

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

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No.: **ICC-01/05-01/13**  
Date: **3 July 2014**

**PRE-TRIAL CHAMBER II**

**Before:** Judge Ekaterina Trendafilova, Presiding Judge  
Judge Cuno Tarfusser  
Judge Christine Van den Wyngaert

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC**

**IN THE CASE OF**  
***THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIME KILOLO MUSAMBA,***  
***JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU AND***  
***NARCISSE ARIDO***

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## I. INTRODUCTION

1. Pursuant to Article 61(3)(a) of the Rome Statute (“Statute”), the Prosecutor of the International Criminal Court charges **Jean-Pierre BEMBA GOMBO** (“**BEMBA**”), **Aimé KILOLO MUSAMBA** (“**KILOLO**”), **Jean-Jacques MANGENDA KABONGO** (“**MANGENDA**”), **Fidèle BABALA WANDU** (“**BABALA**”), and **Narcisse ARIDO** (“**ARIDO**”) with offences against the administration of justice under Article 70(1)(a), (b), and (c) of the Statute, set out below.

2. From January 2012 to November 2013, **BEMBA**, **KILOLO**, **MANGENDA**, **BABALA**, and **ARIDO** executed a plan to defend **BEMBA** against charges of crimes against humanity and war crimes in *The Prosecutor v. Jean-Pierre Bemba Gombo* (“*Bemba case*”) by means which included the commission of offences against the administration of justice in violation of Article 70 of the Statute.

3. **BEMBA** directed the implementation of the plan from the ICC Detention Centre, circumventing the Registry’s monitoring system to issue instructions to **KILOLO**, **MANGENDA**, and **BABALA** necessary to carry it out. **KILOLO** bribed witnesses, scripted their evidence and elicited their false evidence in court. He also presented forged documents in the *Bemba case*. **MANGENDA** planned these offences with **KILOLO** and assisted in their execution. He relayed necessary instructions and information between **BEMBA** and **KILOLO**. **BABALA**, a long-time confidant of **BEMBA**, ensured that the money necessary for the plan was made available. On **BEMBA**’s authorisation and instructed, **BABALA** bribed witnesses, and provided the funds for **KILOLO** and others to do so. **ARIDO** provided false and/or forged documents that **KILOLO** presented as evidence to the Court, procured false witnesses to testify, and corruptly influenced witnesses.

4. **BEMBA**, **KILOLO**, **MANGENDA**, **BABALA**, and **ARIDO** are individually criminally responsible under Article 25(3) of the Statute for offences committed in violation of Article 70(1)(a), (b), and (c).

## II. THE PERSONS CHARGED

5. On 20 November 2013, Pre-Trial Chamber II issued a warrant of arrest for **BEMBA**, **KILOLO**, **MANGENDA**, **BABALA**, and **ARIDO**.<sup>1</sup> On 23 November, **BEMBA** was served with the arrest warrant at the Detention Centre,<sup>2</sup> **KILOLO** was arrested in Belgium,<sup>3</sup> **MANGENDA** was arrested in The Netherlands,<sup>4</sup> and **ARIDO** was arrested in France.<sup>5</sup> **BABALA** was arrested in the Democratic Republic of Congo (“DRC”) on 24 November 2013.<sup>6</sup>

### A. Jean-Pierre BEMBA GOMBO

6. **BEMBA**, was born on 4 November 1962 in Bokada, DRC.<sup>7</sup>

7. In 1998, **BEMBA** established the political party “*Mouvement de Libération du Congo*” (“MLC”), of which he is still President.<sup>8</sup>

8. On 23 May 2008, **BEMBA** was arrested in Belgium on a warrant of arrest issued by Pre-Trial Chamber III for five counts of war crimes and three counts of crimes against humanity.<sup>9</sup> At all times relevant to the charges in this document containing the charges (“DCC”), **BEMBA** was the Accused in the *Bemba* case and detained in the Detention Centre.<sup>10</sup>

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<sup>1</sup> ICC-01/05-01/13-1-Red2-tENG.

<sup>2</sup> ICC-01/05-01/13-11, p. 3.

<sup>3</sup> ICC-01/05-01/13-11, p. 3.

<sup>4</sup> ICC-01/05-01/13-11, p. 3.

<sup>5</sup> ICC-01/05-01/13-11, p. 3.

<sup>6</sup> ICC-01/05-01/13-11, p. 3.

<sup>7</sup> ICC-01/05-01/13-T-1-ENG CT, 27 November 2013, p.4, ln. 21-22; ICC-01/05-01/13-T-1-FRA ET, 27 November 2013, p.4, ln.12-13.

<sup>8</sup> <http://www.mouvementdeliberationducongo.com/pages/page-2.html>;

<http://www.mouvementdeliberationducongo.com/pages/histoire-du-mlc/page.html>.

<sup>9</sup> ICC-01/05-01/08-1-tENG Corr; ICC-01/05-01/08-395-Anx3, pp. 34-38.

<sup>10</sup> ICC-01/05-01/08-395-Anx3; ICC-01/05-01/13-11, p. 3.

## B. Aimé KILOLO MUSAMBA

9. **KILOLO**, born 1 January 1972 in Kinshasa, DRC,<sup>11</sup> resides in Belgium.<sup>12</sup> He maintains a secondary residence in The Netherlands.<sup>13</sup>

10. On 26 June 2001, **KILOLO** joined the *Barreau de Bruxelles*.<sup>14</sup> He maintains a legal office in Brussels, Belgium, and was appointed counsel for **BEMBA** in the *Bemba* case in August 2008. At all times relevant to the charges, **KILOLO** was **BEMBA**'s lead counsel in the *Bemba* case.<sup>15</sup>

## C. Jean-Jacques MANGENDA KABONGO

11. **MANGENDA**, born 1 October 1979 in Kinshasa, DRC,<sup>16</sup> resides in The Hague, The Netherlands.<sup>17</sup>

12. In 2004, **MANGENDA** joined the *Barreau de Kinshasa/Matete*.<sup>18</sup> Thereafter, he worked at the Office of Public Counsel for the Defence ("OPCD") at the ICC as a case manager.<sup>19</sup> From October 2008, and at all times relevant to the charges, **MANGENDA** was a case manager for the Defence team in the *Bemba* case.<sup>20</sup>

## D. Fidèle BABALA WANDU

13. **BABALA**, born 27 July 1956 in Kinshasa, DRC,<sup>21</sup> resides there.<sup>22</sup>

<sup>11</sup> ICC-01/05-01/13-T-1-ENG CT, 27 November 2013, p. 5, lns. 1-3; ICC-01/05-01/13-T-1-FRA ET, 27 November 2013, p. 4, lns. 16-18; [CAR-OTP-0079-0002](#) at 0002.

<sup>12</sup> ICC-01/05-01/13-42, para. 38; ICC-01/05-01/13-42-Conf-Anx7; [CAR-OTP-0079-0002](#) at 0002.

<sup>13</sup> ICC-01/05-01/13-42, para. 38; ICC-01/05-01/13-42-Conf-Anx9.

<sup>14</sup> ICC-01/05-01/13-42, para. 61; ICC-01/05-01-13-42-Conf-Anx14

<sup>15</sup> ICC-01/05-01/08-67-Anx2; ICC-01/05-01/08-2150-Anx; see also ICC-01/05-01/08-2893, p. 6 ("Aimé Kilolo Musamba Lead Counsel").

<sup>16</sup> [CAR-OTP-0074-0717](#) at 0725.

<sup>17</sup> [CAR-OTP-0074-0717](#) at 0729.

<sup>18</sup> [CAR-OTP-0074-0717](#) at 0756; <http://barreaudekinshasamatete.org/?q=search/node/kabongo>.

<sup>19</sup> [CAR-OTP-0074-0717](#) at 0735, 0759-0760.

<sup>20</sup> [CAR-OTP-0074-0717](#) at 0718, 0757.

<sup>21</sup> ICC-01/05-01/13-T-1-ENG CT, 27 November 2013, p. 5, lns. 9-11; ICC-01/05-01/13-T-1-FRA ET, 27 November 2013, p. 4, lns. 23-24.

<sup>22</sup> ICC-01/05-01/13-38-Corr, paras. 1, 55, 59.

14. Between 2003 and 2006, during **BEMBA**'s tenure as DRC Vice-President, **BABALA** was **BEMBA**'s *Directeur de cabinet adjoint*, *Directeur de cabinet* and *Directeur de campagne à la Présidentielle de 2006*.<sup>23</sup> At all times relevant to the charges, **BABALA** was *secrétaire général adjoint* for **BEMBA**'s MLC,<sup>24</sup> **BEMBA**'s unofficial spokesperson on political issues,<sup>25</sup> a DRC National Assembly parliamentarian,<sup>26</sup> and *vice-président du groupe parlementaire de l'opposition*.<sup>27</sup>

### E. Narcisse ARIDO

15. **ARIDO**, born 15 May 1978 in Bangui, Central African Republic ("CAR"),<sup>28</sup> resides in France.<sup>29</sup>

16. **ARIDO** was a member of the CAR armed forces until at least 2001.<sup>30</sup> **ARIDO** then moved to [REDACTED].<sup>31</sup> **ARIDO** was listed as witness D-11 in the *Bemba* case.<sup>32</sup> He was scheduled to testify in the *Bemba* case on 26 and 27 September 2012, but did not.<sup>33</sup>

## III. JURISDICTION

17. Article 70(1) of the Statute gives the Court jurisdiction over offences against its administration of justice. Article 70(2) provides that "[t]he principles and procedures governing the Court's exercise of jurisdiction" are set out in the Rules of Procedure and Evidence ("Rules").

<sup>23</sup> [CAR-OTP-0072-0091](#) at 0092.

<sup>24</sup> ICC-01/05-01/13-217-Conf, para. 30; [CAR-OTP-0072-0091](#) at 0093; [CAR-OTP-0072-0102](#) at 0102.

<sup>25</sup> [CAR-OTP-0072-0091](#) at 0092-0093.

<sup>26</sup> ICC-01/05-01/13-T-1-ENG CT, 27 November 2013, p. 5, ln. 11; ICC-01/05-01/13-T-1-FRA ET, 27 November 2013, p. 4, ln. 24; [CAR-OTP-0072-0101](#) at 0101.

<sup>27</sup> ICC-01/05-01/13-217-Conf, para. 30.

<sup>28</sup> [CAR-OTP-0074-1065](#) at 1065; [CAR-OTP-0075-3168](#) at 3168.

<sup>29</sup> [CAR-OTP-0073-0273](#), tab 1; [CAR-OTP-0074-1065](#).

<sup>30</sup> ICC-01/05-01/08-2222-Conf-AnxA, p. 26; [CAR-OTP-0075-0160](#) at 0162; [CAR-OTP-0077-0169](#) at 0170.

<sup>31</sup> ICC-01/05-01/08-2222-Conf-AnxA, p. 26; [CAR-OTP-0077-0169](#) at 0170; ICC-01/05-01/13-T-4-Red2-ENG CT, 20 March 2014, p. 4, ln. 11-12, ICC-01/05-01/13-T-4-Red-FRA, 20 March 2014, p.4, ln. 12.

<sup>32</sup> ICC-01/05-01/08-2222-Conf-AnxA, p. 26; ICC-01/05-01/13-334, para. 21; ICC-01/05-01/13-389-Conf, para. 9.

<sup>33</sup> ICC-01/05-01/08-T-252-ENG ET, 2 October 2012, p. 4, lns. 12-16; ICC-01/05-01/08-T-252-FRA ET, 2 October 2012, p. 4, ln. 25 - p. 5, ln. 2.

18. Rule 162 of the Rules provides the conditions for the Court's exercise of jurisdiction over Article 70 offences. Pre-Trial Chamber II has determined the propriety of the Court's exercise of jurisdiction in this case.<sup>34</sup> No other jurisdictional prerequisite applies.<sup>35</sup>

19. All offences alleged in this DCC were committed from January 2012 to November 2013.<sup>36</sup> The suspects have not been tried before the ICC or another court for conduct forming the basis of the charges.<sup>37</sup>

#### IV. STATEMENT OF FACTS

##### A. The Common Plan

20. From January 2012 to November 2013, **BEMBA, KILOLO, MANGENDA, BABALA**, and **ARIDO** committed the charged offences, in concert with each other and with other persons, pursuant to a common plan to defend **BEMBA** against charges of crimes against humanity and war crimes in *Bemba* case by means which included the commission of offences against the administration of justice in violation of Article 70 of the Statute ("Common Plan"). **BEMBA, KILOLO, MANGENDA, BABALA**, and **ARIDO** were the main co-perpetrators implementing the Common Plan.

21. Other persons involved in implementing the Common Plan included **BEMBA**'s sisters Caroline WALE BAMANISA BEMBA and Françoise NDOKWA BEMBA, Robert NGINAMAU, [REDACTED], and others. Alternatively, even if some of these individuals were not involved in the Common Plan, they were used by the co-perpetrators to commit offences in furtherance of it.

22. The co-perpetrators implemented the Common Plan by committing offences in furtherance of its objective, and/or using others to do so, including through one or more of the following means:

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<sup>34</sup> ICC-01/05-01/13-1-Red2-tENG, paras. 6-8.

<sup>35</sup> Rule 163(2) of the Rules.

<sup>36</sup> Within the applicable period of limitation. See Rule 164(2) of the Rules.

<sup>37</sup> Rule 168 of the Rules.

- bribing witnesses;<sup>38</sup>
- making promises to witnesses in exchange for false testimony;<sup>39</sup>
- instructing witnesses on what to say when questioned in court, including scripting their evidence, dictating and rehearsing false answers and/or questions to be posed by the parties and participants in the *Bemba* case, or to contested issues in the trial proceedings, shortly before or after witnesses had been administered the solemn undertaking under Article 69(1) of the Statute and Rule 66 of the Rules (“illicit coaching”);<sup>40</sup> and
- knowingly presenting false testimony of witnesses and presenting 14 documents they knew to be false or forged.<sup>41</sup>

#### i. The co-perpetrators

23. **BEMBA** led the implementation of the Common Plan. He orchestrated and directed the other co-perpetrators’ activities, and instructed and/or authorised actions carried out by them in furtherance of the Common Plan.<sup>42</sup>

24. **KILOLO**, in furtherance of the Common Plan, bribed witnesses directly and/or through the other co-perpetrators and/or through the others involved in the Common Plan, made improper promises to witnesses in exchange for false testimony, and illicitly coached them to testify falsely.<sup>43</sup> **KILOLO** procured spurious witnesses and intentionally presented their and other witnesses’ false evidence in court, and intentionally presented as evidence in court known false or forged documents supplied by **ARIDO**.<sup>44</sup> As lead counsel for the *Bemba* Defence, **KILOLO** was responsible for the presentation of all evidence in the *Bemba* case.<sup>45</sup>

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<sup>38</sup> See paras. 32-34.

<sup>39</sup> See para. 35.

<sup>40</sup> See also ICC-01/09-01/11-524, para. 27 (“Witness coaching may be defined as preparing the witness in a manner that involves improper influence upon the witness, intentionally exerted by counsel, with the view to rendering false evidence into testimony. As far as it goes, coaching is truly subornation of perjury, since the witness is being fraudulently manipulated to give testimony that is false”).

<sup>41</sup> See paras. 42-44.

<sup>42</sup> See paras. 30, 32, 36, 40, 49, 53.

<sup>43</sup> See paras. 32-41, 47-50, 56-57, 61, 63, 69, 76, 84, 98, 108.

<sup>44</sup> See paras. 42-44.

<sup>45</sup> See, e.g., Article 24(2) of the Code of Professional Conduct for counsel, Resolution ICC-ASP/4/Res.1.

25. **MANGENDA**, in furtherance of the Common Plan, relayed instructions, directions, and other information between **BEMBA** and **KILOLO** necessary to its implementation.<sup>46</sup> **MANGENDA** planned the illicit coaching of witnesses, provided **KILOLO** with assistance and advice in such activities, and provided logistical support to **KILOLO** to enable him to more effectively coach witnesses illicitly.<sup>47</sup>

26. **BABALA** served as **BEMBA**'s link to the other co-perpetrators and others involved in implementing the Common Plan. In furtherance of its objective, he faithfully executed **BEMBA**'s directions and instructions in implementing the Common Plan and/or passed on such instructions to the other co-perpetrators.<sup>48</sup> **BABALA** provided the financial means to bribe witnesses, and paid witnesses and/or their relatives and close associates personally and through the other co-perpetrators and persons involved in implementing the Common Plan.<sup>49</sup> In furtherance of and to implement the Common Plan, **BABALA** provided sums of money regularly to **KILOLO**, **MANGENDA**, **ARIDO**, and [REDACTED].<sup>50</sup>

27. **ARIDO**, in furtherance of the Common Plan, supplied false or forged documents that **KILOLO** presented as evidence in court.<sup>51</sup> **ARIDO** implemented the Common Plan in [REDACTED], identifying and procuring false witnesses called in the *Bemba* case, facilitating and paying for their participation, and illicitly coaching them.<sup>52</sup>

## ii. Other persons involved in implementing the Common Plan

28. [REDACTED] implemented the Common Plan by identifying, and instructing **ARIDO** to identify, individuals to be presented falsely as witnesses in the *Bemba* case.<sup>53</sup> He also

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<sup>46</sup> See paras. 36, 88.

<sup>47</sup> See paras. 36, 38-39, 49, 53, 61, 83, 88-89.

<sup>48</sup> See paras. 32-34, 91, 94-95.

<sup>49</sup> See paras. 32-34, 91, 94-95.

<sup>50</sup> See paras. 32-34.

<sup>51</sup> See paras. 42-43.

<sup>52</sup> [CAR-OTP-0075-0587](#) at 0587; [CAR-OTP-0075-0506](#); [CAR-OTP-0075-0245](#); [CAR-OTP-0075-0244](#); [CAR-OTP-0078-0184](#) at 0189, 0190; [CAR-OTP-0078-0206](#) at 0207-0214; [CAR-OTP-0078-0218](#) at 0221-0226; see also paras. 65-81, 105-106.

<sup>53</sup> [CAR-OTP-0078-0184](#) at 0189; [CAR-OTP-0078-0206](#) at 0210; [CAR-OTP-0078-0218](#) at 0226, 0229, 0233-0235; [CAR-OTP-0075-0537](#); [CAR-OTP-0075-0848](#); see also para. 102.

received payments from the other co-perpetrators, directly paid witnesses, and communicated with witnesses, including during their testimony in furtherance of the Common Plan.<sup>54</sup>

29. To implement and in furtherance of the Common Plan, NGINAMAU, Françoise BEMBA, and Caroline BEMBA provided sums of money regularly to **KILOLO**, **MANGENDA**, **ARIDO**, and [REDACTED].<sup>55</sup> NGINAMAU and **BABALA** associate [REDACTED] paid witnesses directly.<sup>56</sup>

## **B. Implementation of the Common Plan**

### **i. Communication among the co-perpetrators in furtherance of the Common Plan**

30. **BEMBA** orchestrated and directed the implementation of the Common Plan from the Detention Centre. **BEMBA** called third parties through **KILOLO** by using a line designated as “privileged” by the Registry for contact with his counsel. In doing so, **BEMBA** and **KILOLO** conspired to circumvent, and circumvented, the Detention Centre’s monitoring system, so **BEMBA** could communicate with the other co-perpetrators, the other persons involved in implementing the Common Plan, witnesses,<sup>57</sup> and others.<sup>58</sup>

31. To avoid detection by the Detention Centre monitoring system and to further conceal the Common Plan, the co-perpetrators and others involved in the Common Plan

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<sup>54</sup> See paras. 33-34; [CAR-OTP-0080-0021](#) at 0036, 0037, 0042; D-65 testified from 14-18 September 2012. D-65’s phone number is [REDACTED] (see [CAR-OTP-0077-0942](#) at 0942). [REDACTED]’s (D-52) number is [REDACTED] (see [CAR-OTP-0077-0942](#) at 0943). [REDACTED] contacted D-65 on 15 and 16 September 2012. [CAR-OTP-0073-0534](#), rows 6209, 6219, 6235. Contact during testimony is in violation of the VWU’s contact cut-off date; [CAR-OTP-0078-0290](#). See also para. 124.

<sup>55</sup> See para. 34.

<sup>56</sup> See paras. 33-34, 85, 94-95; see also [CAR-OTP-0074-1189](#) at 1193-1196.

<sup>57</sup> [CAR-OTP-0074-0872](#) at 0879-0880, [CAR-OTP-0072-0391](#), rows 709, 710, [CAR-OTP-0074-0065](#), row 681, the phone number [REDACTED] belongs to D-55 (see [CAR-OTP-0077-0942](#) at 0942); [CAR-OTP-0072-0391](#), rows 356-357. The phone number [REDACTED] belongs to D-51 (see [CAR-OTP-0077-0942](#) at 0942), [CAR-OTP-0074-0065](#), row 678 (D-51); [CAR-OTP-0072-0391](#), row 16732. The phone number [REDACTED] belongs to D-19 (see [CAR-OTP-0077-0942](#) at 0942), [CAR-OTP-0074-0066](#), row 21 (D-19).

<sup>58</sup> [CAR-OTP-0080-1138](#) at 1203-1205, [CAR-OTP-0080-1340](#) (Audio); [CAR-OTP-0082-0842](#) (Translation); [CAR-OTP-0080-1341](#) (Audio); [CAR-OTP-0082-0633](#) (Translation). The “privileged line” included **KILOLO**’s Belgian number ([REDACTED]), **KILOLO**’s DRC number ([REDACTED]), his [REDACTED] number ([REDACTED]) and his office number, ([REDACTED]). See [CAR-OTP-0074-0067](#) at 0071-0072.

communicated in coded language.<sup>59</sup> Common codes included “[REDACTED]”,<sup>60</sup> “[REDACTED]”,<sup>61</sup> “[REDACTED]”,<sup>62</sup> “[REDACTED]”,<sup>63</sup> “[REDACTED]”,<sup>64</sup> or “[REDACTED]”<sup>65</sup> for “[REDACTED]”, “[REDACTED]” for “**BABALA**”,<sup>66</sup> and “[REDACTED]” for “**BEMBA**”.<sup>67</sup> One of the codes for the illicit coaching of witnesses was “[REDACTED]”.<sup>68</sup> On 18 January 2013, **BEMBA** interrupted **BABALA**, who was speaking openly on the phone, telling him that “[REDACTED]”.<sup>69</sup>

## ii. Bribing witnesses

32. In **BEMBA**'s almost daily conversations with **BABALA**,<sup>70</sup> he periodically instructed **BABALA** to make payments in furtherance of the Common Plan. **BEMBA** was consistently informed of money transfers among the co-perpetrators and payments to witnesses.<sup>71</sup> **BEMBA** instructed or authorised **BABALA** to arrange such transfers to the other co-

<sup>59</sup> See, e.g., [CAR-OTP-0077-1035](#) at 1038-1041 (Translation); [CAR-OTP-0074-0100](#) (Audio); [CAR-OTP-0077-1348](#) at 1350-1352 (Translation); [CAR-OTP-0074-0100](#) (Audio); [CAR-OTP-0077-1291](#) at 1295-1298 (Translation); [CAR-OTP-0074-0592](#) (Audio); [CAR-OTP-0077-1084](#) at 1087-1088 (Translation); [CAR-OTP-0074-0590](#) (Audio); [CAR-OTP-0077-1324](#) at 1328-1329 (Translation); [CAR-OTP-0074-0636](#) (Audio); [CAR-OTP-0077-1307](#) at 1309 (Translation); [CAR-OTP-0074-0624](#) (Audio); [CAR-OTP-0077-1299](#) at 1301 (Translation); [CAR-OTP-0074-0610](#) (Audio); [CAR-OTP-0080-1138](#) at 1199 (Translation); [CAR-OTP-0080-1335](#) (Audio); [CAR-OTP-0082-0573](#) (Transcript).

