

**PUBLIC REDACTED ANNEX B**

## CHRONOLOGY OF EVENTS

*The ICC-OTP had the means to know about payments made to witnesses before cross-examinations.*

### D-57

**Date of testimony:** from 17 to 19 October 2012.

**Chronology of investigation:** The ICC-OTP investigator screened Kilolo, Bababa and the D-57's names in the Western Union's Vienna office either on 19-20 October 2012 or 04-05 November 2012 (*see* ICC investigator notes, CAR-OTP-0092-0018, at 0019, rows 5, 31, and 32). One money transfer appears in the Western Union spreadsheets given to the ICC-OTP in October/November 2012 (*see* Western Union's financial document: CAR-OTP-0092-0030, 'Musamba', row 9).

### D-64

**Date of testimony:** from 22 to 23 October 2012.

**Chronology of investigation:** The ICC-OTP investigator screened Kilolo, P-272, and D-64's names in the Western Union's Vienna office either on 19-20 October 2012 or 04-05 November 2012 (*see* ICC investigator notes, CAR-OTP-0092-0018, at 0019, rows 08, 32, and 34). Both money transfers appear in the Western Union spreadsheets given to the ICC-OTP in October/November 2012 (*see* Western Union's financial document: CAR-OTP-0092-0031, '[Redacted]', rows 2 and 3; CAR-OTP-0092-0030, 'Musamba', row 10).

### D-55

**Date of testimony:** from 29 to 31 October 2012.

**Chronology of investigation:** The ICC-OTP investigator screened Kilolo and D-55's names in the Western Union's Vienna office either on 19-20 October 2012 or 04-05 November 2012 (*see* ICC investigator notes, CAR-OTP-0092-0018, at 0019, row 32, at 0020, row 45). The money transfer appears in the Western Union spreadsheets given to the ICC-OTP in October/November 2012 (*see* Western Union's financial document: CAR-OTP-0092-0032, '[Redacted]', row 2).

### D-2

**Date of testimony:** on 12 and 13 June 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially bribed (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.22). The timing of the transfer postdates the start of Western Union cooperation with the ICC-OTP. It appears that the ICC-OTP had identified D-2 as one of the witnesses who were the subject of the anonymous informant tip and monitored his financial transactions with third parties (*see* Western Union's financial documents: CAR-OTP-0070-0004, with the chain of custody '2013-01-10'; CAR-OTP-0073-0273, with the chain of custody '2013-06-17:01').

### D-3

**Date of testimony:** between 18 and 25 June 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially bribed (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.22). It appears that the ICC-OTP had identified D-3 as one of the witnesses who were the subject of the anonymous informant tip and monitored his financial transactions with third parties (*see* Western Union and Express Union's financial documents: CAR-OTP-0070-0004, with the chain of custody '2013-01-10'; CAR-OTP-0073-0273, with the chain of custody '2013-06-17:01'; CAR-OTP-0073-0036, with the chain of custody '2013-06-04').

**D-6**

**Date of testimony:** on 21 and 24 June 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially bribed (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.22).

The timing of the transfer postdates the start of Western Union cooperation with the ICC-OTP. Caroline Bemba's name was screened against the Western Union's database around the 12<sup>th</sup> of November 2012 (*see* correspondence: CAR-OTP-0092-0035-R01, at 0035). The ICC-OTP investigator had screened Kilolo and D-6's names in the Western Union's Vienna office either on 19-20 October 2012 or 04-05 November 2012 (*see* ICC investigator notes, CAR-OTP-0092-0018, at 0018, row 32, at 0019, row 15).

It appears that the ICC-OTP had identified D-6 as one of the witnesses who were the subject of the anonymous informant tip and monitored his financial transactions with third parties (*see* Western Union's financial documents: CAR-OTP-0070-0007, with the chain of custody '2013-01-10'; CAR-OTP-0073-0273, with the chain of custody '2013-06-17:01').

**D-23**

**Date of testimony:** between 20 and 22 August 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Kokate was potentially corruptly influencing Defence witnesses (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.22). D-23 was first introduced to Kilolo by Kokate (*see* court document, ICC-01/05-01/13-1989-Conf, para.148). On 12 October 2012, P-7 alerted the ICC-OTP that D-23 was promised relocation in exchange of his testimony and that Kokate was facilitating contacts (*see* ICC investigator notes, CAR-OTP-0072-0476 at 0479).

**D-25**

**Date of testimony:** on 26 and 27 August 2013.

**Chronology of investigation:** The timing of the transfer postdates the start of Western Union cooperation with the ICC-OTP. The ICC-OTP investigator screened D-25 and Kilolo's names in the Western Union's Vienna office either on 19-20 October 2012 or during the second mission on 04-05 November 2012 (*see* ICC investigator notes, CAR-OTP-0092-0018, at 0019, rows 32 and 67). D-25's financial activities were closely investigated by the ICC-OTP (*see* Western Union's financial documents: CAR-OTP-0070-0006, with the chain of custody '2013-01-10'; CAR-OTP-0073-0275, with the chain of custody '2013-06-17:01').

