

Summary of the Judgment in the case of
*The Prosecutor v Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba,
Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, Narcisse
Arido*

I. Introduction

1. Trial Chamber VII of the International Criminal Court hereby delivers a summary of today's Judgment as to whether Mr Jean-Pierre Bemba Gombo (Mr Bemba), Mr Aimé Kilolo Musamba (Mr Kilolo), Mr Jean-Jacques Mangenda Kabongo (Mr Mangenda), Mr Fidèle Babala Wandu (Mr Babala), and Mr Narcisse Arido (Mr Arido) are guilty of having committed offences against the administration of justice involving 14 witnesses who had testified on behalf of the defence in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* ('Main Case'). The Chamber underscores that only the written Judgment in English is authoritative.
2. The present summary sets out, in brief, the charges (section II), and the main points of the Chambers' interpretation of the applicable law (section III); its findings on the facts (section IV); its legal characterisation of the facts (section V); and its verdict (section VI).

II. The Charges

3. On 11 November 2014, Pre-Trial Chamber II confirmed, in part, the charges against the five accused in this case, as presented by the Prosecutor at the confirmation of charges stage, and committed them to trial. The Pre-Trial Chamber found that there was sufficient evidence to establish substantial

grounds to believe that, between the end of 2011 and 14 November 2013 in various locations, the five accused had committed offences against the administration of justice involving the offences of corruptly influencing 14 Main Case defence witnesses (Article 70(1)(c) of the Statute), presenting false evidence (Article 70(1)(b) of the Statute), and giving false testimony when under an obligation to tell the truth (Article 70(1)(a) of the Statute). These offences were allegedly perpetrated in various ways, namely by committing (direct perpetration and co-perpetration), soliciting, inducing, aiding, abetting or otherwise assisting in their commission. Charges against Mr Arido were confirmed only in connection with four of the 14 witnesses.

III. Applicable Law

4. The rationale of Article 70 of the Statute is to enable the Court to discharge its mandate when adjudicating cases falling under its jurisdiction. The different sub-paragraphs of Article 70(1) of the Statute address various forms of conduct that may encroach upon the integrity and efficacy of the proceedings before the Court.
5. Article 70(1)(a) of the Statute addresses the giving of false testimony of a witness when under an obligation, pursuant to Article 69(1) of the Statute, to tell the truth. The offence under Article 70(1)(a) of the Statute is committed when a witness intentionally affirms a false fact or negates a true fact when directly asked. The same applies if the witness is not directly asked but intentionally withholds information that is true and that is inseparably linked to the issues explored during questioning. Considering that a witness will regularly testify on a plethora of issues during testimony, not *all* information triggers the application of Article 70(1)(a) of the Statute but only such information that is 'material'. 'Materiality' pertains to any information that has an impact on the assessment of the facts relevant to the case or the assessment of the credibility of witnesses, such as information relating to

(i) prior contacts with the calling party and the contents of such contacts, (ii) receipt of telephone calls and/or payments of money by the calling party and/or their associates, regardless of their purpose; (iii) acquaintance with the accused or other persons associated with them; and (iv) the making of promises to the witness in exchange for testimony. Finally, the testimony must be 'false', meaning that the witness does not comply with the duty to tell the truth and makes an objectively untrue statement, thereby misleading the Court.

6. Article 70(1)(b) of the Statute addresses the intentional presentation of evidence that the party knows is false or forged. The 'party' is considered to encapsulate the accused and (at least) the Prosecution and the Defence, including all members of their teams. When assessing whether a person within the team can be considered a 'party', the Chamber not only pays regard to his or her formal job title, but assesses his or her *actual* role in the specific circumstances of the case. The term 'evidence' encompasses all types of evidence, including oral testimony, which seeks to prove a particular factual allegation. The evidence that is 'false' or 'forged' is deemed 'presented' when it is introduced in the proceedings, irrespective of whether the evidence is admissible or the presenting party intends to rely on it. In the case of oral testimony, this takes place at least when a witness appears before the Court and testifies.
7. Article 70(1)(c), first alternative, of the Statute addresses the intentional corrupt influencing of a witness. The perpetrator's interference aims at deterring the witness from giving full evidence or in any way unduly influencing the nature of the witness's testimonial evidence. Decisive in this regard is the perpetrator's expectation. The most obvious form of 'influencing' is bribing witnesses by, for example, paying money, providing goods, rewards, gifts, or making promises. Other forms of 'influencing' can be seen in pressuring, intimidating, threatening witnesses or causing injuries that