<sup>60</sup> [CAR-OTP-0080-1138](#) at 1199; [CAR-OTP-0080-1335](#) (Audio); [CAR-OTP-0082-0573](#) (Transcript); [CAR-OTP-0074-0701](#) (Audio); [CAR-OTP-0077-1348](#) at 1351-1352 (Translation).

<sup>61</sup> [CAR-OTP-0080-0972](#) at 0975; [CAR-OTP-0074-0701](#) (Audio); [CAR-OTP-0077-1348](#) at 1351-1352 (Translation).

<sup>62</sup> [CAR-OTP-0074-1468](#) (Audio); [CAR-OTP-0078-0390](#) at 0391-0393 (Transcript).

<sup>63</sup> [CAR-OTP-0080-1138](#) at 1195; [CAR-OTP-0080-1333](#) (Audio); [CAR-OTP-0082-0828](#) at 0834 (Translation).

<sup>64</sup> [CAR-OTP-0074-0610](#) (Audio); [CAR-OTP-0077-1299](#) at 1301 (Translation).

<sup>65</sup> [CAR-OTP-0080-1138](#) at 1180, 1188-1189; [CAR-OTP-0080-1325](#) (Audios); [CAR-OTP-0082-1065](#) (Translation); [CAR-OTP-0080-1329](#) (Audio); [CAR-OTP-0082-0814](#) (Translation).

<sup>66</sup> See, e.g., [CAR-OTP-0080-0966](#) at 0968 (“[REDACTED]”), at 0970 (“[REDACTED]”).

<sup>67</sup> [CAR-OTP-0074-1468](#) (Audio); [CAR-OTP-0078-0390](#) at 0392-0396 (Transcript) (“[REDACTED]”); [CAR-OTP-0074-1468](#) (audio).

<sup>68</sup> [CAR-OTP-0074-0995](#) (Audio); [CAR-OTP-0079-0131](#) at 0139 (Translation); [CAR-OTP-0074-1001](#) (Audio); [CAR-OTP-0079-1737](#) at 1740 (Translation); [CAR-OTP-0074-0992](#) (Audio); [CAR-OTP-0079-0114](#) at 0118-0119 (Translation); [CAR-OTP-0074-0986](#) (Audio); [CAR-OTP-0079-0102](#) at 0107 (Translation); [CAR-OTP-0074-0997](#) (Audio); [CAR-OTP-0080-0245](#) at 0248 (Translation); [CAR-OTP-0074-1026](#) (Audio); [CAR-OTP-0080-0299](#) at 0301 (Translation).

<sup>69</sup> [CAR-OTP-0074-0099](#) (Audio); [CAR-OTP-0077-1035](#) at 1038 (Translation).

<sup>70</sup> See [CAR-OTP-0074-0057](#), [CAR-OTP-0074-0058](#), [CAR-OTP-0074-0073](#), [CAR-OTP-0074-0074](#), [CAR-OTP-0074-0085](#), [CAR-OTP-0074-0086](#), [CAR-OTP-0074-0088](#), [CAR-OTP-0074-0090](#). **BABALA**'s phone number is [REDACTED] (see [CAR-OTP-0074-0059](#) at 0062; [CAR-OTP-0074-0075](#) at 0075, row 34; [CAR-OTP-0074-0059](#) at 0077, row 34); [CAR-OTP-0072-0091](#) at 0092. **BABALA**'s phone number is [REDACTED] (see [CAR-OTP-0074-0075](#) at 0077, row 36; [CAR-OTP-0074-0059](#) at 0062, row 1).

<sup>71</sup> [CAR-OTP-0077-1303](#) at 1305-1306; [CAR-OTP-0079-1689](#) at 1691; [CAR-OTP-0079-1727](#) at 1730-1731; [CAR-OTP-0077-1341](#) at 1343; [CAR-OTP-0077-1291](#) at 1295; [CAR-OTP-0077-1077](#) at 1079; [CAR-OTP-0082-0321](#); [CAR-OTP-0082-0322](#); [CAR-OTP-0082-0328](#).

perpetrators, including **KILOLO** and **MANGENDA**,<sup>72</sup> and to the other persons involved in implementing the Common Plan,<sup>73</sup> and to arrange payments to witnesses and their relatives and/or close associates.<sup>74</sup> The co-perpetrators and other involved persons subsequently received the transfers and the witnesses and/or their relatives, the bribes.<sup>75</sup> **BABALA** made several of these transfers and payments,<sup>76</sup> and reported to and discussed with **BEMBA** the status or details of money transactions.<sup>77</sup>

33. The co-perpetrators paid witnesses and/or their relatives or close associates through, *inter alia*, commercial money transfer services. The co-perpetrators, including **KILOLO**, **BABALA**, and **ARIDO**, and the other persons involved in implementing the Common Plan, including Caroline BEMBA, NGINAMAU, [REDACTED], used these means to pay at least witnesses D-64,<sup>78</sup> D-57,<sup>79</sup> D-55,<sup>80</sup> D-45,<sup>81</sup> D-29,<sup>82</sup> D-25,<sup>83</sup> D-23,<sup>84</sup> D-6,<sup>85</sup> and D-4.<sup>86</sup> The witnesses were instructed to deny these payments when testifying in court.<sup>87</sup>

<sup>72</sup> [CAR-OTP-0077-1307](#) at 1309-1310; [CAR-OTP-0077-1348](#) at 1351-1352; [CAR-OTP-0077-1324](#) at 1327-1328; [CAR-OTP-0077-1084](#) at 1087-1088; [CAR-OTP-0077-1299](#) at 1301-1302; [CAR-OTP-0079-1724](#) at 1726; [CAR-OTP-0080-0466](#) at 0468; [CAR-OTP-0079-1732](#) at 1735; [CAR-OTP-0077-1341](#) at 1343; [CAR-OTP-0077-1336](#) at 1338; [CAR-OTP-0077-1316](#) at 1318; [CAR-OTP-0080-0481](#) at 0484; [CAR-OTP-0080-0477](#) at 0479.

<sup>73</sup> [CAR-OTP-0079-1693](#) at 1696; [CAR-OTP-0077-1291](#) at 1295; [CAR-OTP-0080-0485](#) at 0487-0489; [CAR-OTP-0077-1341](#) at 1343; [CAR-OTP-0077-1050](#) at 1054-1055.

<sup>74</sup> [CAR-OTP-0077-1299](#) at 1301; [CAR-OTP-0077-1084](#) at 1087-1088; [CAR-OTP-0077-1324](#) at 1327-1328.

<sup>75</sup> [CAR-OTP-0070-0007](#), tab 32 A Kilolo Musamba, rows 120, 127; [CAR-OTP-0073-0274](#), tab 38 Jean J K Mangenda, rows 2, 17, 37; [CAR-OTP-0077-1299](#) at 1302; [CAR-OTP-0070-0005](#), tab 1 Narcisse Arido, rows 3, 78; [CAR-OTP-0070-0004](#), tab 31 Babala, row 11; [CAR-OTP-0074-0855](#), tab 31 Babala, row 17, tab 40 Aimé Kilolo Musamba, rows 4, 29, 30, 36, 42, 49, 56; see also [CAR-OTP-0072-0170](#); [CAR-OTP-0072-0180](#).

<sup>76</sup> See, e.g., [CAR-OTP-0073-0274](#), tab 31 Fidèle Babala, rows 2, 4-6, 12; [CAR-OTP-0070-0004](#), tab 31 Babala, rows 4, 9-12, 14, 17; [CAR-OTP-0070-0005](#), tab 4 [REDACTED], row 70; [CAR-OTP-0070-0005](#), tab 1 Narcisse Arido, row 78; [CAR-OTP-0070-0007](#), tab 32 A Musamba, rows 84, 98, 107, 117, 124, 126, 130, 134, 137, 138.

<sup>77</sup> See [CAR-OTP-0077-1299](#) at 1301-1302; [CAR-OTP-0079-1727](#) at 1730-1731; [CAR-OTP-0077-1291](#) at 1295; [CAR-OTP-0077-1336](#) at 1338; [CAR-OTP-0077-1316](#) at 1318; [CAR-OTP-0077-1084](#) at 1087-1088; [CAR-OTP-0079-1712](#) at 1715; [CAR-OTP-0079-1709](#) at 1711.

<sup>78</sup> [CAR-OTP-0073-0273](#), tab 8 [REDACTED], row 4; [CAR-OTP-0070-0007](#), tab 34 Nginamau, rows 2, 3.

<sup>79</sup> [CAR-OTP-0077-1299](#) at 1301; [CAR-OTP-0073-0274](#), tab 31 Fidèle Babala, row 14; [CAR-OTP-0070-0004](#), tab 31 Babala, row 19; [CAR-OTP-0075-0002](#) at 0004; [CAR-OTP-0075-0009](#) at 0011-0012; [CAR-OTP-0077-0088](#) at 0104-0106, 0110-0111; [CAR-OTP-0070-0007](#), tab 32 A Musamba, row 23.

<sup>80</sup> [CAR-OTP-0070-0007](#), tab 32 A Musamba, row 25.

<sup>81</sup> [CAR-OTP-0074-0855](#), tab 40 Aimé Musamba, row 46; [CAR-OTP-0070-0007](#), tab 32 A Kilolo Musamba, row 57.

<sup>82</sup> [CAR-OTP-0074-0855](#), tab 28 [REDACTED], row 2.

<sup>83</sup> [CAR-OTP-0074-0855](#), tab 40 Aimé Kilolo Musamba, row 11.

<sup>84</sup> [CAR-OTP-0074-0855](#), tab 40 Aimé Kilolo Musamba, row 12.

<sup>85</sup> [CAR-OTP-0074-0856](#), tab 68 Caroline Bemba Wale to [REDACTED], at row 7. [REDACTED] is a close associate of D-6: (i) on 27 August 2013, D-6 sent [REDACTED] a payment [CAR-OTP-0074-0854](#), tab 15 [REDACTED] Send, row 5; (ii) [REDACTED] and D-6 shared phone number [REDACTED]. See [CAR-OTP-0074-0856](#), tab 68 Caroline Bemba Wale, row 7, column Z, and [CAR-OTP-0080-1138](#) at 1193; (iii) public social media confirms their association, showing pictures of them together, see e.g. [CAR-OTP-0082-0288](#); [CAR-OTP-0082-0289](#); [CAR-OTP-0082-0290](#); [CAR-OTP-0082-0291](#); [CAR-OTP-0082-0292](#), and that [REDACTED] is “friends” with other witnesses in the Bemba case. [CAR-OTP-0082-0244](#); [CAR-OTP-0082-0249](#); [CAR-OTP-0082-0250](#). The payment is linked to the Common Plan in that, about the time of her payment to [REDACTED],

34. Caroline BEMBA, Françoise BEMBA, NGINAMAU, and the co-perpetrators provided **KILOLO** with funds that he used to pay witnesses.<sup>88</sup> **ARIDO** was provided funds by the other co-perpetrators and the other persons involved in implementing the Common Plan, including **KILOLO**, **BABALA**, NGINAMAU, and [REDACTED].<sup>89</sup> **ARIDO** used these funds to pay witnesses and/or their close associates including D-3,<sup>90</sup> D-4,<sup>91</sup> and D-7,<sup>92</sup> who were instructed to deny receiving them.<sup>93</sup> NGINAMAU executed payments on **BABALA**'s behalf,<sup>94</sup> including to [REDACTED]<sup>95</sup> and a relative of D-64.<sup>96</sup> The co-perpetrators and the

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Caroline BEMBA also made another payment to **KILOLO** using the same code as the one she used when sending money to [REDACTED]— see [CAR-OTP-0074-0856](#) (tab 68, row 8 BEMBA to **KILOLO**, column AQ, AR – Sender Question/Sender Answer “OK/OK”, respectively) and [CAR-OTP-0074-0856](#) (tab 68, row 7 BEMBA to [REDACTED], column AQ, AR – Sender Question/Sender Answer “OK/OK”, respectively).

<sup>86</sup> [CAR-OTP-0073-0048](#) at 0049; [CAR-OTP-0073-0046](#) at 0047.

<sup>87</sup> See paras. 80, 85, 87, 91, 95; ICC-01/05-01/08-T-260-CONF-ENG ET, 23 October 2012, p. 6, lns. 14-23; ICC-01/05-01/08-T-260-CONF-FRA ET, 23 October 2012, p. 6, ln. 25 - p. 7, ln. 6 (D-64); ICC-01/05-01/08-T-258-CONF-ENG ET, 19 October 2012, p. 2, ln. 25 - p. 3, ln. 10; ICC-01/05-01/08-T-258-CONF-FRA CT, 19 October 2012, p. 2, ln. 27 - p. 3, ln. 12 (D-57); ICC-01/05-01/08-T-297-CONF-ENG ET, 19 March 2013, p. 18, ln. 17 - p. 20, ln. 5; ICC-01/05-01/08-T-297-CONF-FRA ET, 19 March 2013, p. 20, ln. 5, 26 - p. 22 ln. 19; ICC-01/05-01/08-T-299-CONF-ENG ET, 21 March 2013, p. 24, lns. 11-16; ICC-01/05-01/08-T-299-CONF-FRA ET, 21 March 2013, p. 24, ln. 27 - p. 25 ln. 3 (D-45); ICC-01/05-01/08-T-339-CONF-ENG ET, 29 August 2013, p. 43, lns. 18-20; ICC-01/05-01/08-T-339-CONF-FRA ET, 29 August 2013, p. 45, lns. 21-23 (D-29); ICC-01/05-01/08-T-337-CONF-ENG ET, 27 August 2013, p. 40, lns. 13-20; ICC-01/05-01/08-T-337-CONF-FRA ET, 27 August 2013, p. 42, lns. 16-26, (D-25); ICC-01/05-01/08-T-249-CONF-ENG ET, 20 September 2012, p. 10, lns. 17-23; ICC-01/05-01/08-T-249-CONF-FRA ET, 20 September 2012, p. 11, lns. 4-10 (D-7).

<sup>88</sup> Funds to **KILOLO** see [CAR-OTP-0070-0007](#), tab 34 Nginamau, rows 7-8, 11, 14-16, 21-24, 36, 45, 53, 55, 57; [CAR-OTP-0073-0274](#), tab 34 Robert Nginamau, rows 3, 4; [CAR-OTP-0074-0855](#), tab 68 Caroline Bemba Wale, rows 2, 4, 8-10; [CAR-OTP-0077-1364](#) at 1365; [CAR-OTP-0077-1366](#) at 1367; [CAR-OTP-0077-1368](#) at 1369; [CAR-OTP-0077-1370](#) at 1371; [CAR-OTP-0077-1372](#) at 1373-1374; see also [CAR-OTP-0072-0180](#); [CAR-OTP-0072-0185](#). Funds from **KILOLO** to witnesses see [CAR-OTP-0070-0007](#), tab 32 A Musamba, rows 23-25, 40, 57, 132; [CAR-OTP-0074-0855](#), tab 40 Aimé Kilolo Musamba, rows 11-12, 32, 41, 46-48, 52-53.

<sup>89</sup> [CAR-OTP-0070-0005](#), tab 1 Narcisse Arido, rows 72-75, 77, 78, 80; [CAR-OTP-0070-0007](#), tab 32 A Musamba, rows 35, 36, 94; [CAR-OTP-0070-0007](#), tab 34 Nginamau, rows 6, 17; [CAR-OTP-0070-0005](#), tab 4 [REDACTED], row 92 see also [CAR-OTP-0072-0168](#).

<sup>90</sup> [CAR-OTP-0078-0184](#) at 0192.

<sup>91</sup> [CAR-OTP-0073-0048](#) at 0049; [CAR-OTP-0073-0046](#) at 0047.

<sup>92</sup> [CAR-OTP-0073-0033](#) at 0033, 0035.

<sup>93</sup> ICC-01/05-01/08-T-326bis-CONF-ENG ET, 19 June 2013, p. 28, ln. 23 - p. 29, ln. 4; ICC-01/05-01/08-T-326-CONF-FRA ET, 19 June 2013, p. 72, lns. 20-26; ICC-01/05-01/08-T-249-CONF-ENG ET, 20 September 2012, p. 10, lns. 15-23, p. 11, ln. 17 - p. 12, ln. 11; ICC-01/05-01/08-T-249-CONF-FRA ET, 20 September 2012, p. 11, lns. 2-10, p.12, lns. 2-24.

<sup>94</sup> See, e.g., [CAR-OTP-0073-0274](#), tab 34 Robert Nginamau, rows 2-4; [CAR-OTP-0070-0007](#), tab 34 Nginamau, rows 2, 3, 6-11, 28, 53; NGINAMAU used **BABALA**'s telephone number when making payments via Western Union. See [CAR-OTP-0070-0007](#), tab 34 Nginamau, rows 6, 28, 53, column E, and [CAR-OTP-0073-0274](#), tab 31 Fidèle Babala, column E; [CAR-OTP-0080-0003](#) at 0004 (“Robert Nginamau is in the MLC party and very close to Babala”; [CAR-OTP-0071-0503](#) (In **BABALA**'s CDR, their phone contact is frequent – NGINAMAU's number is [REDACTED] (see [CAR-OTP-0070-0007](#), tab 34 Nginamau, column E)).

<sup>95</sup> [CAR-OTP-0070-0007](#), tab 34 Nginamau, rows 10, 28.

<sup>96</sup> [CAR-OTP-0070-0007](#), tab 34 Nginamau, rows 2, 3; [CAR-OTP-0074-1189](#) at 1191-1196.

other persons involved in implementing the Common Plan, including **KILOLO**, **BABALA**, **NGINAMAU**, and Caroline BEMBA paid [REDACTED].<sup>97</sup>

### iii. Making promises to witnesses in exchange for false testimony

35. **ARIDO** made promises improperly to prospective witnesses in the *Bemba* case to encourage them to testify falsely. **ARIDO** promised D-2 that if he testified for the *Bemba* Defence in The Hague he could “*trouver l’asile*”<sup>98</sup> and that if he testified well he may receive “*10 millions de francs CFA*” (*Communautés Financières d’Afrique* (“CFA”), approximately EUR 15,000).<sup>99</sup> **ARIDO** promised D-3 that if he testified for the *Bemba* Defence he could “*faire un peu d’argent*”<sup>100</sup> and could go to live in “*la France, le Canada, voire les Pays-Bas*”.<sup>101</sup> **KILOLO** also made promises improperly in exchange for false testimony.

### iv. Illicitly coaching witnesses

36. **BEMBA** directed or authorised the illicit coaching of witnesses.<sup>102</sup> He instructed in detail the other co-perpetrators, including **MANGENDA** and **BABALA**, on how and to what witnesses were to testify.<sup>103</sup> For example, **MANGENDA** told **KILOLO** that **BEMBA** “[REDACTED]”.<sup>104</sup> These instructions were relayed to **KILOLO** by **MANGENDA** when **KILOLO** was travelling or otherwise unavailable and not easily reachable by **BEMBA**.<sup>105</sup> **MANGENDA** also relayed **BEMBA**’s satisfaction or dissatisfaction with the implementation of the Common Plan to **KILOLO**. Both co-perpetrators agreed that the most important thing was to keep **BEMBA** satisfied in this respect.<sup>106</sup>

<sup>97</sup> [CAR-OTP-0070-0005](#), tab 4 [REDACTED], rows 52, 66-68, 70-71, 99; see also [CAR-OTP-0072-0182](#).

<sup>98</sup> [CAR-OTP-0080-0021](#) at 0030.

<sup>99</sup> [CAR-OTP-0080-0021](#) at 0031; [CAR-OTP-0080-0043](#) at 0050.

<sup>100</sup> [CAR-OTP-0078-0184](#) at 0189.

<sup>101</sup> [CAR-OTP-0078-0218](#) at 0234.

<sup>102</sup> CAR-OTP-0074-0996 (Audio); [CAR-OTP-0079-1732](#) at 1735-1736 (Translation); CAR-OTP-0074-1006 (Audio); [CAR-OTP-0079-1744](#) at 1746-1748 (Translation); [CAR-OTP-0080-1138](#) at 1243-1244; [CAR-OTP-0080-1372](#) (Audio); [CAR-OTP-0082-0669](#) at 0671-0673 (Translation).

<sup>103</sup> CAR-OTP-0074-0995 (Audio); [CAR-OTP-0079-0131](#) at 0134-0138 (Translation); CAR-OTP-0074-0590 (Audio); [CAR-OTP-0077-1084](#) at 1087-1088 (Translation).

<sup>104</sup> CAR-OTP-0074-0995 (Audio); [CAR-OTP-0079-0131](#) at 0135 (Translation).

<sup>105</sup> CAR-OTP-0074-0995 (Audio); [CAR-OTP-0079-0131](#) at 0134-0138 (Translation).

<sup>106</sup> CAR-OTP-0074-0993 (Audio); [CAR-OTP-0079-0122](#) at 0126 (Translation); CAR-OTP-0074-0992 (Audio); [CAR-OTP-0079-0114](#) at 0118-0119 (Translation).

37. **KILOLO** gave witnesses precise instructions on what to say when questioned in court.<sup>107</sup> He scripted, rehearsed with, and/or dictated to witnesses the evidence they were expected to present as testimony, including falsehoods, in response to questions to be posed by him and other parties and participants in the *Bemba* case.<sup>108</sup> He improperly shared with testifying witnesses the Legal Representative of Victims' questions required by the Chamber to be furnished to the parties confidentially in advance.<sup>109</sup>

38. In implementing **BEMBA**'s directions and in furtherance of the Common Plan, **KILOLO** planned and executed the illicit coaching of witnesses with the assistance of the other co-perpetrators including **MANGENDA**, **BABALA**, and **ARIDO**, and other persons involved in the Common Plan such as [REDACTED]. **MANGENDA** reported to **KILOLO** the presentation of the false testimony in court when **KILOLO** was absent.<sup>110</sup> **ARIDO** and [REDACTED] also illicitly coached witnesses directly.<sup>111</sup>

39. **KILOLO** informed **BEMBA** and **MANGENDA** about his illicit coaching of witnesses,<sup>112</sup> and the latter provided **KILOLO** advice on how to best carry this out.<sup>113</sup>

<sup>107</sup> CAR-OTP-0074-0992 (Audio); CAR-OTP-0079-0114 at 0119, 0121(Translation); CAR-OTP-0074-0977 (Audio); [CAR-OTP-0077-1359](#) at 1360-1363 (Translation); CAR-OTP-0074-1003 (Audio); [CAR-OTP-0079-0154](#) at 0156-0170 (Translation).

<sup>108</sup> CAR-OTP-0074-1003 (Audio); [CAR-OTP-0079-0154](#) at 0156-0170 (Translation); CAR-OTP-0074-1008 (Audio); [CAR-OTP-0077-1389](#) at 1390-1406 (Translation); [CAR-OTP-0080-1138](#) at 1224-1243; [CAR-OTP-0080-1363](#) (Audio); CAR-OTP-0082-0866 at 0868-0876 (Translation); [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) at 0879-0902 (Translation); [CAR-OTP-0080-1365](#) (Audio); [CAR-OTP-0082-0655](#) at 0657-0658 (Translation); [CAR-OTP-0080-1366](#) (Audio); [CAR-OTP-0082-1087](#) at 1089-1108 (Translation); [CAR-OTP-0080-1367](#) (Audio); CAR-OTP-0082-1109 at 1111-1139 (Translation); [CAR-OTP-0080-1368](#) (Audio); [CAR-OTP-0082-0659](#) at 0661-0662 (Translation); [CAR-OTP-0080-1369](#) (Audio); [CAR-OTP-0082-0663](#) at 0665-0668; [CAR-OTP-0080-1370](#) (Audio); [CAR-OTP-0082-0606](#) (Transcript); [CAR-OTP-0080-1371](#) (Audio); [CAR-OTP-0082-0903](#) at 0905-0910 (Translation); CAR-OTP-0074-0977 (Audio); [CAR-OTP-0077-1359](#) at 1360-1363 (Translation).