***The ICC-OTP had the means to know about witnesses' prior contacts with the Defence before cross-examinations.***

**D-57**

**Date of testimony:** from 17 to 19 October 2012.

**Chronology of investigation:** The ICC-OTP received information from the anonymous informant prior to D-57's testimony (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red). It appears that ICC-OTP may have inferred that D-57 was impacted by this information, as reflected by *a*) their decision to question P-7 about D-57 prior to his testimony (*see* ICC investigator notes, CAR-OTP-0072-0476 at 0478) and *b*) attempts to speak to D-57 before his testimony (*see* court document, ICC-01/05-01/13-1902-Conf-Corr, para. 221).

**D-64**

**Date of testimony:** from 22 to 23 October 2012.

**Chronology of investigation:** The ICC-OTP received information from the anonymous informant prior to D-64's testimony (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red). It appears that the ICC-OTP may have inferred that D-64 was impacted by this information as reflected by their decision to question P-7 about D-64 prior to his testimony (*see* ICC investigator notes, CAR-OTP-0072-0476 at 0477).

#### D-55

**Date of testimony:** from 29 to 31 October 2012.

**Chronology of investigation:** The ICC-OTP received cooperation from Portugal but did not disclose the relevant RFAs. The ICC-OTP also redacted information concerning a contact with or concerning D-55 in June in its contact log (*see* P-0214's contacts log, CAR-OTP-0089-1332-R01, at 1333). The Defence is not in a position to ascertain what the ICC-OTP had the means to know.

#### D-2

**Date of testimony:** on 12 and 13 June 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially corruptly influenced (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.21-22).

#### D-6

**Date of testimony:** on 21 and 24 June 2013.

**Chronology of investigation:** The telephone contacts between Kilolo and D-6 occurred as early as 30 January 2013 up until November 2013 *via* both the '[Redacted]' and '[Redacted]' lines (for all telephone contacts, *see* [Redacted] Report, CAR-OTP-0090-0630, p.37-40). On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially corruptly influenced (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.21-22.).

On 22 August 2013, the ICC-OTP requested the Dutch Prosecutor to conduct informal checks on the '[Redacted]' number in the middle of D-6's testimony (*see* correspondence, CAR-OTP-0090-1965-R01 at 1967). On 22 August 2013, the ICC-OTP staff member emailed to the Dutch Prosecutor to confirm that they would now send the official request during the day (*see* correspondence, CAR-OTP-0090-1965-R01).

#### D-26

**Date of testimony:** between 20 and 22 August 2013.

**Chronology of investigation:** The ICC-OTP received information from the anonymous informant prior to D-26's testimony (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red). It appears that ICC-OTP may have inferred that D-26 was impacted by this information, as reflected by their decision to question P-7 about D-26 prior to his testimony (*see* ICC investigator notes, CAR-OTP-0072-0476 at 0480).

#### D-29

**Date of testimony:** on 28 and 29 August 2013.

**Chronology of investigation:** The contacts occurred as early as 19 October 2012 up until November 2013, *via* both the '[Redacted]' lines (for all telephone contacts, *see* [Redacted] Report, CAR-OTP-0090-0630, p.95-97). On 22 August 2013, the ICC-OTP requested the Dutch Prosecutor to conduct informal checks on the '[Redacted]' number (*see* correspondence, CAR-OTP-0090-1965-R01 at 1967). On 22 August 2013, the ICC-OTP staff member emailed to the Dutch Prosecutor to confirm that they would now send the official request during the day (*see* correspondence, CAR-OTP-0090-1965-R01).

The ICC-OTP had obtained D-29's phone number in October/November 2012 (*see* Western Union's financial document: CAR-OTP-0092-0030, '[Redacted]', row 2, column AC - Phone number supplied by Payee).

#### D-15

**Date of testimony:** from 11 to 13 September 2013.

**Chronology of investigation:** In an email decision from Trial Chamber II, in which the ICC-OTP was copied, the Bemba Defence was authorised to contact D-15 for the purposes of obtaining his consent to testify (*see* correspondence, CAR-D20-0002-0019).<sup>1</sup> The main case Defence team also filed a report of some of the contacts with D-15 (*see* correspondence, CAR-D20-0002-0008).<sup>2</sup>

On the last day of D-15's testimony, the OTP-ICC received CDRs of Mangenda's and Kilolo's numbers from the Dutch authorities (*see* court document, ICC-01/05-60-Red, para.10). The ICC-OTP subsequently informed the Single Judge that the CDRs information in their possession had allowed them to establish that Kilolo had contacted witnesses during their testimony/after the cut-off period (*see* court document, ICC-01/05-60-Red, paras.11-14).

