

Situation in the Central African Republic

ICC-PIDS-CIS-CAR-02-013/18\_Eng  
Updated: April 2018

## ***The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido***

ICC-01/05-01/13

Trial opened on 29 September 2015 for offences against the administration of justice in connection with the case *The Prosecutor v. Jean-Pierre Bemba Gombo*. Closing statements took place on 31 May 2016. Guilty verdict on 19 October 2016 and sentence on 22 March 2017. Appeals on verdict and sentence on 8 March 2018. Aimé Kilolo Musamba, Narcisse Arido, Jean-Jacques Mangenda Kabongo and Fidèle Babala Wandu on interim release. Jean-Pierre Bemba Gombo in ICC custody.

### **Jean-Pierre Bemba Gombo**



**Date of birth:** 4 November 1962

**Place of birth:** Bokada, Equateur province, of the Democratic Republic of Congo

**Nationality:** Congolese

**Current situation:** Detained at the Detention Centre in The Hague

**Warrant of arrest:** Issued under seal on 20 November 2013 | Made public on 28 November 2013

**Initial appearance:** 27 November 2013

**Decision on the Confirmation of charges:** 11 November 2014

**Opening of the trial:** 29 September 2015

**Verdict:** 19 October 2016

**Sentence:** 22 March 2017

### **Aimé Kilolo Musamba**



**Date of birth:** 1 January 1972

**Nationality:** Belgian

**Current situation:** Interim release

**Warrant of arrest:** Issued under seal on 20 November 2013 | Made public on 28 November 2013

**Arrest:** 23 November 2013

**Transfer to the Court:** 25 November 2013

**Initial appearance:** 27 November 2013

**Decision on the Confirmation of charges:** 11 November 2014

**Opening of the trial:** 29 September 2015

**Verdict:** 19 October 2016

**Sentence:** 22 March 2017

### **Jean-Jacques Mangenda Kabongo**



**Date of birth:** 10 January 1979

**Nationality:** Congolese

**Current situation:** Interim release

**Warrant of arrest:** Issued under seal on 20 November 2013 | Made public on 28 November 2013

**Arrest:** 23 November 2013

**Transfer to the Court:** 4 December 2013

**Initial appearance:** 5 December 2013

**Decision on the Confirmation of charges:** 11 November 2014

**Opening of the trial:** 29 September 2015

**Verdict:** 19 October 2016

**Sentence:** 22 March 2017

## Fidèle Babala Wandu



**Date of birth:** 15 April 1956

**Nationality:** Congolese

**Current situation:** Interim release

**Warrant of arrest:** Issued under seal on 20 November 2013 | Made public on 28 November 2013

**Arrest:** 24 November 2013

**Transfer to the Court:** 25 November 2013

**Initial appearance:** 27 November 2013

**Decision on the Confirmation of charges:** 11 November 2014

**Opening of the trial:** 29 September 2015

**Verdict:** 19 October 2016

**Sentence:** 22 March 2017

## Narcisse Arido



**Date of birth:** 15 May 1978

**Nationality:** National of the Central African Republic

**Current situation:** Interim release

**Warrant of arrest:** Issued under seal on 20 November 2013 | Made public on 28 November 2013

**Arrest:** 23 November 2013

**Transfer to the Court:** 18 March 2014

**Initial appearance:** 20 March 2014

**Decision on the Confirmation of charges:** 11 November 2014

**Opening of the trial:** 29 September 2015

**Verdict:** 19 October 2016

**Sentence:** 22 March 2017

On 19 October 2016, Trial Chamber VII found the five accused guilty of various offences against the administration of justice related to the false testimonies of defence witnesses in another case before the ICC: *The Prosecutor v. Jean-Pierre Bemba Gombo* (Main Case).

