could impose on victims, open-source research was used to select various data (e.g., interviews, radio shows, reports, etc.) capturing the feelings of local NGOs and victims. As such the research focused on data produced by the following NGOs representing victims of atrocities in the CAR: Observatoire Centrafricain des Droits de l'Homme (the "OCDH" hereinafter), the LCDH, Association des Femmes Juristes de Centrafrique (the "AFJC" hereinafter), Association des Victimes de la LRA en Centrafrique (the "AVLRAC" hereinafter), Avocats Sans Frontières Centrafrique

---

<sup>52</sup> Melanie Vianney-Liaud and Carine Pineau, "Assessing Victim's Contribution to the Determination of the Truth in the Bemba Case," *Eyes on the ICC* (2016): 51–72.

<sup>53</sup> David Byrne, "A Worked Example of Braun and Clarke's Approach to Reflexive Thematic Analysis," *Springer* 56, no. 3 (2021): 1391–1412, 1392.

<sup>54</sup> *Ibid.*

(the “ASF/RCA” hereinafter), and Réseau des ONG Centrafricaines pour la Défense et la Promotion des Droits de l’Homme (the “RONGDH” hereinafter).

The aforementioned organizations were selected because they are representatives of victims and appeared to be active members of the CAR’s civil society, as evidenced by their participation as signatories in a 2015 open letter requesting funding for a Special Criminal Court for the transitional government authorities in the CAR.<sup>55</sup> The keywords ‘Bemba’ and ‘acquittal’ in both French and English were used to refine the searches of the NGOs’ archives. This is because the analysis was primarily concerned with feelings expressed as a result of Bemba’s acquittal. Given that Bemba’s trial took place at the ICC, where two of the official languages are French and English, and because one of the official languages in the CAR is French, research was conducted in both French and English to maximize the amount of data representing feelings expressed in light of Bemba’s acquittal.

The reflexive thematic analysis was conducted following the six phases developed by Braun and Clarke.<sup>56</sup> The first stage involved familiarization with the data. This was done by reading all the selected material and highlighting all the feelings relating to the aforementioned sub-questions. The second stage involved generating initial codes, which was done by preliminarily identifying potential codes that conveyed the highlighted feelings. Given that the research question is exploratory, codes were developed inductively to represent more adequately the feelings conveyed in the found quotes. Additionally, the method “latent coding”<sup>57</sup> was used as this thesis identified the underlying feeling in each quote. Based on these preliminary codes, the third stage aimed to generate themes to categorize the codes. These themes aimed to convey potential patterns among all the feelings expressed. The fourth stage involved reviewing themes to ensure they captured all the generated codes and adequately represented the range of feelings. The fifth stage involved defining and naming the themes. The final stage involved reporting the themes and their corresponding codes. Throughout this process, Nvivo was used to sort each feeling into its corresponding codes, and subsequently divide the codes into themes.

A significant aspect of this research involved assigning feelings to various statements, some of which did not explicitly convey any feelings. Given the subjective nature of this

---

<sup>55</sup> “CAR/Justice – Special Court to Try Serious Crimes in Central African Republic,” *Fondation Hironnelle* (April 26, 2017), <https://www.justiceinfo.net/en/24988-250415-carjustice-special-court-to-try-serious-crimes-in-central-african-republic.html>.

<sup>56</sup> David Byrne, “A Worked Example of Braun and Clarke’s Approach to Reflexive Thematic Analysis,” *Springer* 56, no. 3 (2021): 1391–1412, 1398.

<sup>57</sup> *Ibid*, 1397.

research practice, scholar Ebe Kalu emphasizes the importance of identifying how the “subjective I”, the values and beliefs I bring as a researcher, influenced the labeling of feelings.<sup>58</sup> Recognizing my French cultural background and limited knowledge of local cultural intricacies, I initially chose to identify the ‘sentiments’ conveyed in each statement rather than the underlying feelings. I initially opted for this approach to capture the opinions and feelings shared in each statement without inferring the core feeling driving each sentiment. I chose this approach because I did not want to assume the NGOs’ and victims’ feelings based solely on their statements and my limited knowledge of the case.

However, given the consensus in research that methods should be appropriately matched to the empirical research question to ensure credibility<sup>59</sup>, I decided to shift from identifying sentiments to identifying feelings. Indeed, this thesis aimed to determine what feelings NGOs and victims expressed in light of Bemba’s acquittal. To do so, each statement was treated as a response to the question, “How are you feeling?” Feelings were inferred based on keywords within each statement. The statements were then divided into clusters conveying core feelings such as anger. Once all the feelings were inferred from each statement, clusters were reviewed for consistency. If a statement did not fit well within its initial cluster, it was considered for reassignment to a different cluster. Labels for statements were adjusted as needed, based on keywords indicating specific feelings (e.g., the word “enraged” consistently indicated a feeling of anger).

---

<sup>58</sup> Michael Ebe Kalu, “How Does ‘Subjective I’ Influence a Qualitative Research Question, Theoretical Approach and Methodologies?,” *Global Journal of Pure and Applied Sciences* 25, no. 1 (2019): 97–100.

<sup>59</sup> Michael Quinn Patton, “Enhancing the Quality and Credibility of Qualitative Analysis,” *Health Services Research* 34, no. 5 (1999): 1189–1209.

## Chapter 2: Theoretical Framework

### 2.1. Transitional Justice

#### 2.1.1 Definitions

Former United Nations Secretary-General Kofi Annan promoted transitional justice initiatives in a 2004 report arguing that “civil society organizations, national legal associations, human rights groups and advocates of victims and the vulnerable must all be given a voice.”<sup>60</sup> The United Nations (the “UN” hereinafter) defines transitional justice efforts as “both judicial and non-judicial processes and mechanisms, including prosecution initiatives, facilitating initiatives in respect of the right to truth, delivering reparations, institutional reform and national consultations.”<sup>61</sup> The ICC operates within a transitional justice framework, integrating both retributive and restorative justice approaches.<sup>62</sup> Although both restorative and retributive approaches to justice can create balance in judicial processes, there are significant differences between these frameworks. While retributive justice aims to punish offenders to compensate for their violation of social norms, restorative justice prioritizes the needs of victims, offenders, and communities to heal and repair the harm caused.<sup>63</sup> As such this thesis sees the prosecution of Bemba as a retributive justice effort while the various ways in which victims participated in the proceedings are viewed as restorative justice efforts.

Scholars Doak and O’Mahony argue that integrating restorative justice practices, such as victim participation, into transitional justice initiatives can enhance the inclusivity of these mechanisms.<sup>64</sup> By involving individuals typically marginalized from traditional legal proceedings and global organizations, transitional justice efforts become more participatory.<sup>65</sup> Restorative justice, indeed, prioritizes healing and repairing to address atrocities.<sup>66</sup> Recognizing that crime ruptures relationships and social bonds, it adopts an approach focused on accountability, reconciliation, and restoration to justice.<sup>67</sup> Victim participation in court proceedings not only helps maintain a balance between these approaches but also serves as a

---

<sup>60</sup> Wendy Lambourne, *Critical Perspectives in Transitional Justice* (Intersentia, 2012), 236.

<sup>61</sup> “About Transitional Justice and Human Rights,” OHCHR, accessed May 5, 2024, <https://www.ohchr.org/en/transitional-justice>.

<sup>62</sup> Claire Garbett, “The Truth and the Trial: Victim Participation, Restorative Justice, and the International Criminal Court,” *Contemporary Justice Review* 16, no. 2 (2013): 193–213.

<sup>63</sup> Declan Roche, *Retribution and Restorative Justice* (Willan, 2006); Michael Wenzel et al., “Retributive and Restorative Justice,” *Law and Human Behavior* 32, no. 5 (2008): 375–89.

<sup>64</sup> Jonathan Doak, and David O Mahony, “Transitional Justice and Restorative Justice,” *International Criminal Law Review* 12, no. 3 (2012): 305–12.

<sup>65</sup> *Ibid.*

<sup>66</sup> Howard Zehr and Harry Mika, *Fundamental Concepts of Restorative Justice* (Routledge, 2004).

<sup>67</sup> *Ibid.*



cornerstone of restorative justice, ensuring that victims' voices are heard.<sup>68</sup> Moreover, restorative justice adopts a victim-centric approach, emphasizing the importance of empowering victims by actively involving them in the justice and repair processes.<sup>69</sup> Unlike retributive justice, which focuses on investing in punishment to deter future atrocities, restorative approaches concentrate on addressing the root causes of crimes to foster better accountability and facilitate healing within communities.<sup>70</sup>

### 2.1.2. *Relevance of Restorative Justice Efforts*

Victim participation as a restorative justice effort brings several benefits for individuals who have experienced serious human rights violations. By testifying and sharing their accounts, victims gain the opportunity to break their silence and are empowered to transform feelings of shame and humiliation into ones of dignity and virtue.<sup>71</sup> Victims involved in international court proceedings expressed a desire for recognition, stating that their primary wish was to share their experiences with others so that they could understand the impact of the crimes committed.<sup>72</sup> They valued the chance to tell their stories to a wider audience, citing it as a significant reason for their willingness to testify.<sup>73</sup> The contact hypothesis, where victims confront their perpetrators during trials, was found to promote psychological healing as seeing offenders being held accountable affirms victims' innocence and validates their suffering.<sup>74</sup> Some victims noted that restorative justice initiatives, particularly outreach programs brought people together and fostered unity.<sup>75</sup> This highlights the importance of including a collective aspect in restorative justice efforts, as it allows fractured communities to heal collectively from shared trauma.

---

<sup>68</sup> Ibid.

<sup>69</sup> Declan Roche, *Retribution and Restorative Justice* (Willan, 2006).

<sup>70</sup> Michael Wenzel et al., "Retributive and Restorative Justice.," *Law and Human Behavior* 32, no. 5 (2008): 375–89.

<sup>71</sup> Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>72</sup> Claire Garbett, "The Truth and the Trial: Victim Participation, Restorative Justice, and the International Criminal Court," *Contemporary Justice Review* 16, no. 2 (2013): 193–213; Marie-Benedicte Dembour and Emily Haslam, "Silencing Hearings? Victim-Witnesses at War Crimes Trials," *Ejil* 15, no. 1 (2004): 151–77.

<sup>73</sup> Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>74</sup> Ibid.

<sup>75</sup> Wendy Lambourne, *Critical Perspectives in Transitional Justice* (Intersentia, 2012)

### 2.1.3. Limitations Restorative Justice Efforts

While victims stand as the primary beneficiaries of restorative justice efforts, scholars Doak and O'Mahony note that they have not been sufficiently prioritized in international trials.<sup>76</sup> This lack of centering victims can be attributed to the inherent structural limitations within these trials,<sup>77</sup> such as inadequate funding and outreach challenges that often result in courts failing to engage marginalized communities.<sup>78</sup> Many victims, when interviewed, expressed feeling uninformed or completely unaware of the functioning and goals of international courts.<sup>79</sup> A significant tension arises between adhering to the established legal process structures and addressing the individual suffering of victims.<sup>80</sup> As such policymakers face the complex task of translating aspirations for fair reparations in restorative justice “into tangible benefits for survivors of international crimes.”<sup>81</sup> For that reason, the Coalition for the ICC, a coalition of several civil society organizations fighting for global justice,<sup>82</sup> contends that the Court should strictly remain within its established mandate while prioritizing human security principles.<sup>83</sup> Such principles focus on the safety, dignity, and rights of persons rather than the state's.<sup>84</sup>

While truth-finding and account-making through testifying can have therapeutic effects, scholar Doak cautions that restorative justice efforts often create false expectations among victims about the outcomes of their participation.<sup>85</sup> Victims may feel that they are trading their testimony for justice resulting in the perception that their lives and the lives of their loved ones are undervalued.<sup>86</sup> Disappointment and disillusionment can be profound,

---

<sup>76</sup> Jonathan Doak, and David O 'Mahony, “Transitional Justice and Restorative Justice,” *International Criminal Law Review* 12, no. 3 (2012): 305–12.

<sup>77</sup> Jonathan Doak, “The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions,” *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>78</sup> Wendy Lambourne, *Critical Perspectives in Transitional Justice* (Intersentia, 2012)

<sup>79</sup> *Ibid.*

<sup>80</sup> Marie-Benedicte Dembour and Emily Haslam, “Silencing Hearings? Victim-Witnesses at War Crimes Trials,” *Ejil* 15, no. 1 (2004): 151–77.