#### D-54

**Date of testimony:** from 30 October to 1 November 2013.

**Chronology of investigation:** The ICC-OTP had the means to know of at least some telephone contacts between Mr. Kilolo and D-54, such as the 22 August 2013 call between Mr. Kilolo and D-54 on the '[Redacted]' number (for all telephone contacts, *see* [Redacted], CAR-OTP-0090-0630, p.98, row 3) as

a) during the pre-trial phase, the ICC-OTP said they received CDRs of Kilolo's number from the Dutch authorities on the 13<sup>th</sup> of September 2013 for the period 20-24 August 2013 (*see* court document, ICC-01/05-60-Red, paras.10-12); and

b) on appeal, the ICC-OTP confirmed they received CDRs for Kilolo's '[Redacted]' number from the Dutch authorities and this 'before the hearing on 10 October 2013' (*see* court document, ICC-01/05-01/13-2233-Conf, paras 6, 10, 12, 20, quoting ICC-01/05-60-Red). For further records (*see* Vodafone record, CAR-OTP-0072-0082, row 4153, with the chain of custody '2013-10-10:01').

On 10 October 2013, during an *ex-parte* status conference, the ICC-OTP was also told by the Independent Counsel that Kilolo was contacting witnesses in the middle of their testimony (*see* transcript, ICC-01/05-T-4-CONF-ENG, p.25, lns 2-5).

By 25 October 2013, the ICC-OTP had received the first Independent Counsel report, which set out allegations of contacts between Counsel and Defence witnesses during their testimony, as well as communications concerning payments to witnesses (*see* First Independent Counsel report, ICC-01/05-64-Conf, para.19; *see also* ICC-01/05-64-Conf-Anx).

#### D-13

**Date of testimony:** from 12 to 14 November 2013.

**Chronology of investigation:** On 13 September 2013, the OTP-ICC received CDRs of Mangenda's and Kilolo's numbers from the Dutch authorities (*see* court document, ICC-01/05-60-Red, para.10). The Belgium authorities also provided the ICC-OTP with Kilolo's CDRs by the 'end of October' (*see* court document, ICC-01/05-60-Red, para.11). The ICC-OTP subsequently informed the Single Judge that the CDRs information in their possession had allowed them to establish that Kilolo had contacted witnesses during their testimony/after the cut-off period (*see* court document, ICC-01/05-60-Red, paras. 11-14).

<sup>1</sup> This document was put to witness P-433 during cross-examination, *see* transcript, ICC-01/05-01/13-T-12-CONF-ENG, p.50, ln 12.

<sup>2</sup> This document was put to P-433 during cross-examination, *see* ICC-01/05-01/13-T-12-CONF-ENG, p.52, ln. 17

On 10 October 2013, during an *ex-parte* status conference, the ICC-OTP was also told by the Independent Counsel that Kilolo was contacting witnesses in the middle of their testimony (*see* transcript, ICC-01/05-T-4-CONF-ENG, p.25, lns 2-5).

By 25 October 2013, the ICC-OTP had received the first Independent Counsel report, which set out allegations and instances of contacts between Counsel and Defence witnesses during their testimony, as well as communications concerning payments to witnesses (*see* court document, ICC-01/05-64-Conf, para.19; *see also* ICC-01/05-64-Conf-Anx).

On 4 November 2013, the main case Defence informed the Parties that they had kept regular contacts with D-13 (*see* transcripts and court documents: ICC-01/05-01/13-2144-Conf, para.211; ICC-01/05-01/13-2202-Red2-Corr, para.134; ICC-01/05-01/08-T-352-Red-ENG, pp.35-36. *See also* ICC-01/05-01/08-2862-Red3, para.8). This is confirmed by **Judge Sylvia Steiner**'s questions to D-13 on the stand (*see* transcript, ICC-01/05-01/08-T-352-CONF-ENG, p.35, lns.4-25, p.36, lns. 1-4). The ICC-OTP had obtained D-13's phone number in October/November 2012 (*see* Western Union's financial document: CAR-OTP-0092-0032, '[Redacted]', row 4, column AC - Phone number supplied by Payee).

***The ICC-OTP had the means to know that witnesses were lying about their acquaintances before cross-examinations.***

## **D-2**

**Date of testimony:** on 12 and 13 June 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially corruptly influenced. The anonymous informant designated Kokate as a go-between, so the ICC-OTP could have drawn a link between D-2 and Kokate (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.21-22).

