



Original: English

No: ICC-01/05-01/13  
Date: 1 December 2016

**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**

**Application to vary the Sentencing Calendar**

**Source:** Defence for Mr. Aimé Kilolo Musamba;  
Defence for Mr. Jean-Jacques Mangenda Kabongo;  
Defence for Mr. Fidèle Babala Wandu; and  
Defence for Mr. Narcisse Arido

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

**The Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

Mr Kweku Vanderpuye

**Counsel for Jean-Pierre Bemba Gombo**

Ms Melinda Taylor

**Counsel for Aimé Kilolo Musamba**

Mr Michael G. Karnavas

Mr Steven Powles

**Counsel for Jean-Jacques Kabongo Mangenda**

Mr Christopher Gosnell

**Counsel for Fidèle Babala Wandu**

Mr Jean-Pierre Kilenda Kakengi Basila

**Counsel for Narcisse Arido**

Mr Charles Achaleke Taku

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for the Victims**

**The Office of Public Counsel for the Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section Other**

The Defence for Messrs Kilolo, Mangenda, Babala and Arido hereby seek a variation of the Sentencing Calendar to require the Registry to file their report on the solvency of the convicted persons by 6 December 2016 and an extension to the parties to file their sentencing submissions by 8 December 2016.

1. On 20 October 2016, the Single Judge issued the ‘Sentencing Calendar’ [“the Calendar”].<sup>1</sup>
2. The Calendar stipulated *inter alia* that parties:
  - (i) Were to disclose and formally submit any additional evidence to be considered for sentencing by 23 November 2016; and
  - (ii) Make written submissions on the additional evidence presented and appropriate sentences to be imposed by 7 December 2016.
3. The Calendar also stipulated that the Registry must file a report informing the Chamber of the solvency of each of the convicted persons by the same date as the parties’ written submissions on appropriate sentence, namely, 7 December 2016.
4. The Calendar provides that the timetable set is “without prejudice to receiving further submissions”.<sup>2</sup>
5. This is an application on behalf of the representatives of Mr Kilolo, Mr Mangenda, Mr Babala and Mr Arido for a slight variation of the Calendar to enable the parties to properly consider the Registry report on the solvency of convicted persons *before* filing any written observations.

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<sup>1</sup> ICC-01/05-01/13-1990.

<sup>2</sup> ICC-01/05-01/13-1990, para. 2.

6. It is respectfully submitted that such a variation would be in keeping with the spirit of the Calendar which provides that the object of the written submissions to be filed on 7 December 2016 is to (i) comment on additional evidence that has been disclosed; and (ii) formulate arguments as to appropriate sentence.
7. It is anticipated that the Registry's report on the solvency of each convicted person could contain important information that parties will want to consider and perhaps comment upon when formulating their arguments on to the appropriate sentence for their clients.
8. It is therefore respectfully requested that the Registry be required to submit their report one day earlier, by 6 December 2016. Moreover, in order to give the parties time to consider the report it is respectfully requested that the parties be granted a one day extension to file their written submissions, by 8 December.
9. This request is filed publicly as it contains no information that has not already been set out in the publicly filed Calendar

### **Relief requested**

(1) That the Registry be required to serve their report on the solvency of each convicted person by 6 December 2016 and that an extension of 24 hours be granted to the parties to submit their written submissions.



Mr. Michael G. Karnavas  
Counsel for Mr. Aimé Kilolo Musamba



Mr. Christopher Gosnell  
Counsel for Mr. Jean-Jacques Mangenda Kabongo



Mr. Jean- Pierre Kilenda Kakengi Basila  
Counsel for Mr. Fidèle Babala Wandu



Mr. Chief Charles Achaleke Taku  
Counsel for Mr. Narcisse Arido

Respectfully submitted this 1<sup>st</sup> December 2016.

At The Hague, the Netherlands.