

Big Data in Criminal Justice – Few Chances Serious Risks

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BIG DATA: NEW CHALLENGES FOR LAW AND ETHICS**

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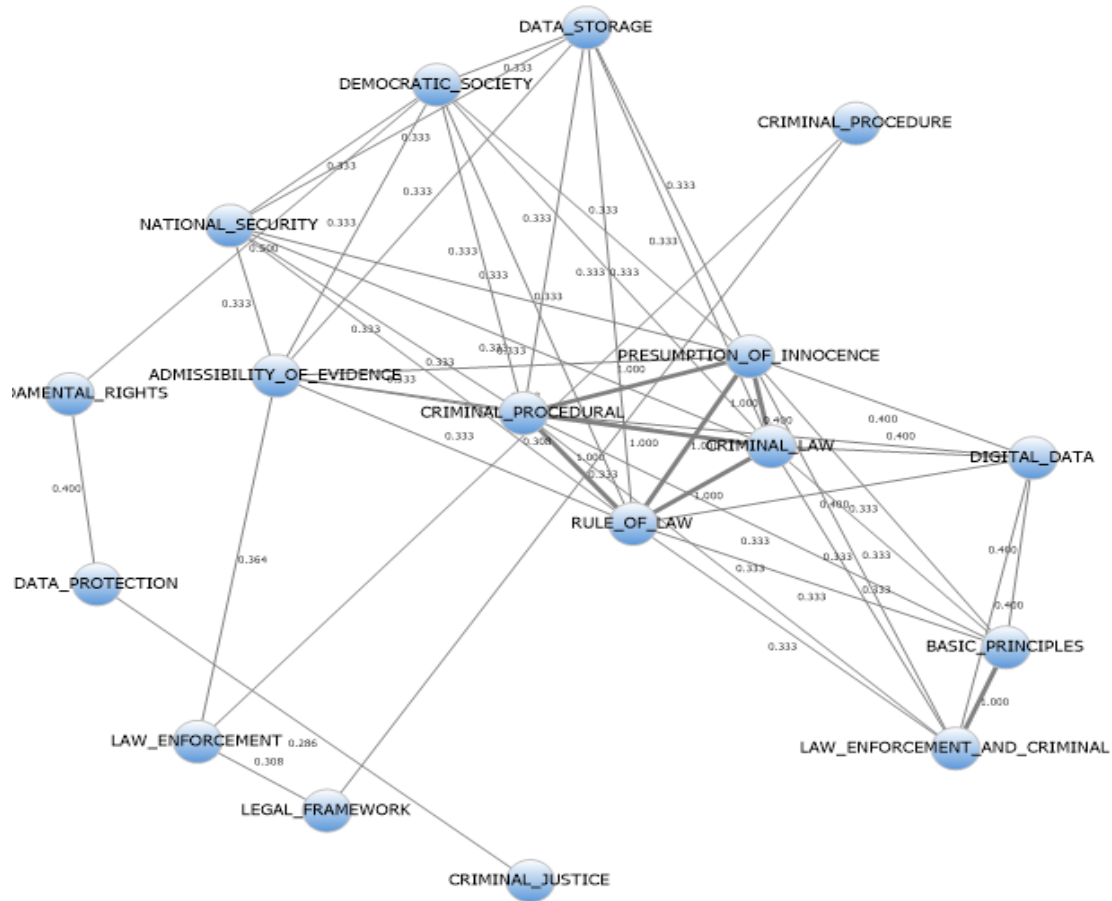
1 Introduction

Appreciation to the organisers!



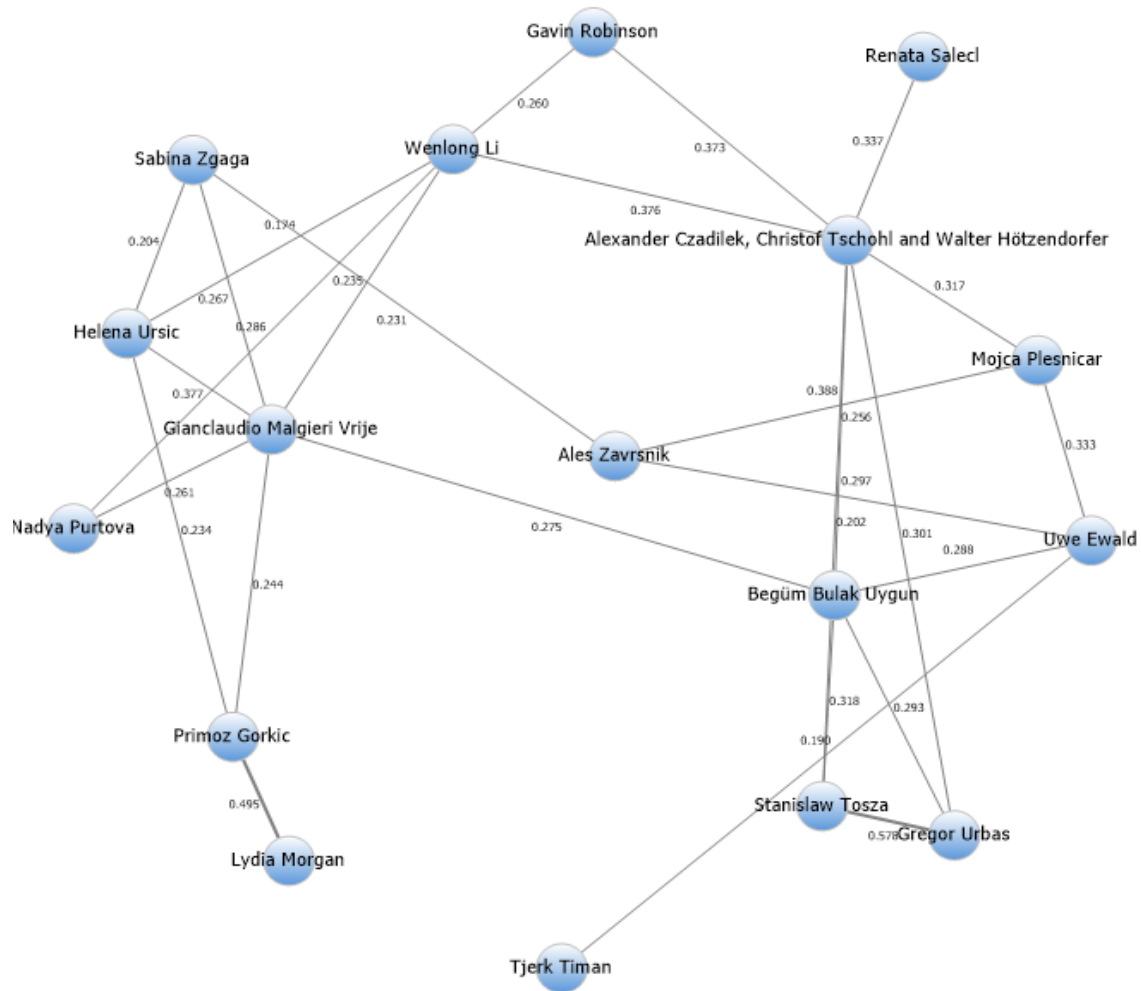
1 Introduction

Appreciation to the organisers!



1 Introduction

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1 Introduction

Appreciation to the organisers!



1 Introduction

Three statements at the beginning – also for provoking discussion:

1) Need to know:

There is a lack or even absence of public and mainstream-political awareness of the ultimate consequences of digitization in criminal justice despite the every-day mantras of “Big Data”, “Machine Learning”, “Artificial Intelligence” etc..

2) Haunted Justice:

The major professional decision-makers in the legal-judicial field are NOT the driving forces behind the digitization of criminal justice – they are driven.

3) Apocalypse Now?

Due to the special meaning of digitization for judicial decision-making in the criminal procedure we are facing the risk of a tacit structural change of democracy-based due process and rule of law in criminal justice.