<sup>109</sup> CAR-OTP-0074-1008 (Audio); [CAR-OTP-0077-1389](#) at 1393-1394 (Translation); CAR-OTP-0074-1011 (Audio); [CAR-OTP-0077-1407](#) at 1408-1413 (Translation); [CAR-OTP-0080-1138](#) at 1225, 1227, 1229-1230, 1232, 1236-1237; [CAR-OTP-0080-1363](#) (Audio); CAR-OTP-0082-0866 at 0868-0876 (Translation); [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) at 0879-0902 (Translation); [CAR-OTP-0080-1367](#) (Audio); CAR-OTP-0082-1109 at 1111-1139 (Translation).

<sup>110</sup> CAR-OTP-0074-0995 (Audio); [CAR-OTP-0079-0131](#) at 0139 (Translation); CAR-OTP-0074-0997 (Audio); [CAR-OTP-0080-0245](#) at 0247-0253 (Translation); CAR-OTP-0074-0992 (Audio); [CAR-OTP-0079-0114](#) at 0116-0121 (Translation); CAR-OTP-0074-0993 (Audio); [CAR-OTP-0079-0122](#) at 0124-0129 (Translation); CAR-OTP-0074-0991 (Audio); [CAR-OTP-0080-0228](#) at 0230-0237 (Translation).

<sup>111</sup> [CAR-OTP-0078-0184](#) at 0189, 0191; [CAR-OTP-0078-0206](#) at 0210, 0213-0214; [CAR-OTP-0080-0069](#) at 0074, 0078; [CAR-OTP-0080-0021](#) at 0031; [CAR-OTP-0080-0043](#) at 0051-0052, 0057-0058; [CAR-OTP-0080-0100](#) at 0114.

<sup>112</sup> CAR-OTP-0074-1004 (Audio); [CAR-OTP-0080-0254](#) at 0257-0258 (Translation); CAR-OTP-0074-0997 (Audio); [CAR-OTP-0080-0245](#) at 0247-0253 (Translation); CAR-OTP-0074-0994 (Audio); [CAR-OTP-0080-0238](#) at 0240 (Translation); [CAR-OTP-0080-1138](#) at 1262-1263; [CAR-OTP-0080-1419](#) (Audio); CAR-OTP-

**BABALA** knew about **KILOLO**'s illicit coaching, including through **BEMBA**.<sup>114</sup> **KILOLO** at times sought advice on the script from the witnesses themselves.<sup>115</sup> **KILOLO** made sure witnesses' testimonies aligned, including by directing them to consult with other persons, including other witnesses, which they did.<sup>116</sup> He organised meetings with witnesses to instruct them on their respective testimonies.<sup>117</sup> **KILOLO** and **MANGENDA** actively concealed their illicit coaching activities.<sup>118</sup>

40. **KILOLO** and **MANGENDA** knew the importance of illicitly coaching witnesses on the eve of their testimony, and the importance of keeping witnesses from straying from the instructions they were given.<sup>119</sup> As such, **KILOLO** sought to be, and was, in contact with witnesses as shortly prior to their testimonies as possible, as well as during the course of their sworn appearance before the Court, in violation of the VWU's contact cut-off date<sup>120</sup> implementing the witness contact protocol of the Chamber.<sup>121</sup> **BEMBA** approved and supported this conduct.<sup>122</sup>

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0082-1140 at 1142-1149 (Translation); CAR-OTP-0074-0993 (Audio); [CAR-OTP-0079-0122](#) at 0129 (Translation); CAR-OTP-0074-0999 (Audio); [CAR-OTP-0077-1383](#) at 1384 (Transcript).

<sup>113</sup> CAR-OTP-0074-1001 (Audio); [CAR-OTP-0079-1737](#) at 1739-1743 (Translation); CAR-OTP-0074-0997 (Audio); [CAR-OTP-0080-0245](#) at 0247-0253 (Translation); CAR-OTP-0074-0998 (Audio); [CAR-OTP-0082-0107](#) at 0110 (Translation).

<sup>114</sup> [CAR-OTP-0080-1138](#) at 1159-1161; [CAR-OTP-0080-1319](#) (Audio); CAR-OTP-0082-0542 at 0543-546 (Transcript); CAR-OTP-0074-0576 (Audio); [CAR-OTP-0077-1069](#) at 1071-1072 (Translation); CAR-OTP-0074-0574 (Audio); [CAR-OTP-0077-1063](#) at 1066-1068 (Translation).

<sup>115</sup> CAR-OTP-0074-1003 (Audio); [CAR-OTP-0079-0154](#) at 0160 (Translation); CAR-OTP-0074-1012 (Audio); [CAR-OTP-0077-1414](#) at 1420 (Transcript).

<sup>116</sup> [CAR-OTP-0080-1138](#) at 1227-1228, 1232, 1236-1243, 1245; [CAR-OTP-0080-1363](#) (Audio); CAR-OTP-0082-0866 at 0868-0876 (Translation); [CAR-OTP-0080-1364](#) (Audio); CAR-OTP-0082-0877 at 0879-0902 (Translation); [CAR-OTP-0080-1367](#) (Audio); CAR-OTP-0082-1109 at 1111-1139 (Translation); [CAR-OTP-0080-1368](#) (Audio); CAR-OTP-0082-0659 at 0661-0662 (Translation); [CAR-OTP-0080-1369](#) (Audio); CAR-OTP-0082-0663 at 0665-0668 (Translation); [CAR-OTP-0080-1370](#) (Audio); CAR-OTP-0082-0606 at 0607-0608 (Transcript); [CAR-OTP-0080-1371](#) (Audio); CAR-OTP-0082-0903 at 0905-0910 (Translation); [CAR-OTP-0080-1417](#) (Audio); CAR-OTP-0082-0609 at 0610-0613 (Transcript).

<sup>117</sup> [CAR-OTP-0078-0198](#) at 0200-0202; [CAR-OTP-0078-0248](#) at 0254-0255, 0261-0262; [CAR-OTP-0078-0264](#) at 0274; CAR-OTP-0074-0992 (Audio); [CAR-OTP-0079-0114](#) at 0119-0120 (Translation).

<sup>118</sup> CAR-OTP-0074-0994 (Audio); [CAR-OTP-0080-0238](#) at 0242-0243 (Translation); CAR-OTP-0074-1032 (Audio); [CAR-OTP-0079-1762](#) at 1764-1766 (Translation); CAR-OTP-0074-1026 (Audio); [CAR-OTP-0080-0299](#) at 0301-0303 (Translation); CAR-OTP-0074-0993 (Audio); [CAR-OTP-0079-0122](#) at 0126 (Translation)

<sup>119</sup> [CAR-OTP-0080-0245](#) at 0247-0253; CAR-OTP-0074-0991 (Audio); [CAR-OTP-0080-0228](#) at 0230-0237 (Translation).

<sup>120</sup> [CAR-OTP-0077-1359](#) at 1360-1363; CAR-OTP-0074-0993 (Audio); [CAR-OTP-0079-0122](#) at 0124, 0129 (Translation); [CAR-OTP-0078-0264](#) at 0265-0266; see also D-18, who was contacted on 8 June 2013, and testified from 5 to 11 June 2013. See [CAR-OTP-0072-0391](#), rows 38071, 38114, 38119. D-18's telephone numbers are [REDACTED] and [REDACTED] (see [CAR-OTP-0072-0116](#) at 0116; [CAR-OTP-0077-0942](#) at 0942; [CAR-OTP-0073-0275](#), tab 61 [REDACTED], column Y; [CAR-OTP-0070-0006](#), tab 61 [REDACTED], column AA).

<sup>121</sup> ICC-01/05-01/08-1016; ICC-01/05-01/08-972; ICC-01/05-01/08-972-Anx, paras. 27-38.

<sup>122</sup> CAR-OTP-0074-0995 (Audio); [CAR-OTP-0079-0131](#) at 0134-0138 (Translation); [CAR-OTP-0079-0141](#) at 0143-0147; [CAR-OTP-0079-1744](#) at 1746-1748; [CAR-OTP-0080-1138](#) at 1243-1244; [CAR-OTP-0080-1372](#).

41. **KILOLO** made decisions about witnesses coming to testify according to their willingness to follow the script.<sup>123</sup> As directed by **BEMBA**, **KILOLO** illicitly coached witnesses to testify falsely about the substance of their evidence, such as their military backgrounds and key facts bearing on the Defence's case theory. They also lied about matters bearing directly on their credibility, including payments received from, and the nature and extent of their previous contacts with, members or individuals associated with **BEMBA** or the *Bemba* Defence.<sup>124</sup>

#### v. Knowingly presenting false or forged testimonial and documentary evidence in court

42. **ARIDO**<sup>125</sup> and possibly [REDACTED]<sup>126</sup> provided 14 false or forged documents to the *Bemba* Defence in furtherance of the Common Plan. **ARIDO** sent at least seven of these documents to **KILOLO** on 1 May 2012,<sup>127</sup> following an earlier transmission on 21 February 2012.<sup>128</sup> **ARIDO** was listed as the source for all 14 documents by the *Bemba* Defence.<sup>129</sup>

<sup>123</sup> [CAR-OTP-0080-0245](#) at 0250-0252.

<sup>124</sup> See paras. 46-109.

<sup>125</sup> [CAR-D04-0003-0128](#); [CAR-D04-0003-0129](#); [CAR-D04-0003-0130](#); [CAR-D04-0003-0131](#); [CAR-D04-0003-0132](#); [CAR-D04-0003-0133](#); [CAR-D04-0003-0134](#); [CAR-D04-0003-0135](#); [CAR-D04-0003-0136](#); [CAR-D04-0003-0137](#); [CAR-D04-0003-0138](#); [CAR-D04-0003-0139](#); [CAR-D04-0003-0140](#); [CAR-D04-0003-0141](#); see also ICC-01/05-01/08-T-231-CONF-ENG ET, 16 August 2012, p. 59, ln. 15 - p. 60, ln. 18, p. 60, ln. 7 - p. 61, ln. 15; ICC-01/05-01/08-T-231-CONF-FRA ET, 16 August 2012, p. 60, ln. 10 - p. 61, ln. 15, p. 61, ln. 3 - p. 62, ln. 12; ICC-01/05-01/08-T-240-CONF-ENG ET, 10 September 2012, p. 5, ln. 1 - p. 12, ln. 22; ICC-01/05-01/08-T-240-CONF-FRA ET, 10 September 2012, p. 5, ln. 9 - p. 14, ln. 5; ICC-01/05-01/08-T-234-CONF-ENG ET, 22 August 2012, p. 29, ln. 9 - p. 36, ln. 12, ICC-01/05-01/08-T-234-CONF-FRA ET, 22 August 2012, p. 29, ln. 10 - p. 36, ln. 17; [REDACTED] confirmed the inauthenticity of the 14 documents [REDACTED]. See [CAR-OTP-0069-0010](#) at 0024-0039; [CAR-OTP-0069-0083](#) at 0095-0102; ICC-01/05-01/08-T-353-CONF-ENG ET, 18 November 2013, p. 24, ln. 23 - p. 41, ln. 3, p. 77, ln. 5 - p. 78, ln. 21; ICC-01/05-01/08-T-353-CONF-FRA ET, 18 November 2013, p. 22, ln. 13 - p. 37, ln. 8, p. 68, ln. 19 - p. 70, ln. 7; ICC-01/05-01/08-T-354-CONF-ENG ET, 19 November 2013, p. 5, ln. 25 - p. 9, ln. 12, p. 26, ln. 6 - p. 34, ln. 20; ICC-01/05-01/08-T-354-CONF-FRA ET, 19 November 2013, p. 5, ln. 10 - p. 8, ln. 6, p. 22, ln. 24-p. 29, ln. 25; [CAR-OTP-0080-1138](#) at 1249, 1256; [CAR-OTP-0080-1374](#); [CAR-OTP-0080-1375](#).

<sup>126</sup> [CAR-OTP-0080-1138](#) at 1255; [CAR-OTP-0080-1375](#) (Audio); [CAR-OTP-0082-0924](#) at 0929, 0935 (Translation).

<sup>127</sup> [CAR-OTP-0075-0259](#); attaching [CAR-OTP-0075-0260](#); [CAR-OTP-0075-0261](#); [CAR-OTP-0075-0262](#); [CAR-OTP-0075-0263](#); [CAR-OTP-0075-0264](#); [CAR-OTP-0075-0265](#); [CAR-OTP-0075-0266](#) (respectively [CAR-D04-0003-0136](#); [CAR-D04-0003-0137](#); [CAR-D04-0003-0138](#); [CAR-D04-0003-0139](#); [CAR-D04-0003-0140](#), [CAR-D04-0003-0141](#); [CAR-D04-0003-0128](#)); see also [CAR-OTP-0075-0267](#); [CAR-OTP-0080-0069](#) at 0078; [CAR-OTP-0080-1138](#) at 1255; [CAR-OTP-0080-1375](#) (Audio); [CAR-OTP-0082-0924](#) at 0929 (Translation); [CAR-OTP-0075-1226](#); [CAR-OTP-0075-1227](#).

<sup>128</sup> [CAR-OTP-0077-1121](#); [CAR-OTP-0077-1122](#); [CAR-OTP-0077-1123](#); [CAR-OTP-0077-1124](#); [CAR-OTP-0077-1125](#); [CAR-OTP-0077-1126](#); [CAR-OTP-0077-1127](#); [CAR-OTP-0077-1128](#); [CAR-OTP-0077-1129](#); [CAR-OTP-0077-1130](#); [CAR-OTP-0077-1131](#); [CAR-OTP-0077-1132](#); [CAR-OTP-0077-1133](#); [CAR-OTP-0072-0171](#).

43. **KILOLO** placed these documents on the *Bemba* Defence's list of evidence on 13 July 2012.<sup>130</sup> **MANGENDA** uploaded them to e-Court.<sup>131</sup> On 16 August 2012, **KILOLO** presented the documents during D-53's testimony.<sup>132</sup> The *Bemba* Defence continued to rely on the documents throughout trial,<sup>133</sup> including after 6 November 2013, when **MANGENDA** admitted their forgery, warning **KILOLO** that if [REDACTED]– the purported author of many of the documents – were to testify about their authenticity in court, “[REDACTED]”.<sup>134</sup>

44. **KILOLO** also presented the testimony of witnesses in the *Bemba* case knowing that that their evidence was false, as described in the following section.

### **C. Charged instances of corrupt influencing of witnesses and presentation of false evidence**

45. The co-perpetrators corruptly influenced and interfered with the testimony of at least the following witnesses, solicited and/or induced them to provide false evidence contrary to the witnesses' obligation under Article 69(1) to testify truthfully, and presented the resulting false testimonial evidence in court.

#### **i. Witness D-15 – [REDACTED]**

46. Witness D-15 testified in the *Bemba* case from 11 to 13 September 2013.<sup>135</sup>

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<sup>129</sup> [CAR-OTP-0077-1121](#); [CAR-OTP-0077-1122](#); [CAR-OTP-0077-1123](#); [CAR-OTP-0077-1124](#); [CAR-OTP-0077-1125](#); [CAR-OTP-0077-1126](#); [CAR-OTP-0077-1127](#); [CAR-OTP-0077-1128](#); [CAR-OTP-0077-1129](#); [CAR-OTP-0077-1130](#); [CAR-OTP-0077-1131](#); [CAR-OTP-0077-1132](#); [CAR-OTP-0077-1133](#); [CAR-OTP-0072-0171](#).

<sup>130</sup> [CAR-OTP-0080-1108](#) at 1114-1115.

<sup>131</sup> [CAR-OTP-0077-1121](#); [CAR-OTP-0077-1122](#); [CAR-OTP-0077-1123](#); [CAR-OTP-0077-1124](#); [CAR-OTP-0077-1125](#); [CAR-OTP-0077-1126](#); [CAR-OTP-0077-1127](#); [CAR-OTP-0077-1128](#); [CAR-OTP-0077-1129](#); [CAR-OTP-0077-1130](#); [CAR-OTP-0077-1131](#); [CAR-OTP-0077-1132](#); [CAR-OTP-0077-1133](#); [CAR-OTP-0072-0171](#).

<sup>132</sup> ICC-01/05-01/08-T-231-CONF-ENG ET, 16 August 2012, p. 59, ln. 15 - p. 60, ln. 18; ICC-01/05-01/08-T-231-CONF-FRA ET, 16 August 2012, p. 60, ln. 7 - p. 61, ln. 15; see also [CAR-D04-0003-0398](#); [CAR-OTP-0072-0173](#).

<sup>133</sup> See ICC-01/05-01/08-2590; ICC-01/05-01/08-2590-AnxA; ICC-01/05-01/08-T-357-CONF-ENG ET, 22 November 2013, p. 48, ln. 25 - p. 51, ln. 25, p. 102, ln. 15 - p. 110, ln. 11; ICC-01/05-01/08-T-357-CONF-FRA ET, 22 November 2013, p. 42, ln. 1 - p. 43, ln. 22, p. 89, ln.11 - p. 96, ln. 6.

<sup>134</sup> See ICC-01/05-01/08-2590; ICC-01/05-01/08-2590-AnxA. [CAR-OTP-0080-1138](#) at 1254; [CAR-OTP-0080-1375](#) (Audio); [CAR-OTP-0082-0924](#) at 0929 (Translation).

<sup>135</sup> ICC-01/05-01/08-T-343-CONF-ENG ET, 11 September 2013, ICC-01/05-01/08-T-343-CONF-FRA ET, 11 September 2013; ICC-01/05-01/08-T-344-CONF-ENG ET, 12 September 2013, ICC-01/05-01/08-T-344-CONF-

47. Well after the VWU's contact cut-off date,<sup>136</sup> on 10 September 2013, the day before D-15 started testifying, **KILOLO** called D-15.<sup>137</sup> **KILOLO** instructed him what to say during his testimony, including the frequency and nature of his contact with the Defence.<sup>138</sup> **KILOLO** specified that "[REDACTED]",<sup>139</sup> despite having communicated with D-15 eleven times in the preceding three months.<sup>140</sup> D-15 testified falsely as **KILOLO** directed.<sup>141</sup>

48. **KILOLO** called D-15 on 11 September 2013 – the evening of first day of continuing testimony – and told him the specific questions he would ask him the next day in court: "[REDACTED]".<sup>142</sup> **KILOLO** also instructed D-15 to testify that he did not remember which language **BEMBA** used when talking to his troops.<sup>143</sup> **KILOLO** rehearsed other false answers with D-15,<sup>144</sup> and how to deliver them convincingly.<sup>145</sup> His instructions mirrored information another witness (D-54) provided to **KILOLO** during their conversation on 1 September 2013.<sup>146</sup>

49. On the morning of 12 September 2013, before D-15 started his testimony that day, **KILOLO** informed **BEMBA** of D-15's illicitly coached testimony.<sup>147</sup> On 12 September

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FRA ET, 12 September 2013; ICC-01/05-01/08-T-345-CONF-ENG ET, 13 September 2013, ICC-01/05-01/08-T-345-CONF-FRA ET, 13 September 2013.

<sup>136</sup> [CAR-OTP-0078-0290](#) at 0297.

<sup>137</sup> D-15 is [REDACTED] because (i) he is referred to as "[REDACTED]" in another conversation (see [CAR-OTP-0074-0926](#) at 0941), (ii) D-15 is [REDACTED] (ICC-01/05-01/08-T-343-CONF-ENG ET, 11 September 2013, p. 17, Ins. 1-4, ICC-01/05-01/08-T-343-CONF-FRA ET, 11 September 2013, p. 15, Ins. 14-17), and (iii) the dates and content of his discussions with **KILOLO** on what and how to testify reflect the transcript of the proceedings in court; see prior communication at [CAR-OTP-0072-0391](#); [CAR-OTP-0072-0396](#); [CAR-OTP-0072-0082](#). D-15's telephone numbers include [REDACTED] ([CAR-OTP-0072-0116](#) at 116; [CAR-OTP-0077-0942](#) at 0943), and [REDACTED] ([CAR-OTP-0070-0005](#), tab 40 [REDACTED]).

<sup>138</sup> [CAR-OTP-0074-1002](#) (Audio); [CAR-OTP-0079-0148](#) at 0150-0153 (Translation).

<sup>139</sup> [CAR-OTP-0074-1002](#) (Audio); [CAR-OTP-0079-0148](#) at 0152 (Translation).

<sup>140</sup> [CAR-OTP-0072-0391](#), rows 43660, 43661, 43663, 45226, 45228, 45999, 46001, 46002, 46004, 46005; [CAR-OTP-0072-0427](#) rows 459, 643, 708, 709, 717. D-15's telephone numbers were [REDACTED] ([CAR-OTP-0072-0116](#) at 0116; [CAR-OTP-0077-0942](#) at 0943) and [REDACTED] ([CAR-OTP-0070-0005](#), tab 40 [REDACTED], Column E).

<sup>141</sup> ICC-01/05-01/08-T-345-CONF-ENG ET, 13 September 2013, p. 5, Ins. 8-20, p. 9, Ins. 5-17; ICC-01/05-01/08-T-345-CONF-FRA ET, 13 September 2013, p. 4, ln. 26 - p. 5, ln. 12, p. 8, ln. 15 - p. 9, ln. 1.

<sup>142</sup> [CAR-OTP-0074-1003](#) (Audio); [CAR-OTP-0079-0154](#) at 0156; see also 0157-0160 (Translation).

<sup>143</sup> [CAR-OTP-0074-1003](#) (Audio); [CAR-OTP-0079-0154](#) at 0160, 0168-0169 (Translation).

<sup>144</sup> [CAR-OTP-0074-1003](#) (Audio); [CAR-OTP-0079-0154](#) at 0156-0168(Translation). [CAR-OTP-0074-0926](#) at 0943-0944.

<sup>145</sup> [CAR-OTP-0074-1003](#) (Audio); [CAR-OTP-0079-0154](#) at 0167, 0169 (Translation).

<sup>146</sup> See [CAR-OTP-0074-0999](#) (Audio); [CAR-OTP-0077-1383](#) at 1385 (Transcript). Following his phone call, **KILOLO** updated **MANGENDA** with what he had told the witness. See [CAR-OTP-0074-1004](#) (Audio); [CAR-OTP-0080-0259](#) at 0261-0262 (Translation).

<sup>147</sup> [CAR-OTP-0079-1744](#) at 1746-1748.

2013, D-15 testified falsely as **KILOLO** had instructed the night before.<sup>148</sup> That evening, **KILOLO** coached D-15 again, including telling him the questions he would ask the next day,<sup>149</sup> and requesting the witness to provide answers that would “[REDACTED]”.<sup>150</sup> With **MANGENDA**’s assistance,<sup>151</sup> **KILOLO** told D-15 the questions the Legal Representative of Victims would ask the next day in court, as well as the answers he expected.<sup>152</sup>

50. On 13 September 2013, in court, **KILOLO** asked D-15 the questions he had rehearsed during their conversation the evening before,<sup>153</sup> and D-15 testified falsely according to **KILOLO**’s instructions.<sup>154</sup> The Legal Representative of Victims’ questions proceeded as **KILOLO** had informed the witness.<sup>155</sup>

51. On 13 September 2013, **KILOLO** called D-15 with **BEMBA**’s thanks.<sup>156</sup> **KILOLO** also asked him how best to instruct the next witness, D-54.<sup>157</sup>

## ii. Witness D-54 – [REDACTED]

52. Witness D-54 testified in the *Bemba* case from 30 October to 1 November 2013.<sup>158</sup>

53. On 30 August 2013, **MANGENDA** passed on **BEMBA**’s instruction for **KILOLO** to illicitly coach D-54 regarding topics that D-54 “[REDACTED]”.<sup>159</sup> **MANGENDA** told

<sup>148</sup> See, e.g., ICC-01/05-01/08-T-344-CONF-ENG ET, 12 September 2013, p. 4, lns. 20-25; p. 6, ln. 3 - p. 7, ln. 13; p. 13, ln. 25 - p. 19, ln. 4; p. 19, ln. 18 - p. 20, ln. 17; ICC-01/05-01/08-T-344-CONF-FRA ET, 12 September 2013, p.4, lns. 11-17, p. 5, ln. 15 - p. 6, ln. 20, p. 12, ln. 12 - p. 16, ln. 27, p. 17, ln. 14 - p. 18, ln. 8.