<sup>81</sup> Jonathan Doak, and David O 'Mahony, “Transitional Justice and Restorative Justice,” *International Criminal Law Review* 12, no. 3 (2012): 305–12, 308.

<sup>82</sup> “Our Story,” Coalition for the International Criminal Court, accessed July 12, 2024, <https://coalitionfortheicc.org/about/our-story>.

<sup>83</sup> Maria Chigozie Onuegbulam, “Transitional Justice and the Role of International Criminal Law in the Protection of Victims of Human Rights Violations,” *African Journal of Criminal Law and Jurisprudence* 5 (2020): 42–54.

<sup>84</sup> *Ibid.*

<sup>85</sup> Jonathan Doak, “The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions,” *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>86</sup> Jonathan Doak, “The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions,” *International Criminal Law Review* 11, no. 2 (2011): 263–98.

particularly when offenders are not found guilty, leading to feelings of indignation, helplessness, decreased trust in the legal system, reduced self-esteem and hope for the future.<sup>87</sup> Additionally, frustrations arise when victims' testimonies are "deemed irrelevant to the charges."<sup>88</sup> Doak further argues that while there is a popular belief in the psychological benefits of victim participation, the formal and public nature of court trials does not align well and offers the same benefits of trauma treatment in therapeutic settings.<sup>89</sup> These discrepancies raise concerns about the ICC's ability to deliver comprehensive justice for both victims and offenders,<sup>90</sup> highlighting the challenges of the current approach to restorative justice in international court settings.

Despite the ICC's focus on prosecuting war crimes in African countries and Africa's extensive experience with transitional justice,<sup>91</sup> the prevailing approach often reflects liberal and Western tendencies of pursuing retributive justice, primarily focusing on individual criminal responsibility.<sup>92</sup> Scholars contend that this approach overlooks systemic and structural factors that contribute to severe human rights violations.<sup>93</sup> This oversight is particularly problematic for African nations, where group and community rights hold significant importance as they are deeply embedded in the social realm.<sup>94</sup> Mutua argues that the mainstream transitional justice approach prioritizes defending liberal norms and Western justice concepts over addressing the needs of victims.<sup>95</sup> It fails to represent the victim's motives, agency, and realities.<sup>96</sup> This emphasis on liberal ideals may limit the effectiveness of restorative efforts in addressing the complex realities faced by victims and communities affected by conflict and human rights abuses in African contexts.

---

<sup>87</sup> Ibid.

<sup>88</sup> Ibid, 292.

<sup>89</sup> Ibid.

<sup>90</sup> Claire Garbett, "The Truth and the Trial: Victim Participation, Restorative Justice, and the International Criminal Court," *Contemporary Justice Review* 16, no. 2 (2013): 193–213.

<sup>91</sup> Solomon Ayele Dersso, "Africa's Transitional Justice Policy Making: Exercising Epistemic Agency and Pushing the Frontiers of Transitional Justice," *International Journal of Transitional Justice* 15, no. 2 (2021): 255–63.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Makau Mutua, "A Critique of Rights in Transitional Justice: The African Experience," *Rethinking Transitions*, (2011), 31–46.

<sup>95</sup> Ibid.

<sup>96</sup> Elke Evrard, Gretel Mejía Bonifazi, and Tine Destrooper, "The Meaning of Participation in Transitional Justice: A Conceptual Proposal for Empirical Analysis," *International Journal of Transitional Justice* 15, no. 2 (2021): 428–47.

#### 2.1.4. Non-mainstream Transitional Justice Framework

Recognizing the limitations of mainstream transitional justice approaches, several scholars have developed alternative frameworks often referred to as the ‘non-mainstream transitional justice framework’. One such framework is the actor-oriented framework, which systematically delineates victim participants’ identities and interests, allowing for a deeper understanding of their dynamics in court participation and their lived realities.<sup>97</sup> Additionally, emotionally intelligent models have been proposed to foster reconciliation through a dialogue between victims and their perpetrators.<sup>98</sup> This approach emphasizes restorative justice over a solely retributive one focused on blame attribution.<sup>99</sup> Encouraging open dialogue can lead to more meaningful and healing outcomes for participating victims.

The African Union has also taken steps by adopting the African Union Transitional Justice Policy in 2019. This policy promotes restorative justice efforts rooted in multicultural, inclusive, and indigenous conceptions of justice.<sup>100</sup> It addresses concerns that the mainstream transitional justice approach can be overly focused on retribution, neglecting the emotional and psychological dimensions of human rights violations and their aftermath.<sup>101</sup> This alternative framework emphasizes culturally appropriate justice methods and empowers civil society to drive restorative justice initiatives, offering a more holistic approach to addressing past injustice and trauma.<sup>102</sup>

## 2.2. Victims as agents in the justice process

The concept of victimhood has long been debated among scholars across disciplines, with no consensus yet on a comprehensive definition that fully encompasses the diverse experiences of victimization. Legal scholars define victims participating at the ICC as “natural persons who have suffered harm as a result of the commission of any crime within

---

<sup>97</sup> Ibid.

<sup>98</sup> Jonathan Doak, “The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions,” *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>99</sup> Ibid.

<sup>100</sup> Makau Mutua, “A Critique of Rights in Transitional Justice: The African Experience,” *Rethinking Transitions*, (2011), 31–46; Solomon Ayele Dersso, “Africa’s Transitional Justice Policy Making: Exercising Epistemic Agency and Pushing the Frontiers of Transitional Justice,” *International Journal of Transitional Justice* 15, no. 2 (2021): 255–63.

<sup>101</sup> Solomon Ayele Dersso, “Africa’s Transitional Justice Policy Making: Exercising Epistemic Agency and Pushing the Frontiers of Transitional Justice,” *International Journal of Transitional Justice* 15, no. 2 (2021): 255–63.

<sup>102</sup> Ibid.

the jurisdiction of the Court.”<sup>103</sup> However, constructivist scholars challenge this definition, arguing that it overlooks the contextual nature of victimization by neglecting the political and social processes that shape this concept. They view victims as socially constructed entities that mirror negotiated social realities, as reflected in laws and legal texts.<sup>104</sup> According to this perspective, victims are seen as tools serving broader political and social objectives, such as upholding the rule of law.<sup>105</sup> Consequently, transitional justice processes, especially restorative efforts, are heavily influenced by the political environment in which they operate.<sup>106</sup> Hybrid state-citizen commissions, comprising citizen representatives and civic leaders, have proven to be particularly effective in promoting restorative movements that prioritize victims’ well-being. Their hybrid structure enables them to support grassroots initiatives and cultivate high levels of social capital and trust within transitioning communities.<sup>107</sup>

Transitional justice represents a significant deepening of restorative approaches in legal perspectives by recognizing victims as more than mere witnesses or legitimizers of elite-driven policies; they are now seen as essential agents within transitional justice processes.<sup>108</sup> The 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power marked an initial international effort to define victims and outline their rights to justice, fair treatment, compensation, and restitution.<sup>109</sup> Simultaneously, victims’ rights movements, working from the grassroots up, have sought to expand the definition of ‘victim’ to ensure comprehensive social, emotional, and financial support for all harmed parties throughout legal proceedings.<sup>110</sup> Given that not all types of violations are universally recognized as victimization, and not every wronged party is formally designated as a

---

<sup>103</sup> Sam Garkawe, “Victims and the International Criminal Court: Three Major Issues,” *International Criminal Law Review* 3 (2003): 345–67.

<sup>104</sup> Sabine Mandl and Julia Planitzer, “Who Is a Victim? The Concept of Victim in the Victims’ Rights Directive. A Human Rights Analysis of the Concept of Victim from a Gender-Specific Perspective,” *Journal for Police Science and Practice* 12 (2022): 49–63.

<sup>105</sup> Kieran McEvoy and Kirsten McConnachie, “Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy,” *European Journal of Criminology* 9, no. 5 (2012): 527–38.

<sup>106</sup> Vanessa Baker, “The Politics of Pain: A Political Institutionalist Analysis of Crime Victims’ Moral Protests,” *Law and Society Review* 41, no. 3 (2007): 619–64.

<sup>107</sup> *Ibid.*

<sup>108</sup> Rudling, Adriana. (2019). "I'm not that chained-up little person": four paragons of victimhood in transitional justice discourse,” *Human Rights Quarterly*, 41(2), 421- 440; Christine Schwöbel-Patel, “The ‘Ideal’ Victim of International Criminal Law,” *European Journal of International Law* 29, no. 3 (2018): 703–24.

<sup>109</sup> Christine Schwöbel-Patel, “The ‘Ideal’ Victim of International Criminal Law,” *European Journal of International Law* 29, no. 3 (2018): 703–24.

<sup>110</sup> Jessie K. Liu, “Victimhood,” *Missouri Law Review* 71, no. 1 (2006): 115-176.

victim<sup>111</sup>, scholars caution against excessively broadening the term ‘victim,’ as it risks diminishing its significance for those who suffered human rights violations.<sup>112</sup>

The victim’s agency plays a crucial role in understanding victimization, often serving as a criterion to determine who qualifies as a victim. As such there are only two exceptions where an offender is viewed as a victim: child soldiers and female combatants.<sup>113</sup> Indeed, such offenders are viewed as having limited agency compared to other offenders.<sup>114</sup> The concept of the ‘politics of pain’ underscores this representation of victims as passive entities, necessitating political representation to articulate and advocate for their experiences of victimization.<sup>115</sup> Some victims are also referred to as resilient victims for their active efforts in protecting their rights and those of others affected by similar violations.<sup>116</sup> In transitional justice contexts, resilient victims are often termed survivors to emphasize their empowerment and resilience, signaling a shift away from being solely defined by victimization.<sup>117</sup> However, in legal settings, victims participating in trials and other transitional justice initiatives are still referred to as ‘victims’. To maintain relevance within international legal frameworks where the term ‘victim’ is the standard terminology, this thesis will refer to individuals participating in trials as such rather than ‘survivors’.

Victims have commonly been portrayed in binary terms, positioned as morally superior to perpetrators of international crimes<sup>118</sup>, and idealized as embodying an ‘ideal victim’ image.<sup>119</sup> This ideal victim is seen as reliant on external agents, often international, to advocate and act on their behalf. Scholars critique this approach as Western-centric and gender-essentialist, casting men as offenders and women as passive victims.<sup>120</sup> Additionally, due to the ICC’s prior predominant focus on atrocity crimes committed in Africa, victims are often racialized and depicted as helpless individuals, reinforcing narratives of dependency on

---

<sup>111</sup> Rainer Strobl, “Constructing the Victim: Theoretical Reflections and Empirical Examples,” *International Review of Victimology* 11, no. 2–3 (2004): 295–311.

<sup>112</sup> Jessie K. Liu, “Victimhood,” *Missouri Law Review* 71, no. 1 (2006): 115–176.

<sup>113</sup> Kieran McEvoy and Kirsten McConnachie, “Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy,” *European Journal of Criminology* 9, no. 5 (2012): 527–38.

<sup>114</sup> *Ibid.*

<sup>115</sup> Kieran McEvoy and Kirsten McConnachie, “Victims and Transitional Justice,” *Social & Legal Studies* 22, no. 4 (2013): 489–513.

<sup>116</sup> Rudling, Adriana. (2019). “I’m not that chained-up little person”: four paragons of victimhood in transitional justice discourse,” *Human Rights Quarterly*, 41(2), 421–440.

<sup>117</sup> *Ibid.*

<sup>118</sup> Kieran McEvoy and Kirsten McConnachie, “Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy,” *European Journal of Criminology* 9, no. 5 (2012): 527–38.

<sup>119</sup> Rudling, Adriana. (2019). “I’m not that chained-up little person”: four paragons of victimhood in transitional justice discourse,” *Human Rights Quarterly*, 41(2), 421–440.

<sup>120</sup> Christine Schwöbel-Patel, “The ‘Ideal’ Victim of International Criminal Law,” *European Journal of International Law* 29, no. 3 (2018): 703–24.

Western assistance for justice.<sup>121</sup> In response, scholars advocate for a ‘critical victimology’ that contextualizes victimization within political and structural frameworks, offering a more realistic portrayal of suffering.<sup>122</sup> Adopting such an approach would not only challenge discriminatory practices within international criminal justice but also enhance resources aimed at addressing systemic inequalities.<sup>123</sup>

---

<sup>121</sup> Ibid.

