

Bemba and Co-Accused Sentenced for Witness Tampering by the International Criminal Court

On 17 September 2018, Trial Chamber VII of the International Criminal Court (ICC) delivered a landmark verdict that is expected to bolster its offences against administration jurisprudence. The case involved sentencing Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba and Jean-Jacques Mangenda Kabongo in a witness tampering case. The case dates back to 19 October 2016 when Bemba, Musamba, Kabongo and two others were found guilty of various offences against the administration of justice. These included false testimonies of defence witnesses in a case involving Mr. Bemba in the ICC.

On 22 March 2017, Trial Chamber VII sentenced the accused, which subsequently led the Appeals Chamber to dismiss the appeals of the accused against their conviction. Confirming most of the charges, it acquitted Mr. Bemba, Mr. Kilolo and Mr. Mangenda of the charge of producing false and knowing evidence (Article 70 (1) (b) of the Rome Statute), holding that it applies only for documentary evidence and not witnesses as such. In addition, it held that the Trial Chamber did not have the power to impose conditional sentences, as it had done with Mr. Mangenda and Mr. Kilolo. The Appeals Chamber therefore set aside the sentences handed down against MM. Bemba, Mangenda and Kilolo and referred the matter to the Trial Chamber for a new decision.

The 17 September verdict of the ICC has culminated proceedings in this regard. In the final verdict, Jean-Pierre Bemba Gombo was sentenced to one-year imprisonment and fined EUR 300,000. Kilolo and Mangenda were sentenced each to a total of 11 months of imprisonment in addition to Kilolo being fined EUR 30,000. Since the time already served in detention was ordered to be deducted, the Chamber considered the sentences of the convicted persons as already served. The fines have to be paid within 3 months of the decision and will be transferred to the Trust Fund for Victims (TFV).