

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: **English**

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

Date: **13 March 2017**

**TRIAL CHAMBER VII**

**Before:** Judge Bertram Schmitt, Presiding Judge  
Judge Marc Perrin de Brichambaut  
Judge Raul Pangalangan

**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**

**Consolidated Prosecution Response to Mangenda and Arido Defence Requests for  
Continued Provisional Release Pending Appeal (ICC-01/05-01/13-2112 and  
ICC-01/05-01/13-2112) and Notice**

**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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**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

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**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**Other**

## Deferral of Response and Notice

1. The Office of the Prosecutor (“Prosecution”) defers its response to the requests of the Mangenda and Arido defences for “continued provisional release pending appeal” (collectively, “Requests”).<sup>1</sup> The Requests are manifestly premature, as Trial Chamber VII (“Chamber”) has yet to pronounce a custodial sentence against either Convicted Person.

2. Until the Chamber issues a sentence requiring that Mangenda and/or Arido serve a term of imprisonment exceeding that for which they may be credited under the Statute, the Requests fail to advance any issue which presently requires adjudication. Should such circumstance arise when the Chamber renders its Decision on Sentencing on 22 March 2017<sup>2</sup> the Prosecution will fully address the Requests, as appropriate.

3. Finally, the Prosecution reiterates its notice to the Chamber and Parties<sup>3</sup> that at the delivery of the Decision on Sentencing, it will, with the Chamber’s leave, request the immediate remand to detention of any Convicted Person for whom the sentence imposed requires service of a further term of imprisonment.



**Fatou Bensouda, Prosecutor**

Dated 13<sup>th</sup> Day of March 2017  
At The Hague, The Netherlands

<sup>1</sup> ICC-01/05-01/13-2112 and ICC-01/05-01/13-2113, respectively.

<sup>2</sup> ICC-01/05-01/13-2111.

<sup>3</sup> See Prosecution’s Email to the Chamber and Parties, dated 9 March 2017, at 13:43.