<sup>149</sup> [CAR-OTP-0074-1008](#) (Audio); [CAR-OTP-0077-1389](#) at 1392-1405 (Transcript).

<sup>150</sup> [CAR-OTP-0074-1008](#) (Audio); [CAR-OTP-0077-1389](#) at 1397 (Transcript)

<sup>151</sup> [CAR-OTP-0074-1009](#) (Audio); [CAR-OTP-0079-1754](#) at 1756 (Translation).

<sup>152</sup> [CAR-OTP-0074-1008](#) (Audio); [CAR-OTP-0077-1389](#) at 1393-1394 (Transcript); [CAR-OTP-0074-1011](#) (Audio); [CAR-OTP-0077-1407](#) at 1408-1413 (Transcript).

<sup>153</sup> ICC-01/05-01/08-T-345-CONF-ENG ET, 13 September 2013, p. 93, lns. 3-7, p. 97, lns. 16-19; ICC-01/05-01/08-T-345-CONF-FRA ET, 13 September 2013, p. 82, lns. 14-19, p. 86, lns. 20-23.

<sup>154</sup> ICC-01/05-01/08-T-345-CONF-ENG ET, 13 September 2013, p. 5, lns. 11-17 and pp. 9-14; p. 97, ln. 16-p. 98, ln. 14; ICC-01/05-01/08-T-345-CONF-FRA ET, 13 September 2013, p. 4, ln. 28 - p. 5, ln. 12, p. 8, ln. 11 - p. 14, ln. 1, p. 86, ln. 20 - p. 87, ln. 17.

<sup>155</sup> ICC-01/05-01/08-T-345-CONF-ENG ET, 13 September 2013, p. 77, lns. 9-10; p. 80, lns. 4-8; p. 87, lns. 15-18; p. 92, lns. 9-12, ICC-01/05-01/08-T-345-CONF-FRA ET, 13 September 2013, p. 68, lns. 18-20, p. 71, lns. 2-5, p. 77, lns. 11-14, p. 81, lns. 22-25; ICC-01/05-01/08-2720-Conf; ICC-01/05-01/08-2725-Conf.

<sup>156</sup> [CAR-OTP-0074-1012](#) (Audio); [CAR-OTP-0077-1414](#) at 1415 (Transcript).

<sup>157</sup> [CAR-OTP-0074-1012](#) (Audio); [CAR-OTP-0077-1414](#) at 1420 (Transcript).

<sup>158</sup> ICC-01/05-01/08-T-347-CONF-ENG ET, 30 October 2013, ICC-01/05-01/08-T-347-CONF-FRA ET, 30 October 2013; ICC-01/05-01/08-T-348-CONF-ENG ET, 31 October 2013, ICC-01/05-01/08-T-348-CONF-FRA ET, 31 October 2013; ICC-01/05-01/08-T-349-CONF-ENG ET, 1 November 2013, ICC-01/05-01/08-T-349-CONF-FRA ET, 1 November 2013.

**KILOLO** that **BEMBA** wanted **KILOLO** to finish instructing D-54 before the witness was scheduled to speak with other members of the *Bemba* Defence team.<sup>160</sup> On 1 September, **KILOLO** confirmed to **MANGENDA** that he spoke to D-54, who agreed to testify falsely according to **BEMBA**'s instructions.<sup>161</sup>

54. On 9 September 2013, **KILOLO** discussed with **MANGENDA** how to instruct D-54 so that his testimony would not contradict false evidence from other witnesses.<sup>162</sup> Together, they planned and decided what fabricated story would be best for D-54 to tell, aware that his false testimony should not appear “[REDACTED]” to the Judges.<sup>163</sup>

55. On 19 October 2013, **KILOLO** discussed with **MANGENDA** payments to D-54.<sup>164</sup>

56. On 30 and 31 October 2013,<sup>165</sup> after the VWU's contact cut-off date,<sup>166</sup> **KILOLO** coached D-54 at length,<sup>167</sup> including on the nature and frequency of their contact,<sup>168</sup> and D-54's receipt of payment in exchange for testifying.<sup>169</sup> In this conversation, **KILOLO** dictated to D-54 the substance of his testimony in detail, including **BEMBA**'s command of troops,

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<sup>159</sup> [CAR-OTP-0074-0995](#) (Audio); [CAR-OTP-0079-0131](#) at 0134-0138 (Translation).

<sup>160</sup> [CAR-OTP-0074-0995](#) (Audio); [CAR-OTP-0079-0131](#) at 0133-0134 (Translation); [CAR-OTP-0074-0134](#) (Audio).

<sup>161</sup> [CAR-OTP-0074-0999](#) (Audio); [CAR-OTP-0077-1383](#) at 1384-1388 (Transcript); [CAR-OTP-0074-0999](#) (Audio); [CAR-OTP-0077-1383](#) at 1384-1386 (Transcript).

<sup>162</sup> [CAR-OTP-0074-1001](#) (Audio); [CAR-OTP-0079-1737](#) at 1739-1743 (Translation). D-54 was originally scheduled to testify earlier. See ICC-01/05-01/08-2796, para. 2.

<sup>163</sup> [CAR-OTP-0074-1001](#) (Audio); [CAR-OTP-0079-1737](#) at 1739-1743 (Translation).

<sup>164</sup> [CAR-OTP-0080-1138](#) at 1185; [CAR-OTP-0080-1416](#) (Audio).

<sup>165</sup> [CAR-OTP-0080-1138](#) at 1224-1243; [CAR-OTP-0080-1363](#) (Audio); [CAR-OTP-0082-0866](#) (Translation); [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) (Translation); [CAR-OTP-0080-1365](#) (Audio); [CAR-OTP-0082-0655](#) (Translation); [CAR-OTP-0080-1366](#) (Audio); [CAR-OTP-0082-1087](#) (Translation); [CAR-OTP-0080-1367](#) (Audio); [CAR-OTP-0082-1109](#) (Translation); [CAR-OTP-0080-1368](#) (Audio); [CAR-OTP-0082-0659](#) (Translation); [CAR-OTP-0080-1369](#) (Audio); [CAR-OTP-0082-0663](#) (Translation); [CAR-OTP-0080-1370](#) (Audio); [CAR-OTP-0082-0606](#) (Transcript); [CAR-OTP-0080-1371](#) (Audio); [CAR-OTP-0082-0903](#) (Translation)

<sup>166</sup> [CAR-OTP-0078-0290](#) at 0297.

<sup>167</sup> [CAR-OTP-0080-1138](#) at 1224-1245; [CAR-OTP-0080-1363](#) (Audio); [CAR-OTP-0082-0866](#) (Translation); [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) (Translation); [CAR-OTP-0080-1365](#) (Audio); [CAR-OTP-0082-0655](#) (Translation); [CAR-OTP-0080-1366](#) (Audio); [CAR-OTP-0082-1087](#) (Translation); [CAR-OTP-0080-1367](#) (Audio); [CAR-OTP-0082-1109](#) (Translation); [CAR-OTP-0080-1368](#) (Audio); [CAR-OTP-0082-0659](#) (Translation); [CAR-OTP-0080-1369](#) (Audio); [CAR-OTP-0082-0663](#) (Translation); [CAR-OTP-0080-1370](#) (Audio); [CAR-OTP-0082-0606](#) (Transcript); [CAR-OTP-0080-1371](#) (Audio); [CAR-OTP-0082-0903](#) (Translation); [CAR-OTP-0080-1372](#) (Audio); [CAR-OTP-0082-0669](#) (Translation).

<sup>168</sup> [CAR-OTP-0080-1138](#) at 1225-1226, 1233; [CAR-OTP-0080-1363](#) (Audio); [CAR-OTP-0082-0866](#) (Translation); [CAR-OTP-0080-1365](#) (Audio); [CAR-OTP-0082-0655](#) (Translation); [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) (Translation).

<sup>169</sup> [CAR-OTP-0080-1138](#) at 1232; [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) (Translation).

**BEMBA**'s military role, the date of **BEMBA**'s troop movements, D-54's awareness of military communications, and D-54's role and actions.<sup>170</sup>

57. On 30 October, in the evening of the first day of D-54's continuing testimony, **KILOLO** instructed D-54 to check certain aspects of his testimony with other persons, including D-15, which D-54 did.<sup>171</sup> **KILOLO** told D-54 which questions to expect from the Prosecution and the Judges, and read to D-54 the Legal Representative of Victims' questions.<sup>172</sup> **KILOLO** also identified for D-54 where he provided "wrong" answers, and instructed D-54 on how to "correct" them the next day.<sup>173</sup> **KILOLO** also reminded D-54 to deny that they had spoken that evening.<sup>174</sup> D-54 acknowledged **KILOLO**'s instructions and wrote them down.<sup>175</sup>

58. On 1 November 2013, **KILOLO** informed **BEMBA** of the details of this illicit coaching, explaining that he could not respond to **BEMBA**'s call the previous day as he was on the phone with D-54.<sup>176</sup>

59. On 30 and 31 October 2013, D-54 testified falsely as instructed,<sup>177</sup> including lying about his contact with the *Bemba* Defence<sup>178</sup> and whether he received instructions on how and to what to testify.<sup>179</sup>

<sup>170</sup> [CAR-OTP-0080-1138](#) at 1226-1232; [CAR-OTP-0080-1363](#) (Audio); [CAR-OTP-0082-0866](#) (Translation); [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) (Translation).

<sup>171</sup> [CAR-OTP-0080-1138](#) at 1228, 1233-1234, 1241; see also 1234, 1236-1243, 1244-1245; [CAR-OTP-0080-1363](#) (Audio); [CAR-OTP-0082-0866](#) (Translation); [CAR-OTP-0080-1367](#) (Audio); [CAR-OTP-0082-1109](#), at 1115-1120 (Translation); [CAR-OTP-0080-1368](#) (Audio); [CAR-OTP-0082-0659](#) (Translation); [CAR-OTP-0080-1369](#) (Audio); [CAR-OTP-0082-0663](#) (Translation); [CAR-OTP-0080-1370](#) (Audio); [CAR-OTP-0082-0606](#) (Transcript); [CAR-OTP-0080-1371](#) (Audio); [CAR-OTP-0082-0903](#) (Translation); [CAR-OTP-0080-1365](#) (Audio); [CAR-OTP-0082-0655](#) (Translation); [CAR-OTP-0080-1417](#) (Audio); [CAR-OTP-0082-0669](#) (Translation).

<sup>172</sup> [CAR-OTP-0080-1138](#) at 1225, 1227, 1229-1230, 1232, see also 1236-1237; [CAR-OTP-0080-1363](#) (Audio); [CAR-OTP-0082-0866](#) (Translation); [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) (Translation); [CAR-OTP-0080-1365](#) (Audio); [CAR-OTP-0082-0655](#) (Translation); [CAR-OTP-0080-1366](#) (Audio); [CAR-OTP-0082-1087](#) (Translation); [CAR-OTP-0080-1367](#) (Audio); [CAR-OTP-0082-1109](#) (Translation); [CAR-OTP-0080-1368](#) (Audio); [CAR-OTP-0082-0659](#) (Translation).

<sup>173</sup> [CAR-OTP-0080-1138](#) at 1231; [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) (Translation).

<sup>174</sup> [CAR-OTP-0080-1138](#) at 1233; [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) at 0899 (Translation).

<sup>175</sup> [CAR-OTP-0080-1138](#) at 1231; [CAR-OTP-0080-1364](#) (Audio); [CAR-OTP-0082-0877](#) (Translation)

<sup>176</sup> [CAR-OTP-0080-1138](#) at 1243-1244; [CAR-OTP-0080-1372](#).

<sup>177</sup> See, e.g., ICC-01/05-01/08-T-347-CONF-ENG, 30 October 2013, p. 40, ln. 11 - p. 42, ln. 8; ICC-01/05-01/08-T-347-CONF-FRA ET, 30 October 2013, p. 42, ln. 27 - p. 45, ln. 1; ICC-01/05-01/08-T-348-CONF-ENG, 31 October 2013, p. 33, lns. 20 - p. 35, ln. 19; ICC-01/05-01/08-T-348-CONF-FRA ET, 31 October 2013, p. 35, ln. 6 - p. 37, ln. 8.

<sup>178</sup> See [CAR-OTP-0072-0391](#), rows 19225, 24715, 24716; [CAR-OTP-0072-0082](#), row 4153; [CAR-OTP-0072-0396](#), rows 1189, 2873, 2874, 6341, 6342, 6552; [CAR-OTP-0072-0427](#), rows 393, 692; [CAR-OTP-0077-1027](#),

### iii. Witness D-26 – [REDACTED]

60. Witness D-26 testified in the *Bemba* case from 20 to 23 August 2013.<sup>180</sup>

61. **KILOLO** called D-26 with **MANGENDA**'s phone in the morning of 20 August 2013, after the VWU's contact cut-off date,<sup>181</sup> to go over the script that he wanted D-26 to remember: "[REDACTED]".<sup>182</sup> **KILOLO** instructed him about salient issues arising in the *Bemba* case such as the dates, location and composition of the troops involved in the attempted coup, the language they spoke and the type of crimes they would have committed.<sup>183</sup> **KILOLO** further illicitly coached D-26 about his (D-26's) movements, the reasons for such, and the events D-26 witnessed.<sup>184</sup> **KILOLO**'s instructions were consistent with the testimony given by another witness, D-23, on the morning of 20 August 2013.<sup>185</sup>

62. During D-26's testimony that afternoon he testified falsely according to **KILOLO**'s instructions.<sup>186</sup>

63. On the evening of 20 August 2013, **KILOLO** called D-26 and spoke with him for approximately 23 minutes.<sup>187</sup> The next day, D-26 continued to testify falsely, changing his testimony from the day before to rectify details inconsistent with **KILOLO**'s instructions and

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row 337; D-54 used number [REDACTED]; see [CAR-OTP-0077-0942](#) at 0943; ICC-01/05-01/08-T-349-CONF-ENG ET, 1 November 2013, p. 43, ln. 4 - p. 44, ln. 12; ICC-01/05-01/08-T-349-CONF-FRA ET, 1 November 2013, p. 45, ln. 1 - p. 46, ln. 16.

<sup>179</sup> ICC-01/05-01/08-T-349-CONF-ENG ET, 1 November 2013, p. 45, lns. 7-9; ICC-01/05-01/08-T-349-CONF-FRA ET, 1 November 2013, p. 47, lns. 16-19.

<sup>180</sup> ICC-01/05-01/08-T-332-CONF-ENG ET, 20 August 2013; ICC-01/05-01/08-T-332-CONF-FRA ET, 20 August 2013; ICC-01/05-01/08-T-333-CONF-ENG ET, 21 August 2013; ICC-01/05-01/08-T-333-CONF-FRA ET, 21 August 2013; ICC-01/05-01/08-T-334-CONF-ENG ET, 22 August 2013; ICC-01/05-01/08-T-334-CONF-FRA ET, 22 August 2013; ICC-01/05-01/08-T-335-CONF-ENG ET, 23 August 2013; ICC-01/05-01/08-T-335-CONF-FRA ET, 23 August 2013.

<sup>181</sup> [CAR-OTP-0078-0290](#) at 0295.

<sup>182</sup> CAR-OTP-0074-0976 (Audio), [CAR-OTP-0077-1356](#) at 1357 (Transcript).

<sup>183</sup> The illicit coaching concerned the events that occurred on 25 October 2002, when forces loyal to former army Chief-of-Staff François Bozizé entered Bangui in an attempt to take control of the CAR government. See CAR-OTP-0074-0976 (Audio); [CAR-OTP-0077-1356](#) at 1357-1358 (Transcript); [CAR-OTP-0074-0897](#) at 0900-0901; CAR-OTP-0074-0977 (Audio); [CAR-OTP-0077-1359](#) at 1360-1363 (Transcript).

<sup>184</sup> CAR-OTP-0074-0976 (Audio); [CAR-OTP-0077-1356](#) at 1357-1358; [CAR-OTP-0074-0897](#) at 0900-0901; CAR-OTP-0074-0977 (Audio); [CAR-OTP-0077-1359](#) at 1360-1363 (Transcript).

<sup>185</sup> ICC-01/05-01/08-T-332-CONF-ENG ET, 20 August 2013, p.16, ln.16 - p. 30 ln.1; ICC-01/05-01/08-T-332-CONF-FRA ET, 20 August 2013, p.16, ln. 21 - p. 32 ln.7.

<sup>186</sup> ICC-01/05-01/08-T-332-CONF-ENG ET, 20 August 2013, pp. 54 *et seq.*, in particular at p. 65-71, 79-80; ICC-01/05-01/08-T-332-CONF-FRA ET, 20 August 2013, p. 60 *et seq.*, in particular at p.71-78, 86-88.

<sup>187</sup> [CAR-OTP-0072-0082](#), row 4107.

D-23's version of the facts.<sup>188</sup> D-26 also lied about his contact with the Defence the previous evening.<sup>189</sup>

64. **KILOLO** talked to D-26 for 25 minutes again during his testimony, on 22 August 2013.<sup>190</sup>

#### iv. Witness D-3 – [REDACTED]

65. D-3 testified in the *Bemba* case from 18 to 25 June 2013.<sup>191</sup>

66. In or around January 2012, **ARIDO**, on [REDACTED]'s instructions, contacted D-3 to recruit him to testify in the *Bemba* case.<sup>192</sup> **ARIDO** promised D-3 money and the possibility to live in another country in exchange for false testimony that he (D-3) was a member of the CAR armed forces in 2002-2003.<sup>193</sup> **ARIDO** told D-3 that “*nous avons une opportunité pour manger. J'ai reçu un appel de [REDACTED], qui vit en FRANCE, il m'a demandé de chercher des militaires qui puissent témoigner pour la défense de BEMBA*”.<sup>194</sup> D-3 responded that “*je ne connais rien de l'armée*”<sup>195</sup> and told **ARIDO** that he had never in his life been a soldier.<sup>196</sup>

67. When D-3 met **ARIDO** with a group of other prospective witnesses in or around January 2012, **ARIDO** re-iterated the offer: money in exchange for false evidence.<sup>197</sup> He assured the prospective witnesses that “*une fois que nous ayons témoigné, nous aurons la*

<sup>188</sup> ICC-01/05-01/08-T-333-CONF-ENG ET, 21 August 2013, p. 66, lns. 10-23; ICC-01/05-01/08-T-333-CONF-FRA ET, 21 August 2013, p. 73, ln. 27 - p. 74, ln. 16; see also ICC-01/05-01/08-T-334-CONF-ENG ET, p. 61, ln. 16 - p. 62, ln. 16; ICC-01/05-01/08-T-334-CONF-FRA ET, p. 64, ln. 6 - p. 65, ln. 8.

<sup>189</sup> ICC-01/05-01/08-T-333-CONF-ENG ET, 21 August 2013, p. 68, ln. 17-p. 69, ln. 10; ICC-01/05-01/08-T-333-CONF-FRA ET, 21 August 2013, p. 76, ln. 12-p. 77, ln. 5.

<sup>190</sup> [CAR-OTP-0072-0082](#), row 4179; D-26's phone number is [REDACTED], see, e.g., [CAR-OTP-0073-0273](#), tab 11 [REDACTED], rows 3-6, column Y.

<sup>191</sup> ICC-01/05-01/08-T-325-CONF-ENG ET, 18 June 2013, ICC-01/05-01/08-T-325-CONF-FRA ET, 18 June 2013; ICC-01/05-01/08-T-326-CONF-ENG ET, 19 June 2013, ICC-01/05-01/08-T-326-CONF-FRA ET, 19 June 2013; ICC-01/05-01/08-T-330-CONF-ENG ET, 25 June 2013, ICC-01/05-01/08-T-330-CONF-FRA ET, 25 June 2013.

<sup>192</sup> [CAR-OTP-0078-0184](#) at 0189; [CAR-OTP-0078-0206](#) at 0207-0210.

<sup>193</sup> [CAR-OTP-0078-0184](#) at 0189; [CAR-OTP-0078-0206](#) at 0210, 0213-0214; [CAR-OTP-0078-0218](#) at 0225, 0234.

<sup>194</sup> [CAR-OTP-0078-0206](#) at 0210.

<sup>195</sup> [CAR-OTP-0078-0206](#) at 0210.

<sup>196</sup> [CAR-OTP-0078-0206](#) at 0213-0214; see also [CAR-OTP-0074-1065](#) at 1068.

<sup>197</sup> [CAR-OTP-0078-0218](#) at 0219-0220, 0224.

*possibilité de rester là-bas [Europe], parce que même si nous mentons dans notre déposition, nous serons assistés d'un avocat qui va nous défendre*".<sup>198</sup>

68. In or around February 2012, **ARIDO** organised a meeting between D-3, other prospective witnesses including D-2, D-4, D-6, D-7, and D-9, and **KILOLO** in [REDACTED].<sup>199</sup> [REDACTED], who was also present, promised the witnesses an opportunity for a new life in Europe if they cooperated.<sup>200</sup>

69. In or around February 2013, **KILOLO** and **MANGENDA** met D-3 in [REDACTED], with other witnesses including D-2, D-4, D-6, and D-9.<sup>201</sup> The same day, **KILOLO** illicitly coached D-3,<sup>202</sup> instructing him in **MANGENDA**'s presence on what and how to respond to questions that would be put to him in court.<sup>203</sup> **KILOLO** also promised to pay CFA 600,000 to D-3.<sup>204</sup> Later in the evening, **KILOLO** paid CFA 540,000 to D-3.<sup>205</sup> **KILOLO** told D-3 "*si les autres t'appellent et te demandent, ne leur dis pas*".<sup>206</sup> **KILOLO** paid D-2, D-4, D-6, and D-9 as well.<sup>207</sup>

70. **KILOLO** called D-3 during his testimony and after the VWU's contact cut-off date,<sup>208</sup> on a phone **KILOLO** provided him expressly for this purpose.<sup>209</sup>

71. On 18 June 2013, D-3 testified falsely, claiming that he joined the CAR armed forces at Camp Fidel Obrou on 27 October 2002, and providing details of his enlistment, uniform, weapons, and training.<sup>210</sup> On 25 June 2013, D-3 lied about his prior contact with the Defence,

<sup>198</sup> [CAR-OTP-0078-0218](#) at 0234.

<sup>199</sup> [CAR-OTP-0078-0184](#) at 0190, 0192; [CAR-OTP-0078-0218](#) at 0221-0226.

<sup>200</sup> [CAR-OTP-0078-0218](#) at 0233-0235.

<sup>201</sup> [CAR-OTP-0078-0198](#) at 0200-0201; [CAR-OTP-0078-0248](#) at 0254-0255; [CAR-OTP-0078-0264](#) at 0274.

<sup>202</sup> [CAR-OTP-0078-0198](#) at 0202; [CAR-OTP-0078-0248](#) at 0261-0262.

<sup>203</sup> [CAR-OTP-0078-0198](#) at 0202.

<sup>204</sup> [CAR-OTP-0078-0198](#) at 0202; [CAR-OTP-0078-0248](#) at 0256-0257.

<sup>205</sup> [CAR-OTP-0078-0198](#) at 0203; [CAR-OTP-0078-0248](#) at 0257-0258.

