



Original: **French**

No.: **ICC-01/05-01/13**
Date: **2 November 2016**

THE APPEALS CHAMBER

Before: Judge Silvia Fernández de Gurmendi
Judge Sanji Mmasenono Monageng
Judge Christine Van den Wyngaert
Judge Howard Morrison
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 Document

**Notice of appeal by the Defence for Mr Fidèle Babala Wandu
against the Judgment pursuant to article 74 of the Statute
rendered by Trial Chamber VII on 19 October 2016**

Source: Defence for Mr Fidèle Babala Wandu

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Kweku Vanderpuye

Defence Counsel for Mr Babala

Mr Jean-Pierre Kilenda Kakengi Basila

Defence Counsel for Mr Kilolo

Mr Paul Djunga Mudimbi

Defence Counsel for Mr Mangenda

Mr Christopher Gosnell

Defence Counsel for Mr Bemba

Ms Melinda Taylor

Defence Counsel for Mr Arido

Chief Charles A. Taku

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparations

Office of Public Counsel for Victims

Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

I. PURPOSE OF THE APPLICATION

1. Acting on his behalf, the Defence team for Mr Fidèle Babala Wandu (“the Defence” and “Mr Babala”) hereby files a notice of appeal with the Appeals Chamber (“this Chamber”) against Trial Chamber VII’s Judgment of 19 October 2016 (“the Judgment”).¹

II. BRIEF PROCEDURAL HISTORY

2. On 19 October 2016, Trial Chamber VII, acting pursuant to article 74 of the Rome Statute of the International Criminal Court (“the Statute” and “the Court” or “the ICC”), rendered its Judgment finding Mr Babala “GUILTY, under Article 70(1)(c), in conjunction with Article 25(3)(c) of the Statute, of having aided in the commission by Mr Bemba, Mr Kilolo and Mr Mangenda of the offence of corruptly influencing witnesses D-57 and D-64”.²
3. Pending receipt of the full and official French version of the Judgment from the Registry of the Court, the Defence hereby files with this Chamber a notice of appeal within the meaning of regulation 57 of the Regulations of the Court.

III. APPLICABLE LAW

4. Pursuant to article 81(1)(b) of the Statute, a convicted person may appeal his or her conviction on the grounds of (i) procedural error, (ii) error of fact, (iii) error of law, or (iv) any other ground that affects the fairness or reliability of the proceedings or decision.
5. Under rule 150 of the Rules of Procedure and Evidence and regulation 57 of the Regulations of the Court, an appellant has until 30 days from the date on which

¹ ICC-01/05-01/13-1989.

² *Idem*, p. 456.

he or she is notified of a judgment to file his or her notice of appeal, which must state:

- (a) The name and number of the case;
- (b) The date of the decision of conviction [...] appealed against;
- (c) Whether the appeal is directed against the whole decision or part thereof;
- (d) The relief sought.³

IV. NOTICE OF APPEAL

6. The Defence hereby appeals, as provided above, against Trial Chamber VII's Judgment pursuant to article 74 of the Statute rendered on 19 October 2016 (ICC-01/05-01/13-1989) in *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*.
7. The Defence accordingly seeks the reversal of the Judgment on the grounds of procedural error, error of fact, error of law and any other ground affecting the fairness or reliability of the proceedings.
8. In its request dated 31 October 2016 and notified on 1 November 2016, the Defence has already asked the Appeals Chamber to postpone the *dies a quo* of the time allowed for filing a document in support of the appeal until the date on which the complete French version of the Judgment of 19 October 2016 is received. Its request is deemed reiterated here verbatim and in full.⁴

³ Regulation 57, Regulations of the Court.

⁴ ICC-01/05-01/13-1996 "*Requête de la Défense de M. Babala visant à suspendre les échéances applicables à une potentielle procédure d'appel.*"

FOR THESE REASONS,

MAY IT PLEASE THE APPEALS CHAMBER TO:

- **TAKE FORMAL NOTE** of this notice of appeal;
- **REVERSE** Trial Chamber VII's Judgment pursuant to article 74 of the Statute rendered on 19 October 2016, in respect of all its reasons and disposition convicting Mr Fidèle Babala Wandu, on the grounds of procedural error, error of fact, error of law and any other ground affecting the fairness or reliability of the proceedings; and
- **ACQUIT** Mr Fidèle Babala Wandu outright.

AND JUSTICE SHALL BE DONE.

RESPECTFULLY,

[signed]

Jean-Pierre Kilenda Kakengi Basila

Counsel for Mr Fidèle Babala Wandu

Dated this 2 November 2016

At Denderleeuw, East Flanders, Belgium