1 Introduction

Some caveats and clarifications:

- Work in progress
- Selective perspective – German/international – case reference
- Cross-cutting professional background - legal/judicial/criminology/crime analyst/political-parliamentarian analyst/CAQDAS/software trainer
- Terminology – “Big Data”, “Digitization”
- Focus of the paper is not analytic-technical but concentrates on the socio-legal implications of Big Data or digitization in (international) criminal justice
 - which are linked to ethics too last but not least when it comes to issues of truth, fair trial, justice.
- Example International Criminal Justice – Why? Pioneers – similarity with →
- Reference to big OC cases

2 Conceptualizing truth-finding in evidentiary procedure

Point of Departure - The reality of mass data evidence (ICJ, NCJ):

- Understanding the meaning of the shift from analog to digital (big) data in criminal justice – for the time being under-theorized
- Here focus on the production of evidence as information and knowledge management process (which is the core of producing evidence)
- “Reason” and “Truth” as core concepts are based on information-processing
- In para. 21 **Brdjanin trial judgement** the Trial Chamber states:
- „Every criminal trial involves two issues: first, that the crimes charged have been committed and, second, that an accused is responsible for those crimes. **The object of evidence is to ascertain the truth of the facts with respect to these two issues**, in order to enable the Trial Chamber to arrive at a conclusion, because its duty is to decide the issues solely upon the evidence before it.“

2 Conceptualizing truth-finding in evidentiary procedure

- The so-called hybrid-system at the ICTY
- What do the Rules of Procedure and Evidence say?
 - **Rule 90: (F)** “The Trial Chamber shall exercise control over the mode and order of interrogating witnesses and presenting evidence so as to
 - **(i)** make the interrogation and presentation effective for **the ascertainment of the truth**”
- Information, material, evidence – The language of the Rules:
 - Evidence and “formally tendered (information) into evidence” (Rule 41)
 - admissibility/exclusion of evidence (Rule 95): **“No evidence shall be admissible if obtained by methods which cast substantial doubt on its reliability or if its admission is antithetical to, and would seriously damage, the integrity of the proceedings.”**
 - Evidence and “formally tendered (information) into evidence” (Rule 41)

2

Conceptualizing truth-finding in evidentiary procedure

- **Evidence Definition:** “information put before a court to establish a fact in question” (International Criminal Evidence, May/Wierda, p. 2)
- **Relevance:** substantial relation to fact of crime
- **Credibility:** Reliability/Validity
- **Probative Value:** refers to the issue to rely facts of the crime on information to infer guilt
- **Presentation of Evidence (R 85):** prosecution-defence-rebuttal-rejoinder-ordered by TC

2 Conceptualizing truth-finding in evidentiary procedure

- **Presentation of Evidence at the ICC**
 - Pre-Trial Chamber III in **BEMBA GOMBO** “Decision on the Evidence Disclosure System and Setting a Timetable for Disclosure between the Parties”
 - 68. The Chamber considers that disclosure of truly relevant evidence **presupposes an in-depth analysis by the Prosecutor of each piece of evidence** prior to its disclosure, whether that evidence is incriminating or exculpatory.
 - 69 ... **Each piece of evidence must be analysed - page by page or, where required, paragraph by paragraph - by relating each piece of information contained in that page or paragraph with one or more of the constituent elements of one or more of the crimes with which the person is charged, including the contextual elements of those crimes, as well as the constituent elements of the mode of participation in the offence with which person is charged. The same analysis technique shall apply mutatis mutandis to photographs, maps, videodiscs, tangible objects and any other support disclosed by the Prosecutor.**
 - 70. The Chamber considers that this analysis should be presented in the form of a summary table which shows the relevance of the evidence presented in relation to the constituent elements of the crimes with which the person is charged.

2 Conceptualizing truth-finding in evidentiary procedure

But then – the wake-up call

- some critical examples for truth-finding:
 - Blaskic – Kordic: Ahmici
 - Blaskic – Halilovic: begin fighting
 - Racak: massaker vs. military operation
 - Prosecution theories in Gotovina vs. Milosevic: “use of inconsistent and irreconcilable theories”:
 - A) Operation Storm: ‘ethnic cleansing’
 - B) Serb evacuation: ‘evacuated by Milosevic to populate territory in BiH’
 - Limaj: CAH – widespread & systematic
 - Sentencing: inconsistency and obfuscation

2 Conceptualizing truth-finding in evidentiary procedure

The realization of „Mission Impossible“:

- **Stakic trial judgement**, para. 20, 21:
- „The **unfortunate but obvious fact** that, for various reasons, this Tribunal has never had and never will have the opportunity to hear all the persons allegedly most responsible in one procedure creates additional problems. The Trial Chamber is aware that the **possibility of divergences from, or even contradictions with, findings in other cases cannot be excluded** because they are based on different evidence tendered and admitted ... The Trial Chamber has endeavoured to come as close as possible to the truth. However the Trial Chamber is aware that no absolute truth exists.“

2 Conceptualizing truth-finding in evidentiary procedure

Theoretical glimpses:

- Singelstein, T. (2009). Diskurs und Kriminalität. Außergesetzliche Anwendungsregeln als diskursive Praktiken im Wechselverhältnis zwischen Kriminalisierungsdiskursen und Strafrechtsanwendung.
- Constructivism, labelling theory, interactionism combined with newer approaches (Garland) on contingency of thinking and knowledge.
- THE GERMAN CODE OF CRIMINAL PROCEDURE
- Section 261 [Free Evaluation of Evidence]
- “The court shall decide on the result of the evidence taken according to its free conviction gained from the hearing as a whole.”

2 Conceptualizing truth-finding in evidentiary procedure

- Foucault, M. (1980). „Regime of Truth“
- It is not the statement of „truth“ as such which decides the functionality, acceptance and effectiveness of definitorial powers, it is the material reality of a societal „regime of truth“ as a whole (p. 131).
- Thus, what we have to study and to understand is that interaction and decision-making among these actors within the „regime of truth“ and the rules (open and tacit) they follow and apply.

2

Conceptualizing truth-finding in evidentiary procedure

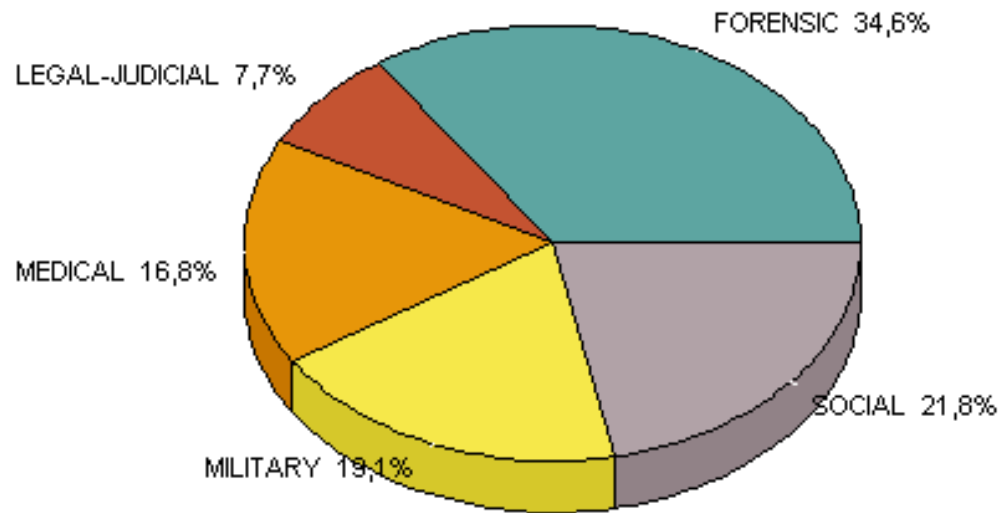
- Why is this important in particular for BDE?
 - The process of fact-finding is only vaguely legally regulated; it is much more an empirical investigation and analytic process.
 - Mass data allow for ambiguous patterns.
 - For the time being on average lawyers are not particularly trained in big data analysis.
- The decision-process of selection, evaluation and interpretation of Big Data Evidence is – so far in Germany – at large neither regulated by legal rules of evidence nor specified by case law (see JURIS)
- The legal rules which should safeguard the objectivity and credibility of evidence before the court have been drafted in the old analogous times.