<sup>206</sup> [CAR-OTP-0078-0248](#) at 0260.

<sup>207</sup> [CAR-OTP-0078-0198](#) at 0202; [CAR-OTP-0078-0248](#) at 0255-0257.

<sup>208</sup> [CAR-OTP-0078-0264](#) at 0265-0266; [CAR-OTP-0078-0290](#) at 0294.

<sup>209</sup> [CAR-OTP-0078-0198](#) at 0200-0201; [CAR-OTP-0078-0264](#) at 0266-0269.

<sup>210</sup> ICC-01/05-01/08-T-325-CONF-ENG ET, 18 June 2013, p. 10, lns. 18 - p. 14, ln. 25; ICC-01/05-01/08-T-325-CONF-FRA ET, 18 June 2013, p. 11, ln. 1 - p. 15, ln. 15.

stating that he only had contact with the Defence on three occasions,<sup>211</sup> about knowing **ARIDO**<sup>212</sup> and [REDACTED],<sup>213</sup> and about receiving money from the Defence.<sup>214</sup>

72. **KILOLO** similarly directed D-3's refusal to meet with the Prosecution before his testimony, telling the witness, "*si les gens du Bureau du Procureur cherche à te rencontrer, il faudrait que tu refuses*".<sup>215</sup>

#### v. Witness D-2 – [REDACTED]

73. D-2 testified in the *Bemba* case on 12 and 13 June 2013.<sup>216</sup>

74. In 2012, on [REDACTED]'s instructions, **ARIDO** recruited D-2 to testify in the *Bemba* case.<sup>217</sup> **ARIDO** promised D-2 the possibility to seek asylum in Europe and ten million CFA if he testified (approximately EUR 15,000).<sup>218</sup> **ARIDO** told D-2, who confirmed that "*je ne suis pas militaire*",<sup>219</sup> to falsely claim that he was. **ARIDO** also instructed D-2 to say that "*tu es un des éléments, un des jeunes du parti . . . MLPC*".<sup>220</sup> **ARIDO** also paid D-2.<sup>221</sup>

75. D-2 was present at the meeting in 2012 with **ARIDO** and [REDACTED], referenced in paragraph 68.<sup>222</sup> [REDACTED] told the witnesses that they could stay in Europe after they

<sup>211</sup> ICC-01/05-01/08-T-330-CONF-ENG ET, 25 June 2013, p. 20, lns. 4-17; ICC-01/05-01/08-T-330-CONF-FRA ET, 25 June 2013, p. 21, ln. 23 - p. 22, ln. 8.

<sup>212</sup> ICC-01/05-01/08-T-330-CONF-ENG ET, 25 June 2013, p. 20, ln. 22 - p. 21, ln. 1; ICC-01/05-01/08-T-330-CONF-FRA ET, 25 June 2013, p. 22, lns. 15-21.

<sup>213</sup> ICC-01/05-01/08-T-330-CONF-ENG ET, 25 June 2013, p. 21, lns. 2-3; ICC-01/05-01/08-T-330-CONF-FRA ET, 25 June 2013, p. 22, lns. 22-23.

<sup>214</sup> ICC-01/05-01/08-T-330-CONF-ENG ET, 25 June 2013, p. 21, ln. 23 - p. 22, ln. 4; ICC-01/05-01/08-T-330-CONF-FRA ET, 25 June 2013, p. 23, lns. 15-22.

<sup>215</sup> [CAR-OTP-0078-0198](#) at 0203.

<sup>216</sup> ICC-01/05-01/08-T-321-CONF-ENG ET, 12 June 2013; ICC-01/05-01/08-T-321-CONF-FRA ET, 12 June 2013; ICC-01/05-01/08-T-321bis-CONF-ENG, 12 June 2013; ICC-01/05-01/08-T-322-ENG ET, 13 June 2013; ICC-01/05-01/08-T-322-FRA ET, 13 June 2013.

<sup>217</sup> [CAR-OTP-0078-0184](#) at 0190; [CAR-OTP-0078-0218](#) at 0221-0226, 0229, 0233-0235; [CAR-OTP-0080-0021](#) at 0030; [CAR-OTP-0080-0043](#) at 0044-0045.

<sup>218</sup> [CAR-OTP-0080-0021](#) at 0030-0031; [CAR-OTP-0080-0043](#) at 0048-0050.

<sup>219</sup> [CAR-OTP-0080-0021](#) at 0031; see also [CAR-OTP-0074-1065](#) at 1068.

<sup>220</sup> [CAR-OTP-0080-0043](#) at 0051-0052, 0057-0058; [CAR-OTP-0080-0021](#) at 0031; [CAR-OTP-0080-0069](#) at 0078; [CAR-OTP-0080-0100](#) at 0114.

<sup>221</sup> [CAR-OTP-0080-0021](#) at 0032-0033; [CAR-OTP-0080-0043](#) at 0060-0061.

<sup>222</sup> [CAR-OTP-0080-0494](#) at 0500, 0504-0505; [CAR-OTP-0080-0021](#) at 0032-0034, 0036; [CAR-OTP-0080-0043](#) at 0066-0067; [CAR-OTP-0080-0069](#) at 0072.

testified, and could ask the Defence for up to ten million CFA in exchange for their testimony.<sup>223</sup>

76. D-2 was present at the meeting in 2013 with **KILOLO** and **MANGENDA** in [REDACTED], referenced in paragraph 69.<sup>224</sup> At this meeting, **KILOLO** coached<sup>225</sup> and paid D-2,<sup>226</sup> including a payment of approximately 500,000 CFA immediately before testifying. **KILOLO** told the witness it was a present from **BEMBA**.<sup>227</sup> Like D-23 and D-25, who received subsequent payments and/or were illicitly coached, **KILOLO** paid D-2 on 23 May 2013.<sup>228</sup>

77. D-2 testified falsely about being in the CAR armed forces and the related events of 2002-2003,<sup>229</sup> and lied about being part of the youth wing of the Movement for the Liberation of the Central African Republic People (MLPC).<sup>230</sup> He also testified falsely that he did not receive any money from the Defence, either as compensation for expenses or in exchange for his testimony,<sup>231</sup> and that he did not know **ARIDO**,<sup>232</sup> [REDACTED],<sup>233</sup> or D-7.<sup>234</sup>

78. **KILOLO** called D-2 after the VWU's contact cut-off date<sup>235</sup> and during his testimony on a phone **KILOLO** had provided him for this purpose.<sup>236</sup>

#### vi. Witness D-4 – [REDACTED]

<sup>223</sup> [CAR-OTP-0080-0021](#) at 0035; [CAR-OTP-0080-0043](#) at 0067.

<sup>224</sup> See para. 69; see also [CAR-OTP-0080-0021](#) at 0040-0041; [CAR-OTP-0080-0100](#) at 0102, 0105-0106; [CAR-OTP-0080-0494](#) at 0501.

<sup>225</sup> [CAR-OTP-0080-0494](#) at 0517-0518.

<sup>226</sup> [CAR-OTP-0078-0198](#) at 0202; [CAR-OTP-0078-0248](#) at 0255-0257; [CAR-OTP-0080-0021](#) at 0037; [CAR-OTP-0080-0069](#) at 0072-0073, 0075; 0080.

<sup>227</sup> [CAR-OTP-0078-0198](#) at 0202; [CAR-OTP-0078-0248](#) at 0255-0257; [CAR-OTP-0080-0135](#) at 0142-0144.

<sup>228</sup> [CAR-OTP-0074-0854](#), tab 18 [REDACTED], row 7; [CAR-OTP-0080-0069](#) at 0091, 0094.

<sup>229</sup> [CAR-OTP-0080-0021](#) at 0029; [CAR-OTP-0080-0494](#) at 0512, 0519.

<sup>230</sup> [CAR-OTP-0080-0043](#) at 0051; ICC-01/05-01/08-T-321-CONF-ENG ET, 12 June 2013, p. 10, lns. 1-11; ICC-01/05-01/08-T-321-CONF-FRA ET, 12 June 2013, p. 10, lns. 11-21.

<sup>231</sup> ICC-01/05-01/08-T-322-CONF-ENG ET, 13 June 2013, p. 26, ln. 19-p. 27, ln. 9, ICC-01/05-01/08-T-322-CONF-FRA ET, 13 June 2013, p. 26, lns. 6-23.

<sup>232</sup> ICC-01/05-01/08-T-322-CONF-ENG ET, 13 June 2013, p. 7, lns. 22-23, p. 11, ln. 18-p. 12, ln. 10, ICC-01/05-01/08-T-322-CONF-FRA ET, 13 June 2013, p. 7, lns. 13-14, p. 11, lns. 5-23.

<sup>233</sup> ICC-01/05-01/08-T-322-CONF-ENG, 13 June 2013, p. 8, lns. 10-11, p. 11, ln. 18-p. 12, ln. 10, ICC-01/05-01/08-T-322-CONF-FRA ET, 13 June 2013, p. 7, lns. 25-26, p. 11, lns. 5-23.

<sup>234</sup> ICC-01/05-01/08-T-322-CONF-ENG, 13 June 2013, p. 8, lns. 17-18, p. 11, ln. 18-p. 12, ln. 10, ICC-01/05-01/08-T-322-CONF-FRA ET, 13 June 2013, p. 8, lns. 4-5, p. 11, lns. 5-23.

<sup>235</sup> [CAR-OTP-0080-0135](#) at 0138-0139, 0141, 0146; [CAR-OTP-0078-0290](#) at 0294.

<sup>236</sup> [CAR-OTP-0080-0100](#) at 0120; [CAR-OTP-0078-0264](#) at 0269.

79. Witness D-4 testified in the *Bemba* case from 18 to 20 June 2013.<sup>237</sup>

80. **ARIDO** paid D-4 CFA 18,000 on 19 January 2012.<sup>238</sup> D-4 was present at the meeting in 2012 with **ARIDO** and [REDACTED] in [REDACTED], referenced in paragraphs 68 and 75. **ARIDO** offered D-4 money in exchange for falsely testifying and directed him to lie about being in the CAR armed forces.<sup>239</sup> D-4 was not in the CAR armed forces.<sup>240</sup> **KILOLO** also paid D-4 to procure his false evidence.<sup>241</sup>

81. At trial, D-4 testified falsely that he did not know **ARIDO**,<sup>242</sup> about being a soldier in the CAR armed forces,<sup>243</sup> and thus fabricated his related substantive testimony.

#### vii. Witness D-29 – [REDACTED]

82. Witness D-29 testified in the *Bemba* case on 28 and 29 August 2013.<sup>244</sup>

83. **KILOLO** called D-29 on 28 August 2013 – after the VWU’s contact cut-off date and on the morning of D-29’s expected testimony.<sup>245</sup> In the conversations, **KILOLO** illicitly coached the witness on the content of his testimony.<sup>246</sup> In a conversation between **MANGENDA** and **KILOLO** on 29 August 2013, **MANGENDA** expressed his concern that D-29 had “[REDACTED]”.<sup>247</sup> Unlike other witnesses “[REDACTED]”.<sup>248</sup> **KILOLO**, who

<sup>237</sup> ICC-01/05-01/08-T-325bis-CONF-ENG ET, 18 June 2013, ICC-01/05-01/08-T-325-CONF-FRA ET, 18 June 2013; ICC-01/05-01/08-T-326bis-CONF-ENG ET, 19 June 2013, ICC-01/05-01/08-T-326-CONF-FRA ET, 19 June 2013; ICC-01/05-01/08-T-327-CONF-ENG, 20 June 2013, ICC-01/05-01/08-T-327-CONF-FRA ET, 20 June 2013; ICC-01/05-01/08-T-327bis-CONF-ENG ET, 20 June 2013.

<sup>238</sup> [CAR-OTP-0073-0048](#) at 0049; [CAR-OTP-0073-0046](#) at 0047.

<sup>239</sup> [CAR-OTP-0078-0184](#) at 0189; [CAR-OTP-0078-0206](#) at 0210, 0213-0214; [CAR-OTP-0078-0264](#) at 0273.

<sup>240</sup> [CAR-OTP-0074-1065](#) at 1066.

<sup>241</sup> [CAR-OTP-0078-0198](#) at 0202; [CAR-OTP-0078-0248](#) at 0255-0257.

<sup>242</sup> ICC-01/05-01/08-T-326bis-CONF-ENG ET, 19 June 2013, p. 28, ln. 23-p. 29, ln. 4, ICC-01/05-01/08-T-326-CONF-FRA ET, 19 June 2013, p. 72, lns. 21-25. D-4 gave **ARIDO**’s number ([REDACTED]) to the VWU as his contact number. Compare [CAR-OTP-0072-0116](#) at 0116; [CAR-OTP-0077-0942](#) at 0942 with [CAR-OTP-0070-0005](#), tab 1 Narcisse Arido, rows 72, 76-79; [CAR-OTP-0073-0003](#) at 0003.

<sup>243</sup> ICC-01/05-01/08-T-325bis-CONF-ENG ET, 18 June 2013, p. 8, lns. 14-16 ICC-01/05-01/08-T-325-CONF-FRA ET, 18 June 2013, p. 55, lns. 25-26; [CAR-OTP-0074-1065](#) at 1068; see also [CAR-OTP-0078-0184](#) at 0189; [CAR-OTP-0078-0206](#) at 0210, 0213-0214.

<sup>244</sup> ICC-01/05-01/08-T-338-CONF-ENG ET, 28 August 2013, ICC-01/05-01/08-T-338-CONF-FRA ET, 28 August 2013; ICC-01/05-01/08-T-339-CONF-ENG ET, 29 August 2013, ICC-01/05-01/08-T-339-CONF-FRA ET, 29 August 2013.

<sup>245</sup> [CAR-OTP-0074-0993](#) (Audio); [CAR-OTP-0079-0122](#) at 0129 (Translation); [CAR-OTP-0080-0238](#) at 0240-0241; [CAR-OTP-0078-0290](#) at 0296.

<sup>246</sup> [CAR-OTP-0074-0993](#) (Audio); [CAR-OTP-0079-0122](#) at 0127 (Translation).

<sup>247</sup> [CAR-OTP-0074-0997](#) (Audio); [CAR-OTP-0080-0245](#) at 0247 (Translation).

was on mission in [REDACTED], told **MANGENDA** to inform **BEMBA** of his illicit coaching.<sup>249</sup>

84. On 29 August 2013, D-29 testified falsely about talking to **KILOLO** the day before,<sup>250</sup> as well as about previous phone contact with **KILOLO** in the months leading up to his testimony.<sup>251</sup>

85. On 28 August 2013, before D-29 began his testimony, he collected USD 649.43, sent to him by [REDACTED], a **BABALA** associate, from Kinshasa, DRC.<sup>252</sup> On 29 August 2013, D-29 denied being promised anything in exchange for his testimony.<sup>253</sup>

### viii. Witness D-25 – [REDACTED]

86. Witness D-25 testified in the *Bemba* case on 26 and 27 August 2013.<sup>254</sup>

87. Similar to witnesses D-23 and D-2, who received subsequent payments and/or were illicitly coached, on 9 August 2013, **KILOLO** paid D-25.<sup>255</sup> On 27 August 2013, D-25 testified falsely that he did not receive any money from the Defence in exchange for his testimony, including any legitimate reimbursement of expenses.<sup>256</sup>

<sup>248</sup> [CAR-OTP-0074-0997](#) (Audio); [CAR-OTP-0080-0245](#) at 0249 (Translation).

<sup>249</sup> [CAR-OTP-0074-0994](#) (Audio); [CAR-OTP-0080-0238](#) at 0240, 0244 (Translation); “Golf Force” is Guy Fidèle.

<sup>250</sup> ICC-01/05-01/08-T-339-CONF-ENG ET, 29 August 2013, p. 35, ln. 4-p. 37, ln. 4, ICC-01/05-01/08-T-339-CONF-FRA ET, 29 August 2013, p. 36, ln. 18-p. 38, ln. 26.

<sup>251</sup> [CAR-OTP-0072-0082](#), rows 3821, 3822, 3881, 3882; [CAR-OTP-0072-0391](#), rows 2839, 11276, 11299, 32087, 41238, 46624, 46999, 47005; [CAR-OTP-0072-0396](#), row 7897; D-29’s telephone number was [REDACTED] (see [CAR-OTP-0072-0116](#) at 0117; [CAR-OTP-0077-0942](#) at 0943, row 31; [CAR-OTP-0070-0004](#), Tab 28 [REDACTED], row 1 and 2, column AA; [CAR-OTP-0073-0274](#), Tab 28 [REDACTED], row 1 and 2, column Y).

<sup>252</sup> [CAR-OTP-0074-0855](#), tab 28 [REDACTED], row 2. The codes “papa” (column AQ) and “maman” (column AR) used to secure this payment were the same codes were used the next day, 29 August 2013, for a payment sent to **KILOLO**, also from Kinshasa, see [CAR-OTP-0074-0855](#), tab 40 Aimé Kilolo Musamba, row 7, column AP and AQ. The amount of the transfer sent to **KILOLO** was twice the amount of the payment sent to D-29, see [CAR-OTP-0074-0855](#), tab 40 Aimé Kilolo Musamba, row 7, column A. [REDACTED] is linked to the MLC, see [CAR-OTP-0082-0683](#).

<sup>253</sup> ICC-01/05-01/08-T-339-CONF-ENG ET, 29 August 2013, p. 43, lns. 18-p. 44, ln. 11, ICC-01/05-01/08-T-339-CONF-FRA ET, 29 August 2013, p. 45, ln. 21-p. 46, ln. 13.

<sup>254</sup> ICC-01/05-01/08-T-336-CONF-ENG ET, 26 August 2013, ICC-01/05-01/08-T-336-CONF-FRA ET, 26 August 2013; ICC-01/05-01/08-T-337-CONF-ENG ET, 27 August 2013, ICC-01/05-01/08-T-337-CONF-FRA ET, 27 August 2013.

<sup>255</sup> [CAR-OTP-0074-0855](#), tab 40 Aimé Kilolo Musamba, row 11.

<sup>256</sup> ICC-01/05-01/08-T-337-CONF-ENG, 27 August 2013, p. 40, lns. 3-20, ICC-01/05-01/08-T-337-CONF-FRA ET, 27 August 2013, p. 42, lns. 5-25.

88. On 26 August 2013, **MANGENDA** updated **KILOLO** on the progress of D-25's false testimony while **KILOLO** was on mission.<sup>257</sup> Specifically, **KILOLO** asked **MANGENDA** if D-25 "[REDACTED]", to which **MANGENDA** replied, "[REDACTED]".<sup>258</sup> **MANGENDA** further reported that he was pleased the witness had limited his responses, since otherwise his testimony would have appeared suspicious.<sup>259</sup>

89. After the conclusion of D-25's testimony on 27 August, **MANGENDA** discussed with **KILOLO** the effectiveness of **KILOLO**'s illicit coaching of the witness. The two noted that they had forgotten to instruct D-25 about his contact with another witness, D-53.<sup>260</sup> In the same phone call, **MANGENDA** reported to **KILOLO BEMBA**'s satisfaction with the results: "[REDACTED]".<sup>261</sup>

#### ix. Witness D-57 – [REDACTED]

90. Witness D-57 testified in the *Bemba* case from 17 to 19 October 2012.<sup>262</sup>

91. The day before his testimony, on 16 October 2012, **BABALA** paid USD 665 to D-57 through his wife.<sup>263</sup> **BABALA** called D-57 to confirm the payment.<sup>264</sup> **KILOLO** told D-57 that the money was for "[REDACTED]".<sup>265</sup> The same day, on 16 October, while discussing the payment to D-57, **BABALA** told **BEMBA** that "[REDACTED]".<sup>266</sup> D-57 testified falsely

<sup>257</sup> [CAR-OTP-0074-0991](#) (Audio); [CAR-OTP-0080-0228](#) at 0230-0234 (Translation); see also [CAR-OTP-0072-0396](#), row 1869.

<sup>258</sup> [CAR-OTP-0074-0991](#) (Audio); [CAR-OTP-0080-0228](#) at 0231(Translation)

<sup>259</sup> [CAR-OTP-0074-0991](#) (Audio); [CAR-OTP-0080-0228](#) at 0232 (Translation).

<sup>260</sup> [CAR-OTP-0074-0992](#) (Audio); [CAR-OTP-0079-0114](#) at 0119-0121 (Translation).

<sup>261</sup> [CAR-OTP-0074-0992](#) (Audio); [CAR-OTP-0079-0114](#) at 0118 (Translation).

<sup>262</sup> ICC-01/05-01/08-T-256-CONF-ENG ET, 17 October 2012, ICC-01/05-01/08-T-256-CONF-FRA ET, 17 October 2012; ICC-01/05-01/08-T-257-CONF-ENG ET, 18 October 2012, ICC-01/05-01/08-T-257-CONF-FRA ET, 18 October 2012; ICC-01/05-01/08-T-258-CONF-ENG CT, 19 October 2012, ICC-01/05-01/08-T-258-CONF-FRA CT, 19 October 2012.

<sup>263</sup> [CAR-OTP-0073-0274](#), tab 31 Fidèle BABALA, row 14; [CAR-OTP-0070-0004](#), tab 31 BABALA, row 19; [CAR-OTP-0075-0002](#) at 0004; [CAR-OTP-0075-0009](#) at 0011-0012; [CAR-OTP-0077-0088](#) at 0103-0105; see also a payment to D-57 on 14 June 2012; [CAR-OTP-0070-0007](#), tab 32 A Kilolo Musamba, row 23.

<sup>264</sup> [CAR-OTP-0077-0088](#) at 0110-0111.

<sup>265</sup> [CAR-OTP-0077-0088](#) at 0106-0107.

<sup>266</sup> [CAR-OTP-0074-0610](#) (Audio); [CAR-OTP-0077-1299](#) at 1301 (Translation). In the same conversation, **BEMBA** and **BABALA** discuss a payment to **MANGENDA** (see [CAR-OTP-0077-1299](#) at 1301), which **NGINAMAU** makes the next day. See [CAR-OTP-0073-0274](#), tab 38 Jean J K Mangenda, row 37.

that he never received any money from the *Bemba* Defence, or anyone on its behalf, for testifying.<sup>267</sup>

92. **KILOLO** called and texted D-57<sup>268</sup> in the three weeks leading up to his testimony, including on 16 October 2012.<sup>269</sup> One call on 15 October 2012 lasted for 70 minutes.<sup>270</sup> In court D-57 testified falsely about his contact with **KILOLO**.<sup>271</sup>

#### x. Witness D-64 – [REDACTED]

93. Witness D-64 testified in the *Bemba* case from 22 to 23 October 2012.<sup>272</sup>

94. On 16 October 2012, **BEMBA** and **BABALA** discussed a payment to D-64: **BABALA** told **BEMBA** that “[REDACTED] [BABALA’s payment to D-57<sup>273</sup>]”.<sup>274</sup> On 17 October, **NGINAMAU** paid D-64 by sending USD 700 to D-64 through his daughter.<sup>275</sup>

95. On 23 October 2012, D-64 testified falsely that he never received money on **BEMBA**’s behalf or from the *Bemba* Defence in relation to the case.<sup>276</sup> However, after testifying he admitted later that an unknown person transferred money to his daughter for her “to live on while [he was] away”,<sup>277</sup> and that **NGINAMAU**’s name was on the receipt his daughter showed him.<sup>278</sup>

<sup>267</sup> ICC-01/05-01/08-T-258-CONF-ENG CT, 19 October 2012, p. 2, ln. 25-p. 3, ln. 10, ICC-01/05-01/08-T-258-CONF-FRA ET, 19 October 2012, p. 2, ln. 27-p. 3, ln. 12; [CAR-OTP-0077-0088](#) at 0090.