<sup>122</sup> Kieran McEvoy and Kirsten McConnachie, “Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy,” *European Journal of Criminology* 9, no. 5 (2012): 527–38.

<sup>123</sup> Kieran McEvoy and Kirsten McConnachie, “Victims and Transitional Justice,” *Social & Legal Studies* 22, no. 4 (2013): 489–513.

### Chapter 3: Victim Participation at the ICC

*The Prosecutor v. Jean-Pierre Bemba* was singular for the amount of victims that participated in the proceedings. Indeed, the ICC’s Trial Chamber III recognized 5229 individuals as victims of the atrocity crimes allegedly committed by Bemba.<sup>124</sup> This allowed them to participate in the proceedings in the following ways: obtain legal representation, submit views and concerns, participate as witnesses in the court hearings, and receive reparations.<sup>125</sup> Many transitional justice scholars emphasize the significance of victim participation at the ICC, arguing that “any society or community seriously attempting to understand and come to terms with mass atrocity must provide a platform for victims.”<sup>126</sup> Scholars have delved into the various challenges associated with victim participation in ICC cases. This sub-section therefore aims to explore the challenges for the following forms of participation: being recognized as a victim, submitting views and concerns, participating as a witness, and receiving reparations through the Trust Fund for victims.

#### 3.1. Registration of victims

The ICC’s definition of a victim is based on Rule 85 of the ICC Rules of Procedure and Evidence: “A victim is someone who has suffered harm as a result of the commission of a crime within the jurisdiction of the Court.”<sup>127</sup> The ICC recognizes the following types of harm: physical, mental, material, and moral, the latter referring to damage to a person’s dignity or reputation.<sup>128</sup> Furthermore, the Court differentiates between direct victims, who have personally suffered the harm, and indirect victims, who are related to those who suffered the harm.<sup>129</sup> While these definitions adequately encompass the nature of victims of atrocities, scholars Chung, Smith-van Lin, and McDermott have outlined four challenges associated with the Court’s application process for recognizing individuals as victims.<sup>130</sup>

---

<sup>124</sup> ICC, “Case Information Sheet - the Prosecutor v. Jean-Pierre Bemba Gombo,” International Criminal Court, March 2019, <https://www.icc-cpi.int/sites/default/files/CaseInformationSheets/BembaEng.pdf>.

<sup>125</sup> Ibid.

<sup>126</sup> Harry Hobbs, “Victim Participation in International Criminal Proceedings: Problems and Potential Solutions in Implementing an Effective and Vital Component of Justice,” *Texas International Law Journal* 49, no. 1 (2014): 1–34, 10.

<sup>127</sup> International Criminal Court. *Rules of Procedure and Evidence*. Rule 85, “Definition of Victims.” 2002. Accessed June 14, 2024. <https://www.icc-cpi.int/resource-library/Documents/RulesProcedureEvidenceEng.pdf>

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Christine H Chung, “Victims’ Participation at the International Criminal Court: Are Concessions of the Court Clouding Promise?,” *Northwestern University Journal of International Human Rights* 6, no. 3 (2008): 459–545; Lorraine Smith-van Lin, “Victims’ Participation at the International Criminal Court: Benefit or Burden?,” essay, in *The Ashgate Research Companion to International Criminal Law* (Routledge, 2013); Yvonne McDermott, “Some Are More Equal than Others: Victim Participation in the ICC,” *Eyes on the ICC* 5 (2008): 23–48.



These challenges hinder victim participation, thereby impacting the ICC's credibility and legitimacy.<sup>131</sup>

Scholars Chung and McDermott have argued that the process for individuals to apply to be represented as victims at the ICC is often considered complex and inaccessible, especially for victims from ongoing conflict areas where legal advice is not readily available.<sup>132</sup> Furthermore, to submit their applications, victims must provide a substantial amount of documentation proving they have suffered sufficient harm to be considered victims by the Court.<sup>133</sup> Such documents include medical reports, witness statements, and other legal documents, which are often not easily accessible in regions suffering from ongoing or recently ended conflicts.<sup>134</sup> Finally, given its limited staff and budget, the ICC faces numerous resource constraints, leading to delays, inefficiencies, and, in some cases, unequal treatment, where some applications are considered while others are not.<sup>135</sup> As a result of these constraints, the Court has had to make concessions, which scholar Chung argues have negatively impacted the thoroughness and rigor of the victim application process.<sup>136</sup> Overall, these constraints and resulting concessions by the ICC could lead to victim participation being viewed as symbolic rather than substantive, negatively impacting the Court's legitimacy and credibility.<sup>137</sup>

### 3.2. Submitting views and concerns

Article 68(3) of the Rome Statute provides guidelines for victims to present their views and concerns during proceedings: "Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented (...) in a manner

---

<sup>131</sup> Ibid.

<sup>132</sup> Christine H Chung, "Victims' Participation at the International Criminal Court: Are Concessions of the Court Clouding Promise?," *Northwestern University Journal of International Human Rights* 6, no. 3 (2008): 459–545; Lorraine Smith-van Lin, "Victims' Participation at the International Criminal Court: Benefit or Burden?," essay, in *The Ashgate Research Companion to International Criminal Law* (Routledge, 2013).

<sup>133</sup> Christine H Chung, "Victims' Participation at the International Criminal Court: Are Concessions of the Court Clouding Promise?," *Northwestern University Journal of International Human Rights* 6, no. 3 (2008): 459–545; Yvonne McDermott, "Some Are More Equal than Others: Victim Participation in the ICC," *Eyes on the ICC* 5 (2008): 23–48.

<sup>134</sup> Yvonne McDermott, "Some Are More Equal than Others: Victim Participation in the ICC," *Eyes on the ICC* 5 (2008): 23–48.

<sup>135</sup> Christine H Chung, "Victims' Participation at the International Criminal Court: Are Concessions of the Court Clouding Promise?," *Northwestern University Journal of International Human Rights* 6, no. 3 (2008): 459–545; Yvonne McDermott, "Some Are More Equal than Others: Victim Participation in the ICC," *Eyes on the ICC* 5 (2008): 23–48; Lorraine Smith-van Lin, "Victims' Participation at the International Criminal Court: Benefit or Burden?," essay, in *The Ashgate Research Companion to International Criminal Law* (Routledge, 2013).

<sup>136</sup> Christine H Chung, "Victims' Participation at the International Criminal Court: Are Concessions of the Court Clouding Promise?," *Northwestern University Journal of International Human Rights* 6, no. 3 (2008): 459–545

<sup>137</sup> Ibid.

which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the Court considers it appropriate, per the Rules of Procedure and Evidence.”<sup>138</sup> A significant concern is ensuring meaningful victim participation while maintaining “the rights of the accused and a fair and impartial trial.”<sup>139</sup> Indeed, a key challenge for the ICC Chambers is to balance victims’ participatory rights without compromising the rights of the accused. Additionally, scholars have raised concerns about reconciling the participation of all victims of international crimes with the fair-trial rights of the accused, particularly given the large number of victims, which increases the risks of fraud.<sup>140</sup> Nonetheless, scholar Hobbs argues that “the potential harm from fraud and subversion is less than the potential harm from denying applicable victims their application.”<sup>141</sup> These arguments reflect differing scholarly opinions on the conditions under which victim participation should be allowed in international criminal proceedings.

### 3.3. Testifying

Testifying during proceedings can greatly affect victims of international crimes, as it carries “the potential legal duty to provide victims with a remedy and offer the additional benefit of furthering the reconciliation process in communities affected by human rights atrocities.”<sup>142</sup> However, it has been argued that this might not always be the case, as testifying can impose significant emotional burdens on those who are unable or unwilling to participate in criminal proceedings.<sup>143</sup> In practice, witnesses have often caused delays in proceedings,<sup>144</sup> thereby increasing the distress experienced by survivors due to slow and ineffective prosecutions. This can, in turn, exacerbate the suffering of victims who endured the same atrocities but could not participate in the trial. Furthermore, many arguments in favor of testifying are based on domestic trials and cannot be generalized to international

---

<sup>138</sup> Rome Statute of the International Criminal Court art. 68(3), *opened for signature* 17 July 1998, 2187 U.N.T.S. 90 (entered into force 1 July 2002).

<sup>139</sup> Melanie Vianney-Liaud and Carine Pineau, “Assessing Victim’s Contribution to the Determination of the Truth in the Bemba Case,” *Eyes on the ICC*, (2016): 51–72, 60.

<sup>140</sup> Harry Hobbs, “Victim Participation in International Criminal Proceedings: Problems and Potential Solutions in Implementing an Effective and Vital Component of Justice,” *Texas International Law Journal* 49, no. 1 (2014): 1–34.

<sup>141</sup> *Ibid.*, 19.

<sup>142</sup> Charles P Trumbull, “The Victims of Victim Participation in International Criminal Proceedings,” *Michigan Journal of International Law* 29 (2008): 777–826, 803.

<sup>143</sup> *Ibid.*

<sup>144</sup> Harry Hobbs, “Victim Participation in International Criminal Proceedings: Problems and Potential Solutions in Implementing an Effective and Vital Component of Justice,” *Texas International Law Journal* 49, no. 1 (2014): 1–34.

proceedings, where testifying does not yield the same benefits.<sup>145</sup> Overall, scholars have argued that Article 68(3) of the Rome Statute is “frustratingly vague,” allowing judges too much leeway to interpret and influence the trial based on their views of the utility of victim participation.<sup>146</sup>

### 3.4. Trust Fund for Victims

The Trust Fund for Victims at the ICC was established by the Rome Statute.<sup>147</sup> It has a dual mandate: implementing court-ordered reparations funded by fines from convicted individuals, and providing reparations through voluntary contributions.<sup>148</sup> This second aspect grants the fund some autonomy.<sup>149</sup> Scholars argue that this independence enhances its efficiency and overall restorative justice agenda by relieving it of certain legal obligations.<sup>150</sup> Despite being rooted in the principles of the Permanent Court of International Justice from 1928, significant challenges persist.<sup>151</sup> The fund faces resource constraints such as limited funding and complex administrative processes that hinder its efficiency.<sup>152</sup> Moreover, it faces internal criticism within the Court. The Office of Public Counsel for the Defence has raised concerns about the fund’s legal authority, credibility, and reliance on NGO reports.<sup>153</sup> Scholars Dutton, Ni Aolain, Peschke, and Dannenbaum suggest that these challenges could not only affect victims awaiting reparations but also undermine the Court’s credibility and efficiency.<sup>154</sup>

---

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.

<sup>147</sup> Tom Dannenbaum, “The International Criminal Court, Article 79, and Transitional Justice: The Case for an Independent Trust Fund for Victims,” *Wisconsin International Law Journal* 28, no. 2 (2011): 234–98.

<sup>148</sup> Katharina Peschke, “The Role and Mandates of the ICC Trust Fund for Victims,” essay, in *Victims of International Crimes: An Interdisciplinary Discourse* (Springer, 2013), 317–27.

<sup>149</sup> Tom Dannenbaum, “The International Criminal Court, Article 79, and Transitional Justice: The Case for an Independent Trust Fund for Victims,” *Wisconsin International Law Journal* 28, no. 2 (2011): 234–98.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Anne Dutton and Fionnuala Ni Aolain, “Between Reparations and Repair: Assessing the Work of the ICC Trust Fund for Victims under Its Assistance Mandate,” *Chicago Journal of International Law* 19, no. 2 (2019): 490–547; Katharina Peschke, “The Role and Mandates of the ICC Trust Fund for Victims,” essay, in *Victims of International Crimes: An Interdisciplinary Discourse* (Springer, 2013), 317–27.

<sup>153</sup> Tom Dannenbaum, “The International Criminal Court, Article 79, and Transitional Justice: The Case for an Independent Trust Fund for Victims,” *Wisconsin International Law Journal* 28, no. 2 (2011): 234–98.

<sup>154</sup> Anne Dutton and Fionnuala Ni Aolain, “Between Reparations and Repair: Assessing the Work of the ICC Trust Fund for Victims under Its Assistance Mandate,” *Chicago Journal of International Law* 19, no. 2 (2019): 490–547; Katharina Peschke, “The Role and Mandates of the ICC Trust Fund for Victims,” essay, in *Victims of International Crimes: An Interdisciplinary Discourse* (Springer, 2013), 317–27; Tom Dannenbaum, “The International Criminal Court, Article 79, and Transitional Justice: The Case for an Independent Trust Fund for Victims,” *Wisconsin International Law Journal* 28, no. 2 (2011): 234–98.