2 Conceptualizing truth-finding in evidentiary procedure

- Thus, the **principle of „free evaluation of evidence“** has had some plausibility in times where the life experience of the judge covers both, the crime in its context and also (professionally) the way evidentiary information is produced.
- Inevitably, in times of Big Data at trial extra-legal rules are predominant in the evidentiary process.
- Example: Expert Witnesses

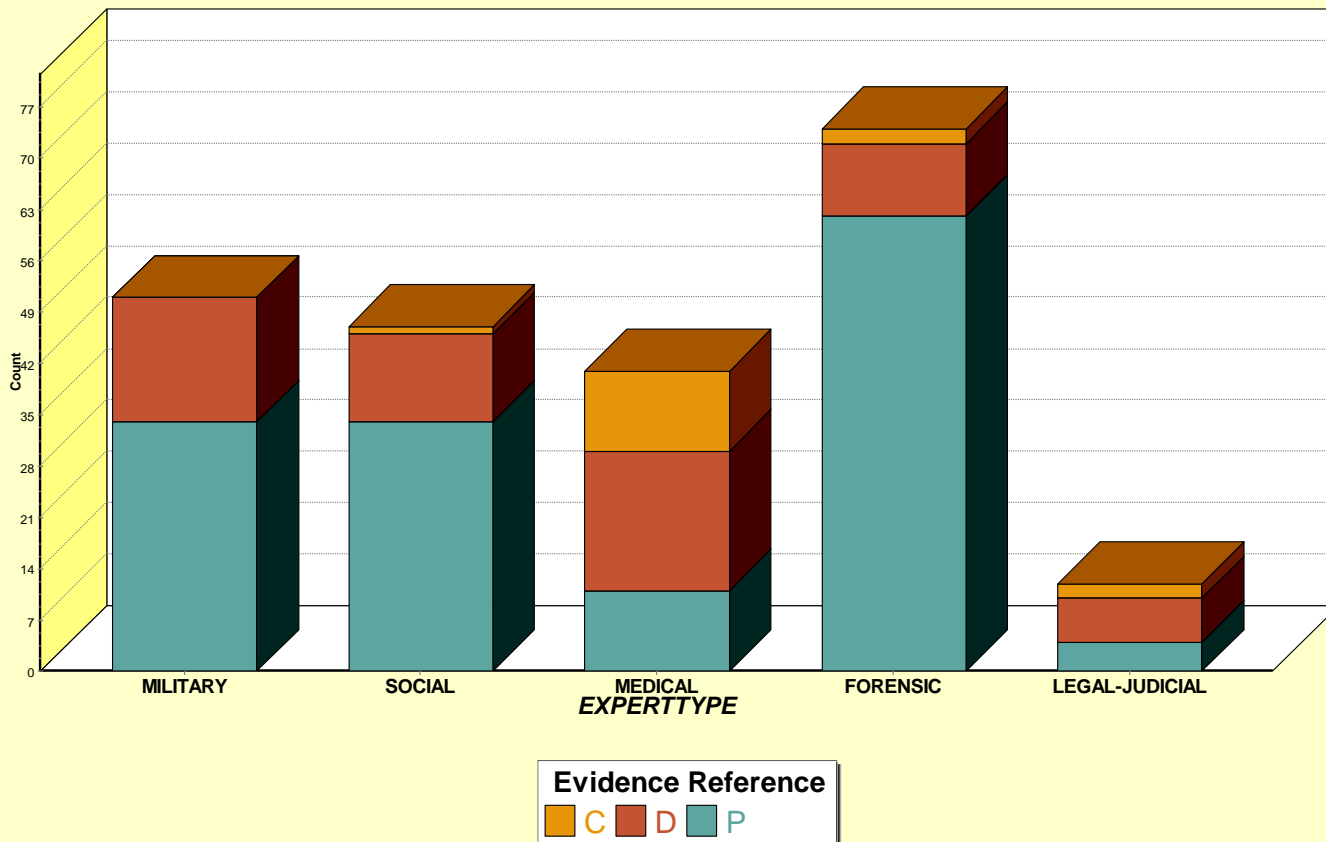
3 Practical implications

Frequency distribution of EXPERTTYPE



3 Practical implications

Field of Expertise and Party/Court calling the Expert



3 Practical implications

- **Ambivalent image of expert witnesses in general:**
- *“Whores of the Court”* (Margaret A. Hagen, ‘Whores of the Court. The Fraud of Psychiatric Testimony and the Rape of American Justice’, 1997)
- *“The Common Liar, the Damned Liar, and the Scientific Expert ...”* (title of a chapter in Golan, Tal, ‘Laws of Men and Laws of Nature – The History of scientific expert testimony in England and America’, 2007)
- *“Wrong – Why Experts keep Failing Us – And How to Know When Not to Trust Them”* (Freedman, David H., 2010)

CRIME
normative construct

reasoning/
inference

factual
evidence

witnesses

exhibits

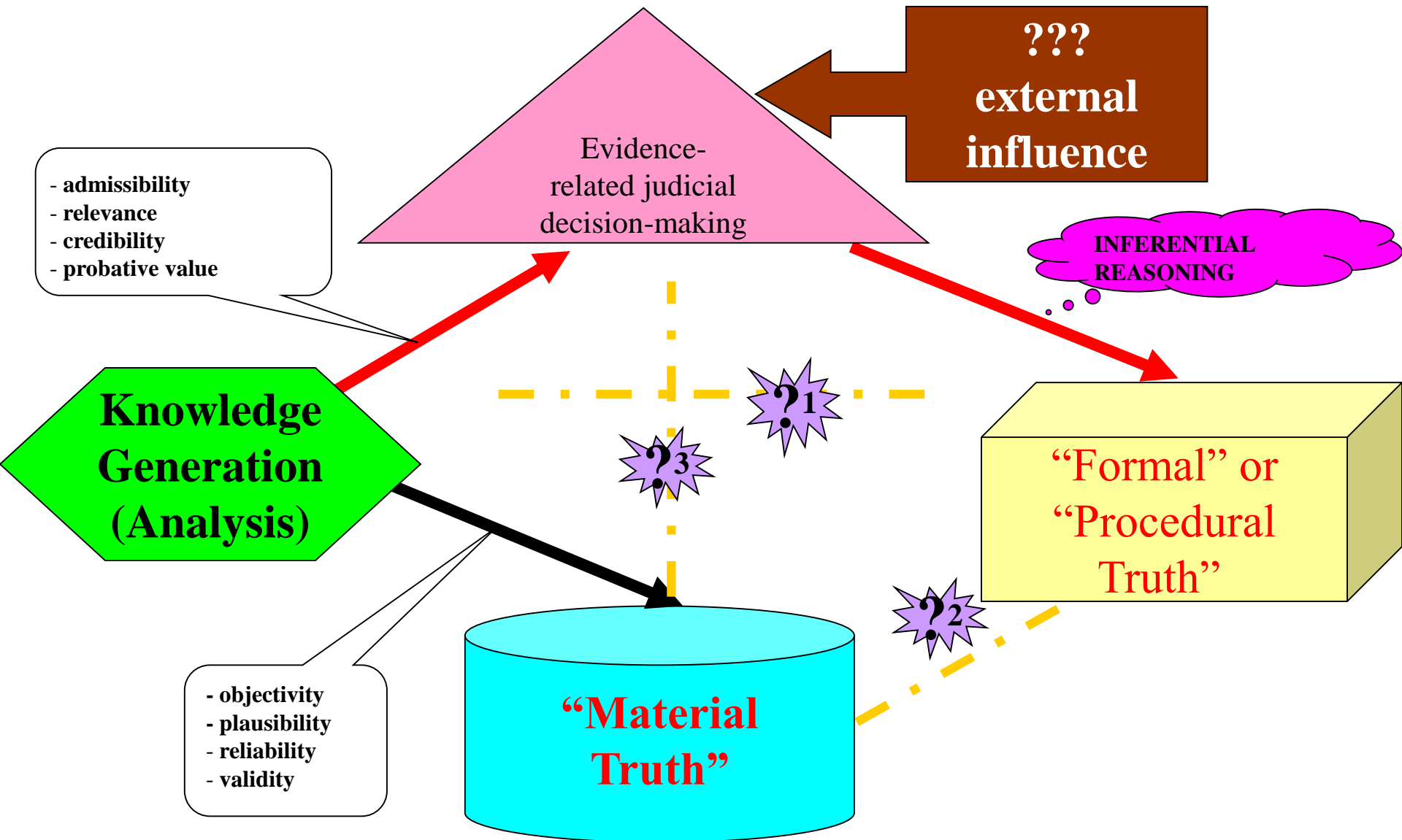
fact/expert

documents/artefacts
other records

ANALYSIS

SOURCES

“Material Truth” vs. “Formal Truth”