<sup>268</sup> [CAR-OTP-0072-0078](#), row 78; [CAR-OTP-0072-0081](#), row 811; [CAR-OTP-0072-0082](#), rows 174, 192, 193; [CAR-OTP-0072-0391](#), rows 540, 666, 1747, 2534, 2535, 2540, 2541, 2568, 2570; D-57’s phone number is [REDACTED] (see [CAR-OTP-0077-0942](#) at 0942, row 8)

<sup>269</sup> [CAR-OTP-0072-0082](#), rows 220, 221, 225. The contact cut-off date for this witness was 16 October 2012, see [CAR-OTP-0078-0290](#) at 0292.

<sup>270</sup> [CAR-OTP-0072-0082](#), row 193.

<sup>271</sup> ICC-01/05-01/08-T-257-CONF-ENG ET, 18 October 2012, p. 20, ln. 18-p. 21, ln. 1, p. 22, ln. 11-p. 26, ln. 23, ICC-01/05-01/08-T-257-CONF-FRA ET, 18 October 2012, p. 22, ln. 3-13-p. 24, ln. 4-p. 28, ln. 22.

<sup>272</sup> ICC-01/05-01/08-T-259-CONF-ENG CT, 22 October 2012, ICC-01/05-01/08-T-259-CONF-FRA ET, 22 October 2012; ICC-01/05-01/08-T-260-CONF-ENG ET, 23 October 2012, ICC-01/05-01/08-T-260-CONF-FRA ET, 23 October 2012.

<sup>273</sup> See para. 91.

<sup>274</sup> [CAR-OTP-0074-0610](#) (Audio); [CAR-OTP-0077-1299](#) at 1301 (Translation).

<sup>275</sup> [CAR-OTP-0070-0007](#), tab 34 Nginamau, rows 2, 3; [CAR-OTP-0074-1169](#) at 1184-1187; see also para. 91; **KILOLO** also paid D-64 on 14 June 2012. [CAR-OTP-0073-0273](#), tab 8 [REDACTED], row 4.

<sup>276</sup> ICC-01/05-01/08-T-260-CONF-ENG ET, 23 October 2012, p. 6, lns. 14-23, ICC-01/05-01/08-T-260-CONF-FRA ET, 23 October 2012, p. 6, ln. 25-p. 7, ln. 6.

<sup>277</sup> [CAR-OTP-0074-1169](#) at 1187.

<sup>278</sup> [CAR-OTP-0074-1189](#) at 1194.

96. **KILOLO** called D-64 in the days before his testimony.<sup>279</sup> One conversation on 16 October lasted 48 minutes, consistent with **KILOLO**'s practice of illicitly coaching other witnesses.<sup>280</sup> Similar to those witnesses, on 22 October 2012, D-64 denied his prior contacts with **KILOLO**.<sup>281</sup>

#### xi. Witness D-55 – [REDACTED]

97. Witness D-55 testified in the *Bemba* case from 29 to 31 October 2012.<sup>282</sup>

98. In late 2011 or early 2012, **KILOLO** met D-55 to discuss his testifying for the Defence.<sup>283</sup> During their meeting, **KILOLO** asked D-55 to declare that the contents of [REDACTED]<sup>284</sup> were false and written for the purpose of obtaining refugee status in [REDACTED].<sup>285</sup> In a further communication with the witness, **KILOLO** sought “*de nouveau*” to convince D-55 to lie to the Court about [REDACTED].<sup>286</sup> He promised D-55 protection and in court D-55 testified falsely in accordance with **KILOLO**'s instructions.<sup>287</sup>

99. On or around 5 October 2012, D-55 spoke directly with **BEMBA** in an unmonitored conference call with **KILOLO**.<sup>288</sup> **KILOLO** told D-55 that his contact with **BEMBA** was “[REDACTED]” and instructed him not to reveal it.<sup>289</sup> During his testimony, D-55 denied meeting **KILOLO**<sup>290</sup> and his telephone contact with **BEMBA**.<sup>291</sup>

<sup>279</sup> [CAR-OTP-0072-0082](#), rows 252, 259, 270-272, 277, 280, 284; D-64's telephone number was [REDACTED], see [CAR-OTP-0077-0942](#) at 0942. The contact cut-off date for this witness was 17 October 2012, see [CAR-OTP-0078-0290](#) at 0292.

<sup>280</sup> [CAR-OTP-0072-0082](#), row 272; see also, e.g., para. 40.

<sup>281</sup> ICC-01/05-01/08-T-259-CONF-ENG CT, 22 October 2012, p. 60, ln. 14-p. 63, ln. 6, ICC-01/05-01/08-T-259-CONF-FRA ET, 22 October 2012, p.62, ln. 13-p.64, ln. 28.

<sup>282</sup> ICC-01/05-01/08-T-264-CONF-ENG ET, 29 October 2012, ICC-01/05-01/08-T-264-CONF-FRA ET, 29 October 2012; ICC-01/05-01/08-T-265-CONF-ENG ET, 30 October 2012, ICC-01/05-01/08-T-265-CONF-FRA ET, 30 October 2012; ICC-01/05-01/08-T-266-CONF-ENG ET, 31 October 2012, ICC-01/05-01/08-T-266-CONF-FRA ET, 31 October 2012.

<sup>283</sup> [CAR-OTP-0074-0872](#) at 0878.

<sup>284</sup> [CAR-OTP-0074-0872](#) at 0877.

<sup>285</sup> [CAR-OTP-0074-0872](#) at 0878.

<sup>286</sup> [CAR-OTP-0074-0872](#) at 0879.

<sup>287</sup> ICC-01/05-01/08-T-264-CONF-ENG ET, 29 October 2012, p. 21, ln. 18-p. 22, ln. 2, ICC-01/05-01/08-T-264-CONF-FRA ET, 29 October 2012, p. 24, ln. 14-p.25, ln. 1; [CAR-OTP-0074-0872](#) at 0881; [CAR-OTP-0074-0872](#) at 0878.

<sup>288</sup> [CAR-OTP-0074-0872](#) at 0879-0880; [CAR-OTP-0072-0391](#), rows 709, 710; [CAR-OTP-0074-0065](#), row 681; [CAR-OTP-0077-0942](#) at 0942.

<sup>289</sup> [CAR-OTP-0074-0872](#) at 0880.

<sup>290</sup> ICC-01/05-01/08-T-264-CONF-ENG ET, 29 October 2012, p. 66, lns. 15-23, ICC-01/05-01/08-T-264-CONF-FRA ET, 29 October 2012, p. 75, lns. 3-13; [CAR-OTP-0074-0872](#) at 0881.

100. On 5 October 2012, **KILOLO** paid EUR 100 to D-55,<sup>292</sup> which D-55 falsely denied receiving either in exchange for testimony or as legitimate reimbursement for expenses to meet with the Defence.<sup>293</sup>

### **xii. Witness D-23 – [REDACTED]**

101. D-23 testified in the *Bemba* case from 20 to 22 August 2013.<sup>294</sup>

102. [REDACTED] facilitated contact between D-23 and “someone in The Hague”, who promised D-23 relocation to Europe if he testified for the Defence that he was a Bozizé fighter.<sup>295</sup> D-23 was not a Bozizé fighter,<sup>296</sup> but testified falsely that he was,<sup>297</sup> as well as on other related matters.

103. Like D-25 and D-2, who received subsequent payments and/or were illicitly coached, **KILOLO** paid D-23 on 9 August 2013.<sup>298</sup> D-23 testified that he did not receive any money from the Defence for his testimony.<sup>299</sup>

104. After the VWU’s contact cut-off date and during the course of his testimony, **KILOLO** contacted D-23 seven times on the evening of 20 and morning of 21 August 2013.<sup>300</sup>

### **xiii. Witness D-6 – [REDACTED]**

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<sup>291</sup> ICC-01/05-01/08-T-265-CONF-ENG ET, 30 October 2012, p. 66, lns. 4-11, ICC-01/05-01/08-T-265-CONF-FRA ET, 30 October 2012, p. 72, ln. 26-p. 73, ln. 7; [CAR-OTP-0074-0872](#) at 0881.

<sup>292</sup> [CAR-OTP-0070-0007](#), tab 32 A Kilolo Musamba, row 25.

<sup>293</sup> ICC-01/05-01/08-T-265-CONF-ENG ET, 30 October 2012, p. 15, lns. 1-18, ICC-01/05-01/08-T-265-CONF-FRA ET, 30 October 2012, p. 16, lns. 6-26; [CAR-OTP-0074-0872](#) at 0880-0881.

<sup>294</sup> ICC-01/05-01/08-T-332-CONF-ENG ET, 20 August 2013, ICC-01/05-01/08-T-332-CONF-FRA ET, 20 August 2013; ICC-01/05-01/08-T-333-CONF-ENG ET, 21 August 2013, ICC-01/05-01/08-T-333-CONF-FRA ET, 21 August 2013; ICC-01/05-01/08-T-334-CONF-ENG ET, 22 August 2013, ICC-01/05-01/08-T-334-CONF-FRA ET, 22 August 2013.

<sup>295</sup> [CAR-OTP-0082-0460](#) at 0478.

<sup>296</sup> [CAR-OTP-0082-0460](#) at 0471-0472.

<sup>297</sup> ICC-01/05-01/08-T-332-CONF-ENG ET, 20 August 2013, p. 18, lns. 5-12, ICC-01/05-01/08-T-332-CONF-FRA ET, 20 August 2013, p. 18, ln. 18-p. 19, ln. 1.

<sup>298</sup> [CAR-OTP-0074-0855](#), tab 40 Aimé Kilolo Musamba, row 12.

<sup>299</sup> ICC-01/05-01/08-T-334-CONF-ENG ET, 22 August 2013, p. 17, lns. 23-25, ICC-01/05-01/08-T-334-CONF-FRA ET, 22 August 2013, p. 19, lns. 19-21.

<sup>300</sup> [CAR-OTP-0072-0082](#), rows 4097, 4100-4102, 4104, 4106, 4109 D-23 phone number is [REDACTED] (see; [CAR-OTP-0072-0116](#) at 0116; [CAR-OTP-0077-0942](#) at 0943 row 27).

105. D-6 testified in the *Bemba* case from 21 to 24 June 2013.<sup>301</sup>

106. On 20 June 2013, the day before D-6's testimony, Caroline BEMBA paid D-6 USD 1335.16 through a close associate.<sup>302</sup> **KILOLO** also gave D-6 cash before his testimony.<sup>303</sup> D-6 testified falsely that he did not receive any money from the Defence for his testimony other than for transport costs.<sup>304</sup> He also testified falsely about speaking with persons he knew to be witnesses in the *Bemba* case, despite his meetings with other prospective witnesses in [REDACTED].<sup>305</sup>

#### xiv. Witness D-13 – [REDACTED]

107. Witness D-13 testified in the *Bemba* case from 12 to 14 November 2013.<sup>306</sup>

108. Before D-13's testimony, **KILOLO** illicitly coached D-13, about which he informed **MANGENDA** on 10 November 2013.<sup>307</sup> The witness had forgotten the contrived evidence **KILOLO** had previously instructed him to provide.<sup>308</sup>

<sup>301</sup> ICC-01/05-01/08-T-328-CONF-ENG ET, 21 June 2013, ICC-01/05-01/08-T-328-CONF-FRA ET, 21 June 2013; ICC-01/05-01/08-T-328bis-CONF-ENG ET, 21 June 2013; ICC-01/05-01/08-T-329-CONF-ENG ET, 24 June 2013, ICC-01/05-01/08-T-329-CONF-FRA ET, 24 June 2013; ICC-01/05-01/08-T-329bis-CONF-ENG ET, 24 June 2013.

<sup>302</sup> [CAR-OTP-0074-0856](#), tab 68 Caroline Bemba Wale, row 7. Caroline Bemba made another payment to **KILOLO** at the same time (see row 8) with the same Question and Answer (see column AQ, AR). The recipient of this payment – [REDACTED] – is a close associate of D-6: (i) [CAR-OTP-0074-0854](#), tab 15 [REDACTED] Send, row 5 (the payment had the same Question and Answer as the Caroline Bemba payment. See column AQ and AR); (ii) [REDACTED] and D-6 shared phone number [REDACTED]. See [CAR-OTP-0074-0856](#), tab 68 Caroline Bemba Wale, row 7, column Z, and [CAR-OTP-0080-1138](#) at 1193; (iii) there are pictures of them together, and [REDACTED] is friends with other witnesses in the *Bemba* case. See [CAR-OTP-0082-0244](#), [CAR-OTP-0082-0245](#), [CAR-OTP-0082-0246](#), [CAR-OTP-0082-0247](#), [CAR-OTP-0082-0248](#), [CAR-OTP-0082-0249](#), [CAR-OTP-0082-0250](#), [CAR-OTP-0082-0265](#), [CAR-OTP-0082-0266](#), [CAR-OTP-0082-0267](#), [CAR-OTP-0082-0268](#), [CAR-OTP-0082-0269](#), [CAR-OTP-0082-0286](#), [CAR-OTP-0082-0287](#), [CAR-OTP-0082-0288](#), [CAR-OTP-0082-0289](#), [CAR-OTP-0082-0290](#), [CAR-OTP-0082-0291](#), [CAR-OTP-0082-0292](#), [CAR-OTP-0082-0293](#).

<sup>303</sup> [CAR-OTP-0078-0248](#) at 0255; see also [CAR-OTP-0080-1138](#) at 1193; [CAR-OTP-0080-1332](#) (Audio); [CAR-OTP-0082-0562](#) at 0536-0565 (Transcript).

<sup>304</sup> ICC-01/05-01/08-T-329-CONF-ENG ET, 24 June 2013, p. 22, Ins. 3-24, ICC-01/05-01/08-T-329-CONF-FRA ET, 24 June 2013, p. 23, In. 6-p. 24, In. 7. D-6 both resided in, and testified from, [REDACTED], and therefore his transports costs could not have reasonably amounted to this amount of money.

<sup>305</sup> ICC-01/05-01/08-T-329-CONF-ENG ET, 24 June 2013, p. 16, Ins. 1-2, ICC-01/05-01/08-T-329-CONF-FRA ET, 24 June 2013, p. 16, Ins. 21-23; see also paras. 68, 69, 75, 76; [CAR-OTP-0078-0184](#) at 0190; [CAR-OTP-0078-0198](#) at 0200-0201; [CAR-OTP-0078-0218](#) at 0221-0226; [CAR-OTP-0078-0248](#) at 0254-0255; [CAR-OTP-0078-0264](#) at 0274.

<sup>306</sup> ICC-01/05-01/08-T-350-CONF-ENG ET, 12 November 2013, ICC-01/05-01/08-T-350-CONF-FRA ET, 12 November 2013; ICC-01/05-01/08-T-351-CONF-ENG ET, 13 November 2013, ICC-01/05-01/08-T-351-CONF-FRA ET, 13 November 2013; ICC-01/05-01/08-T-352-CONF-ENG ET, 14 November 2013, ICC-01/05-01/08-T-352-CONF-FRA ET, 14 November 2013.

109. In court, D-13 testified falsely that his last telephone contact with **KILOLO** was several weeks prior to his testimony.<sup>309</sup>

## V. INDIVIDUAL CRIMINAL RESPONSIBILITY

### D. Liability as direct and/or indirect co-perpetrators under Article 25(3)(a)

#### i. The existence of a Common Plan between two or more persons

110. As set out above at paragraphs 20 to 109, from January 2012 to November 2013, **BEMBA, KILOLO, MANGENDA, BABALA, and ARIDO** participated in and contributed to the Common Plan to defend **BEMBA** against charges of crimes against humanity and war crimes in the *Bemba* case by means which included the commission of offences against the administration of justice in violation of Article 70 of the Statute. **BEMBA** was the main beneficiary of the plan, which involved the blatant subversion of the judicial process.

111. The existence of the Common Plan and its espousal by the co-perpetrators is demonstrated by the actions of the co-perpetrators, who, individually and/or collectively participated in: (i) identifying potential witnesses and offering them money for false testimony; (ii) making payments to witnesses and/or their relatives and close associates, through each other and through others, to implement the Common Plan;<sup>310</sup> (iii) manufacturing the testimony of witnesses *via* telephone, scripting and improperly instructing witnesses' evidence;<sup>311</sup> (iv) seeking witnesses' advice on how best to obtain false testimony from other witnesses;<sup>312</sup> (v) otherwise soliciting and improperly inducing witnesses to testify falsely;<sup>313</sup> (vi) planning the effective implementation of the Common Plan;<sup>314</sup> (vii) concealing the

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<sup>307</sup> [CAR-OTP-0080-1138](#) at 1262-1263; [CAR-OTP-0080-1419](#) (Audio); [CAR-OTP-0082-1140](#) at 1142-1144 (Translation).

<sup>308</sup> [CAR-OTP-0080-1138](#) at 1262-1263; [CAR-OTP-0080-1419](#) (Audio); [CAR-OTP-0082-1140](#) (Translation).

<sup>309</sup> ICC-01/05-01/08-T-352-CONF-ENG ET, 14 November 2013, p. 35, Ins. 4-20, ICC-01/05-01/08-T-352-CONF-FRA ET, 14 November 2013, p. 31, ln. 28-p. 32, ln. 20.

<sup>310</sup> See paras. 32-34, 69, 76, 80, 85, 87, 91, 94-95, 103, 106.

<sup>311</sup> See paras. 36-41, 45-109.

<sup>312</sup> See paras. 39, 51.

<sup>313</sup> See paras. 35, 67-68, 74, 75, 102.

<sup>314</sup> See paras. 39, 40, 54, 83.

Common Plan,<sup>315</sup> including by communicating in coded language,<sup>316</sup> and circumventing the Registry's Detention Centre monitoring system to communicate with co-perpetrators, others involved in implementing the Common Plan, and witnesses;<sup>317</sup> (viii) knowingly and intentionally presenting witnesses in court to testify falsely;<sup>318</sup> and (ix) knowingly and intentionally presenting false or forged documents as evidence before the Court.<sup>319</sup>

## ii. The co-perpetrators' contributions to the Common Plan

112. The co-perpetrators each made essential contributions to the Common Plan, the execution of which resulted in the realisation of the objective elements of offences under Article 70(1)(a), (b), and (c).

113. **BEMBA**'s essential contribution to the realisation of the objective elements of the Article 70 offences committed pursuant to the Common Plan comprised at least one of the following acts: (i) orchestrating, directing, and/or coordinating the implementation of the Common Plan;<sup>320</sup> (ii) directing, approving, and/or authorising the other co-perpetrators and other persons to pay witnesses and/or their relatives and close associates in exchange for false testimony;<sup>321</sup> (iii) directing and/or organising transfers of money to the other co-perpetrators and other persons to facilitate the implementation of the Common Plan;<sup>322</sup> (iv) directing and/or authorising the other co-perpetrators and other persons to illicitly coach, and/or to corruptly influence witnesses;<sup>323</sup> (v) providing specific instructions to the other co-perpetrators on what witnesses should testify about;<sup>324</sup> (vi) authorising the presentation of false evidence;<sup>325</sup> and (vii) devising, authorising, ensuring and/or implementing means to conceal the Common Plan, including by circumventing the Registry's communications

<sup>315</sup> [CAR-OTP-0074-0993](#) (Audio); [CAR-OTP-0079-0122](#) at 0124-0126 (Translation); [CAR-OTP-0074-0994](#) (Audio); [CAR-OTP-0080-0238](#) at 0240-0241 (Translation); [CAR-OTP-0074-0897](#) at 0915-0916; [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0264](#) at 0275-0276 (Translation); [CAR-OTP-0079-1541](#) at 1542.

<sup>316</sup> See para. 31.

<sup>317</sup> See para. 30.

<sup>318</sup> See paras. 45-109.

<sup>319</sup> See paras. 42-43.

<sup>320</sup> See paras. 30, 32, 36, 53; [CAR-OTP-0080-1138](#) at 1175, 1216; [CAR-OTP-0080-1324](#); [CAR-OTP-0080-1360](#) (Audio); [CAR-OTP-0082-0596](#) (Transcript); [CAR-OTP-0079-1286](#) (Audio).

<sup>321</sup> See paras. 32, 91, 94.

<sup>322</sup> See paras. 32-34.

<sup>323</sup> See paras. 36, 40, 49, 53; [CAR-OTP-0080-1138](#) at 1243-1244; [CAR-OTP-0080-1372](#) (Audio); [CAR-OTP-0082-0669](#) (Translation).

<sup>324</sup> See paras. 36, 53.

<sup>325</sup> See paras. 36, 39-40.

monitoring system, using coded communication,<sup>326</sup> and conspiring to bribe and/or corruptly influence potential witnesses in the Article 70 case.<sup>327</sup>

114. **KILOLO**'s essential contribution to the realisation of the objective elements of the Article 70 offences committed pursuant to the Common Plan, comprised at least one of the following acts or omissions: (i) paying witnesses in exchange for false testimony;<sup>328</sup> (ii) providing information to the other co-perpetrators and other persons necessary for them to transfer money to witnesses and/or their relatives and close associates;<sup>329</sup> (iii) planning and executing the illicit coaching of witnesses;<sup>330</sup> (iv) instructing witnesses to lie in court, including to falsify aspects of their testimony to benefit the *Bemba* Defence case, and to lie about payments by, and contacts with, the co-perpetrators, including himself;<sup>331</sup> (v) instructing **MANGENDA** to facilitate the illicit coaching and/or corrupt influencing of witnesses;<sup>332</sup> (vi) deciding whether to call a witness to testify based on their willingness and ability to falsely testify as instructed;<sup>333</sup> (vii) reporting to **BEMBA** about actions taken pursuant to the Common Plan, including the contents of false testimony to be given by witnesses and the process of obtaining and facilitating such false testimony;<sup>334</sup> (viii) presenting evidence he knew to be false in court;<sup>335</sup> (ix) concealing the Common Plan and its implementation, including by using codes and circumventing the Detention Centre's monitoring system;<sup>336</sup> (x) organising and facilitating conference calls by abusing the Registry's "privileged line", for **BEMBA** to contact third parties, including **BABALA**, to plan and implement the Common

<sup>326</sup> See, e.g., [CAR-OTP-0074-1032](#) (Audio); [CAR-OTP-0079-1762](#) at 1764-1864; [CAR-OTP-0074-1028](#) (Audio); [CAR-OTP-0080-0304](#) (Translation); see also paras. 30-31.

<sup>327</sup> See, e.g., [CAR-OTP-0080-1138](#) at 1161-1168, 1182, 1184-1185, 1187-1188, 1191-1192, 1195-1197; [CAR-OTP-0080-1320](#); [CAR-OTP-0080-1321](#) (Audio); [CAR-OTP-0082-0614](#) (Translation); [CAR-OTP-0080-1325](#) (Audio); [CAR-OTP-0082-1065](#) (Translation); [CAR-OTP-0080-1416](#) (Audio); [CAR-OTP-0080-1328](#) (Audio); [CAR-OTP-0082-0630](#) (Translation); [CAR-OTP-0080-1330](#) (Audio) [CAR-OTP-0082-0547](#) (Transcript); [CAR-OTP-0080-1333](#) (Audio); [CAR-OTP-0082-0828](#) (Translation).

<sup>328</sup> See paras. 32-34, 87, 91, 94, 103.

<sup>329</sup> See para. 91.

<sup>330</sup> [CAR-OTP-0074-0992](#) (Audio); [CAR-OTP-0079-0114](#) at 0120, 0121 (Translation); see also paras. 38-41, 46-109.

<sup>331</sup> See paras. 37-41, 47-49, 56-57, 61, 69, 76, 98.

<sup>332</sup> See paras. 49, 83.

<sup>333</sup> [CAR-OTP-0074-0997](#) (Audio); [CAR-OTP-0080-0245](#) at 0249-0253 (Translation); [CAR-OTP-0074-0926](#) at 0934.