### 3.5. Victim participation in The Prosecutor v. Jean-Pierre Bemba case

Victims' rights to participate in international proceedings vary with each case, and in Bemba's trial, these rights were exceptionally broad.<sup>155</sup> Victim participation was particularly significant in Bemba's trial, as "for the first time, victims were allowed to expose their 'views and concerns' in person, which constitutes a new autonomous modality of victim participation."<sup>156</sup> Moreover, the ability of victims to review and challenge evidence had a substantial impact on the judges' decision regarding Bemba's guilt or the lack thereof.<sup>157</sup> A witness testimony revealed that a document presented by the Defense, which claimed Bemba was not the Commander-in-chief of the MLC when the atrocities were allegedly committed, was forged. This was corroborated by other scholars who noted that Bemba's trial was "the first case in the history of International criminal law where members of the defense team were arrested, tried, and convicted."<sup>158</sup>

Research in the CAR revealed that "victims have a distinct and sometimes passionate interest in the doings of the Court."<sup>159</sup> However, in line with previously presented ideas<sup>160</sup>, this interest does not sustain slow trials and lack of arrests.<sup>161</sup> Furthermore, research showed that victims in the CAR have great hopes for justice nonetheless they have an urgent need for material and psychological support.<sup>162</sup> Scholar Glasius reported that "most victims interviewed expressed a desperate need for food aid, medication, enrollment for children in school, and income-generating schemes."<sup>163</sup> Following the acquittal of Bemba and the final decision made by the Court's Trial Chamber III regarding the reparations proceedings, the Trust Fund for Victims held a press release announcing that the following reparations will

---

<sup>155</sup> Melanie Vianney-Liaud and Carine Pineau, "Assessing Victim's Contribution to the Determination of the Truth in the Bemba Case," *Eyes on the ICC*, (2016): 51–72.

<sup>156</sup> *Ibid.*, 55.

<sup>157</sup> *Ibid.*

<sup>158</sup> Joseph Powderly, "Prosecutor v. Jean-Pierre Bemba Gombo: Judgment on the Appeal of Mr. Jean-Pierre Bemba Gombo against Trial Chamber III's 'Judgment Pursuant to Article 74 of the Statute' (Int'l Crim. Ct.)," *International Legal Materials* 57, no. 6 (2018): 1031–79, <https://doi.org/10.1017/ilm.2018.50>, 1031.

<sup>159</sup> Marlies Glasius, "What Is Global Justice and Who Decides? Civil Society and Victim Responses to the International Criminal Court's Investigations," *Human Rights Quarterly* 31, no. 2 (2009): 496–520, 517.

<sup>160</sup> Harry Hobbs, "Victim Participation in International Criminal Proceedings: Problems and Potential Solutions in Implementing an Effective and Vital Component of Justice," *Texas International Law Journal* 49, no. 1 (2014): 1–34. ; Charles P Trumbull, "The Victims of Victim Participation in International Criminal Proceedings," *Michigan Journal of International Law* 29, (2008): 777–826.

<sup>161</sup> Marlies Glasius, "What Is Global Justice and Who Decides? Civil Society and Victim Responses to the International Criminal Court's Investigations," *Human Rights Quarterly* 31, no. 2 (2009): 496–520.

<sup>162</sup> *Ibid.*

<sup>163</sup> Marlies Glasius, "What Is Global Justice and Who Decides? Civil Society and Victim Responses to the International Criminal Court's Investigations," *Human Rights Quarterly* 31, no. 2 (2009): 496–520, 516.

offered to the victims and their families: €1 million for the Trust Fund's assistance program, physical and psychological rehabilitation, as well as material support.<sup>164</sup>

The theoretical framework examined the definitions of transitional justice, specifically restorative justice, and distinguished this approach from retributive justice. Given the thesis' focus on the feelings expressed by NGOs and victims of atrocities in the CAR, it was crucial to explore how African scholars define transitional justice. Additionally, it sheds light on a revised transitional justice framework developed by the African Union, often referred to as a non-mainstream approach to transitional justice. This chapter also delved into how victims can actively participate in international justice proceedings. Moreover, it discussed the different ways and challenges associated with victim participation at the ICC, which emphasizes its commitment to restorative justice. The following section will present the feelings expressed by NGOs and victims in the CAR following Bemba's acquittal. These feelings will be analyzed through the lens of restorative justice, considering the complexities of victim agency in justice proceedings, while also addressing challenges identified by scholars regarding victim participation at the ICC.

---

<sup>164</sup> Trust Fund for Victims' Board of Directors, "Following Mr Bemba's Acquittal, Trust Fund for Victims at the ICC Decides to Accelerate Launch of Assistance Programme in Central African Republic," International Criminal Court, June 13, 2018, <https://www.icc-cpi.int/news/following-mr-bembas-acquittal-trust-fund-victims-icc-decides-accelerate-launch-assistance>.

## Chapter 4: Analysis

### 4.1. General findings

To answer the research question “Following the ICC Appeals Chamber’s acquittal of Bemba in June 2018, what feelings have NGOs and victims expressed regarding the trial’s outcome and their participation in the proceedings concerning the atrocities allegedly committed by the MLC forced?” the analysis focused on the following four sub-questions: (1) What feelings have NGOs and victims expressed regarding the ICC Appeals Chamber’s decision to acquit Bemba? (2) What feelings have NGOs and victims expressed regarding the ICC as an institution? (3) What feelings have NGOs and victims expressed regarding the reparative measures for this case? (4) What feelings have victims expressed regarding testifying at the Court? All aforementioned sub-questions are relevant to address the main questions as they address this thesis’ focus on feelings expressed in response to the trial’s outcome, Bemba’s acquittal, as well as the victims’ participation in ICC proceedings.

Research revealed that the following non-governmental entities wrote reports, news articles, and recorded radio shows featuring victims’ feelings towards Bemba’s acquittal: Agence Centrafricaine de Presse, Avocats Sans Frontières, Corbeau News Centrafrique, the FIDH, Onbangui Médias, Radio Ndeke Luka, Réseau Centrafricains des Journalistes pour les Droits de l’Homme (the “RJDH” hereinafter), and the RONGDH. A total of 17 sources were used, including 13 news articles, three reports written by NGOs, and one radio show. Most of the NGOs mentioned in the Methods section<sup>165</sup> did not have websites or archives with their past reports. Therefore, the research’s focus shifted to gathering content from CAR-based news outlets that featured victim representatives and works from the aforementioned NGOs. The criterion remained that all news outlets used must be Central African-owned. One exception was made for the FIDH because reports written by this NGO were significant in the case against Bemba and featured contributions from the CAR-owned NGOs OCDH and LCDH.

The following table shows how the feelings found through research were divided into four different themes addressing the four aforementioned sub-questions. The clusters of feelings have been organized in such a way that the first cluster features the most statements, and the last cluster features the least. For example, looking at the first theme “acquittal,” most

---

<sup>165</sup> Observatoire centrafricain des droits de l’Homme (OCDH), Ligue centrafricaine des droits de l’Homme (LCDH), Association des femmes juristes de Centrafrique (AFJC), Association des victimes de la LRA en Centrafrique (AVLRAC), Avocats Sans Frontières Centrafrique (ASF/RCA), Réseau des ONG centrafricaines pour la Défense et la Promotion des Droits de l’Homme (RONGDH).

feelings expressed towards the decision to acquit Bemba were characterized by anger, while a few were characterized by feelings of hopelessness. The “case count” column indicates the number of sources that featured the given feeling, and the “code count” column indicates the number of statements in the material that featured that given sentiment. A total of 130 statements containing feelings were expressed towards the elements surrounding Bemba’s acquittal.

Name	Case Count	Code Count
<b>Acquittal</b>	<b>13</b>	<b>48</b>
Anger	9	12
Shock	7	12
Confusion	4	7
Satisfaction	3	6
Frustration	4	4
Sadness	3	3
Worry	2	2
Hopelessness	2	2
<b>ICC</b>	<b>12</b>	<b>44</b>
Distrust	8	19
Disappointment	6	7
Loneliness	4	7
Rejection	3	5
Confusion	4	4
<b>Victims fund</b>	<b>9</b>	<b>28</b>
Disatisfaction	8	18
Hope	3	4
Impatience	1	1
<b>Testifying</b>	<b>3</b>	<b>10</b>
Hope	2	5
Fear	2	3
Frustration	2	2

## 4.2. Thematic findings

### 4.2.1. What feelings have NGOs and victims expressed regarding the ICC Appeals Chamber’s decision to acquit Bemba?

A total of 48 statements featured feelings expressed by NGOs in the CAR and victims of atrocities committed by MLC forces towards the ICC's Appeals Chamber decision to acquit Bemba. The prevalent underlying feeling among these statements was anger, accompanied by shock, confusion, satisfaction, frustration, sadness, worry, and hopelessness. Out of these 48 statements, 12 specifically conveyed feelings of anger. Victims and their

representatives were particularly incensed by the acquittal, perceiving it as a profound failure of justice and a betrayal after years of anticipation for justice. They viewed the acquittal as an unjust outcome, leaving victims with a sense of betrayal and abandonment by the international justice system they had placed their hopes. Media reports echoed these sentiments, stating, “It is a great disappointment for these silenced victims, who had expected justice. They are left feeling unsatisfied and disillusioned, losing faith in the justice system.”<sup>166</sup>

In this analysis, feelings of anger towards the acquittal are considered distinct from feelings of frustration, as the statements categorized as expressing frustration conveyed less intense emotional responses. Certain NGOs reported that “during consultations with victims, they had highlighted their frustrations and reiterated their immediate needs for assistance to restore their lives, turned upside down by the crimes.”<sup>167</sup> Such statements indicated that the acquittal exacerbated frustrations stemming from the perceived lack of justice and accountability after lengthy legal proceedings. Interestingly, the statements expressing anger are more prevalent than those expressing frustration. This underscores the profound emotional impact of the Appeals Chamber's decision on the victims.

The analysis identified shock as another prevalent feeling. Indeed, out of the 48 statements 12 conveyed that victims and their representatives were extremely surprised by the Appeals Chamber’s decision to acquit Bemba. The reaction captured by the news outlet Corbeau News exemplifies this: “Unbelievable! Shocking! Unacceptable! What contempt for the lives of Central Africans! Is a Central African that worthless?”<sup>168</sup> This shock stems from the fact that the decision violated victims’ expectations of justice and that thousands of victims were impacted by the atrocities committed by the MLC forces. This corroborates scholars Trumbull and Doak’s criticisms that victim participation gives false expectations about the outcome of the trial which exacerbates strong negative feelings especially when defendants are pronounced as not being guilty.<sup>169</sup>

---

<sup>166</sup> Original quote in French : “Une grande déception pour cette grande masse silencieuse à laquelle on devait faire justice. Elle reste là sur sa faim, déçue comme tout et finalement elle va perdre foix en la justice,” episode, *Acquittement de Jean Pierre Bemba, Mécontentement En RCA* (Radio Ndeke Luka, July 18, 2018).

<sup>167</sup> Marie-Edith Douzima, Evelyne Ombeni, and Lydia El Halw, rep., *Victims at the Heart of Justice: Reflections on Victims’ Participation at the ICC* (FIDH, 2018): 75-80, 79.

<sup>168</sup> Original quote in French: “Hallucinant! Choquant! Inadmissible! Quel mépris pour la vie des Centrafricains! Ça vaut combien un Centrafrican?”, “RDC / Centrafrique: L’aquittement Scandaleux de Jean-Pierre Bemba Gombo ,” *Corbeau News*, August 13, 2018, <https://corbeaunews-centrafrique.org/rdc-centrafrique-lacquittement-scandaleux-de-jean-pierre-memba-gombo/>.