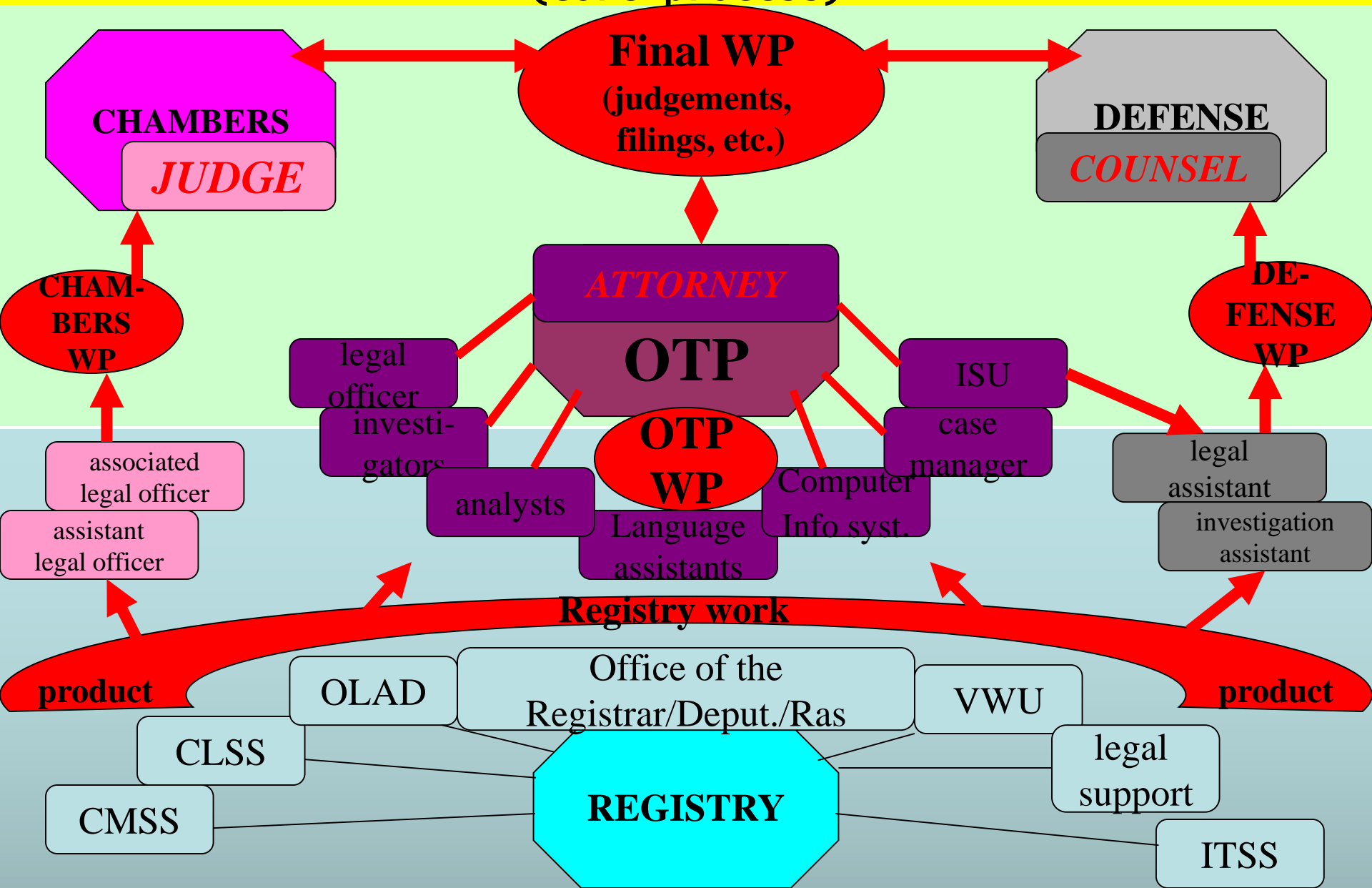


3 Practical implications

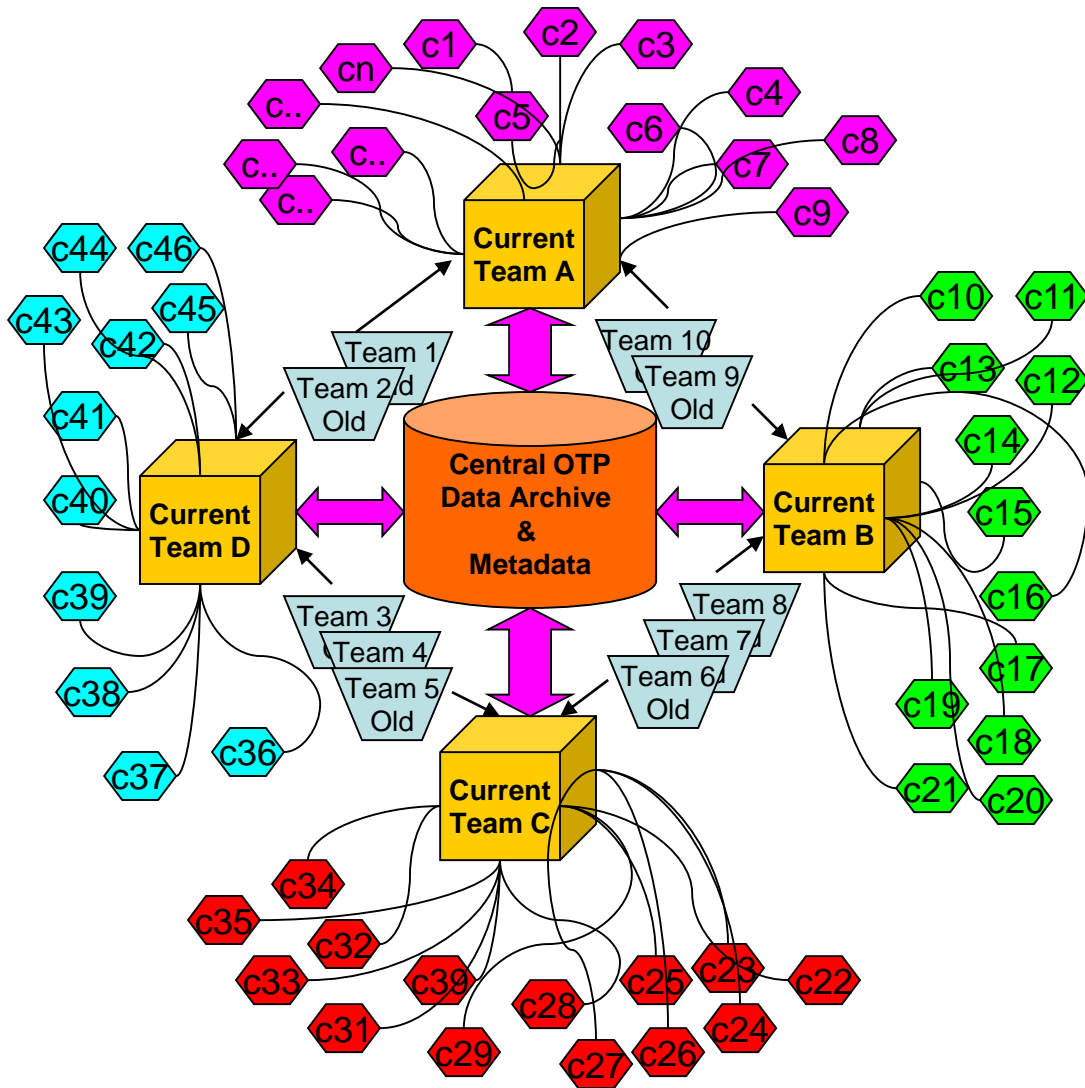
- What follows from here in light of mass electronic data?
- In short:
 - The party in the courtroom which is able to produce an evidence-based narrative in the eye of the judge and jury (“to its free conviction”) is more likely to make the case.
 - The more the judge is dependent on the preparation of evidence by ‘others’, in particular if these ‘others’ work with tools and methods not familiar for the judge/jury - the evaluation of big evidentiary data are prone to underlying intentions (of conviction).
 - By example of evidence production in International Criminal Justice this issue can be demonstrated.

ICTY-Information Network

Flow of Evidentiary and Judicial Data
(core process)



ICTY Model of qualitative Data Archiving
 - centralized & distributed model of qualitative archiving -
INVESTIGATION LEVEL



C = case or accused, correlates to CaseMap and other case related databases

4. Conclusions

Some final reflections on the three statements at the beginning:

1) **Need to know:**

There is a **lack or even absence of public and mainstream-political awareness** of the ultimate consequences of digitization in criminal justice despite the every-day mantras of “Big Data”, “Machine Learning”, “Artificial Intelligence” etc.:

* Political parties, civil society, legislators need to prioritize Big Data issues in justice.