<sup>334</sup> See paras. 39, 49, 58; [CAR-OTP-0080-1138](#) at 1243-1244; [CAR-OTP-0080-1372](#) (Audio); [CAR-OTP-0082-0669](#) (Translation).

<sup>335</sup> See paras. 42-43.

<sup>336</sup> [CAR-OTP-0074-1030](#) (Audio); [CAR-OTP-0080-0309](#) at 0317-0319 (Translation); see also paras. 30-31, 53.

Plan;<sup>337</sup> and (xi) with knowledge of the Common Plan and its implementation, failing to inform the Court of its existence and the offences carried out thereunder, while under a professional duty to do so as a lawyer.<sup>338</sup>

115. **MANGENDA**'s essential contribution to the realisation of the objective elements of the Article 70 offences committed pursuant to the Common Plan, comprised at least one of the following acts or omissions: (i) participating in the planning and execution of illicitly coaching witnesses;<sup>339</sup> (ii) relaying information necessary to obtain, and regarding, the false testimony of witnesses between other co-perpetrators, including **BEMBA** and **KILOLO**;<sup>340</sup> (iii) reporting to **KILOLO** the witnesses' ability to follow instructions to testify falsely when **KILOLO** was not present in court, in order to facilitate the latter's illicit coaching of witnesses;<sup>341</sup> (iv) updating **BEMBA** on the implementation of the Common Plan in order to ensure he was kept well informed and satisfied;<sup>342</sup> (v) providing practical assistance, including preparing and sending to **KILOLO** documents to be used in falsifying witnesses' testimony, and providing **KILOLO** the use of his phone to facilitate **KILOLO**'s illicit coaching of witnesses;<sup>343</sup> (vi) concealing the Common Plan, including by using codes and facilitating conference calls with **BEMBA** and **KILOLO** to circumvent the Registry's Detention Centre monitoring system;<sup>344</sup> and (vii) with knowledge of the Common Plan and its implementation, failing to inform the Court of its existence and the offences carried out thereunder, while under a professional duty to do so as a lawyer.

116. **BABALA**'s essential contribution to the realisation of the objective elements of the Article 70 offences committed pursuant to the Common Plan, comprised at least one of the following acts: (i) serving as **BEMBA**'s link to the other co-perpetrators in the implementation of the Common Plan, including by passing on **BEMBA**'s instructions to the other co-perpetrators and communicating to **BEMBA** requests for money made by the co-

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<sup>337</sup> See paras. 30, 99; [CAR-OTP-0080-1138](#) at 1204; [CAR-OTP-0080-1340](#) (Audio); [CAR-OTP-0082-0842](#) (Translation).

<sup>338</sup> Code of Professional Conduct for Counsel, Resolution ICC-ASP/4/Res.1, Article 32(1)(b); see also Articles 7(3) and (4), 8(1) and (4), 14(2)(a), 24(1) to (3), 25(1), 31(a) and (b), and 32(1)(a).

<sup>339</sup> [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0198](#) at 0200-0201 (Transcript); [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0248](#) at 0254-0255, 0262 (Transcript); [CAR-OTP-0078-0264](#) at 0274 (Transcript).

<sup>340</sup> See paras. 36, 83, 89.

<sup>341</sup> See paras. 38, 88, 89.

<sup>342</sup> See paras. 36, 83.

<sup>343</sup> See paras. 49, 61.

<sup>344</sup> See paras. 30, 31.

perpetrators and others to implement the Common Plan;<sup>345</sup> (ii) arranging payments to the other co-perpetrators, including **KILOLO** and **ARIDO**, who subsequently corruptly paid witnesses;<sup>346</sup> (iii) paying witnesses and their families through direct money transfers<sup>347</sup> in implementing the Common Plan, or using others to do so, such as **NGINAMAU** and **[REDACTED]**,<sup>348</sup> and (iv) concealing the Common Plan by using codes during conversations with **BEMBA**,<sup>349</sup> and by assisting **BEMBA** to circumvent the Registry's Detention Centre monitoring system.<sup>350</sup>

117. **ARIDO**'s essential contributions to the realisation of the objective elements of the Article 70 offences committed pursuant to the Common Plan, comprised at least one of the following acts: (i) providing false or forged documents to **KILOLO** to present as evidence before the Court;<sup>351</sup> (ii) placing witnesses in contact with **KILOLO** with the knowledge that they would be illicitly coached on what to say when testifying in court and paid in exchange for their false testimony;<sup>352</sup> (iii) improperly inducing individuals to falsely testify as witnesses in the *Bemba* case;<sup>353</sup> (iv) arranging and participating in meetings during which **KILOLO**

<sup>345</sup> See, e.g., [CAR-OTP-0074-0586](#) (Audio); [CAR-OTP-0077-1081](#) (Translation); [CAR-OTP-0074-0666](#) (Audio); [CAR-OTP-0077-1332](#) (Translation); [CAR-OTP-0074-0672](#) (Audio); [CAR-OTP-0077-1336](#) (Translation); [CAR-OTP-0074-0172](#) (Audio); [CAR-OTP-0077-1059](#) (Translation); [CAR-OTP-0079-1286](#) (Audio).

<sup>346</sup> See, e.g., [CAR-OTP-0074-0636](#) (Audio); [CAR-OTP-0077-1324](#) at 1327-1329 (Translation); [CAR-OTP-0074-0634](#) (Audio); [CAR-OTP-0077-1320](#) (Translation); [CAR-OTP-0074-0626](#) (Audio); [CAR-OTP-0077-1311](#) at 1313-1314; see also paras. 32-34.

<sup>347</sup> See, e.g., [CAR-OTP-0074-0590](#) (Audio); [CAR-OTP-0077-1084](#) (Translation); [CAR-OTP-0074-0610](#) (Audio); [CAR-OTP-0077-1299](#) at 1301 (Translation); [CAR-OTP-0074-0636](#) (Audio); [CAR-OTP-0077-1324](#) at 1327-1329 (Translation); [CAR-OTP-0073-0274](#), tab 31 Fidèle Babala; [CAR-OTP-0070-0007](#), tab 34 Nginamau; see also paras. 32-33, 91.

<sup>348</sup> See paras. 32-34, 85, 94.

<sup>349</sup> See, e.g., [CAR-OTP-0074-0701](#) (Audio); [CAR-OTP-0077-1348](#) (Translation); [CAR-OTP-0074-0592](#) (Audio); [CAR-OTP-0077-1291](#) at 1294-1297 (Translation); [CAR-OTP-0074-0590](#) (Audio); [CAR-OTP-0077-1084](#) (Translation); [CAR-OTP-0074-0636](#) (Audio); [CAR-OTP-0077-1324](#) at 1327-1329 (Translation); [CAR-OTP-0074-0624](#) (Audio); [CAR-OTP-0077-1307](#) (Translation); [CAR-OTP-0074-0626](#) (Audio); [CAR-OTP-0077-1311](#) at 1313-1314 (Translation); see also para. 31; [CAR-OTP-0074-0634](#) (Audio); [CAR-OTP-0077-1320](#); [CAR-OTP-0077-1299](#) at 1301; [CAR-OTP-0074-0574](#) (Audio); [CAR-OTP-0077-1063](#) (Translation); [CAR-OTP-0074-0699](#) (Audio); [CAR-OTP-0077-1344](#) (Translation); [CAR-OTP-0074-0172](#) (Audio); [CAR-OTP-0077-1059](#) (Translation).

<sup>350</sup> See paras. 30, 32; [CAR-OTP-0074-0590](#) (Audio); [CAR-OTP-0077-1084](#) (Translation); [CAR-OTP-0079-1290](#) (Audio).

<sup>351</sup> See paras. 42-43.

<sup>352</sup> [CAR-OTP-0075-0752](#) [CAR-OTP-0077-1092](#) (Audio) [CAR-OTP-0078-0184](#) at 0189-0190 (Transcript); [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0206](#) at 0210, 0213-0214 (Transcript); [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0218](#) at 0221-0226 (Transcript); see also paras. 68, 75.

<sup>353</sup> [CAR-OTP-0078-0184](#) at 0189 (Transcript); [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0206](#) at 0210, 0213-0214 (Transcript); see also paras. 66-68, 74.

paid witnesses whom **KILOLO** had instructed to testify falsely;<sup>354</sup> and (v) illicitly coaching witnesses on [REDACTED]'s instructions.<sup>355</sup>

### iii. The co-perpetrators fulfil the subjective elements of the offences charged

118. The co-perpetrators knew of and intended to bring about the objective elements of the charged offences or were aware that they would occur in the ordinary course of events.

#### a) BEMBA

119. **BEMBA** directed, planned, and organised the Common Plan to defend himself in the *Bemba* case by means which included the commission of offences against the administration of justice in violation of Article 70. His intent and knowledge are evidenced, *inter alia*, by his contributions, set out in paragraph 113. **BEMBA**'s own handwritten notes clearly show his knowledge and control of payments to other co-perpetrators, others involved in the implementation of the Common Plan, and to witnesses.<sup>356</sup> His expressed satisfaction with the results of the corrupt influencing of witness in the implementation of the Common Plan,<sup>357</sup> which he conspired with other co-perpetrators to conceal on becoming aware of the Prosecution's investigation, including telling **KILOLO** "[REDACTED]",<sup>358</sup> further demonstrates his intent and knowledge.<sup>359</sup>

120. **BEMBA** knew that his contributions were essential to the implementation of the Common Plan and that they would bring about the objective elements of Article 70(1)(a)(b)

<sup>354</sup> [CAR-OTP-0077-1092](#) (Audio); [CAR-OTP-0078-0184](#) at 0190 (Transcript); [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0218](#) at 0221-0226 (Transcript); [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0236](#) at 0245 (Transcript); [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0248](#) at 0258 (Transcript); [CAR-OTP-0075-0762](#); [CAR-OTP-0075-0763](#); [CAR-OTP-0075-0848](#).

<sup>355</sup> See, e.g., [CAR-OTP-0077-1092](#) (Audio); [CAR-OTP-0078-0184](#) at 0189 (Transcript); [CAR-OTP-0077-1093](#) (Audio); [CAR-OTP-0078-0206](#) at 0207-0210, 0213-0214 (Transcript).

<sup>356</sup> See, e.g., [CAR-OTP-0082-0321](#); [CAR-OTP-0082-0322](#); [CAR-OTP-0082-0328](#).

<sup>357</sup> See para. 89.

<sup>358</sup> [CAR-OTP-0074-1032](#) (Audio); [CAR-OTP-0079-1762](#) at 1764 (Translation); see also [CAR-OTP-0074-1027](#) (Audio); [CAR-OTP-0079-0191](#) at 0196-0197 (Translation); [CAR-OTP-0074-1028](#) (Audio); [CAR-OTP-0080-0304](#) (Translation); [CAR-OTP-0074-1029](#) (Audio); [CAR-OTP-0079-0198](#) (Translation); [CAR-OTP-0074-1031](#) (Audio); [CAR-OTP-0080-0322](#) (Translation); [CAR-OTP-0074-0926](#) at 0967, 0969, 0973.

<sup>359</sup> See also [CAR-OTP-0080-1138](#) at 1253; [CAR-OTP-0080-1375](#).

(false testimony and false documents), and (c). His contributions reflect his intent to engage in the course of conduct to carry them out.

## b) KILOLO

121. Given his role as lead counsel in the *Bemba* case<sup>360</sup> and as a co-perpetrator, **KILOLO** was aware that his contributions as set out at paragraph 114 were essential to the offences committed in furtherance of the Common Plan. **KILOLO** understood and accepted what the concealment of the Common Plan required, asking **MANGENDA** “[REDACTED]”<sup>361</sup> **KILOLO**’s discussion of the consequences of the revelation of the Common Plan with **MANGENDA** further demonstrates his role in its implementation: “[REDACTED]”.<sup>362</sup>

122. In addition, **KILOLO**’s intent and knowledge are evidenced, *inter alia*, by: (i) his discussing his illicit coaching of witnesses with **MANGENDA**;<sup>363</sup> (ii) his explanations to witnesses about the purpose of his instructions;<sup>364</sup> (iii) the nature of the instructions he provided to witnesses, including to lie about the substance of their evidence and about payments by, and contacts with, the co-perpetrators;<sup>365</sup> (iv) his consideration of withdrawing witnesses who were unwilling or unable to follow his direction to testify falsely;<sup>366</sup> (v) refraining from asking questions to a witness without discussing the scripted answers prior to testimony;<sup>367</sup> (vi) taking steps to conceal the Common Plan, including conspiring with other co-perpetrators to do so,<sup>368</sup> circumventing the Registry’s monitoring system, and the use of codes; (vii) his detailed knowledge of the Rules and the Statute,<sup>369</sup> reflected in his discussion with **MANGENDA** about the possibility of prosecution for conduct amounting to an offence

<sup>360</sup> See para. 10; see also, e.g., Code of Professional Conduct for Counsel, Resolution ICC-ASP/4/Res.1, article 24(2).

<sup>361</sup> [CAR-OTP-0080-1138](#) at 1265; [CAR-OTP-0080-1419](#) (Audio); [CAR-OTP-0082-1140](#) (Translation).

<sup>362</sup> [CAR-OTP-0074-0995](#) (Audio); [CAR-OTP-0079-0131](#) at 0139 (Translation)

<sup>363</sup> [CAR-OTP-0074-0995](#) (Audio); [CAR-OTP-0079-0131](#) at 0139 (Translation).

<sup>364</sup> See para. 49.

<sup>365</sup> See paras. 47-49, 56-57, 61, 69.

<sup>366</sup> [CAR-OTP-0074-0997](#) (Audio); [CAR-OTP-0080-0245](#) at 0249-0253 (Translation).

<sup>367</sup> [CAR-OTP-0080-1138](#) at 1228; [CAR-OTP-0080-1363](#) (Audio); [CAR-OTP-0082-0866](#) (Translation).

<sup>368</sup> [CAR-OTP-0074-1029](#) (Audio); [CAR-OTP-0079-0198](#) (Translation); [CAR-OTP-0074-1030](#) (Audio); [CAR-OTP-0080-0309](#) (Translation); [CAR-OTP-0074-1031](#) (Audio); [CAR-OTP-0080-0322](#) (Translation); [CAR-OTP-0074-1032](#) (Audio); [CAR-OTP-0079-1762](#) at 1764-1864 (Translation); [CAR-OTP-0074-0926](#) at 0967, 0969, 0973; [CAR-OTP-0080-1138](#) at 1186; [CAR-OTP-0080-1416](#) (Audio).

<sup>369</sup> See paras. 10, 43; ICC-01/05-01/13-T-1-ENG CT, 27 November 2013, p. 10, ICC-01/05-01/13-T-1-FRA ET, 27 November 2013, p. 9.

under Article 70;<sup>370</sup> and (viii) his never seeking to correct the trial record despite knowing that witnesses had testified falsely and/or documents were presented falsely.<sup>371</sup>

123. **KILOLO** knew that his contributions were essential to the implementation of the Common Plan and that they would bring about the objective elements of Article 70(1)(a), (b) (false testimony and false documents), and (c). His contributions reflect his intent to engage in the course of conduct to carry them out.

c) **MANGENDA**

124. As a co-perpetrator and case manager of the *Bemba* Defence team, **MANGENDA** was aware that his contributions to the Common Plan as set out at paragraph 115 were essential. **MANGENDA** understood the significance of the actions taken by the co-perpetrators in implementing the Common Plan, noting to **KILOLO** “[REDACTED]”.<sup>372</sup>

125. In addition, **MANGENDA**’s intent and knowledge are evidenced by, among other things: (i) his presence at meetings where **KILOLO** illicitly coached and paid witnesses (ii) his discussions with **KILOLO** regarding the effectiveness of **KILOLO**’s instructions to a witness to testify falsely,<sup>373</sup> and false documents;<sup>374</sup> (iii) his reports to **KILOLO** on the testimony of illicitly coached witnesses, including by confirming to **KILOLO** whether witnesses followed the instructions they had been given;<sup>375</sup> (iv) his expression of frustration with a witness who did not follow the script;<sup>376</sup> (v) his awareness of the effect on witnesses’ credibility if the Court discovered the co-perpetrators contact with witnesses;<sup>377</sup> (vi) his active concealment, together with **KILOLO**, of their instructing and scripting witnesses’ false testimony;<sup>378</sup> and (vii) his detailed knowledge of the Rules and Statute – both from his former

<sup>370</sup> [CAR-OTP-0080-1138](#) at 1255-1256; [CAR-OTP-0080-1374](#) (Audio); [CAR-OTP-0080-1375](#) (Translation)

<sup>371</sup> [CAR-OTP-0080-1138](#) at 1252-1256; [CAR-OTP-0080-1374](#) (Audio); [CAR-OTP-0080-1375](#) (Translation)

<sup>372</sup> [CAR-OTP-0080-1138](#) at 1175; [CAR-OTP-0080-1324](#) (Audio).

<sup>373</sup> See para. 83.

<sup>374</sup> [CAR-OTP-0080-1138](#) at 1252-1256; [CAR-OTP-0080-1374](#) (Audio); [CAR-OTP-0080-1375](#) (Translation).

<sup>375</sup> See para. 88.

<sup>376</sup> [CAR-OTP-0074-0997](#) (AUDIO); [CAR-OTP-0080-0245](#) at 0249-0253 (Translation).

<sup>377</sup> [CAR-OTP-0080-1138](#) at 1157 (3<sup>rd</sup> report); [CAR-OTP-0080-1317](#) (Audio).

<sup>378</sup> [CAR-OTP-0074-0994](#) (Audio); [CAR-OTP-0080-0238](#) at 0240-0241 (Translation); [CAR-OTP-0074-1026](#) (Audio); [CAR-OTP-0080-0299](#) at 0301-0303 (Translation); [CAR-OTP-0074-0897](#) at 0915-0916; [CAR-OTP-0074-0993](#) (Audio); [CAR-OTP-0079-0122](#) at 0124-0126 (Translation).

positions in the *Bemba* Defence and formerly the OPCD<sup>379</sup> – reflected in his discussion with **KILOLO** about the possibility of prosecution for conduct amounting to an offence under Article 70.<sup>380</sup>

126. **MANGENDA** knew that his contributions were essential to the implementation of the Common Plan and that they would bring about the objective elements of Article 70(1)(a), (b) (false testimony and false documents), and (c). His contributions reflect his intent to engage in the course of conduct to carry them out.

**d) BABALA**

127. **BABALA**, a co-perpetrator, was aware that his contributions to the Common Plan as set out at paragraph 116 were essential to its implementation.

128. In addition, **BABALA**'s intent and knowledge are evidenced, *inter alia*, by his: (i) paying witnesses in exchange for their testimony;<sup>381</sup> (ii) advising **BEMBA** of the importance of paying certain witnesses, namely “[REDACTED]”;<sup>382</sup> (iii) paying the other co-perpetrators knowing that the money was intended to further the Common Plan and knowing **KILOLO** was **BEMBA**'s lead counsel;<sup>383</sup> (iv) acting as **BEMBA**'s link to the other co-perpetrators and the other persons involved in implementing the Common Plan to carry out orders and instructions to implement the Common Plan;<sup>384</sup> and (v) communicating with **BEMBA** through the use of codes on **BEMBA**'s “privileged line” in the Detention Centre on a number registered by **KILOLO**.<sup>385</sup>

129. **BABALA** knew that his contributions were essential to the implementation of the Common Plan and that they would bring about the objective elements of Article 70(1)(a), (b) (false testimony), and (c). His contributions reflect his intent to engage in the course of conduct to carry them out.

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<sup>379</sup> See para. 12.

<sup>380</sup> [CAR-OTP-0080-1138](#) at 1255-1256; [CAR-OTP-0080-1375](#) (Audio); CAR-OTP-0082-0924 at 0929 (Translation).

<sup>381</sup> See paras. 33, 91.

<sup>382</sup> See para. 91.

<sup>383</sup> See para. 32.

<sup>384</sup> See para. 32.

<sup>385</sup> See paras. 30-31; [CAR-OTP-0074-0067](#); [CAR-OTP-0074-0079](#).

e) **ARIDO**

130. **ARIDO**, as a co-perpetrator, was aware that his contributions to the Common Plan as set out at paragraph 117 were essential. **ARIDO**'s statement to a group of prospective witnesses, whom he assembled to provide false testimony in furtherance of the Common Plan, demonstrates his awareness of his role in its implementation: "*une fois que nous ayons témoigné, nous aurons la possibilité de rester là-bas [Europe], parce que même si nous mentons dans notre déposition, nous serons assistés d'un avocat qui va nous défendre*".<sup>386</sup>

131. In addition, **ARIDO**'s intent and knowledge are evidenced, *inter alia*, by his: (i) knowledge of **KILOLO**'s role as **BEMBA**'s lead counsel and that the false or forged documents he supplied were intended to be introduced in the *Bemba* trial;<sup>387</sup> (ii) admission concerning witnesses **KILOLO** presented before the Court as having a military background, that "[REDACTED]";<sup>388</sup> (iii) denial of having sent the false or forged documents to **KILOLO**, contrary to what his computer records demonstrate;<sup>389</sup> (iv) denial of having received payments from **KILOLO** around the time the false or forged documents were provided to **KILOLO** on 21 February 2012, contrary to the evidence;<sup>390</sup> (v) military background,<sup>391</sup> which enabled him to appreciate the importance of the information conveyed in the false or forged documents or given as false testimony by witnesses to the Common Plan; (vi) work on an expert report with witnesses D-53 and D-59, who were questioned in court about the authenticity of the false or forged documents **ARIDO** had supplied;<sup>392</sup> (vii) awareness that witnesses D-4 and D-3, who he had introduced to the Defence and who testified to having been members of the CAR armed forces, had no connection to the CAR armed forces;<sup>393</sup> (viii) informing witnesses he recruited to testify for the Defence in the *Bemba* case that they would receive money and/or have an opportunity to move to Europe in

<sup>386</sup> [CAR-OTP-0078-0218](#) at 0234.

<sup>387</sup> See paras. 16, 42; [CAR-OTP-0074-1065](#) at 1066.

<sup>388</sup> [CAR-OTP-0074-1065](#) at 1066.

<sup>389</sup> [CAR-OTP-0074-1065](#) at 1068-1069; [CAR-OTP-0077-0169](#) at 0175; [CAR-OTP-0075-0259](#) (email from **ARIDO** to **KILOLO** and attachments [CAR-OTP-0075-0260](#); [CAR-OTP-0075-0261](#); [CAR-OTP-0075-0262](#); [CAR-OTP-0075-0263](#); [CAR-OTP-0075-0264](#); [CAR-OTP-0075-0265](#); [CAR-OTP-0075-0266](#)).

<sup>390</sup> [CAR-OTP-0074-1065](#) at 1067; [REDACTED]; [CAR-OTP-0070-0005](#), tab 1, rows 73-75, 77.

<sup>391</sup> [CAR-OTP-0074-1065](#) at 1066.

<sup>392</sup> [CAR-OTP-0074-1065](#) at 1066.

<sup>393</sup> See [CAR-OTP-0074-1065](#) at 1066; ICC-01/05-01/08-T-325bis-CONF-ENG ET, 18 June 2013, p. 8, ln. 16, ICC-01/05-01/08-T-325-CONF-FRA ET, 18 June 2013, p. 55, ln. 26; see also [CAR-OTP-0074-1065](#) at 1068; [CAR-OTP-0078-0184](#) at 0189; [CAR-OTP-0078-0206](#) at 0210, 0213-0214.

exchange for false testimony;<sup>394</sup> and (ix) arranging for **KILOLO** and **MANGENDA** to meet witnesses that he recruited to coach them to testify falsely in exchange for payment.<sup>395</sup>

132. **ARIDO** knew that his contributions were essential to the implementation of the Common Plan and that they would bring about the objective elements of Article 70(1)(a), (b) (false testimony and false documents), and (c). His contributions reflect his intent to engage in the course of conduct to carry them out.