<sup>169</sup> Charles P Trumbull, “The Victims of Victim Participation in International Criminal Proceedings,” *Michigan Journal of International Law* 29 (2008): 777–826; Jonathan Doak, “The Therapeutic Dimension of Transitional



Not only have victims expressed feelings of anger and shock at Bemba's acquittal, but they also expressed a sense of misunderstanding regarding the Appeals Chamber's decision. Victims felt confused due to the lack of clarity regarding the acquittal and its implications. NGOs reported that this "unexpected outcome was difficult to understand for the victims, despite the sustained efforts of their Counsel to keep them informed."<sup>170</sup> Victims who had allegedly seen Bemba commit numerous atrocities in their region reported, "We, victims from the PK12, cannot understand this because Bemba came here to visit his troops."<sup>171</sup> This sense of confusion underscores scholars Chung and Smith-van Lin's claim that the ICC's outreach efforts are inadequate thus fueling victims' perceptions of misunderstanding and injustice when confronted with certain decisions.<sup>172</sup>

Although victims viewed the decision as unjust and therefore could not accept or understand it, their legal representative reported that while the decision was highly disappointing it was sound, as it was made with respect to international law. Indeed, Marie Edith Douzima, the victims' legal representative at the ICC, reported in an interview: "From a legal point of view, I respect the decision of the ICC's Chamber of Appeals."<sup>173</sup> Such feelings of satisfaction with the decision strongly conflict with prevalent feelings of anger, shock, and confusion expressed by victims. Unsurprisingly, these latter clusters feature more statements than the ones featuring feelings of satisfaction with Bemba's acquittal thus indicating that a majority of feelings expressed in response to Bemba's acquittal were negative. Representatives have however simultaneously expressed feelings of sadness with NGO reports stating that "all strongly regretted that this judgment exonerates the warlord and leaves the victims without redress."<sup>174</sup>

---

Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>170</sup> Marie-Edith Douzima, Evelyne Ombeni, and Lydia El Halw, rep., *Victims at the Heart of Justice: Reflections on Victims' Participation at the ICC* (FIDH, 2018): 75-80, 78.

<sup>171</sup> Original quote in French: "Nous, du PK12, on ne peut pas nous dire ça, puisque Bemba est venu ici, rendre visite à ses troupes," Stéphanie Maupas, "La Méfiance Des Victimes Envers La Justice Internationale Dépasse l'affaire Bemba," *Fondation Hirondelle* (RONDGDH, August 17, 2018), <https://www.justiceinfo.net/fr/38443-la-mefiance-des-victimes-envers-la-justice-internationale-depasse-l-affaire-bemba.html>.

<sup>172</sup> Christine H Chung, "Victims' Participation at the International Criminal Court: Are Concessions of the Court Clouding Promise?," *Northwestern University Journal of International Human Rights* 6, no. 3 (2008): 459–545; Lorraine Smith-van Lin, "Victims' Participation at the International Criminal Court: Benefit or Burden?," essay, in *The Ashgate Research Companion to International Criminal Law* (Routledge, 2013).

<sup>173</sup> Original quote in French : "Une telle décision je la respecte pour ce qu'elle est du point de vue du droit et la décision de la cour d'appel de la CPI," episode, *Acquittement de Jean Pierre Bemba, Mécontentement En RCA* (Radio Ndeke Luka, July 18, 2018).

<sup>174</sup> rep., *FIDH Recommendations to the 17th Session of the Assembly of States Parties to the ICC Statute* (FIDH, 2018), 7.

As exemplified, the aforementioned statements featured real-time feelings in response to Bemba's acquittal. Some statements however conveyed victims expressing anxious anticipation for the acquittal's future implications. Victims have indeed expressed feeling worried about the acquittal's impact on the CAR, fearing increased tensions and a sense of impunity that could further destabilize the region by encouraging perpetrators of mass atrocities. When interviewed, some victims reported: "Bemba's actions here will be copied (...) Don't you think that Bemba's acquittal will encourage others to commit more crimes?"<sup>175</sup> Such feelings were also accompanied by feelings of hopelessness, as their expectations for justice and accountability were shattered by the decision. NGOs reported that "some victims, who saw Bemba's conviction as the final hope for justice and recognition, have decided to stop their anti-retroviral treatment."<sup>176</sup> Here again, victims' feelings corroborated the criticism that participating at the ICC fuels false expectations leading to victims feeling hopeless when they are faced with an outcome they had not hoped for.<sup>177</sup>

All the previously mentioned reactions indicate that the ICC Appeals Chamber's decision to acquit Bemba elicited a broad spectrum of feelings, spanning from anger to confusion to hopelessness. While there is minimal differentiation among the reactions voiced by the victims, representatives' feelings of satisfaction and sadness convey that the decision had a greater emotional impact on victims. Overall, the feelings expressed in response to the acquittal echoed the criticisms directed at the ICC. These criticisms focused on the ICC's lack of outreach and its inability to address victims' expectations regarding the implications of the trial, particularly regarding the possibility of the accused being acquitted.<sup>178</sup>

#### 4.2.2. *What feelings have NGOs and victims expressed regarding the ICC as an institution?*

The analysis revealed that victims and NGOs distinguished between the ICC and its Appeals Chamber's decision to acquit Bemba. Indeed, following Bemba's acquittal, they

---

<sup>175</sup> "The Bemba Case: Heavily Criticised, the ICC Must Maintain Victims' Legal Representation as the Establishment of Assistance Programmes for Victims Is Awaited," *International Federation For Human Rights*, October 1, 2018, FIDH, <https://www.fidh.org/en/region/Africa/central-african-republic/the-bemba-case-heavily-criticised-the-icc-must-maintain-victims-legal><https://www.fidh.org/en/region/Africa/central-african-republic/the-bemba-case-heavily-criticised-the-icc-must-maintain-victims-legal>.

<sup>176</sup> Ibid.

<sup>177</sup> Charles P Trumbull, "The Victims of Victim Participation in International Criminal Proceedings," *Michigan Journal of International Law* 29 (2008): 777–826; Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>178</sup> Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98.

expressed a range of distinct feelings towards the ICC, including distrust, disappointment, loneliness, rejection, and confusion. Out of the 44 statements directed towards the ICC, 19 highlighted feelings of distrust. Research indicated that in response to Bemba's acquittal, victims criticized the Court, arguing, "Given that international justice's goal is to fight impunity and the ICC aims to prosecute international crimes, there is no point in the ICC continuing its work as they choose to free Jean-Pierre Bemba although he committed such international crimes."<sup>179</sup> Such feelings of distrust were also confirmed by NGOs reporting "International justice sent a very bad message. Thousands of Central Africans have been wronged and are being denied this justice. This poses a problem of trust in international justice."<sup>180</sup> The acquittal also reinforced victims' belief that the ICC is predominantly a Western institution which pushed victims to question whether local judges would have reached the same acquittal decision.<sup>181</sup> Such statements, rooted in feelings of distrust towards the ICC, echo criticisms of mainstream justice approaches. Indeed, scholar Mutua argues that these approaches prioritize Western ideas of justice and therefore lack legitimacy in the eyes of certain victims.<sup>182</sup>

The analysis also revealed that victims felt a profound disappointment leading them to feel lonely in their fight for redress and overall rejected by the ICC. Victims reported "In all this time, all the ICC does is observe, it's just going around in circles. I am not okay with this. I have never seen anyone from the ICC here. It has taken too long for the decision to come down."<sup>183</sup> Furthermore, feelings of loneliness and rejection derived from NGOs reporting "victims expressed to Counsel their sense of having been 'betrayed', 'stabbed in the back', and abandoned by the international justice system that promised them so much and in

---

<sup>179</sup> Original quote in French: "La justice internationale lutte contre l'impunité et si je vois aujourd'hui que Jean-Pierre Bemba est libéré y'a même pas un sens à l'existence de cette cour parce que cette cour est instituée pour réprimer ce type de crime qu'a commis," episode, *Acquittement de Jean Pierre Bemba, Mécontentement En RCA* (Radio Ndeke Luka, July 18, 2018).

<sup>180</sup> Original quote in French: "C'est un très mauvais signal qui a été lancé par la justice internationale. Des Centrafricains par milliers ont été lésés et se voient dénier cette justice. Cela pose un problème de confiance par rapport à la justice internationale", "RDC / Centrafrique: L'aquittement Scandaleux de Jean-Pierre Bemba Gombo," *Corbeau News*, August 13, 2018, <https://corbeau-news-centrafrique.org/rdc-centrafrique-lacquittement-scandaleux-de-jean-pierre-memba-gombo/>.

<sup>181</sup> RDC / Centrafrique: L'aquittement Scandaleux de Jean-Pierre Bemba Gombo," *Corbeau News*, August 13, 2018, <https://corbeau-news-centrafrique.org/rdc-centrafrique-lacquittement-scandaleux-de-jean-pierre-memba-gombo/>; Stéphanie Maupas, "La Méfiance Des Victimes Envers La Justice Internationale Dépasse l'affaire Bemba," *Fondation Hirondelle* (RONDGDH, August 17, 2018), <https://www.justiceinfo.net/fr/38443-la-mefiance-des-victimes-envers-la-justice-internationale-depasse-l-affaire-bemba.html>.

<sup>182</sup> Makau Mutua, "A Critique of Rights in Transitional Justice: The African Experience," *Rethinking Transitions*, (2011), 31–46.

<sup>183</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017), 23.

which they had placed so much hope.”<sup>184</sup> Overall these feelings explain why victims have reported refusing to collaborate with and participate in the proceedings of the Court in future instances. Indeed, while they have expressed the need for Bemba’s troops to be prosecuted for the atrocities they committed, they refuse to participate in such proceedings to avoid reliving the failure of Bemba’s case.<sup>185</sup> These statements once again support scholar Doak’s arguments that the ICC’s insufficient outreach and failure to manage victims’ expectations intensify feelings of disappointment, hopelessness, and distrust in the legal system.<sup>186</sup>

Overall the analysis revealed that the decision to acquit Bemba had a significant impact on how victims viewed the ICC. Although before the trial, victims placed their trust in the ICC and strongly believed in its ability to ensure accountability for the atrocities they experienced<sup>187</sup>, the acquittal has now left them with feelings of distrust, disappointment, loneliness, rejection, and confusion. Victims’ feelings not only support scholars’ criticisms regarding the Western-centric nature of justice approaches and the inefficiency of ICC proceedings but they also challenge the notion of the ‘ideal victim’ often referenced in victimology literature. Such conceptions of victims portray them as reliant on international actors to advocate on their behalf.<sup>188</sup> However, as evidenced in this sub-section victims in the CAR have publicly delegitimized the ICC, arguing that domestic courts would have provided more redress than the ICC did.<sup>189</sup>

#### 4.2.3. What feelings have NGOs and victims expressed regarding the reparative measure for the case?

In response to Bemba’s acquittal, victims and NGOs have not only expressed negative feelings towards the decision and the ICC but also shared their opinions about the Victim

---

<sup>184</sup> Marie-Edith Douzima, Evelyne Ombeni, and Lydia El Halw, rep., *Victims at the Heart of Justice: Reflections on Victims’ Participation at the ICC* (FIDH, 2018), 78.

<sup>185</sup> “The Bemba Case: Heavily Criticised, the ICC Must Maintain Victims’ Legal Representation as the Establishment of Assistance Programmes for Victims Is Awaited,” *International Federation For Human Rights*, October 1, 2018, FIDH, <https://www.fidh.org/en/region/Africa/central-african-republic/the-bemba-case-heavily-criticised-the-icc-must-maintain-victims-legal>.2018.

<sup>186</sup> Jonathan Doak, “The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions,” *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>187</sup> rep., “*All I Want Is Reparation*”: *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017),

<sup>188</sup> Christine Schwöbel-Patel, “The ‘Ideal’ Victim of International Criminal Law,” *European Journal of International Law* 29, no. 3 (2018): 703–24.

<sup>189</sup> Stéphanie Maupas, “La Méfiance Des Victimes Envers La Justice Internationale Dépasse l’affaire Bemba,” *Fondation Hirondelle* (blog) (RONDGDH, August 17, 2018), <https://www.justiceinfo.net/fr/38443-la-mefiance-des-victimes-envers-la-justice-internationale-depasse-l-affaire-bemba.html>.