aim at procuring a particular testimony by the witnesses. 'Influencing' may also be assumed if the perpetrator modifies the witness's testimony by instructing, correcting or scripting the answers to be given in court, or providing concrete instructions to the witness to dissemble when giving evidence, such as to act with indecision or show equivocation. All the above behaviours are specifically aimed at compromising the reliability of the evidence because they render it difficult, if not impossible, to differentiate between what emanates genuinely from the witness and what emanates from the instructor. The use of the word 'corruptly' signifies that the relevant conduct is aimed at contaminating the witness's testimony. Finally, the provision penalises the improper conduct of the perpetrator who intends to influence the evidence before the Court and does not require proof that the conduct had an actual effect on the witness.

IV. The Facts

8. **Mr Bemba, Mr Kilolo and Mr Mangenda** jointly agreed to illicitly interfere with defence witnesses in order to ensure that they would provide evidence in favour of Mr Bemba. The common plan was made in the course of the Main Case between the three accused and involved the corrupt influencing of, at least, 14 Main Case defence witnesses., together with the false presentation of aspects of their evidence.
9. Mr Bemba, Mr Kilolo and Mr Mangenda adopted a series of measures with a view to concealing their illicit activities, such as the abuse of the Registry's privileged line in the ICC Detention Centre, or money transfers to defence witnesses through third persons or to persons close to the defence witnesses. Mr Kilolo, assisted by Mr Mangenda, secretly distributed new telephones to defence witnesses, without the knowledge of the Registry and in breach of the cut-off date for contacts imposed by Trial Chamber III, so that Mr Kilolo could stay in contact with them. They also used coded language when speaking on

the telephone, making reference to persons by using codes, or using particular expressions, such as the term '*faire la couleur*', or variants thereof, signifying the bribing or illicit coaching of witnesses.

10. **Mr Bemba**, as the ultimate beneficiary of the common plan, planned, authorised, and approved the illicit coaching of the 14 Main Case defence witnesses and provided precise instructions which were, in turn, implemented by Mr Kilolo. Mr Bemba authorised the illicit payment of money to the witnesses prior to their testimony and ensured, through Mr Babala, that financial means were available to Mr Kilolo and Mr Mangenda with which they executed their illicit activities. Mr Bemba also spoke with witnesses personally on the telephone by abusing the ICC Detention Centre privileged line. Mr Bemba took measures, as agreed with the other co-perpetrators, to conceal the common plan, including the exploitation of his privileged line at the ICC Detention Centre and remedial measures in the light of information of the Article 70 investigation against them.
11. **Mr Kilolo**, as counsel of Mr Bemba leading the defence investigation activities, implemented Mr Bemba's instructions and illicitly coached the Main Case defence witnesses either over the telephone or in personal meetings in close proximity to the date of the witnesses' testimony. He instructed the witnesses to lie on key points bearing on the subject-matter of the Main Case; told them to lie about matters bearing on the credibility of the witnesses, their prior contacts with the defence, acquaintance of certain individuals, and payments of money or promises received from the Main Case Defence, and told them to feign particular behaviour when testifying. Mr Kilolo illicitly coached, scripted, dictated and corrected the 14 Main Case defence witnesses' expected testimonies, also in the light of the evidence given by other Main Case defence witnesses. He kept close contact with the witnesses before and during their testimonies, sometimes late at night or early

in the morning, so as to make sure that they complied with his instructions. He did so in deliberate disregard of the contact prohibition imposed by Trial Chamber III after the defence witnesses had been entrusted into the care of the Victims and Witnesses Unit. Mr Kilolo rehearsed prospective questions of the victims' legal representatives with the witnesses, which had been shared confidentially with the Main Case Defence, and in the same order they would be put in court and provided the expected replies. Mr Kilolo also made the calling of witnesses dependent on their willingness to follow his narrative, or on the fact that he had extensively briefed them beforehand. He also intentionally gave, transferred or facilitated the giving of money (amounts varying between EUR 600-800 or USD 1,300), material benefits (e.g. a laptop) or non-monetary promises (e.g. Mr Bemba's good graces) with a view to securing their testimonies in favour of Mr Bemba in the Main Case.

