

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **14 March 2018**

**TRIAL CHAMBER VII**

**Before: Judge Bertram Schmitt, Single Judge**

**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**

**Order on Sentencing Submissions Following Appeals Chamber Judgments**

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

**The Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

Mr Kweku Vanderpuye

**Counsel for Jean-Pierre Bemba Gombo**

Ms Melinda Taylor

**Counsel for Aimé Kilolo Musamba**

Mr Michael Karnavas

**Counsel for Jean-Jacques Mangenda Kabongo**

Mr Christopher Gosnell

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for Participation/Reparation**

**The Office of Public Counsel for Victims**

**The Office of Public Counsel for the Defence**

**States Representatives**

*Amicus Curiae*

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**Others**

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Charles Achaleke Taku

**Judge Bertram Schmitt**, acting as Single Judge on behalf of Trial Chamber VII ('Single Judge' and 'Chamber', respectively) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, having regard to Article 76 of the Rome Statute ('Statute') and Regulations 34 and 37 of the Regulations of the Court, issues the following 'Order on Sentencing Submissions Following Appeals Chamber Judgments'.

1. On 22 March 2017, the Chamber decided upon the sentences for the five convicted persons in this case ('Sentencing Decision').<sup>1</sup>
2. On 8 March 2018, the Appeals Chamber issued its judgments on the verdicts and sentences ('Appeals Chamber Judgments').<sup>2</sup> As regards the judgment on the sentences, the Appeals Chamber reversed the sentences in relation to Mr Bemba, Mr Kilolo and Mr Mangenda. The Appeals Chamber remanded the matter to this Chamber for it to determine new sentences.
3. The Single Judge emphasises at the outset of this inquiry that this is not an opportunity to relitigate matters which have been definitively resolved by the Appeals Chamber Judgments. Many aspects of the Sentencing Decision were confirmed on appeal and the affected parties must treat these rulings as final. In particular, the Appeals Chamber upheld the verdicts and sentences in relation to Mr Babala and Mr Arido – they accordingly have no interest in the matters now before this Chamber.
4. The Single Judge considers it appropriate to give the affected parties an opportunity to make new submissions on the appropriate sentences in light of the

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<sup>1</sup> Decision on Sentence pursuant to Article 76 of the Statute, ICC-01/05-01/13-2123-Corr (with an annex containing the separate opinion of Judge Pangalangan).

<sup>2</sup> Judgment on the appeals of the Prosecutor, Mr Jean-Pierre Bemba Gombo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled "Decision on Sentence pursuant to Article 76 of the Statute", ICC-01/05-01/13-2276-Red (with annex); Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled "Judgment pursuant to Article 74 of the Statute, ICC-01/05-01/13-2275-Red (with three annexes, one containing the separate opinion of Judge Henderson).

Appeals Chamber Judgments. Each defence team shall have up to 30 pages each for their submissions, and the Prosecution (who must justify three separate sentences) shall have up to 50 pages.

5. Prior to receipt of these submissions, the Single Judge also directs the Registry to file updated reports on the solvency of each of the concerned persons. Each report, or at least a redacted version thereof, must be accessible to both the Prosecution and corresponding person concerned by the deadline indicated below.<sup>3</sup>
6. As for the possibility of a further hearing, the Single Judge considers that the hearing held prior to the Sentencing Decision satisfies the requirements of Article 76(2) of the Statute.<sup>4</sup> However, if the affected parties consider a further hearing to be necessary, they may justify the need for one in their submissions.

**FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY**

**ORDERS** the Registry to provide updated reports on the solvency of Mr Bemba, Mr Kilolo and Mr Mangenda, in accordance with paragraph 5 above, by 13 April 2018;

**ORDERS** the Prosecution to file submissions on sentencing, in accordance with paragraph 4 above, by 30 April 2018; and

**ORDERS** the defence for Mr Bemba, Mr Kilolo and Mr Mangenda to file submissions on sentencing, in accordance with this same paragraph, by 30 May 2018.

Done in both English and French, the English version being authoritative.



**Judge Bertram Schmitt, Single Judge**

Dated 14 March 2018

At The Hague, The Netherlands

<sup>3</sup> Party submissions related to solvency are expected to address the amounts required to satisfy the financial needs of the convicted persons and their dependents. *See* Rule 166(3) of the Rules of Procedure and Evidence.

<sup>4</sup> Transcripts of hearings, 12-14 December 2016, ICC-01/05-01/13-T-53-Red-ENG, ICC-01/05-01/13-T-54-Red-ENG, ICC-01/05-01/13-T-55-Red-ENG.