Fund, the main reparations program for this case. Out of the 130 statements found, 28 conveyed feelings directed towards this fund. These statements reflected victims' feelings of dissatisfaction, hope, and impatience to receive reparations after the 15-year-long proceedings. Of these 28 statements 18 featured feelings of dissatisfaction with the fund. The found statements conveyed that feelings of dissatisfaction stemmed from the fund's limited impact and victims' perception that it did not fully meet their needs. Indeed, victims' testimonies featured in NGO reports convey this: "What we want is not projects, hospitals, schools that everyone can use. We will not get the benefit of them (...) We want something individually for us so that each of us can leave something that is guaranteed for our children."<sup>190</sup> Such testimonies corroborate scholars' criticism that mainstream transitional efforts have failed to address victims' needs.<sup>191</sup> Indeed, victims' perception that the fund has limited impact supports scholars Dutton, Ni Aolain, and Peschke's finding that the ICC's limited funds and complex administrative processes slow down the implementation of reparations programs.<sup>192</sup>

In contrast with the feelings of dissatisfaction reported by victims, NGOs recognized the significance of the Victims Fund in providing physical and psychological redress to the victims and their families in the aftermath of the acquittal, acknowledging the importance of such support in rebuilding trust in the ICC as an institution. NGO representatives affirmed that "it is only this concrete and useful action by the Fund that can allay ICC rejection, for the Bemba case, and beyond."<sup>193</sup> As such, victims' representatives viewed the reparations program as significant in addressing the previously expressed negative sentiments towards the ICC. However such reports also highlighted the urgency of the needs of victims involved in the Bemba case, emphasizing the critical importance of timely and meaningful assistance measures to help them effectively recover from the crimes suffered. Their reports featured many testimonies from victims in this regard, some of which are the following: "Right now,

---

<sup>190</sup> Ibid, 24.

<sup>191</sup> Elke Evrard, Gretel Mejía Bonifazi, and Tine Destrooper, "The Meaning of Participation in Transitional Justice: A Conceptual Proposal for Empirical Analysis," *International Journal of Transitional Justice* 15, no. 2 (2021): 428–47.

<sup>192</sup> Anne Dutton and Fionnuala Ni Aolain, "Between Reparations and Repair: Assessing the Work of the ICC Trust Fund for Victims under Its Assistance Mandate," *Chicago Journal of International Law* 19, no. 2 (2019): 490–547; Katharina Peschke, "The Role and Mandates of the ICC Trust Fund for Victims," essay, in *Victims of International Crimes: An Interdisciplinary Discourse* (Springer, 2013), 317–27.

<sup>193</sup> "The Bemba Case: Heavily Criticised, the ICC Must Maintain Victims' Legal Representation as the Establishment of Assistance Programmes for Victims Is Awaited," *International Federation For Human Rights*, October 1, 2018, FIDH, <https://www.fidh.org/en/region/Africa/central-african-republic/the-bemba-case-heavily-criticised-the-icc-must-maintain-victims-legal><https://www.fidh.org/en/region/Africa/central-african-republic/the-bemba-case-heavily-criticised-the-icc-must-maintain-victims-legal>.2018.

the first thing I want to ask is for things to move forward (...) Hurry up. I don't know what the future holds for me,"<sup>194</sup> "all I want is reparation, it doesn't matter what type,"<sup>195</sup> and "we want the Court to hear the cries of our hearts. The problem is that we still have no reparation."<sup>196</sup>

Additionally, NGOs believed that despite the challenges and limitations faced by the Victims Fund, these reparations could help rebuild credit and trust in the ICC. They also felt a sense of hope that the Fund's ongoing commitment to addressing the harms suffered by victims in the Bemba case would eventually lead to meaningful redress and assistance. However, victims expressed impatience, particularly after the many years of proceedings and the acquittal of Bemba. This feeling of impatience echoed their feelings of dissatisfaction resulting from their perception that the Victims Fund was not implemented quickly enough. They expressed a strong desire for swift and effective measures to support the victims and their families, as evidenced by the following NGO report: "After 10 years of proceedings and one acquittal, the victims will no longer wait."<sup>197</sup>

Overall, the feelings expressed towards the Victims Fund were negative highlighting victims' feelings of dissatisfaction and impatience with the reparations program. Once again these feelings echoed with criticism made by some scholars of the mainstream approaches to transitional justice. Furthermore, by publicly criticizing the reparations measures, victims have once more disrupted the definition of the 'ideal victim'. Indeed, by voicing their dissatisfaction with the reparations program for not meeting their needs they defy the approach to victimhood that views them as reliant on international actors for assistance and advocacy.<sup>198</sup> Compared to previous themes, there were more differentiated feelings expressed by representatives and victims. Indeed, the statements found conveyed that NGOs felt more hopeful and overall optimistic about the Victims Fund, whereas victims reported discrepancies between their needs and what the reparations program had to offer. However, overall the statements found underscored the importance of timely and effective support for

---

<sup>194</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017), 23.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid, 36.

<sup>197</sup> "The Bemba Case: Heavily Criticised, the ICC Must Maintain Victims' Legal Representation as the Establishment of Assistance Programmes for Victims Is Awaited," *International Federation For Human Rights*, October 1, 2018, FIDH, <https://www.fidh.org/en/region/Africa/central-african-republic/the-bemba-case-heavily-criticised-the-icc-must-maintain-victims-legal><https://www.fidh.org/en/region/Africa/central-african-republic/the-bemba-case-heavily-criticised-the-icc-must-maintain-victims-legal>.2018.

<sup>198</sup> Christine Schwöbel-Patel, "The 'Ideal' Victim of International Criminal Law," *European Journal of International Law* 29, no. 3 (2018): 703–24.

victims in their journey towards recovery and justice, especially in cases where there is a perceived lack of redress and accountability.

#### 4.2.4. *What feelings have victims expressed regarding testifying at the Court?*

The quotes found conveyed that in light of Bemba's acquittal, victims expressed specific feelings not only towards the decision itself, the ICC as an institution, and the reparative program resulting from the case but also towards the time they spent testifying at ICC. Of the 130 statements found, 10 featured feelings expressed towards their time at the Court. These statements conveyed that victims felt hope, fear, and frustration as a result of testifying at the Court. A majority of the statements found for the theme of testifying conveyed feelings of hope where victims reported: "I was happy to testify before the Court, to go and explain because all the things that happened to me did not do me any good. That was a relief,"<sup>199</sup> and "I will always thank the Court because I was finally able to speak about the pain that I carry in my heart."<sup>200</sup> These statements conveyed that participation in the trial increased victims' feelings of hope for justice and redress, as their involvement represented a glimmer of hope in the absence of other immediate avenues for justice. This echoes scholars Evrard, Bonifazi, and Destrooper's findings that testifying at the ICC is significant in victims' healing and journey toward redress.<sup>201</sup> Furthermore, scholars Doak, Garbett, Dembour, and Haslam have argued that testifying allows victims to feel recognized by telling their stories to a wider audience, break their silence, and transform feelings of shame into feelings of dignity.<sup>202</sup>

Although victims expressed overall feelings of hope after testifying at the ICC, other statements conveyed that participating in the trial was perceived as a waste for the many victims who shared their experiences, given the outcome of Bemba's acquittal. This feeling was amplified by the fact that these victims waited 10 years to see justice served and to receive some form of redress, only to have their efforts seemingly go to waste after the

---

<sup>199</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017), 35.

<sup>200</sup> Ibid, 36.

<sup>201</sup> Elke Evrard, Gretel Mejía Bonifazi, and Tine Destrooper, "The Meaning of Participation in Transitional Justice: A Conceptual Proposal for Empirical Analysis," *International Journal of Transitional Justice* 15, no. 2 (2021): 428–47.

<sup>202</sup> Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98; Claire Garbett, "The Truth and the Trial: Victim Participation, Restorative Justice, and the International Criminal Court," *Contemporary Justice Review* 16, no. 2 (2013): 193–213; Marie-Benedicte Dembour and Emily Haslam, "Silencing Hearings? Victim-Witnesses at War Crimes Trials," *Ejil* 15, no. 1 (2004): 151–77.

acquittal. Other statements conveyed that victims felt testifying at the ICC had exposed them and their families to risks, pressures, and threats of reprisals. Indeed, a victim reported, “When I got home, some people recognized me. I continued to have problems; people envied me because I had gone to testify in The Hague. Out in the country, people are full of complexes. They thought that I had some kind of advantage over them.”<sup>203</sup> This account, among others, underscores the potential dangers and vulnerabilities faced by those who come forward to seek justice and accountability for the crimes they have endured. This corroborates scholar Doak’s argument that testifying often brings more risks than benefits for victims as it can impose an emotional burden on both victims who testified and those who cannot testify.<sup>204</sup>

Of the 130 quotes found, a minority featured feelings regarding the victims’ time participation in the trial’s proceedings. Interestingly, most quotes conveyed that victims felt hopeful and relieved after testifying at the ICC, and unlike a few, they did not see it as a waste despite Bemba’s acquittal. However, some felt that all the risks they faced and the efforts they made to come to the ICC were perceived as a waste because of the acquittal. Once more, the victims’ feelings corroborate the critical victimology approach, advocating for a more contextualized definition of victimhood that captures the complexities of victims instead of defining them in binary terms and overgeneralizing their motives and needs.<sup>205</sup> The range of feelings expressed by victims highlights such complexities.

---

<sup>203</sup> rep., “*All I Want Is Reparation*”: *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017), 36.

<sup>204</sup> Jonathan Doak, “The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions,” *International Criminal Law Review* 11, no. 2 (2011); Charles P Trumbull, “The Victims of Victim Participation in International Criminal Proceedings,” *Michigan Journal of International Law* 29 (2008): 777–826, 803.

<sup>205</sup> Kieran McEvoy and Kirsten McConnachie, “Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy,” *European Journal of Criminology* 9, no. 5 (2012): 527–38.



## Chapter 5: Conclusion

### 5.1. Findings

This thesis addressed the following research question: “Following the ICC Appeals Chamber’s acquittal of Bemba in June 2018, what feelings have NGOs and victims expressed regarding the trial’s outcome and their participation in the proceedings concerning the atrocities allegedly committed by the MLC forces?” A reflexive thematic analysis focused on identifying the feelings expressed in light of Bemba’s acquittal, revealing that the feelings of victims and NGOs could be categorized into four themes. These themes included feelings towards the acquittal itself, the ICC as an institution, the reparations program, and their past participation in court proceedings. The analysis showed that an overwhelming majority of the statements found featured negative feelings. This indicates that there is a generalized dissatisfaction with the Chamber of Appeal’s decision, the ICC, and victim participation overall. Additionally, although both victims and NGOs predominantly expressed negative feelings, only NGOs conveyed some neutral feelings, and only victims expressed somewhat positive ones. Overall, in light of Bemba’s acquittal in June 2018, victims of MLC forces expressed negative feelings towards the Chamber of Appeal’s decision and victims’ past participation at the ICC. These findings confirm the criticisms regarding how victim participation is implemented at the ICC. This implies that the non-mainstream transitional justice framework discussed in Chapter 2 should be better incorporated into retributive and restorative justice efforts within the Court. As such, this thesis argues for more inclusive transitional justice processes, particularly in terms of victim participation, aligning with restorative justice principles prioritizing healing for victims over solely blame attribution.

Scholar Mutua has argued that the mainstream approach prioritizes Western conceptions of justice over the needs of victims.<sup>206</sup> This criticism is supported by victims’ feelings of distrust toward the ICC expressing that no Central African judge would have made such a decision.<sup>207</sup> Such feelings also conveyed beliefs that the ICC is a Western court aimed solely at prosecuting Africans.<sup>208</sup> Furthermore, scholars Evrard, Bonifazi, and Destrooper have argued that mainstream transitional justice efforts have failed to represent

---

<sup>206</sup> Makau Mutua, “A Critique of Rights in Transitional Justice: The African Experience,” *Rethinking Transitions*, (2011), 31–46.

<sup>207</sup> Stéphanie Maupas, “La Méfiance Des Victimes Envers La Justice Internationale Dépasse l’affaire Bemba,” *Fondation Hirondelle* (blog) (RONDGDH, August 17, 2018), <https://www.justiceinfo.net/fr/38443-la-mefiance-des-victimes-envers-la-justice-internationale-depasse-l-affaire-bemba.html>.