Trial Chamber VII found that Jean-Pierre Bemba Gombo, his former counsel Aimé Kilolo Musamba, and Jean-Jacques Mangenda Kabongo (a former member of Mr Bemba's Defence team) were guilty, as co-perpetrators, for having jointly committed the offences of intentionally corruptly influencing 14 defence witnesses, and presenting their false testimonial evidence to the court. In addition, Mr Bemba was found guilty of soliciting the giving of false testimony by the 14 defence witnesses, Mr Kilolo was found guilty of inducing the giving of false testimony by the 14 defence witnesses, and Mr Mangenda was found guilty of aiding the giving of false testimony by two defence witnesses and abetting the giving of false testimony by seven defence witnesses.

Fidèle Babala Wandu (a political ally of Mr Bemba in the Parliament of the Democratic Republic of the Congo) was found guilty of aiding the corrupt influencing of two defence witnesses. Narcisse Arido, a potential defence witness in the Main Case who ultimately did not testify, was found guilty of corruptly influencing four defence witnesses. All other charges were rejected.

## Key judicial developments:

### WARRANT OF ARREST AND SURRENDER TO THE COURT

On 19 November 2013, the Prosecution submitted to Pre-Trial Chamber II an application under article 58 of the Rome Statute for the issuance of a warrant for the arrest of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido.

On 20 November 2013, Pre-Trial Chamber II issued a warrant of arrest under seal, *ex parte*, and a redacted version was made public on 28 November 2013.

On 23 and 24 November 2013, the Belgian authorities arrested Aimé Kilolo Musamba, the authorities of the Netherlands arrested Jean-Jacques Mangenda Kabongo, the French authorities arrested Narcisse Arido and the authorities of the Democratic Republic of the Congo (DRC) arrested Fidèle Babala Wandu, acting pursuant to requests for arrest and surrender issued by the ICC.

Fidèle Babala Wandu and Aimé Kilolo Musamba were transferred to the ICC Detention centre on 25 November 2013. Jean-Jacques Mangenda Kabongo was transferred on 4 December 2013.

Narcisse Arido was surrendered to the Court by French authorities on 18 March 2014 following the completion of the relevant national proceedings in France.

### INITIAL APPEARANCES

Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba and Fidèle Babala Wandu made their initial appearance before the Court on 27 November 2013, Jean-Jacques Mangenda on 5 December 2013 and Narcisse Arido on 20 March 2014. At these hearings, the Chamber verified the suspects' identities and ensured that they had been informed of the crimes which they were alleged to have committed and of their rights before the Court.

### INTERIM RELEASE

On 21 October 2014, Pre-Trial Chamber II [ordered](#) the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido subject to the condition that they appear for trial or whenever summoned. The four suspects were subsequently released from the custody of the ICC. While Jean-Pierre Bemba Gombo, the fifth suspect in this case, was released by the Pre-Trial Chamber, he remains in detention in connection with ongoing proceedings in another case before the Court, *The Prosecutor v. Jean-Pierre Bemba Gombo*. The ICC Prosecutor appealed the Pre-Trial Chamber's two decisions.

On 29 May 2015, the Appeals Chamber [reversed](#) and remanded to Trial Chamber VII the [decision](#) ordering the interim release of Aimé Kilolo Musamba, Fidèle Babala Wandu, Jean Jacques Mangenda Kabongo and Narcisse Arido. However, the Chamber found that, taking into account the length of time that has passed since their release, it would not be in the interests of justice for the suspects to be re-arrested. On 29 May 2015, the Appeals Chamber also [reversed](#) and remanded to Trial Chamber VII the [decision](#) ordering Mr Bemba's interim release in the context of this case.

On 17 August 2015, Trial Chamber VII [ordered](#) the continued release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido with a number of conditions, including to be present in The Hague at their trial, scheduled to commence on 29 September 2015.

On 19 October 2016, at a public hearing following the Chamber's judgement, Trial Chamber VII decided that Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido would remain on conditional release, pending the imposition of penalties in their case. Jean-Pierre Bemba Gombo remains in ICC custody.

### CONFIRMATION OF CHARGES

On 11 November 2014, Pre-Trial Chamber II partially confirmed the charges of offences against the administration of justice for Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido and committed the five suspects to trial. On 30 January 2015, the Presidency of the ICC constituted Trial Chamber VII, which will be in charge of the trial in this case.

### TRIAL

The trial opened on 29 September 2015 before Trial Chamber VII.

