

## Situation in the Central African Republic

ICC-Q&A-CAR-02-01/17\_Eng

Updated: 22 March 2017

***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

## Questions and answers on the sentence in the Bemba *et al.* case

22 March 2017

### FOR WHICH CRIMES WERE THE DEFENDANTS FOUND GUILTY?

On 19 October 2016, Trial Chamber VII [found](#) Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido guilty of various offences against the administration of justice. These offences related to the false testimonies of defence witnesses in another case against Mr Bemba before the ICC: the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* ('Main Case').

Interfering with witnesses and other offences against the administration of justice are serious offences criminalized under the Rome Statute because they hinder the proper functioning of the Court. The ICC has already brought 3 cases in relation to such offences.

### WHICH PENALTIES DID TRIAL CHAMBER VII PRONOUNCE FOR EACH OF THE ACCUSED?

#### - Jean-Pierre Bemba Gombo:

Jean-Pierre Bemba Gombo was sentenced in total to one additional year imprisonment. No deduction of time previously spent in detention was ordered, mainly, since the time period to be considered had already been deducted by Trial Chamber III in the Main Case. The Chamber ordered that the sentence be served consecutively to Mr Bemba's existing sentence in the Main Case. In addition, the Chamber fined Mr Bemba EUR 300,000, to be paid to the Court within 3 months of its decision and thereafter transferred to the Trust Fund for Victims.

#### - Aimé Kilolo Musamba:

Aimé Kilolo Musamba was sentenced in total to 2 years and 6 months' imprisonment. The time Mr Kilolo previously spent in detention was deducted, namely since his arrest on 23 November 2013, pursuant to a warrant of arrest issued by Pre-Trial Chamber II on 20 November 2013, until 22 October 2014, the day Mr Kilolo was released provisionally. 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 (i) if Mr Kilolo pays the fine, as imposed by the Chamber; and (ii) unless during that period Mr Kilolo commits another offence anywhere that is punishable with imprisonment, including offences against the administration of justice. In addition, the Chamber fined Mr Kilolo EUR 30,000 which must be paid to the Court within 3 months of its decision and thereafter transferred to the Trust Fund for Victims.

#### - Jean-Jacques Mangenda Kabongo

Jean-Jacques Mangenda Kabongo was sentenced in total to 2 years' imprisonment. The time Mr Mangenda spent previously in detention was deducted, namely since his arrest on 23 November 2013, pursuant to a warrant of arrest issued by Pre-Trial Chamber II on 20 November 2013, until 31 October 2014, the day Mr Mangenda was released provisionally. 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, including offences against the administration of justice.

#### - Narcisse Arido

Narcisse Arido was sentenced in total to 11 months' imprisonment. The time Mr Arido spent previously in detention was deducted, namely since his arrest on 23 November 2013, pursuant to a warrant of arrest issued by Pre-Trial Chamber II on 20 November 2013, until 22 October 2014, the day Mr Arido was released provisionally. Since the imposed sentence is equivalent to the period of time Mr Arido has been in custody, the Chamber considered the sentence of imprisonment as served.

#### - Fidèle Babala Wandu

Fidèle Babala Wandu was sentenced in total to 6 months' imprisonment. The time Mr Babala spent previously in detention was deducted, namely since his arrest on 24 November 2013, pursuant to a warrant of arrest issued by Pre-Trial Chamber II on 20 November 2013, until 23 October 2014, the day Mr Babala was released provisionally. Since the imposed sentence is less than the period of time Mr Babala has been in custody, the Chamber considered the sentence of imprisonment as served.

## WHICH CRITERIA WERE TAKEN INTO ACCOUNT BY THE TRIAL CHAMBER TO MAKE ITS DECISION?

The Chamber identified all relevant factors for each convicted person, namely the gravity of the offences and his individual circumstances. It also considered mitigating and aggravating circumstances, as the case may be. In addition, the convicted persons' individual circumstances, such as their good behaviour throughout the trial, co-operation with the Court, family circumstances, absence of prior convictions and other personal circumstances, were taken into account

Upon identification of the relevant factors, the Chamber then weighed and balanced all factors in order to determine the appropriate sentence. Thus, in its decision, the Chamber considered (1) the gravity of the offences that were the basis for conviction of the person concerned; (2) the culpable conduct of the convicted person concerned; and (3) the individual circumstances of the convicted person concerned.

In determining an appropriate sentence, the Chamber was guided by two considerations: (1) the sentence must reflect the culpability of the convicted person; and (2) the sentence must be proportionate to the offence.

## CAN THE DECISION ON PENALTIES BE APPEALED?

The Prosecution and the Defence may appeal the decision on sentence within 30 days.

If any of the parties do not file an appeal, today's decision of Trial Chamber VII would then become final.