2) **Haunted Justice:**

The major professional decision-makers in the legal-judicial field are NOT the driving forces behind the digitization of criminal justice – they are driven.

* Training programs for trial lawyers, law students, research of actual practice.

3) **Apocalypse Now?**

Due to the special meaning of digitization for judicial decision-making in the criminal procedure we are facing the risk of a tacit structural change of democracy-based due process and rule of law in criminal justice.

* We need political mechanisms and legal barriers to make sure that no measure are taken in digitizing justice which jeopardize our constitutional agreements on the way we live.

4. Conclusions

More specifically: In light of the nature and complexity of decision-making in the evidentiary process in criminal justice the replacement of analog data by digital and mass computer-based data as evidence, dramatic changes (paradigm change) is anticipated:

- 1) Limitation of Independence of the court:**
The gravity of decision-making shifts from the traditional judicial decision by judges to investigators, digital forensics, analysts and prosecutors.
- 2) De-Regulation of Justice:**
Shift from more legal-formal to extra-legal-informal rules of decision-making. (The suggestion/predictions of 'hidden' actors are taken as real – de-skilling of lawyers.)
- 3) Hidden Justice – “Black-boxing”:**
Shift from 'equality of arms' and public hearing to autocratic knowledge management and tacit data processing. The analytic capacities are hidden from the user (who actually is the core decision-maker). Goes together with “**Dataism**” where correlation is taken for causality. (Example: “Excuse-email of analyst in OC-case)

4. Conclusions

THUS: The “Regime of Truth” loses its legitimacy.

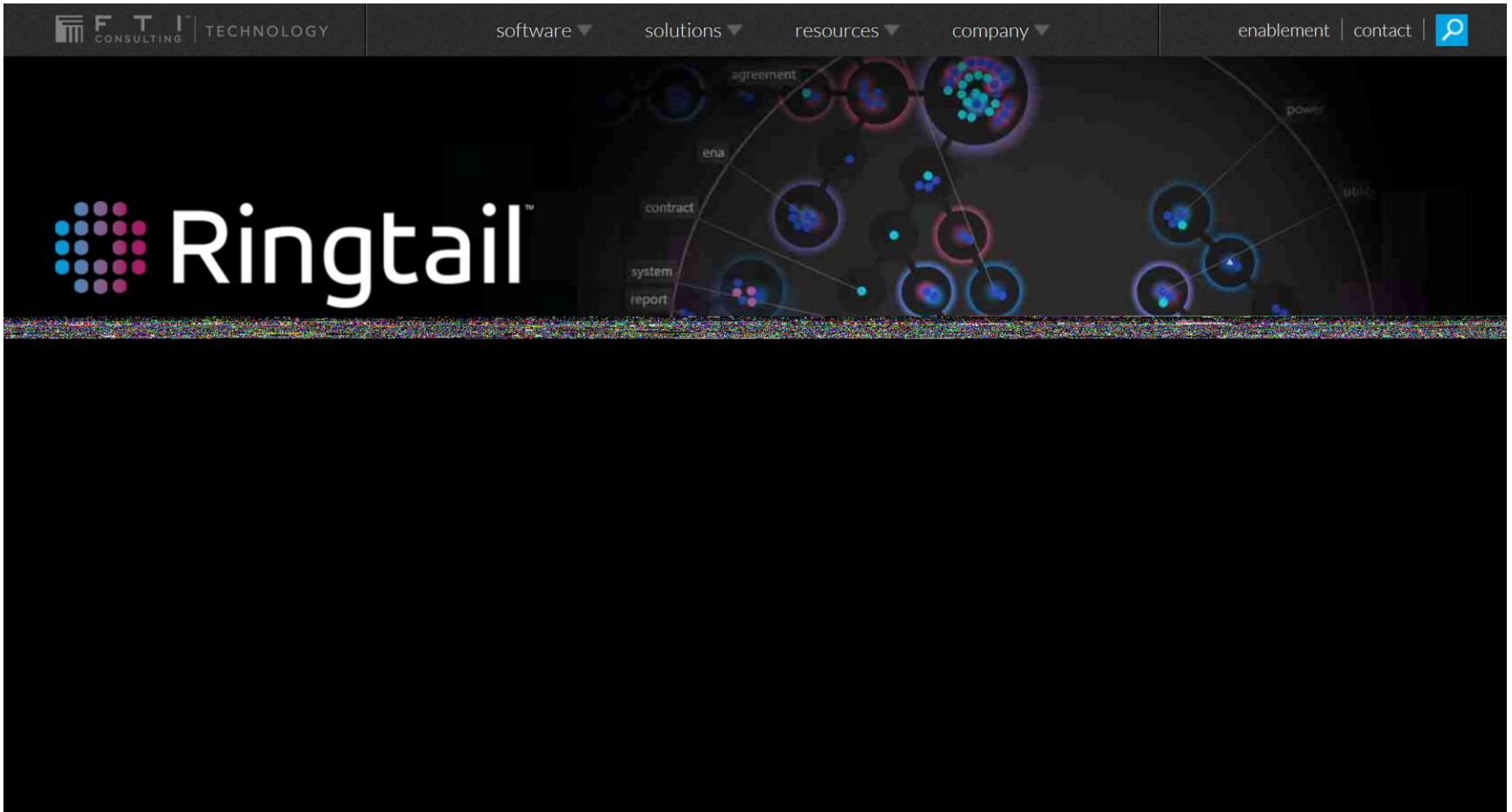
Legislators and legal professions have to become the masters (instead of users) of digitization in justice and determine the functions (possibilities and limits) of ICT and AI.

The incremental shifting of decision-powers away from the courts indicates that principles of democratic jurisprudence are at stake – comparable with questions of genetic engineering or civil use of nuclear power.

Instead chances of digitizing of justice should be emphasized. This is support and qualifying of human decision-making.

We should support a debate and qualified discourse which goes beyond protection of personal data but helps to be aware about meaning of changes (Zuckerberg’s promise) for the foundations of our life to come to a human answer to the question whether and how we want these changes.

OTP Apps - Ringtail



OTP Apps- Ringtail

DRC_Test_Load_All - Legal 2005 - Microsoft Internet Explorer

Address: https://otpringtail/legal/home/default.asp?nowMoCache=31032009153804

Home Document Retrieval Associated Documentation Administration LiveNote Case Matrix Testing Tailmail DRC Records **DRC Test Load All**

DRC_Test_Load_All - K&L Admins - Lees, Michael - Administrator - Tue Mar 31 15:45:29 UTC+0200 2009

Advanced Search

Field: 1 Collection Identification - PICK

Operator: [CaseCode] Redaction History - TEXT
1 Bag Seal Number (D) - TEXT
1 Chain of custody notes - TEXT
1 Chain of custody notes - MEMO
1 Circumstances of OTP Collection - TEXT
1 Collection Identification - PICK
1 Collector Comments - TEXT
1 Collector Name (D) - PICK
1 Conditions of Receipt (D) - PICK
1 Country - PICK
1 Date of OTP Collection - DATE
1 Date of Receipt - DATE
1 Date Stage 1 End - DATE
1 Date Stage 1 Start - DATE
1 Exceptional storage requirements - TEXT
1 Forensic Examination Required - YES/NO
1 IEU Comments - TEXT
1 IEU Source Category - PICK
1 Imported By (IEM) - PICK
1 Object Type (D) - PICK
1 Pre-registration Number (D) - TEXT
1 Processing Instructions (D) - PICK
1 Quality checked completeness - YES/NO
1 Quality checked data - YES/NO
1 Quality checked images - YES/NO
1 Receipt Authority (D) - PICK
1 Security Classification (D) - PICK
1 Source Identity - TEXT

Value:

Doc ID - STARTS 'drc'
AND
1 Chain of custody notes - CONTAINS 'police'

View Save Open Search Examples

Search Results

ID	Doc ID	Date	Levels	Levels	Levels	Levels
51686	1	17-Mar-2009 11:03:11	16	16	16	16
516950	17-Mar-2009 11:03:11	16	16	16	16	16
516960	17-Mar-2009 11:17:03	7	7	7	7	7