<sup>208</sup> “RDC / Centrafrique: L’aquittement Scandaleux de Jean-Pierre Bemba Gombo,” *Corbeau News*, August 13, 2018, <https://corbeau-news-centrafrique.org/rdc-centrafrique-lacquittement-scandaleux-de-jean-pierre-memba-gombo/>.

victims' agency and motives.<sup>209</sup> This is corroborated by victims' arguing that the reparations measures created to offer some redress did not address their needs.<sup>210</sup> Finally, the non-mainstream approach to transitional justice stressed the importance of focusing on the psychological dimensions of atrocities rather than retribution.<sup>211</sup> This was validated by victims who argued that speaking to a psychologist when they testified at the ICC significantly helped them in their healing journey.<sup>212</sup> Overall, the overwhelming amount of negative feelings expressed by the victims indicate that Bemba's acquittal, and the resulting lack of redress, accountability, and closure for the victims, pose significant challenges to restorative justice efforts. The findings highlight the importance of adopting a more holistic and inclusive approach to victim participation, further incorporating the core principles of the restorative justice approach.

The findings not only corroborate the criticisms of the mainstream transitional justice approach but also confirm those made about the concept of victimhood. Scholar Schwöbel-Patel has argued that the definition of the 'ideal victim' is Western-centric, portraying victims as reliant on international actors to advocate on their behalf.<sup>213</sup> This criticism is particularly relevant in this case, as the FIDH, a France-based NGO, played a significant role in the prosecution of Bemba. It was their initiative that led to the investigation and documentation of the atrocities committed by Bemba, forming the basis for the ICC's prosecution.<sup>214</sup> However, interviews by CAR-based media outlets reveal that victims have disrupted the notion of reliance on international actors. They have publicly delegitimized the ICC, argued that domestic courts would have provided more redress<sup>215</sup>, and further criticized the ICC's reparations program for not addressing their reported needs.<sup>216</sup>

---

<sup>209</sup> Elke Evrard, Gretel Mejía Bonifazi, and Tine Destrooper, "The Meaning of Participation in Transitional Justice: A Conceptual Proposal for Empirical Analysis," *International Journal of Transitional Justice* 15, no. 2 (2021): 428–47.

<sup>210</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017).

<sup>211</sup> Solomon Ayele Dersso, "Africa's Transitional Justice Policy Making: Exercising Epistemic Agency and Pushing the Frontiers of Transitional Justice," *International Journal of Transitional Justice* 15, no. 2 (2021): 255–63.

<sup>212</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017).

<sup>213</sup> Christine Schwöbel-Patel, "The 'Ideal' Victim of International Criminal Law," *European Journal of International Law* 29, no. 3 (2018): 703–24.

<sup>214</sup> rep., *FIDH and the Situation in the Central African Republic before the International Criminal Court: The Case of Jean-Pierre Bemba Gombo*, 2008.

<sup>215</sup> Stéphanie Maupas, "La Méfiance Des Victimes Envers La Justice Internationale Dépasse l'affaire Bemba," *Fondation Hirondelle* (blog) (RONDGDH, August 17, 2018), <https://www.justiceinfo.net/fr/38443-la-mefiance-des-victimes-envers-la-justice-internationale-depasse-l-affaire-bemba.html>.

<sup>216</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017).

Scholars McEvoy and McConnachie have advocated for a critical victimology approach, emphasizing a more contextualized definition of victimhood that captures the complexities of victims instead of defining them in binary terms and overgeneralizing their motives and needs.<sup>217</sup> The various feelings expressed by victims highlight such complexities. Although they experienced the same atrocities, their responses to the lack of redress and accountability differ. Indeed, victims have expressed diverse needs and shared varying experiences with court participation. Indeed, in light of the acquittal, some victims felt that their participation was a waste of time and effort, while others reported feeling happy and relieved after their involvement in The Hague.<sup>218</sup>

Given the extensive victim participation in the case and its impact on the expressed feelings, it is important to highlight how the findings relate to criticisms of victim participation at the ICC. Scholar Doak has criticized victim participation for creating false expectations about the outcome, which can exacerbate feelings of disappointment, hopelessness, and distrust in the legal system<sup>219</sup>, especially when offenders are not found guilty.<sup>220</sup> These criticisms are significantly corroborated by the feelings victims expressed towards the ICC following Bemba's acquittal. Additionally, scholars Chung and Smith-van Lin have criticized the process of registering victims at the ICC, arguing that it is often complex and inaccessible.<sup>221</sup> Structural issues within the ICC, such as a lack of funding, can lead to inefficient and sometimes unjust decisions such as recognizing some victims but not others without sufficient explanations.<sup>222</sup> The aforementioned structural issues and the lack of outreach and structural issues is corroborated by the victims' expressions of confusion, perceived injustice, and lack of understanding in response to the acquittal.

While the previously mentioned scholars criticize victim participation overall, others argue that testifying, a specific type of victim participation, is beneficial to victims for

---

<sup>217</sup> Kieran McEvoy and Kirsten McConnachie, "Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy," *European Journal of Criminology* 9, no. 5 (2012): 527–38.

<sup>218</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017).

<sup>219</sup> Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>220</sup> Charles P Trumbull, "The Victims of Victim Participation in International Criminal Proceedings," *Michigan Journal of International Law* 29 (2008): 777–826; Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>221</sup> Christine H Chung, "Victims' Participation at the International Criminal Court: Are Concessions of the Court Clouding Promise?," *Northwestern University Journal of International Human Rights* 6, no. 3 (2008): 459–545; Lorraine Smith-van Lin, "Victims' Participation at the International Criminal Court: Benefit or Burden?," essay, in *The Ashgate Research Companion to International Criminal Law* (Routledge, 2013).

<sup>222</sup> Ibid.

various reasons. It allows victims to feel recognized by telling their stories to a wider audience, breaking their silence, and transforming feelings of shame into feelings of dignity.<sup>223</sup> This is supported by findings showing that victims reported feeling relieved after testifying, which revived their hope of finding redress.<sup>224</sup> According to the contact hypothesis, testifying has healing properties as victims are confronted with a court seeking accountability, which validates their suffering.<sup>225</sup> This was also corroborated by victim testimonies, where victims expressed that talking to Bemba during court proceedings helped them feel calmer overall.<sup>226</sup>

However, scholars Doak and Trumbull argue that testifying can impose an emotional burden on victims who cannot testify.<sup>227</sup> This is supported by accounts from victims who had hoped to see psychologists in The Hague but were disappointed and felt that testifying at the ICC brought more risks than benefits.<sup>228</sup> Additionally, scholars Dutto, Ni Aolain, and Peschke argue that the ICC's poor funding and complex administrative processes slow down the implementation of reparations programs.<sup>229</sup> This argument was echoed by victims in the CAR who expressed impatience and dissatisfaction with the Victims Fund.<sup>230</sup> Overall, the findings highlight that the limitations of the ICC's victim participation efforts contributed to a disconnect between the established legal processes and the individual suffering of victims.

---

<sup>223</sup> Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98; Claire Garbett, "The Truth and the Trial: Victim Participation, Restorative Justice, and the International Criminal Court," *Contemporary Justice Review* 16, no. 2 (2013): 193–213; Marie-Benedicte Dembour and Emily Haslam, "Silencing Hearings? Victim-Witnesses at War Crimes Trials," *Ejil* 15, no. 1 (2004): 151–77.

<sup>224</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017).

<sup>225</sup> Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98.

<sup>226</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017).

<sup>227</sup> Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011); Charles P Trumbull, "The Victims of Victim Participation in International Criminal Proceedings," *Michigan Journal of International Law* 29 (2008): 777–826, 803.

<sup>228</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017).

<sup>229</sup> Anne Dutton and Fionnuala Ni Aolain, "Between Reparations and Repair: Assessing the Work of the ICC Trust Fund for Victims under Its Assistance Mandate," *Chicago Journal of International Law* 19, no. 2 (2019): 490–547; Katharina Peschke, "The Role and Mandates of the ICC Trust Fund for Victims," essay, in *Victims of International Crimes: An Interdisciplinary Discourse* (Springer, 2013), 317–27.

<sup>230</sup> rep., "All I Want Is Reparation": *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court* (FIDH, 2017).

## 5.2. Limitations and avenues for further research

The research findings adequately confirm the criticisms discussed in chapters 2 and 3 on mainstream approaches to transitional justice and victim participation at the ICC. The findings also underscore the importance of prioritizing victims' experiences and needs in restorative justice efforts. However, this thesis has notable limitations. Specifically, the analysis lacked a substantial amount of statements. Out of 5,229 recognized victims by the ICC<sup>231</sup>, only 130 statements were found conveying feelings related to Bemba's acquittal. This might be attributed to two phenomena. First, since French is the second of two official languages in the CAR<sup>232</sup>, searches conducted only in French and English may have restricted the findings. Conducting the research in Sango could enable the future to uncover more feelings expressed on this topic. Another plausible reason for the scarcity of data could be the limited capture of feelings following Bemba's acquittal. NGOs have encountered difficulties in reaching out to victims post-acquittal, largely because many victims relocated to remote areas of the country due to financial and security concerns stemming from the atrocities allegedly committed by the MLC forces.<sup>233</sup> NGOs have consistently faced challenges in contacting victims to provide explanations regarding reparations after the acquittal.<sup>234</sup> Consequently, the feelings identified may predominantly reflect those of victims who remained in the capital, Bangui, and nearby cities.

An additional limitation of this thesis is its heavy reliance on reports from the FIDH. While the original plan for research aimed to rely exclusively on CAR-based NGOs and media outlets, the unavailability of archives from these organizations forced a shift towards other NGOs that had collaborated with CAR-based entities. One such NGO was the FIDH. Given France's colonial history with the CAR, depending extensively on a French NGO for data may not be appropriate. This is particularly problematic in light of the thesis' emphasis on restorative justice efforts and critics by African scholars of the mainstream approaches. To mitigate this issue, future research on this topic could involve direct outreach to NGOs, inquiring whether their representatives would be open to interviews on the subject or possess reports in their unpublished archives. This approach would help reduce reliance on non-CAR-based organizations.

---

<sup>231</sup> ICC, "Case Information Sheet - the Prosecutor v. Jean-Pierre Bemba Gombo," International Criminal Court, March 2019, <https://www.icc-cpi.int/sites/default/files/CaseInformationSheets/BembaEng.pdf>

<sup>232</sup> rep., *FIDH and the Situation in the Central African Republic before the International Criminal Court: The Case of Jean-Pierre Bemba Gombo*, 2008.

<sup>233</sup> Ibid.

<sup>234</sup> Ibid.

Finally, given my French cultural background and limited knowledge of local cultural intricacies, this research might have lacked some nuances thus impacting the quality of the analysis. Indeed, given my limited knowledge of the CAR and its influential media outlets, the findings of this thesis may be inherently limited. My perspective, shaped by French culture and limited linguistic knowledge, could potentially overlook nuances specific to the CAR's local context. Given my positionality, it is important to acknowledge that a researcher deeply immersed in the Sango language and CAR's cultural intricacies could have offered a more nuanced and representative analysis of how NGOs and victims perceive and respond to justice processes in the aftermath of significant legal rulings like Bemba's acquittal.

Although this thesis adequately addressed a narrow research question constrained by word count limits, longer theses could explore broader scopes. With the ongoing trial at the ICC *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaißsona*, involving prosecuting CAR officials for war crimes and crimes against humanity, there is an opportunity to investigate how Bemba's acquittal and the resulting feelings have delegitimized the Court in the eyes of NGOs and victims in the CAR. This exploration could examine how victims perceive this ongoing trial. Additionally, such research could analyze differences in victim participation between *The Prosecutor v. Jean-Pierre Bemba* and *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaißsona* cases, and determine if these differences can be linked to the feelings expressed by victims following Bemba's acquittal.