On 4 June 2013, the ICC-OTP had received CDRs from Cameroon before D-2's testimony, revealing contacts between D-2 and Arido (*see* Call Data Records, CAR-OTP-0073-0239 at 0257, rows 16, 52, 53 with a chain of custody '2013-06-04'; for all telephone contacts *see* [Redacted] Report, CAR-OTP-0090-0630, p.23). The ICC-OTP had obtained D-2 and Arido's phone numbers in October/November 2012 (*see* Western Union's financial documents: CAR-OTP-0092-0029, 'Narcisse Arido', row 72, Column AC - Phone number supplied by Payee; CAR-OTP-0092-0030, '[Redacted]', row 2, column AC -Phone number supplied by Payee).

Since the ICC-OTP received information from the anonymous informant prior to D-2's testimony (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red) they could have drawn a link between D-2 and D-7, as the latter was also present at the Douala meeting (*see* court document, ICC-01/05-01/13-1989-Conf, para.331).

## **D-3**

**Date of testimony:** between 18 and 25 June 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially corruptly influenced. The anonymous informant designated Kokate as a go-between, so the OTP could have drawn a link between D-3 and Kokate (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.21-22).

On 4 June 2013, the ICC-OTP had received CDRs from Cameroon before D-3's testimony, revealing contacts between D-3 and Arido (*see* Call Data Records, CAR-OTP-0073-0190, at

0192, rows 51, 52, 61, 62, 63, 64 with the chain of custody '2013-06-04'; *see also* CAR-OTP-0073-0239 received on the same day; for all telephone contacts *see* [Redacted] Report, CAR-OTP-0090-0630, p.29). The ICC-OTP had obtained D-3 and Arido's phone numbers in October/November 2012 (*see* Western Union's financial documents: CAR-OTP-0092-0029, 'Narcisse Arido', row 72, column AC - Phone number supplied by Payee; CAR-OTP-0092-0030, '[Redacted]', row 3, column AC - Phone number supplied by Payee).

Since the ICC-OTP received information from the anonymous informant prior to D-3's testimony (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red), they could have drawn a link between D-3 and D-7, as the latter was also present at the Douala meeting (*see* court document, ICC-01/05-01/13-1989-Conf, para.331).

#### D-4

**Date of testimony:** between 18 and 20 June 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially corruptly influenced. The anonymous informant designated Kokate as a go-between and so the ICC-OTP could have drawn a link between D-4 and Kokate (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.21-22). It appears that ICC-OTP may have inferred that D-4 was impacted by this information, as reflected by their decision to question P-7 about D-4 prior to his testimony (*see* ICC investigator notes, CAR-OTP-0072-0476 at 0479).

On 4 June 2013, the ICC-OTP had received CDRs from Cameroon before D-4's testimony, revealing contacts between D-4 and Arido (*see* Call Data Records, CAR-OTP-0073-0190, at 0210, rows 66, 67 with the chain of custody '2013-06-04'; *see also* CAR-OTP-0073-0239, at 0247, rows 58, 59, 60, 61, at 0253, rows 16, 17, 22, 23 etc. received on the same day; for all telephone contacts, *see* [Redacted] Report, CAR-OTP-0090-0630, p.35). The ICC-OTP obtained D-4 and Arido's phone numbers in October/November 2012 (*See* Western Union's financial documents: CAR-OTP-0092-0029, 'Narcisse Arido', row 72, column AC - Phone number supplied by Payee; CAR-OTP-0092-0030, '[Redacted]', row 2, column AC - Phone number supplied by Payee).

Since the ICC-OTP received information from the anonymous informant prior to D-4's testimony (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red), they could have drawn a link between D-4 and D-7, as the latter was also present at the Douala meeting (*see* court document, ICC-01/05-01/13-1989-Conf, para.331).

#### D-6

**Date of testimony:** on 21 and 24 June 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially corruptibly influenced by Kokate (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.21-22).

#### D-23

**Date of testimony:** between 20 and 22 August 2013.

**Chronology of investigation:** On 12 October 2012, P-7 established the link between D-23 and Kokate and declared that they met in [Redacted] (*see* ICC investigator notes, CAR-OTP-0072-0476, at 0479).

#### D-29

**Date of testimony:** on 28 and 29 August 2013.

**Chronology of investigation:** The ICC-OTP received information from the anonymous informant prior to his testimony and so the ICC-OTP knew that the Defence was using

Kokate as a resource person for witnesses in Cameroon and Brazzaville (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.21).

***The ICC-OTP had the means to know that the witness was lying when he denied being introduced to Kilolo by a ‘committee designed to harmonise the evidence’ before cross-examination.***

**D-6**

**Date of testimony:** on 21 and 24 June 2013.

**Chronology of investigation:** On 14 June 2012, tipped off by the anonymous informant, the ICC-OTP knew that Defence witnesses who participated in the Douala/Yaoundé meetings were potentially corruptly influenced by Kokate (*see* court document, ICC-01/05-01/13-292-Conf-AnxA-Red, p.21-22).