

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/13**

Date: **24 April 2017**

THE APPEALS CHAMBER

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Geoffrey A. Henderson
Judge Piotr Hofmański

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF
THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA
WANDU AND NARCISSE ARIDO

Public

Prosecution's Notice of Appeal against Trial Chamber VII's "Decision on Sentence pursuant to Article 76 of the Statute"

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the Regulations of the**Court to:****The Office of the Prosecutor**

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Background

1. On 19 October 2016, Trial Chamber VII delivered its judgment under article 74 of the Statute.¹ Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido were convicted of offences against the administration of justice under article 70.²

2. On 22 March 2017, Trial Chamber VII issued its decision on the sentence pursuant to article 76.³ The Chamber imposed the following sentences:

- Babala was sentenced to six months' imprisonment (which was considered as served).
- Arido was sentenced to 11 months' imprisonment (which was considered as served).
- Mangenda was sentenced to a joint sentence of two years' imprisonment (11 months served) which was suspended for three years unless he commits an offence punishable with imprisonment in that period.
- Kilolo was sentenced to a joint sentence of two years and six months' imprisonment (11 months served) and a fine of EUR 30,000. The operation of his term of imprisonment was suspended for three years unless he commits an offence punishable with imprisonment in that period and so long as he pays the fine of EUR 30,000.
- Bemba was sentenced to a joint sentence of one year's imprisonment and a fine of EUR 300,000.⁴

¹ ICC-01/05-01/13-1989-Conf and ICC-01/05-01/13-1989-Red ("Trial Judgment").

² *See e.g.*, Trial Judgment, pp. 455-457.

³ ICC-01/05-01/13-2123-Corr ("Sentencing Decision"); ICC-01/05-01/13-2123-Anx ("Separate Opinion of Judge Raul C. Pangalangan"); ICC-01/05-01/13-2123-Corr-Anx ("Corrigendum Annex").

Appeal pursuant to articles 81(2)(a), 83(2) and (3)

3. Pursuant to articles 81(2)(a), 83(2) and (3), the Prosecution is appealing the Sentencing Decision insofar as the sentences rendered against Bemba, Kilolo and Mangenda are concerned.⁵
4. For reasons that will be provided in its document in support of the appeal, the Prosecution will request the Appeals Chamber to reverse, vary and increase the sentences imposed on Bemba, Kilolo and Mangenda (including the full range of penalties imposed, and any consequences thereof). The revision should ensure that the sentences are proportionate to the crimes for which Bemba, Kilolo and Mangenda are convicted and their culpability, as found by the Trial Chamber in the Trial Judgment.



Fatou Bensouda, Prosecutor

Dated this 24th day of April 2017⁶
At The Hague, The Netherlands

⁴ See e.g., Sentencing Decision, pp. 98-100.

⁵ See e.g., Sentencing Decision, pp. 98-100, paras. 1-43, 99-263; Separate Opinion of Judge Raul C. Pangalangan, paras. 1-19.

⁶ This submission complies with regulation 36, as amended on 6 December 2016: ICC-01/11-01/11-565 OA6 (“*Al Senussi AD*”), para. 32.