



Original: **English**

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

Date: **20 April 2017**

THE APPEALS CHAMBER

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Geoffrey A. Henderson
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

Narcisse Arido's Notice of Appeal against the Trial Chamber VII's 'Decision on Sentence pursuant to Article 76 of the Statute' (ICC-01/05-01/13-2123-Corr)

Source: Counsel for Narcisse Arido

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

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I. INTRODUCTION

1. The Arido Defence hereby gives notice of its decision to appeal Trial Chamber VII's ("Trial Chamber") sentencing decision.
2. On 19 October 2016, the Trial Chamber rendered its judgement under Article 74 of the Statute. The Trial Chamber convicted Mr. Narcisse Arido ('Appellant'), under Article 70(1)(c) in conjunction with Article 25(3)(a) of the Statute, of having corruptly influenced witnesses D-2, D-3, D-4, and D-6.¹
3. On 22 March 2017, the Trial Chamber rendered its decision under Article 76 of the Statute. The Trial Chamber sentenced Appellant to 11 months of imprisonment.² The present filing constitutes a notice of appeal against this decision.

II. APPLICABLE LAW

4. Pursuant to Article 81(2) (b) of the Statute, if on appeal against the sentence the Chamber considers that there are grounds on which the conviction might be set aside, wholly or in part, it may invite the Appellant to submit grounds under Article 81(1) (a) or (b), or may render a decision on conviction in accordance with Article 83.
5. Under Article 83(2) of the Statute, the Appeal Chamber may reverse or amend the sentence, or order a new trial before a different Trial Chamber, if it finds that the proceedings appealed from were unfair in a way that affected the reliability of the sentence, or that the sentence appealed from was materially affected by error of fact or law or procedural error.
6. Pursuant to Rule 150(1) of the Rules of Procedure and Evidence, an appeal against a decision on sentence under Article 76 may be filed with the Registry not later than 30 days from the date on which the party filing the appeal is notified of the decision.
7. Regulation 57 of the Regulations of the Court requires the Appellant to file a notice of appeal which states the following:

¹ ICC-01/05-01/13-1989-Red.

² ICC-01/05-01/13-2123-Corr, para. 97.

- a) The name and number of the case;
- b) The date of the decision of conviction or acquittal, sentence or reparation order appealed against;
- c) Whether the appeal is directed against the whole decision or part thereof; and
- d) The relief sought.

III. NOTICE OF APPEAL

8. In light of the above, the Appellant, in *Situation in the Central African Republic in the case of The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacque Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, ICC-01/05-01/13, respectfully gives notice of appeal against the Trial Chamber VII's decision on sentence pursuant to Article 76 of the Statute, rendered on 22 March 2017.
9. The Appeal is directed against the whole decision, ICC-01/05-01/13-2123-Corr and the relief being sought is to set aside the conviction in whole, acquit the Appellant, and render the sentence of 11 months imposed by the Trial Chamber as null and void.

Respectfully submitted,



Chief Charles Achaleke Taku, Counsel for Mr. Arido

Dated this 20st Day of April 2017
The Hague, The Netherlands