Format <<<< 1 / 1 >>>> Run

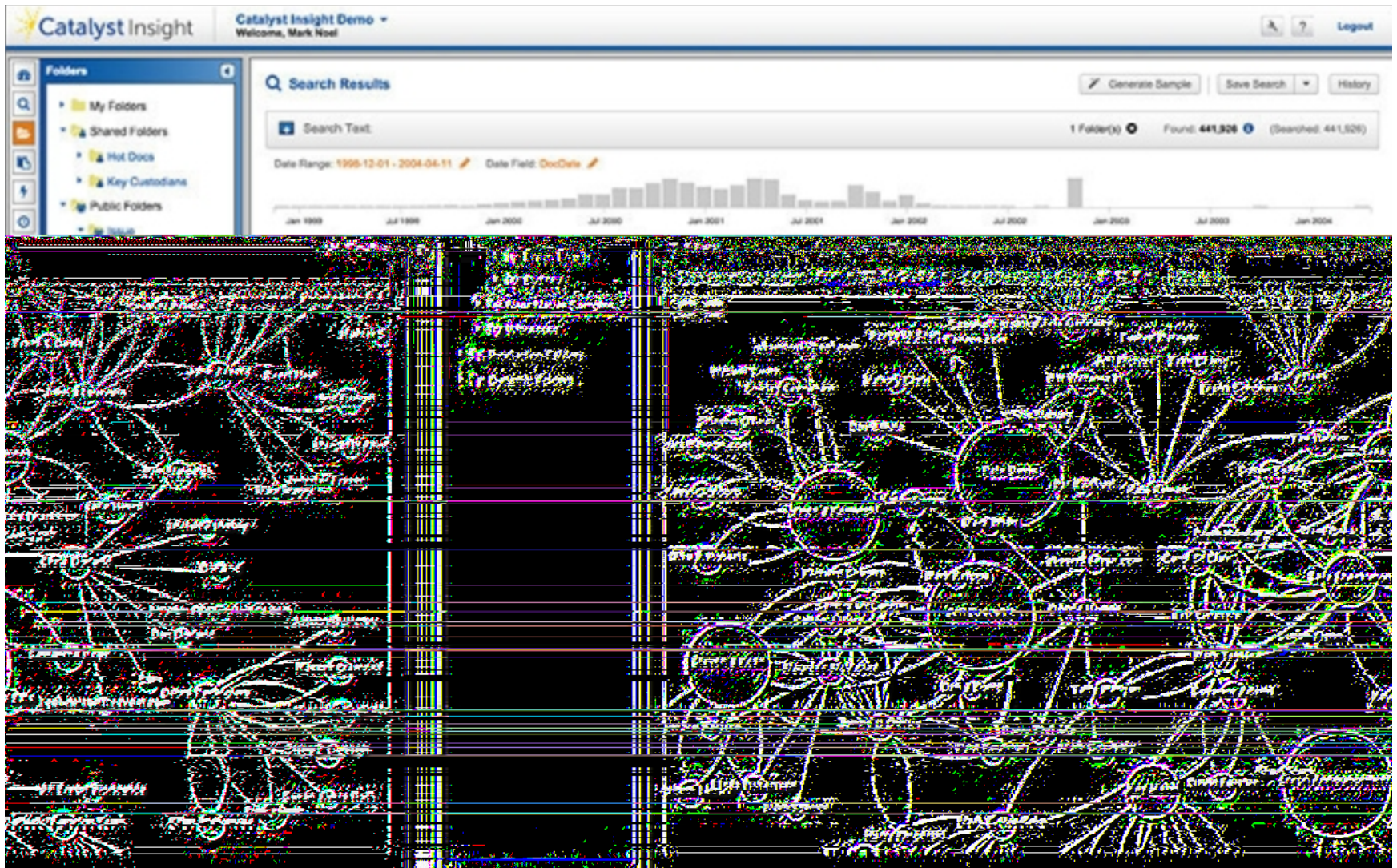
Found: 16 - Query Time: 0.641 - Stream Time: 0.093 - Render Time: 0.281 - Results ID: 516950

All	Doc ID	Type	Main Date	Chain of custody notes
1	TST-OTP-0002-0001	Calendar / Diary	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
2	TST-OTP-0002-0002	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
3	TST-OTP-0002-0003	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
4	TST-OTP-0002-0004	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
5	TST-OTP-0002-0005	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
6	TST-OTP-0002-0006	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
7	TST-OTP-0002-0007	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
8	TST-OTP-0002-0008	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
9	TST-OTP-0002-0009	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
10	TST-OTP-0002-0012	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
11	TST-OTP-0002-0013	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
12	TST-OTP-0002-0015	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
13	TST-OTP-0002-0016	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
14	TST-OTP-0002-0017	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
15	TST-OTP-0002-0018	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900
16	TST-OTP-0002-0021	TBA	8-Feb-2006	From: NS To: NS Date of receipt: 01/01/1900

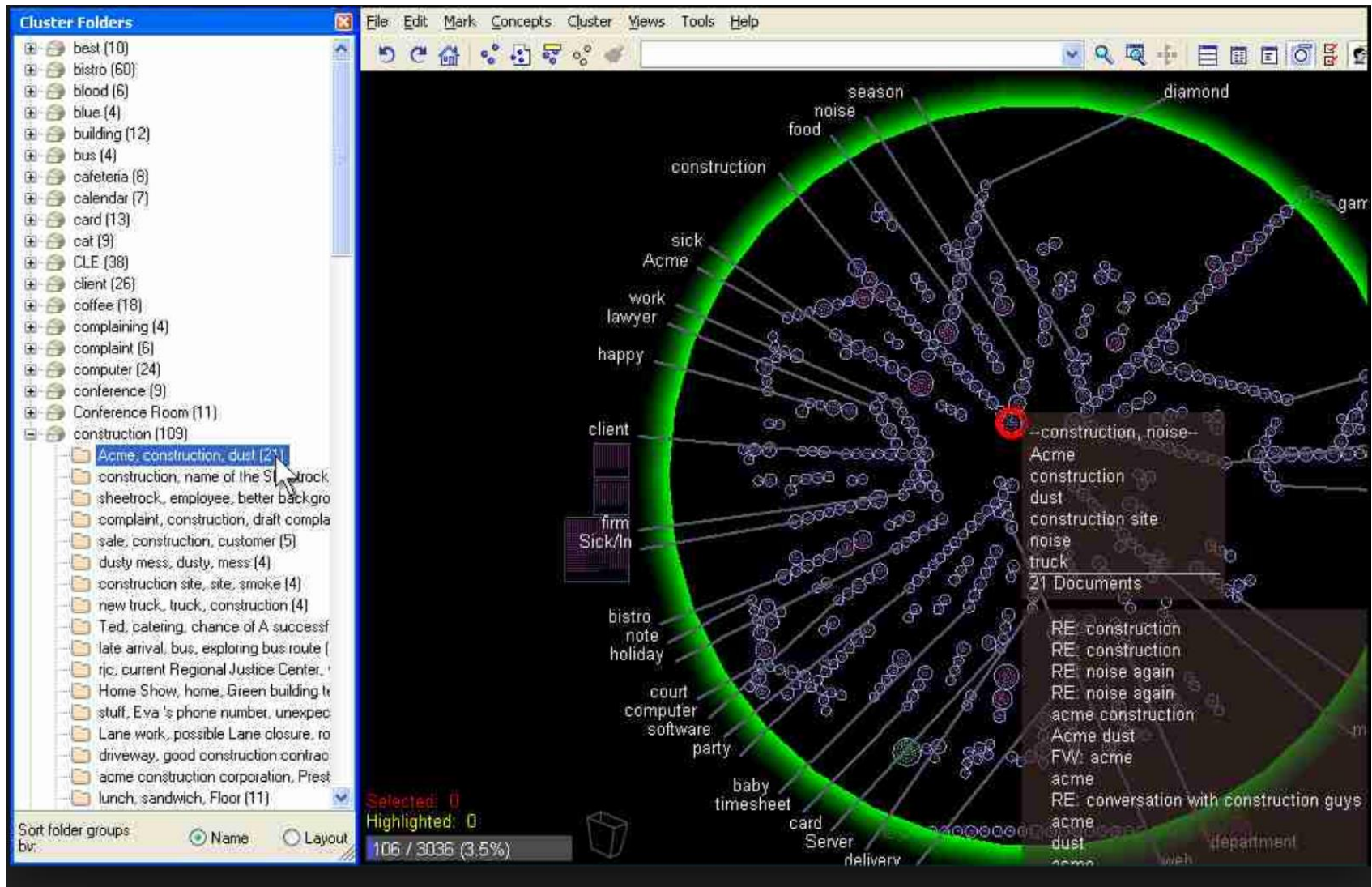
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Many of your CaseMap questions can be easily answered with a quick search through our online resources below. Bookmark these sites for easier access later.