On 29 April 2016, Trial Chamber VII closed the submission of evidence in the case and the closing oral statements took place on 31 May-1 June 2016. In the course of 46 days of hearings, Trial Chamber VII heard 13 witnesses and expert witnesses called by the Prosecution, and 6 called by the defence teams for the five accused. The Chamber examined numerous evidentiary materials, including audio recordings of intercepted telephone communications, and documentary evidence. Trial Chamber VII issued 266 written orders and decisions and 80 oral decisions.

### VERDICT

On 19 October 2016, Trial Chamber VII delivered its judgment and found the five accused guilty of various offences against the administration of justice, relating to the false testimonies of defence witnesses in the case *The Prosecutor v. Jean-Pierre Bemba Gombo*.

### SENTENCE

On 22 March 2017, Trial Chamber VII delivered its decision on sentencing.

- **Jean-Pierre Bemba Gombo** was sentenced to one year imprisonment and EUR 300,000 fine. The imprisonment sentence will be served after the other sentence in the main case.
- **Aimé Kilolo Musamba** was sentenced to 2 years and 6 months' imprisonment and EUR 30,000 fine. The time that Mr Kilolo previously spent in detention was deducted and the Chamber ordered the suspension of the remaining term of imprisonment for a period of 3 years so that the sentence shall not take effect (i) if Mr Kilolo pays the fine; and (ii) unless during that period Mr Kilolo commits another offence anywhere that is punishable with imprisonment.
- **Jean-Jacques Mangenda Kabongo** was sentenced to 2 years' imprisonment. The time that Mr Mangenda spent previously in detention was deducted. The Chamber ordered the suspension of the operation of the remaining term of imprisonment for a period of 3 years so that the sentence shall not take effect unless during that period Mr Mangenda commits another offence anywhere that is punishable with imprisonment.
- **Narcisse Arido** was sentenced in total to 11 months' imprisonment. The time Mr Arido spent previously in detention was deducted. Since the imposed sentence is equivalent to the period that Mr Arido spent in custody, the Chamber considered the sentence of imprisonment as served.
- **Fidèle Babala Wandu** was sentenced in total to 6 months' imprisonment. The time Mr Babala spent previously in detention was deducted. Since the imposed sentence is less than the period of time Mr Babala spent in custody, the Chamber considered the sentence of imprisonment as served.

## APPEALS

Following these decisions, Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido appealed the Judgment. The Prosecutor as well as Jean-Pierre Bemba Gombo, Fidèle Babala Wandu, and Narcisse Arido appealed the Sentence. The

On 8 March 2018, the Appeals Chamber [confirmed the convictions](#) in respect of most of the charges. However, it acquitted Mr Bemba, Mr Kilolo and Mr Mangenda of the charge of presenting evidence that a party knows is false or forged. The convictions and acquittals in relation to the five accused are now final. Regarding the sentences, the Appeals Chamber rejected the appeals of Mr Bemba, Mr Babala and Mr Arido; the sentences imposed on Mr Babala and Mr Arido are now final. But the Appeals Chamber granted the Prosecutor's appeal. It reversed the sentences of Mr Bemba, Mr Mangenda and Mr Kilolo and remanded the matter to the Trial Chamber for a new determination.

### Composition of Trial Chamber VII

Judge Bertram Schmitt, Presiding Judge  
Judge Marc Perrin de Brichambaut  
Judge Raul C. Pangalangan

### Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor  
James Stewart, Deputy Prosecutor  
Kweku Vanderpuye, Senior Trial Lawyer

### Defence Counsel for Jean-Pierre Bemba

Melinda A. Taylor

### Defence Counsel for Aimé Kilolo Musamba

Paul Djunga Mudimbi  
Steven Sacha Powles

### Defence Counsels for Jean-Jacques Mangenda Kabongo

Christopher Michael Gosnell  
Arthur Vercken De Vreuschmen

### Defence Counsels for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila  
Azama Shalie Rodoma

### Defence Counsel for Narcisse Arido

Charles A. Taku  
Beth Suzan Lyons