## References

- “About the Court.” International Criminal Court. Accessed June 12, 2024. <https://www.icc-cpi.int/about/the-court>.
- “About Transitional Justice and Human Rights,” OHCHR, accessed May 5, 2024, <https://www.ohchr.org/en/transitional-justice>.
- American Psychological Association, April 19, 2018. <https://dictionary.apa.org/feeling>.
- Anthony Clay, “In the Case of the Prosecutor v. Jean-Pierre Bemba Gombo: Cementing Sexual Violence and Command Responsibility within International Criminal Law,” *Tulane Journal of International and Comparative Law* 25, no. 2 (2017): 403–24.
- Byrne, David. “A Worked Example of Braun and Clarke’s Approach to Reflexive Thematic Analysis.” *Springer* 56, no. 3 (June 26, 2021): 1391–1412. <https://doi.org/10.1007/s11135-021-01182-y>.
- “Car: Acquittal of Bemba a Blow to Victims,” Amnesty International, October 7, 2021, <https://www.amnesty.org/en/latest/news/2018/06/car-acquittal-of-bemba-a-blow-to-victims/>.
- “CAR/Justice – Special Court to Try Serious Crimes in Central African Republic,” *Fondation Hironnelle* (April 26, 2017), <https://www.justiceinfo.net/en/24988-250415-carjustice-special-court-to-try-serious-crimes-in-central-african-republic.html>.
- “Case Information Sheet - the Prosecutor v. Jean-Pierre Bemba Gombo.” International Criminal Court, March 2019. <https://www.icc-cpi.int/sites/default/files/CaseInformationSheets/BembaEng.pdf>.
- “Central African Republic.” World Bank Group. Accessed June 12, 2024. <https://www.worldbank.org/en/country/centralafricanrepublic/overview>.
- Charles P Trumbull, “The Victims of Victim Participation in International Criminal Proceedings,” *Michigan Journal of International Law* 29, (2008): 777–826.
- Chung, Christine H. “Victims’ Participation at the International Criminal Court: Are Concessions of the Court Clouding Promise?” *Northwestern University Journal of International Human Rights* 6, no. 3 (2008): 459–545.
- Christine Schwöbel-Patel, “The ‘Ideal’ Victim of International Criminal Law,” *European Journal of International Law* 29, no. 3 (2018): 703–24.
- Claire Garbett, “The Truth and the Trial: Victim Participation, Restorative Justice, and the International Criminal Court,” *Contemporary Justice Review* 16, no. 2 (2013): 193–213.
- Douzima, Marie-Edith, Evelyne Ombeni, and Lydia El Halw. Rep. *Victims at the Heart of Justice: Reflections on Victims’ Participation at the ICC*. FIDH, 2018.

- Dannenbaum, Tom. "The International Criminal Court, Article 79, and Transitional Justice: The Case for an Independent Trust Fund for Victims." *Wisconsin International Law Journal* 28, no. 2 (2011): 234–98.
- Dutton, Anne, and Fionnuala Ni Aolain. "Between Reparations and Repair: Assessing the Work of the ICC Trust Fund for Victims under Its Assistance Mandate." *Chicago Journal of International Law* 19, no. 2 (2019): 490–547.
- Elke Evrard, Gretel Mejía Bonifazi, and Tine Destrooper, "The Meaning of Participation in Transitional Justice: A Conceptual Proposal for Empirical Analysis," *International Journal of Transitional Justice* 15, no. 2 (2021): 428–47.
- Episode. *Acquittement de Jean Pierre Bemba, Mécontentement En RCA*. Radio Ndeke Luka, July 18, 2018.
- Harry Hobbs, "Victim Participation in International Criminal Proceedings: Problems and Potential Solutions in Implementing an Effective and Vital Component of Justice," *Texas International Law Journal* 49, no. 1 (2014): 1–34, 10.
- Iaccino, Ludovica. "Phil Clark: The ICC Has Been Used as a Weapon against Opponents." JusticeInfo, December 4, 2018. <https://www.justiceinfo.net/en/39686-phil-clark-the-icc-has-been-used-as-a-weapon-against-opponents.html>.
- International Criminal Court. *Rules of Procedure and Evidence*. Rule 85, "Definition of Victims." 2002. Accessed June 14, 2024. <https://www.icc-cpi.int/resource-library/Documents/RulesProcedureEvidenceEng.pdf>
- "International Criminal Court." Human Rights Watch, April 4, 2024. <https://www.hrw.org/topic/international-justice/international-criminal-court>.
- Jessie K. Liu, "Victimhood," *Missouri Law Review* 71, no. 1 (2006): 115–176.
- Jonathan Doak, "The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions," *International Criminal Law Review* 11, no. 2 (2011): 263–98.
- Jonathan Doak, and David O'Mahony, "Transitional Justice and Restorative Justice," *International Criminal Law Review* 12, no. 3 (2012): 305–12.
- Joseph Powderly, "Prosecutor v. Jean-Pierre Bemba Gombo: Judgment on the Appeal of Mr. Jean-Pierre Bemba Gombo against Trial Chamber III's 'Judgment Pursuant to Article 74 of the Statute' (Int'l Crim. Ct.)," *International Legal Materials* 57, no. 6 (2018): 1031–79, <https://doi.org/10.1017/ilm.2018.50>.
- Kalu, Michael Ebe. "How Does 'Subjective I' Influence a Qualitative Research Question, Theoretical Approach, and Methodologies?" *Global Journal of Pure and Applied Sciences* 25, no. 1 (2019): 97–100. <https://doi.org/10.4314/gjpas.v25i1.13>.
- Karns, M. P. "non-governmental organization." Encyclopedia Britannica, June 11, 2024. <https://www.britannica.com/topic/nongovernmental-organization>.



- Kersten, Mark. “Whither the Aspirational ICC, Welcome the ‘Practical’ Court?” Weblog. *EJIL: Talk!* (blog), May 22, 2019. <https://www.ejiltalk.org/whither-the-aspirational-icc-welcome-the-practical-court/>.
- Kieran McEvoy and Kirsten McConnachie, “Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy,” *European Journal of Criminology* 9, no. 5 (2012): 527–38.
- Kieran McEvoy and Kirsten McConnachie, “Victims and Transitional Justice,” *Social & Legal Studies* 22, no. 4 (2013): 489–513.
- Makau Mutua, “A Critique of Rights in Transitional Justice: The African Experience,” *Rethinking Transitions*, (2011), 31–46.
- Maria Chigozie Onuegbulam, “Transitional Justice and the Role of International Criminal Law in the Protection of Victims of Human Rights Violations,” *African Journal of Criminal Law and Jurisprudence* 5 (2020): 42–54.
- Marie-Benedicte Dembour and Emily Haslam, “Silencing Hearings? Victim-Witnesses at War Crimes Trials,” *Ejil* 15, no. 1 (2004): 151–77.
- Marlies Glasius, “What Is Global Justice and Who Decides? Civil Society and Victim Responses to the International Criminal Court’s Investigations,” *Human Rights Quarterly* 31, no. 2 (2009): 496–520, 516.
- Maupas, Stéphanie. “La Méfiance Des Victimes Envers La Justice Internationale Dépasse l’affaire Bemba.” *Fondation Hirondelle* (blog). RONDGDH, August 17, 2018. <https://www.justiceinfo.net/fr/38443-la-mefiance-des-victimes-envers-la-justice-internationale-depasse-l-affaire-bemba.html>.
- Melanie Vianney-Liaud and Carine Pineau, “Assessing Victim’s Contribution to the Determination of the Truth in the Bemba Case,” *Eyes on the ICC*, (2016): 51–72, 60.
- McDermott, Yvonne. “Some Are More Equal than Others: Victim Participation in the ICC.” *Eyes on the ICC* 5 (2008): 23–48.
- “Our Story .” Coalition for the International Criminal Court. Accessed July 12, 2024. <https://coalitionfortheicc.org/about/our-story>.
- Patton, Michael Quinn. “Enhancing the Quality and Credibility of Qualitative Analysis.” *Health Services Research* 34, no. 5 (1999): 1189–1209.
- Peschke, Katharina. “The Role and Mandates of the ICC Trust Fund for Victims.” Essay. In *Victims of International Crimes: An Interdisciplinary Discourse*, 317–27. Springer, 2013.
- Rainer Strobl, “Constructing the Victim: Theoretical Reflections and Empirical Examples,” *International Review of Victimology* 11, no. 2–3 (2004): 295–311.

- “RDC / Centrafrique: L’aquittement Scandaleux de Jean-Pierre Bemba Gombo .” *Corbeau News*, August 13, 2018. <https://corbeau-news-centrafrique.org/rdc-centrafrique-lacquittement-scandaleux-de-jean-pierre-memba-gombo/>.
- Rep. *Accountability for Sexual and Gender-Based Crimes at the ICC: An Analysis of Prosecutor Benouda’s Legacy*. FIDH, 2021.
- Rep. “*All I Want Is Reparation*”: *Views of Victims of Sexual Violence about Reparation in the Bemba Case before the International Criminal Court*. FIDH, 2017.
- Rep. *FIDH and the Situation in the Central African Republic before the International Criminal Court: The Case of Jean-Pierre Bemba Gombo*. FIDH, 2008.
- Rep. *FIDH Recommendations to the 17th Session of the Assembly of States Parties to the ICC Statute*. FIDH, 2018.
- Rep. *The ICC Verdict in the Jean-Pierre Bemba Case. 15 Years of FIDH Action: From Field Investigations to Prosecutor’s Conclusions*. FIDH, 2016.
- Rini Fathonah and Mashuril Anwar, “The Jurisdiction of the International Criminal Court in Trying War Crimes: A Case Study of Jean-Pierre Bemba Gombo,” *International Journal of Multicultural and Multireligious Understanding* 10, no. 2 (2023): 453–59, 455.
- Rudling, Adriana. (2019). "I'm not that chained-up little person": four paragons of victimhood in transitional justice discourse,” *Human Rights Quarterly*, 41(2), 421-440; Christine Schwöbel-Patel, “The ‘Ideal’ Victim of International Criminal Law,” *European Journal of International Law* 29, no. 3 (2018): 703–24.
- Roche, Declan. *Retribution and restorative justice*. Willan, 2006.
- Rome Statute of the International Criminal Court, *opened for signature* 17 July 1998, 2187 U.N.T.S. 90 (entered into force 1 July 2002).
- Sabine Mandl and Julia Planitzer, “Who Is a Victim? The Concept of Victim in the Victims’ Rights Directive. A Human Rights Analysis of the Concept of Victim from a Gender-Specific Perspective,” *Journal for Police Science and Practice* 12 (2022): 49–63.
- Sam Garkawe, “Victims and the International Criminal Court: Three Major Issues,” *International Criminal Law Review* 3 (2003): 345–67.
- Smith-van Lin, Lorraine. “Victims’ Participation at the International Criminal Court: Benefit or Burden?” Essay. In *The Ashgate Research Companion to International Criminal Law*. Routledge, 2013.
- Solomon Ayele Dersso, “Africa’s Transitional Justice Policy Making: Exercising Epistemic Agency and Pushing the Frontiers of Transitional Justice,” *International Journal of Transitional Justice* 15, no. 2 (2021): 255–63.

United Nations. "Rome Statute of the International Criminal Court." United Nations Treaty Collection. Accessed June 12, 2024.  
[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-10&chapter=18&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=_en).

"Timeline." International Justice Monitor. Accessed July 12, 2024.  
<https://www.ijmonitor.org/jean-pierre-bemba-gombo-timeline/#:~:text=Bemba%20is%20sentenced%20to%2018,crimes%20and%20crimes%20against%20humanity>.

"The Bemba Case: Heavily Criticised, the ICC Must Maintain Victims' Legal Representation as the Establishment of Assistance Programmes for Victims Is Awaited." *International Federation For Human Rights*, October 1, 2018. FIDH.  
<https://www.fidh.org/en/region/Africa/central-african-republic/the-bemba-case-heavily-criticised-the-icc-must-maintain-victims-legal>  
<https://www.fidh.org/en/region/Africa/central-african-republic/the-bemba-case-heavily-criticised-the-icc-must-maintain-victims-legal>.

Trust Fund for Victims' Board of Directors. "Following Mr Bemba's Acquittal, Trust Fund for Victims at the ICC Decides to Accelerate Launch of Assistance Programme in Central African Republic." International Criminal Court, June 13, 2018.  
<https://www.icc-cpi.int/news/following-mr-bembas-acquittal-trust-fund-victims-icc-decides-accelerate-launch-assistance>.

Wasonga, Joseph. "20 Years since the Rome Statute of the International Criminal Court: Status of International Rule of Law in Africa." Weblog. *Knowledge Management Fund* (blog). Accessed January 14, 2019. <https://www.kpsrl.org/blog/20-years-since-the-rome-statute-of-the-international-criminal-court-status-of-international-rule-of-law-in-africa>.

Wendy Lambourne, *Critical Perspectives in Transitional Justice* (Intersentia, 2012).

"Yekatom and Ngaïssona Case," International Criminal Court, accessed June 19, 2024,  
<https://www.icc-cpi.int/carII/yekatom-nga%C3%AFssona>

Zehr, Howard, and Harry Mika. *Fundamental concepts of restorative justice*. Routledge, 2004.