We are here to help.

OTP Apps

The screenshot displays the LexisNexis CaseMap interface. The top ribbon includes tabs for FILE, HOME, REPORTS, CASE TOOLS, and VIEW. The CASE TOOLS tab is active, showing an 'Issue Linking' icon highlighted with a red box. A red arrow points from this icon to the 'Issue Linking' panel on the right side of the screen.

The main area shows a 'FACTS' table with 29 records. The table has columns for Date & Time, Fact Text, Source(s), Material, and Status. The following table represents the data shown in the screenshot:

Date & Time	Fact Text	Source(s)	Material	Status
11/25/02	William Lang meets Philip Hawkins while touring Converse Chemical Labs plant in Bakersfield.	Deposition of William Lang, 25:14;	Yes	Disputed by: Us
12/??/2002	William Lang invites Philip Hawkins to visit Anstar Biotech Industries facilities in Irvine.	InterviewNotes	No	Prospective
01/??/2003	William Lang offers Philip Hawkins Sales Manager position at Anstar Biotech Industries.	InterviewNotes, Email from Phil Hawkins at	Yes	Undisputed
Mon 01/13/2003	Philip Hawkins joins Anstar Biotech Industries as a Sales Manager.	Anstar Biotech Industries Employment	Yes	Undisputed
Mon 12/01/2003	Philip Hawkins promoted to Anstar Biotech Industries VP of Sales.	InterviewNotes	Yes	Undisputed
Fri 01/09/2004 to Wed 01/21/2004	Philip Hawkins negotiates draft Hawkins Employment Agreement with William Lang.	Hawkins Employment Agreement	Yes	Undisputed
02/??/2004	William Lang tells Philip Hawkins that he has changed his mind regarding the Hawkins Employment.	Philip Hawkins, Deposition of William	Yes	Disputed by:
03/??/2004	Susan Sheridan has dinner with Linda Collins and complains about Anstar Biotech Industries management.	Deposition of Linda Collins, 33:15.	Unsure	Disputed by:
Wed 05/11/2005	Philip Hawkins receives Hawkins Performance Review from William Lang. Is rated a 1. "Outstanding"	Hawkins Performance Review	Yes	Undisputed
06/??/2005	William Lang makes decision to reduce size of staff.	Deposition of Karen Thomas 43:19	Yes	Disputed by: Us
07/??/2005	Susan Sheridan is terminated.	Deposition of Philip Hawkins	Yes	Undisputed

The 'ISSUE LINKING' panel on the right contains the following options:

- Add a new Issue
- Move to prior Fact
- Move to next Fact
- Linked Issues
- Wrongful Termination
- Age Discrimination
 - Hawkins Specific
 - Pattern & Practice
- Retaliation
 - Transfer
 - Demotion
- Deserved Termination
- Damages
 - Failure To Mitigate
 - Lost Wages
 - Mental Anguish
- Analysis Filter

Use the Analysis Filter to help you prepare motions for summary judgment. Click above to expand.

OTP Apps – I2/Analyst's Notebook



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IBM i2 Analyst's Notebook

Overview

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Purchase

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View pricing and buy

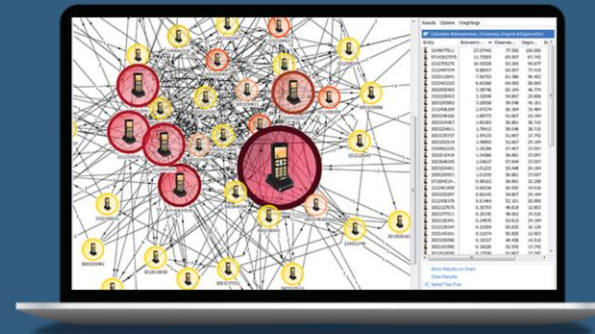
IBM i2 Analyst's Notebook

IBM i2 Analyst's Notebook arms analysts with multidimensional visual analysis capabilities so they can quickly uncover hidden connections and patterns in data.

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View pricing and buy

Launch interactive demo

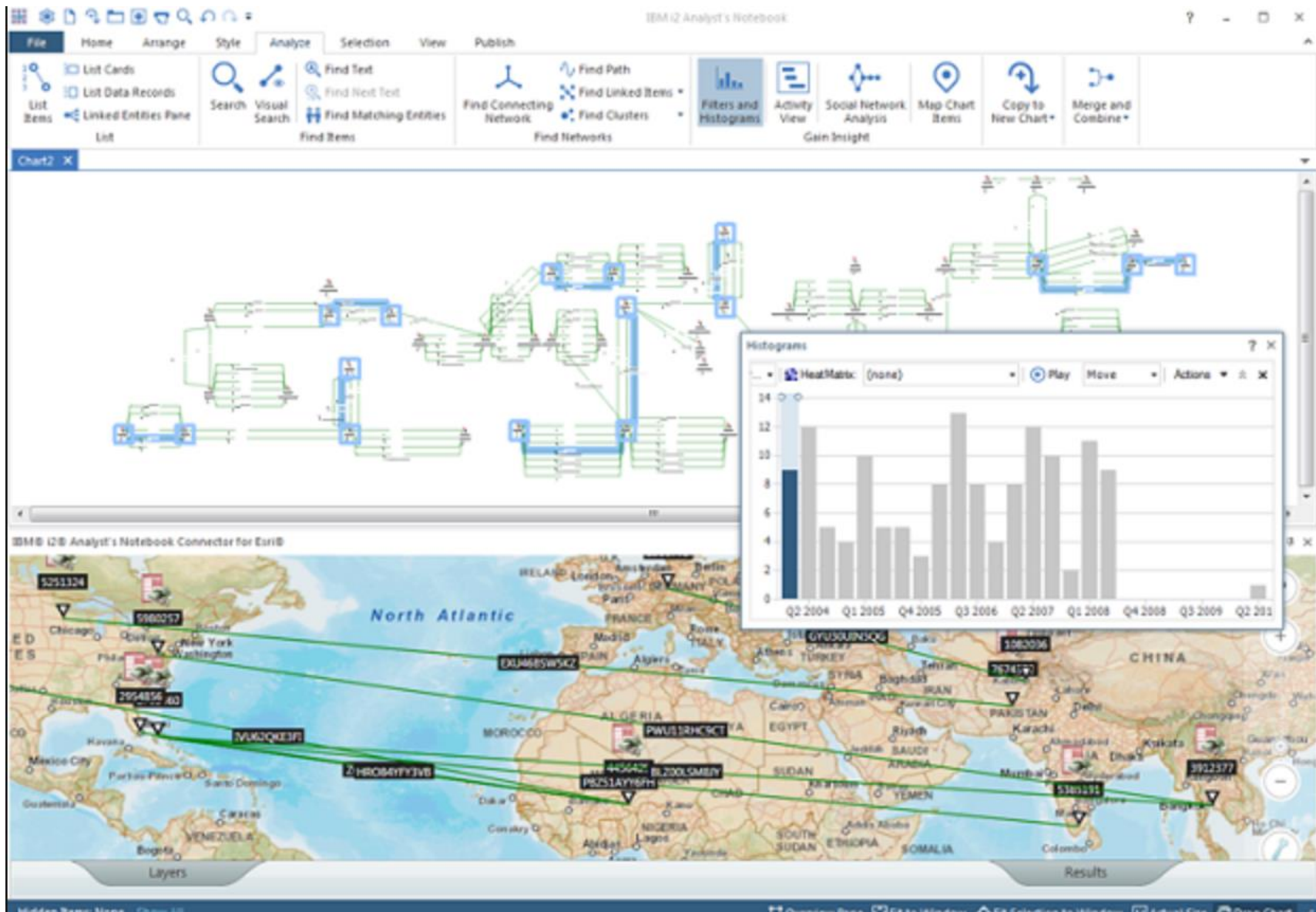


Talk to an expert

What it can do for your business

IBM i2 Analyst's Notebook is a visual analysis tool that helps you turn data into intelligence. The solution provides innovative features such as connected network visualizations, social network analysis, and geospatial or temporal views to help you uncover hidden connections and patterns in data. This insight can help you better identify and disrupt criminal, cyber and fraudulent threats.

