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

Date: 24/04/2017

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*

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**Bemba Defence Notice of Appeal against Decision on Sentence pursuant to
Article 76 of the Statute, (ICC-01/05-01/13-2123) by Trial Chamber VII**

Source: Art. 70 Defence for Mr. Jean-Pierre Bemba Gombo

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Helen Brady

Counsel for the Defence of Mr Jean-Pierre Bemba Gombo

Melinda Taylor
Mylène Dimitri

Counsel for the Defence of Mr Aimé Kilolo Musamba

Michael G. Karnavas
Steven Powles

Counsel for the Defence of Jean-Jacques Mangenda Kabongo

Christopher Gosnell
Peter Robinson

Counsel for the Defence of Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila
Prof. Jean-Pierre Fofe Djofia Malewa

Counsel for the Defence of Mr Narcisse Arido

Charles Achaleke Taku
Beth Lyons

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations
Section****Other**

I. INTRODUCTION

1. On 19 October 2016, Trial Chamber VII delivered its Judgement under Article 74 of the Statute.¹ The Trial Chamber convicted Mr. Jean-Pierre Bemba Gombo pursuant to Article 25(3)(a) of the Statute, of having corruptly influenced witnesses, D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54, D-55, D-57 and D-64 and having presented their false evidence as co-perpetrator and under Article 70(1)(a), in conjunction with Article 25(3)(b) of the Statute, of having solicited the giving of false testimony by witnesses D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54, D-55, D-57 and D-64.
2. The Defence for Mr. Bemba filed its Notice of Appeal against the conviction, in its entirety, on 7 November 2016.²
3. On 22 March 2017, Trial Chamber VII rendered its Decision on Sentence pursuant to Article 76 of the Statute³ (“the Decision on Sentence”). The Trial Chamber sentenced Mr. Bemba to a total of one (1) additional year of imprisonment to be served consecutively to his existing sentence and without suspension.
4. The Trial Chamber further ordered that there should be no deduction from Mr. Bemba’s sentence of the time he has spent in detention.
5. In addition to the one (1) year of imprisonment to be served consecutively to his existing sentence and without suspension, the Trial Chamber also

¹ ICC-01/05-01/13-1989-Conf

² ICC-01/05-01/13-2012

³ ICC-01/05-01/13-2123

imposed a fine of three hundred thousand Euros (EUR 300,000) on Mr. Bemba to be paid within three (3) months of the Decision on Sentence.

6. The Trial Chamber indicated in its Decision on Sentence that it considered that the goal of the Bemba Defence argumentation on sentence was to “re-litigate the merits of the Judgment” and that these arguments should be properly raised before the Appeals Chamber and could not be taken into account for the purposes of the Decision on Sentence.⁴ The sentence was therefore predicated on a range of contested findings.

II. NOTICE OF APPEAL

7. Pursuant to Article 81(1)(b), Rule 150(1) and Regulation 57, the Defence for Mr. Bemba hereby gives notice of appeal against the Decision on Sentence pursuant to Article 76 of the Statute, rendered on 22 March 2017, decision ICC-01/05-01/13-2123.

8. The Appeal is directed against the whole decision concerning Mr. Bemba.

9. Article 81(4) of the Statute provides as follows:

Subject to the provisions of paragraph 3 (a) and (b), execution of the decision or sentence shall be suspended during the period allowed for appeal and for the duration of the appeal proceedings (emphasis added).

10. The operative findings and orders concerning Mr. Bemba are thus suspended, for the duration of the appeal proceedings. The explicit

⁴ ICC-01/05-01/13-2123, para. 225

exemption of Article 81(3)(b) from this provision further preserves the right of a convicted person to apply for release pending the outcome of the appeal, in accordance with the conditions set out therein.



Melinda Taylor
Counsel of Mr. Jean-Pierre Bemba



Mylène Dimitri
Associate Counsel of Mr. Jean-Pierre Bemba

Dated this 24th day of April 2017

The Hague, The Netherlands

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