**iv. The co-perpetrators were mutually aware and accepted that implementing the Common Plan would result in the realisation of the objective elements of the offences**

133. The co-perpetrators were mutually aware and accepted that by design, in the normal course of events, the Common Plan would result in the commission in the *Bemba* case of at least one of the offences against the administration of justice contained in Article 70(1)(a), (b), and (c).

134. The following facts establish the co-perpetrators' mutual awareness: (i) they devised and adopted the Common Plan with **BEMBA**'s direction, authority, and pursuant to his orders, directions and/or instructions;<sup>396</sup> (ii) they knew that the other co-perpetrators, some of whom exercised functions in **BEMBA**'s Defence team, espoused the Common Plan, and were willing to implement it;<sup>397</sup> (iii) through regular communication, they knew about the roles that the other co-perpetrators were assigned within the Common Plan and /or about specific actions they and other persons took in implementing it;<sup>398</sup> (iv) they knew of the means they had at their disposal to implement the Common Plan, particularly financial, which they often obtained from each other;<sup>399</sup> (v) they discussed and coordinated the implementation of the

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<sup>394</sup> See paras. 66-68, 75; [CAR-OTP-0078-0184](#) at 0189; [CAR-OTP-0078-0206](#) at 0210; [CAR-OTP-0078-0218](#) at 0224.,

<sup>395</sup> See paras. 68, 75; [CAR-OTP-0078-0184](#) at 0190; [CAR-OTP-0078-0218](#) at 0221-0226.

<sup>396</sup> See paras. 30, 32, 36.

<sup>397</sup> See paras. 30-43.

<sup>398</sup> See paras. 30, 32, 36, 39, 42, 88, 91.

<sup>399</sup> See paras. 32-34, 42-43.

Common Plan, including with each other;<sup>400</sup> and (vi) they were aware that their respective contributions to the Common Plan furthered its implementation.<sup>401</sup>

**v. The co-perpetrators were aware of the factual circumstances enabling them to exercise joint control over the offences**

135. The following facts establish **BEMBA**'s awareness of the factual circumstances that enabled him to exercise control over the offences jointly with his co-perpetrators: (i) his central role in the Common Plan and his position as the ultimate beneficiary of its implementation, through his relationship with **KILOLO** and **MANGENDA**, the lead counsel and case manager in his Defence team in the *Bemba* case, and through his relationship with **BABALA**, his long-standing friend and advisor;<sup>402</sup> (ii) his ability to frustrate or enable the commission of the offences;<sup>403</sup> (iii) his direct provision of instructions, approval, authorisation and support for the activities necessary to the implementation of the Common Plan;<sup>404</sup> and (iv) his knowledge that the other co-perpetrators espoused the Common Plan and were actively involved in its implementation.<sup>405</sup>

136. The following facts establish **KILOLO**'s awareness of the factual circumstances that enabled him to exercise control over the offences jointly with his co-perpetrators: (i) his role as **BEMBA**'s lead counsel, which made him ultimately responsible for the preparation of the case and presentation of evidence in court;<sup>406</sup> (ii) his role as **MANGENDA**'s supervisor;<sup>407</sup> (iii) his ability, by virtue of his position, to facilitate the unlawful activities of his co-perpetrators;<sup>408</sup> (iv) his direct participation in the illicit coaching and bribing of witnesses and in the planning and presenting of evidence he knew to be false or forged;<sup>409</sup> and (v) his

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<sup>400</sup> See paras. 30, 32, 36, 39, 42, 88, 91.

<sup>401</sup> See paras. 30, 34, 36, 38, 42-43, 49, 51, 58, 69, 76, 83, 89.

<sup>402</sup> See paras. 14, 32, 49, 51, 56, 89, 98.

<sup>403</sup> See paras. 30-32, 36.

<sup>404</sup> See paras. 30-32, 36, 53.

<sup>405</sup> See paras. 30-34, 36, 38, 39, 43, 49, 51, 53, 58, 89, 91, 94, 99.

<sup>406</sup> See para. 10; articles 7(4) and 24(2) of the Code of Professional Conduct for counsel, Resolution ICC-ASP/4/Res.1.

<sup>407</sup> See para. 10.

<sup>408</sup> See para. 30.

<sup>409</sup> See paras. 38, 41, 45-104.

knowledge that the other co-perpetrators espoused the Common Plan and were actively involved in its implementation.<sup>410</sup>

137. The following facts establish **MANGENDA**'s awareness of the factual circumstances that enabled him to exercise control over the offences jointly with his co-perpetrators: (i) his role as the case manager on **BEMBA**'s Defence team,<sup>411</sup> a position which he exercised under **KILOLO**'s supervision; (ii) his ability, by virtue of his position, to facilitate the unlawful activities of his co-perpetrators;<sup>412</sup> (iii) his direct participation in activities aimed at illicitly coaching and bribing witnesses and in the planning and presenting evidence he knew to be false or forged;<sup>413</sup> and (iv) his knowledge that the other co-perpetrators espoused the Common Plan and were actively involved in its implementation.<sup>414</sup>

138. The following facts establish **BABALA**'s awareness of the factual circumstances enabling him to exercise control over the offences jointly with his co-perpetrators: (i) his position as a close aide and political ally to **BEMBA**;<sup>415</sup> (ii) his control over access to the money used to implement the Common Plan;<sup>416</sup> (iii) his knowledge of **KILOLO**'s and **MANGENDA**'s professions and their respective positions in **BEMBA**'s Defence team;<sup>417</sup> (iv) his knowledge that **BEMBA** was the main beneficiary of the Common Plan;<sup>418</sup> (v) his direct facilitation of the bribing of witnesses;<sup>419</sup> and (vi) his knowledge that the other co-perpetrators espoused the Common Plan and were actively involved in its implementation.<sup>420</sup>

139. The following facts establish **ARIDO**'s awareness of the factual circumstances enabling him exercise control over the offences jointly with his co-perpetrators: (i) his role as the procurer of false or forged documents and the purpose for which he was so tasked;<sup>421</sup> (ii) his transmission of false or forged documents to **KILOLO** for the purpose of their presentation in

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<sup>410</sup> See paras. 32-44, 47-51, 53-59, 61-64, 68-69, 70, 72, 75, 76, 91, 94, 99, 102.

<sup>411</sup> See para. 12.

<sup>412</sup> See paras. 36, 38-39, 49, 61, 88.

<sup>413</sup> See paras. 36, 38-39, 49, 53, 61, 83, 88-89.

<sup>414</sup> See paras. 32, 36-40, 44, 49, 55, 69, 76, 83, 108.

<sup>415</sup> See para. 14.

<sup>416</sup> See paras. 32-34.

<sup>417</sup> See paras. 32, 91, 94.

<sup>418</sup> See para. 32.

<sup>419</sup> See paras. 32-34, 91, 94-95.

<sup>420</sup> See paras. 32-34, 39, 91, 94.

<sup>421</sup> See para. 42.

court;<sup>422</sup> (iii) his knowledge of **KILOLO**'s and **MANGENDA**'s role in implementing the Common Plan;<sup>423</sup> (iv) his direct participation in recruiting witnesses to testify falsely in exchange for payment or other benefit;<sup>424</sup> (v) his direct participation in the illicit coaching and bribing of witnesses;<sup>425</sup> (vi) his knowledge that **KILOLO** and the other co-perpetrators were able to finance the scheme;<sup>426</sup> and (vii) his knowledge that the other co-perpetrators espoused the Common Plan and were actively involved in its implementation.<sup>427</sup>

## B. Article 25(3)(b)

140. Alternatively, **BEMBA** is individually criminally responsible pursuant to Article 25(3)(b) for soliciting the giving of false testimony pursuant to Article 70(1)(a), for soliciting the presentation of false evidence pursuant to Article 70(1)(b), and for soliciting the corrupt influencing of witnesses pursuant to Article 70(1)(c). His responsibility under Article 25(3)(b) is supported by each of the above facts underpinning his liability under Article 25(3)(a) because: (i) he instructed others,<sup>428</sup> directly or through intermediaries, to commit acts leading to the commission of, or to commit, the charged offences against the administration of justice;<sup>429</sup> (ii) his instructions led to the commission or attempted commission of these offences;<sup>430</sup> and (iii) he was at least aware that the offences would be committed in the ordinary course of events as a consequence of the execution or implementation of his instructions.<sup>431</sup>

141. Alternatively, **KILOLO**, and **ARIDO** are individually criminally responsible pursuant to Article 25(3)(b) for soliciting and/or inducing the giving of false testimony pursuant to

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<sup>422</sup> See paras. 42, 43.

<sup>423</sup> [CAR-OTP-0077-0169](#) at 0171.

<sup>424</sup> [CAR-OTP-0078-0184](#) at 0189-0190; [CAR-OTP-0078-0206](#) at 0207-0210, 0213-0214; [CAR-OTP-0078-0218](#) at 0221-0226; para. 75.

<sup>425</sup> See, e.g., [CAR-OTP-0078-0184](#) at 0189; [CAR-OTP-0078-0206](#) at 0210-0214.

<sup>426</sup> See paras. 34, 66-68, 74, 80-106.

<sup>427</sup> See paras. 34, 42-43, 66-81.

<sup>428</sup> ICC-02/11-01/11-656-Red, para. 243 (“the Chamber will consider the elements of ‘ordering’, as previously applied by the Court, as equally applicable to ‘soliciting’ and ‘inducing’, with the exception of the requirement of a position of authority”).

<sup>429</sup> See paras. 32, 36, 53.

<sup>430</sup> See paras. 32, 38, 53.

<sup>431</sup> See paras. 32, 36, 53.

Article 70(1)(a). Their responsibility under Article 25(3)(b) is supported by each of the above facts underpinning the liability under Article 25(3)(a) because: (i) they instructed others, directly and/or indirectly, to commit acts leading to the commission of, or to commit, the charged offences against the administration of justice;<sup>432</sup> (ii) their instructions had a direct effect on the commission or attempted commission of these offences;<sup>433</sup> and (iii) they were at least aware that the offences would be committed in the ordinary course of events as a consequence of the execution or implementation of their instructions.<sup>434</sup>

### C. Article 25(3)(c)

142. Alternatively, **MANGENDA**, **BABALA**, and **ARIDO** are individually criminally responsible pursuant to Article 25(3)(c) based on the facts described at paragraphs 115 to 117 and 124 to 132 for aiding, abetting or otherwise assisting the commission of the offences charged under Article 70(1)(a), (b) and (c), and in particular: (i) implementing **BEMBA**'s instructions in furtherance of the Common Plan, including by transferring money to the other co-perpetrators and to witnesses illicitly coached to testify falsely, and by reporting back to **BEMBA** information received from the other co-perpetrators;<sup>435</sup> (ii) taking steps together with the other co-perpetrators to conceal the Common Plan through the use of codes and by circumventing the Registry's Detention Centre monitoring system through arranging conference calls with third parties on **BEMBA**'s "privileged line", which was restricted to contact with counsel;<sup>436</sup> and (iii) providing the financial means to the other co-perpetrators to bribe witnesses directly or indirectly.<sup>437</sup>

143. **MANGENDA**, **BABALA**, and **ARIDO** facilitated the commission of the offences, intending, or aware, that the offences would occur in the ordinary course of events and that their acts or omissions facilitated the commission of such offences by the co-perpetrators.<sup>438</sup>

<sup>432</sup> See paras. 32-41, 45-109 (**KILOLO**), 42, 65-81, 105-106 (**ARIDO**).

<sup>433</sup> See paras. 32-41, 45-109 (**KILOLO**), 42, 65-81, 105-106 (**ARIDO**).

<sup>434</sup> See paras. 32-41, 45-109 (**KILOLO**), 42, 65-81, 105-106 (**ARIDO**).

<sup>435</sup> See paras. 32-34, 36, 53, 83, 91, 94.

<sup>436</sup> See paras. 30-31.

<sup>437</sup> See paras. 32-34.

<sup>438</sup> See paras. 133-139.

#### D. Article 25(3)(d)

144. In the alternative, **BEMBA, KILOLO, MANGENDA, BABALA**, and **ARIDO** are individually criminally responsible under Article 25(3)(d) for offences pursuant to Article 70(1)(a)(b), and (c) based on the facts underpinning their liability under Article 25(3)(a).

145. **BEMBA, KILOLO, MANGENDA**, and **ARIDO** are liable pursuant to Article 70(1)(b) for the presentation of both testimonial and documentary evidence known to be false or forged, respectively. **BABALA**'s liability for offences pursuant to Article 70(1)(b) relates to the presentation of testimonial evidence known to be false.

146. **BEMBA, KILOLO, MANGENDA, BABALA** and **ARIDO** are liable for these offences because: (i) they carried out the crimes as “a group of persons acting with a common purpose” namely, to defend **BEMBA** against charges of crimes against humanity and war crimes in the *Bemba* case through the commission of offences against the administration of justice under Article 70, by means including presenting false or forged evidence and/or corruptly influencing witnesses;<sup>439</sup> (ii) the actions comprised intentional contributions to the commission or attempted commission of the charged offences;<sup>440</sup> and (iii) the actions were done with the aim or the knowledge of furthering the criminal activity or criminal purpose of the group, namely to defend **BEMBA** against charges of crimes against humanity and war crimes in the *Bemba* case by presenting false or forged evidence and/or corruptly influencing witnesses.<sup>441</sup>

## VI. THE CHARGES

#### E. Relevant facts and circumstances and legal characterisation

147. Based on the facts and circumstances described in paragraphs 20 to 109, **Jean-Pierre BEMBA GOMBO, Aimé KILOLO MUSAMBA, Jean-Jacques MANGENDA KABONGO, Fidèle BABALA WANDU**, and **Narcisse ARIDO** are respectively criminally

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<sup>439</sup> See paras. 20-109.

<sup>440</sup> See paras. 118-132.

<sup>441</sup> See paras. 22-27, 32-44.

responsible pursuant to Article 25(3) of the Statute for offences intentionally committed against the administration of justice in violation of Article 70 as particularised below.

**Jean-Pierre BEMBA GOMBO** is criminally responsible for each count, concerning:

<b>Witness D-15</b> [REDACTED], from approximately 10 to 13 September 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 1</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 2</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 3</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-54</b> [REDACTED], from approximately 30 August to 1 November 2013 in one or more of the following locations: [REDACTED], and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 4</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 5</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 6</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-26</b> [REDACTED], from approximately 20 to 23 August 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 7</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 8</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)

<b>Count 9</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-3</b> [REDACTED], from January 2012 to 25 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 10</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 11</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 12</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-2</b> [REDACTED], from approximately February 2012 to 13 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 13</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 14</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 15</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-4</b> [REDACTED], from approximately 19 January 2012 to 20 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 16</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 17</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)

<b>Count 18</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-29</b> [REDACTED], from approximately 28 to 29 August 2013 in one or more of the following locations: [REDACTED], and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 19</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 20</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 21</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-25</b> [REDACTED], from approximately 9 to 27 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 22</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 23</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 24</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-13</b> [REDACTED], from approximately 10 to 14 November 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 25</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 26</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)

<b>Count 27</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-57</b> [REDACTED], from approximately 14 June to 19 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 28</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 29</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 30</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-64</b> [REDACTED], from approximately 14 June to 23 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 31</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 32</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 33</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-55</b> [REDACTED], from approximately 1 January to 31 October 2012 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 34</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 35</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)

<b>Count 36</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-23</b> [REDACTED], from approximately 9 to 22 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 37</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 38</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 39</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Witness D-6</b> [REDACTED], from approximately February 2012 to 24 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 40</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting) and 25(3)(d)
<b>Count 41</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>Count 42</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(b) (soliciting), and 25(3)(d)
<b>14 DOCUMENTS</b> , presented from 13 July 2012 to 23 November 2013 in The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 43</b>	Article 70(1)(b) (presenting documentary evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator) and 25(3)(d)

**Aimé KILOLO MUSAMBA** is criminally responsible for each count, concerning:

<b>Witness D-15</b> [REDACTED], from approximately 10 to 13 September 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 1</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 2</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 3</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Witness D-54</b> [REDACTED], from approximately 30 August to 1 November 2013 in one or more of the following locations: [REDACTED], and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 4</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 5</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 6</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Witness D-26</b> [REDACTED], from approximately 20 to 23 August 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 7</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 8</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 9</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)

<b>Witness D-3</b> [REDACTED], from January 2012 to 25 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 10</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 11</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 12</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Witness D-2</b> [REDACTED], from approximately February 2012 to 13 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 13</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 14</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 15</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Witness D-4</b> [REDACTED], from approximately 19 January 2012 to 20 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 16</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 17</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 18</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)

<b>Witness D-29</b> [REDACTED], from approximately 28 to 29 August 2013 in one or more of the following locations: [REDACTED], and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 19</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 20</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 21</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Witness D-25</b> [REDACTED], from approximately 9 to 27 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 22</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 23</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 24</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Witness D-13</b> [REDACTED], from approximately 10 to 14 November 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 25</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 26</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 27</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)

<b>Witness D-57</b> [REDACTED], from approximately 14 June to 19 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 28</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 29</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 30</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Witness D-64</b> [REDACTED], from approximately 14 June to 23 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 31</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 32</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 33</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Witness D-55</b> [REDACTED], from approximately 1 January to 31 October 2012 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 34</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 35</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 36</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)

<b>Witness D-23</b> [REDACTED], from approximately 9 to 22 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 37</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 38</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 39</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Witness D-6</b> [REDACTED], from approximately February 2012 to 24 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 40</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting or inducing) and 25(3)(d)
<b>Count 41</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>Count 42</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)
<b>14 DOCUMENTS</b> , presented from 13 July 2012 to 23 November 2013 in The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 43</b>	Article 70(1)(b) (presenting documentary evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator) and 25(3)(d)

**Jean-Jacques MANGENDA KABONGO** is criminally responsible for each count, concerning:

<b>Witness D-15</b> [REDACTED], from approximately 10 to 13 September 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 1</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 2</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 3</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-54</b> [REDACTED], from approximately 30 August to 1 November 2013 in one or more of the following locations: [REDACTED], and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 4</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 5</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 6</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-26</b> [REDACTED], from approximately 20 to 23 August 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 7</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 8</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 9</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Witness D-3</b> [REDACTED], from January 2012 to 25 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 10</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 11</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 12</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-2</b> [REDACTED], from approximately February 2012 to 13 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 13</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 14</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 15</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-4</b> [REDACTED], from approximately 19 January 2012 to 20 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 16</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 17</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 18</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Witness D-29</b> [REDACTED], from approximately 28 to 29 August 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 19</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 20</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 21</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-25</b> [REDACTED], from approximately 9 to 27 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 22</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 23</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 24</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-13</b> [REDACTED], from approximately 10 to 14 November 2013 i in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 25</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 26</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 27</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Witness D-57</b> [REDACTED], from approximately 14 June to 19 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 28</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 29</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 30</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-64</b> [REDACTED], from approximately 14 June to 23 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 31</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 32</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 33</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-55</b> [REDACTED], from approximately 1 January to 31 October 2012 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 34</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 35</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 36</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Witness D-23</b> [REDACTED], from approximately 9 to 22 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 37</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 38</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 39</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-6</b> [REDACTED], from approximately February 2012 to 24 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 40</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 41</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 42</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>14 DOCUMENTS.</b> presented from 13 July 2012 to 23 November 2013 in The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 43</b>	Article 70(1)(b) (presenting documentary evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(c) and 25(3)(d )

**Fidèle BABALA WANDU** is criminally responsible for each count, concerning:

<b>Witness D-15</b> [REDACTED], from approximately 10 to 13 September 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 1</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 2</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 3</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-54</b> [REDACTED], from approximately 30 August to 1 November 2013 in one or more of the following locations: [REDACTED], and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 4</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 5</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 6</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-26</b> [REDACTED], from approximately 20 to 23 August 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 7</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 8</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 9</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and

		25(3)(d)
<b>Witness D-3</b> [REDACTED], from January 2012 to 25 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 10</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 11</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 12</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-2</b> [REDACTED], from approximately February 2012 to 13 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 13</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 14</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 15</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-4</b> [REDACTED], from approximately 19 January 2012 to 20 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 16</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 17</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Count 18</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-29</b> [REDACTED], from approximately 28 to 29 August 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 19</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 20</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 21</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-25</b> [REDACTED], from approximately 9 to 27 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 22</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 23</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 24</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-13</b> [REDACTED], from approximately 10 to 14 November 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 25</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 26</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Count 27</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-57</b> [REDACTED], from approximately 14 June to 19 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 28</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 29</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 30</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-64</b> [REDACTED], from approximately 14 June to 23 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 31</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 32</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 33</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-55</b> [REDACTED], from approximately 1 January to 31 October 2012 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 34</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 35</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Count 36</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-23</b> [REDACTED], from approximately 9 to 22 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 37</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 38</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 39</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-6</b> [REDACTED], from approximately February 2012 to 24 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 40</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 41</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 42</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)

**Narcisse ARIDO** is criminally responsible for each count, concerning:

<b>Witness D-15</b> [REDACTED], from approximately 10 to 13 September 2013 in [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 1</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 2</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 3</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-54</b> [REDACTED], from approximately 30 August to 1 November 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 4</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 5</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 6</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-26</b> [REDACTED], from approximately 20 to 23 August 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 7</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 8</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Count 9</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-3</b> [REDACTED], from January 2012 to 25 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 10</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting), 25(3)(c) and 25(3)(d)
<b>Count 11</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 12</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-2</b> [REDACTED], from approximately February 2012 to 13 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 13</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting), 25(3)(c) and 25(3)(d)
<b>Count 14</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 15</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-4</b> [REDACTED], from approximately 19 January 2012 to 20 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 16</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting), 25(3)(c) and 25(3)(d)
<b>Count 17</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Count 18</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-29</b> [REDACTED], from approximately 28 to 29 August 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 19</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 20</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 21</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-25</b> [REDACTED], from approximately 9 to 27 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 22</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 23</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 24</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-13</b> [REDACTED], from approximately 10 to 14 November 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 25</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 26</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Count 27</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-57</b> [REDACTED], from approximately 14 June to 19 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 28</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 29</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 30</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-64</b> [REDACTED], from approximately 14 June to 23 October 2012 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 31</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 32</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 33</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-55</b> [REDACTED], from approximately 1 January to 31 October 2012 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 34</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 35</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>Count 36</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-23</b> [REDACTED], from approximately 9 to 22 August 2013 in one or more of the following locations: [REDACTED], Belgium, and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 37</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(c) and 25(3)(d)
<b>Count 38</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 39</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Witness D-6</b> [REDACTED], from approximately February 2012 to 24 June 2013 in one or more of the following locations: [REDACTED] and The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 40</b>	Article 70(1)(a) (giving false testimony in the <i>Bemba</i> case)	Article 25(3)(b) (soliciting), 25(3)(c) and 25(3)(d)
<b>Count 41</b>	Article 70(1)(b) (presenting testimonial evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)
<b>Count 42</b>	Article 70(1)(c) (corruptly influencing witnesses in the <i>Bemba</i> case)	Article 25(3)(a) (as a direct and/or indirect co-perpetrator), 25(3)(c) and 25(3)(d)

<b>14 DOCUMENTS.</b> presented from 13 July 2012 to 23 November 2013 in The Netherlands		
<b>Count(s)</b>	<b>Article 70 offence(s)</b>	<b>Mode(s) of liability</b>
<b>Count 43</b>	Article 70(1)(b) (presenting documentary evidence in the <i>Bemba</i> case he knew was false or forged)	Article 25(3)(a) (as an indirect co-perpetrator), 25(3)(c) and 25(3)(d)

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**Fatou Bensouda, Prosecutor**

Dated this 3<sup>rd</sup> Day of July 2014

At The Hague, The Netherlands