OTP Apps – I2/Analyst's Notebook



OTP Apps – I2/Analyst's Notebook

The image displays two software applications used for data analysis and mapping. The top application is 'Known Targets - Analyst's Notebook 8', which shows a social network graph with nodes and edges. The bottom application is 'MapInfo Professional - [County Tile Dst of Columbia DC:2]', which shows a map of a city area with several clock icons overlaid on the streets.

Known Targets - Analyst's Notebook 8

File Edit View Insert Format Tools Analysis Data Window Help

Known Targets x Chart1 x

Social Network Analysis

Results Options Weightings

Calculate: Betweenness, Closeness, Degree & Eigenvector

Entity	Betweenness...	Closenes...
Dev...	43.3827	56.164
Jor...	57.5944	61.194
Jua...	0.7317	46.591
Kafa	1.6536	47.126
Jua...	1.9919	46.591
Osc...	0.0407	46.067
Jos...	0.0407	46.067
Raf...	0.0000	45.556
Jua...	0.0000	45.055
Muz...	0.1626	37.615
Afsol	0.0000	36.607
Fah...	21.1702	48.810
Muf...	0.0000	36.937
Zarr...	2.1051	40.196

Show Results on Chart

MapInfo Professional - [County Tile Dst of Columbia DC:2]

File Edit Tools Objects Query Table Options Map Base Window Help

Zoom: 1,232 m Editing: None Selecting: None

OTP Apps – Case Matrix/Legal Tools

CMN



Case Matrix Network

KNOWLEDGE-TRANSFER, LEGAL EMPOWERMENT, CAPACITY BUILDING

► CILRAP main menu

► Purpose

► Services and issues

► Co-ordination and incorporation

► Advisory Board

► Donors and partnerships

► CMN Advisers and Fellows

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English | 中文 | عربي

Senior Advisers

Dr. Olympia Bekou



Dr. Olympia Bekou is Professor and Head of the International Criminal Justice Unit of the Nottingham Human Rights Law Centre. A qualified lawyer, she specialises in international criminal law with particular expertise in national implementing legislation for the ICC. She has provided research and capacity building support for 63 States, through intensive training to more than 75 international government officials and drafting assistance to Samoa (with legislation enacted in November 2007), Fiji and Jamaica. She is responsible for the National Implementing Legislation Database (NILD) of the ICC Legal Tools Project and has researched and taught extensively worldwide. She has undertaken CMN missions to a number of countries in several continents.

Dr. Helge Brunborg (II)



Dr. Helge Brunborg is a Senior Research Fellow in *Statistics Norway*. He has previously worked for the International Criminal Tribunal for the former Yugoslavia (ICTY) as a demographer/statistician (1997-98 and later as a Consultant). He pioneered the use of statistics and demography in the investigations and prosecutions of the international criminal tribunals. He has served as an expert witness in a number of ICTY trials. He holds a Ph.D. in Economics/Demography from University of Michigan and a Cand. Oecon. from the University of Oslo. He is Chair of the Panel on the Demography of Armed Conflict, International Union for the Scientific Study of Population. He has worked as a special advisor on data and analysis issues in numerous countries in

Africa, Asia and Europe. He has also published a book and several articles on issues related to the demography of armed conflict.

Dr. Uwe Ewald (II)



Dr. Uwe Ewald is affiliated with the Max Planck Institute for Foreign and International Criminal Law in Freiburg, i. Br., Germany, as a Senior Researcher at the criminological department, conducting research on serious international crimes and preparing a European Core Crime Data Base. Since 2002, he teaches Supranational Criminology as a lecturer at the Ruhr University Bochum, Chair of Criminology and Police Science. He is the founding Executive Director of the International Justice Analysis Forum, an Internet portal which appeals to unite crime and legal analysts as well as empirical researchers in social and legal sciences in the field of serious crimes of international

concern, first and foremost international core crimes. From 2002 till 2009, he worked as a crime analyst for the Office of the Prosecutor at the International Criminal Tribunal for the Former Yugoslavia, mainly conducting strategic analysis. Due to his legal background (Dr. iur.) he has been working (beside his academic positions) as a defense counsel, in particular in state crime cases in Germany. He began his academic career at the Humboldt University Berlin, and conducted research and hold teaching positions at different universities, in particular at Simon Fraser University, Vancouver, and the Free University Berlin.

OTP Apps – Case Matrix/Legal Tools

Case Matrix - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address <https://otp.cmd.icc.int/cms/index.php?folder=38&op=masterpage&CaseID=20> Go Links

English Français

Administration Start page Legal texts Commentary Means of proof Search Help On Case Matrix Logout Print

Home/CAR Situation_1/The Prosecutor v. Jean-Pierre Bemba Gombo/Starting page

CAR Situation_1

Case:

Case no.: Case name:

ICC-01/05-01/08 The Prosecutor v. Jean-Pierre Bemba Gombo

Incidents Add suspect Export Import

Suspect	Incident	Category of crime	Crime	Mode of liability	Matrix
Jean-Pierre Bemba Gombo Biography Manage	2002-2003 CAR Conflict	Art. 7	Art. 7(1)(a) Murder	Command responsibility	Matrix
			Art. 7(1)(a) Murder	Joint perpetration	Matrix
		Art. 7	Art. 7(1)(f) Torture	Joint perpetration	Matrix
			Art. 7(1)(g)(1) Rape	Joint perpetration	Matrix
	2002-2003 CAR Conflict		Art. 8(2)(c)(i)-1 Murder	Joint perpetration	Matrix
		Art. 8(2)(c)	Art. 8(2)(c)(i)-4 Torture	Joint perpetration	Matrix
			Art. 8(2)(c)(ii) Outrages upon personal dignity	Joint perpetration	Matrix
			Art. 8(2)(e)(v) Pillaging	Joint perpetration	Matrix
		Art. 8(2)(e)	Art. 8(2)(e)(vi)-1 Rape	Joint perpetration	Matrix

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ICC - Case Matrix - Microsoft Internet Explorer

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Situation: Case: Incident: Category of crime: Crime: Mode of liability:
 CAR Situation_1 The... Jean- Pierre... 2002-2003 CAR Conflict Art. 7 Crimes against humanity Art. 7(1)(a) Murder Joint perpetration


User group: Prosecution Parts: <Select parts> Legal reference services: <Select legal reference service> Stages: <Select stages>

	Legal reference services		Trial			Reparation
	Legal requirements	Components of legal requirements	Comments	Exculpatory / exonerating	Incriminating	Test
Contextual common elements	E.1. The conduct was committed as part of a widespread or systematic attack directed against a civilian population.	E.1.1. Attack		+ New evidence	+ CAR-OTP-0011-0459 at 0465-0466	+ +
		E.1.2. Directed against any civilian population		+ +	+ CAR-OTP-0007-0500 at 0513	+ +
		E.1.3. Widespread or systematic character of the attack		+ +	+ CAR-OTP-0005-0099	+ +
		E.1.4. As part of: Nexus between the acts of the perpetrator and the attack		+ +	+ CAR-OTP-0004-0409 at 0428.	+ +
	E.2. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.	E.2.1. The perpetrator knew that the conduct was part of a widespread or systematic...		+ +	+ +	+ +
		E.2.2. The perpetrator intended the conduct to be part of a widespread or systematic...		+ +	+ CAR-OTP-0005-0099 at 0103.	+ +
Specific elements	Art. 7(1)(a) Murder			+ +	+ CAR-OTP-0005-0099 at 0113	+ +
	E.3. The perpetrator killed one or more persons.		+ +	+ +	+ +	
	E.3.a. [Mental element for Element 3] Conduct of killing: The perpetrator meant to...		+ +	+ +	+ +	
	E.3.b.i. [Mental element for Element 3] Consequence of killing: The perpetrator was...		+ +	+ +	+ +	
	E.3.b.ii. [Mental element for Element 3] Consequence of killing: The perpetrator meant...		+ +	+ +	+ +	
Joint perpetration						
	M.1. A plurality of persons involved in the commission of a crime.		+ +	+ +	+ +	+ +
	M.2. Common plan or agreement which amounts to or involves the commission of a crime.	M.2.1. Common plan or agreement, AND	+ +	+ +	+ CAR-OTP-0006-0491 at 0525	+ +
		M.2.2. The common plan or agreement includes an element	+ +	+ +	+ +	+ +

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 - United Nations War Crimes Commission
 - International(ised) Fact-Finding Mandates

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