12. **Mr Mangenda**, whose role in the defence team went beyond that solely of a case manager, advised both Mr Kilolo and Mr Bemba on an equal footing, and liaised between the two. He also conveyed Mr Bemba's instructions, assisted and advised Mr Kilolo on the illicit coaching activities. Mr Mangenda updated Mr Kilolo on the testimonies of witnesses whenever Mr Kilolo was not physically present in the courtroom so that he could effectively and illicitly coach the witnesses and streamline their evidence in favour of the defence. He also advised on which witnesses performed badly or needed to be instructed, and made proposals on how best to carry out the illicit witness preparation. Mr Mangenda also provided Mr Kilolo with the questions of the victims' legal representatives, knowing that Mr Kilolo would use them to illicitly coach witnesses. He accompanied Mr Kilolo on field missions knowing that Mr Kilolo would illicitly coach the witnesses. He also participated in the distribution of cell phones to the Main Case defence witnesses, without the knowledge of the Registry, knowing that Mr Kilolo would use them to stay in contact with the witnesses after the cut-off date for

contacts and during their testimony. Mr Mangenda also took steps, as agreed with the other co-perpetrators, to conceal the common plan, including remedial measures in the light of discovery of the Article 70 investigation.

13. In achieving their goal, the three accused also relied on others, including the co-accused Mr Babala and Mr Arido, who, though not part of the common plan, also made efforts to further this goal.
14. On 11 October 2013, one month before the last defence witness was called in the Main Case, Mr Mangenda informed Mr Kilolo '*top secret*' that he had received information that an investigation for alleged bribing of witnesses had been initiated against them. From the time the three accused gained knowledge of an Article 70 investigation against them, a number of remedial measures were conceived and implemented with a view to frustrating the Prosecution's investigation. Mr Bemba instructed Mr Kilolo to contact all defence witnesses in a '*tour d'horizon*' in order to ascertain whether any one of them had leaked information to the Prosecution. Mr Kilolo complied with this instruction. Mr Bemba, Mr Kilolo and Mr Mangenda agreed to offer defence witnesses incentives and money so that they would terminate their collaboration with the Prosecution, and to obtain declarations from the defence witnesses attesting that they had lied to the Prosecution.
15. **Mr Babala** was in regular telephone contact with Mr Bemba and was his financier, transferring money at his behest. Generally, prior to each payment he sought the authorization and approval of Mr Bemba to proceed with effecting the money transactions. He intentionally effected a money transfer to the wife of a witness and facilitated the money transfer to another witness's daughter. After Mr Bemba, Mr Kilolo and Mr Mangenda became aware of the initiation of an Article 70 investigation against them, Mr Babala discussed possible remedial measures. Mr Babala encouraged Mr Kilolo to ensure '*le service après-vente*', i.e. paying witnesses after their testimonies before Trial Chamber III. However, Mr Babala did not further assist in the corrupt

influencing of the remaining twelve Main Case Defence witnesses. He also did not further assist in the giving of false testimony by the 14 witnesses and the presentation of their evidence to the Court.

16. **Mr Arido** recruited four out of 14 Main Case defence witnesses and promised them payment of 10 million Central African Francs and relocation to Europe. The promise of money and relocation was given by Mr Arido as an inducement to procure the testimony of the four Main Case defence witnesses in favour of Mr Bemba. He acted as a 'go-between' and relayed the witnesses' concerns to Mr Kilolo. Prior to Mr Kilolo interviewing the four witnesses, Mr Arido briefed them (or facilitated their briefing by others) to present themselves as soldiers whilst believing that they did not have such background. He assigned the witnesses their alleged military ranks and handed out military insignia. He also provided details to the witnesses regarding their purported military background, experience and training. However, Mr Arido did not further assist in the giving of false testimony by the four witnesses and the presentation of their evidence to the Court.

V. Legal Characterisation of the Facts

1. Mr Kilolo

17. Mr Kilolo, as co-perpetrator, intentionally, jointly with Mr Bemba and Mr Mangenda, illicitly coached the 14 Main Case defence witnesses. On the evidence, Mr Kilolo's conduct went far beyond the mere rehearsing or recapitulating of the witnesses' statements previously given to the Main Case defence. Mr Kilolo scripted, corrected, instructed and dictated the contents of the testimonies of the 14 Main Case defence witnesses either in person or over the telephone, irrespective of the witnesses' knowledge or personal experience and regardless of the truth or falsity. Money, material benefits and non-monetary promises were given as an inducement or reward to unduly procure the favourable testimony of the witnesses. As a result, the Chamber

finds that the conduct displayed by Mr Kilolo amounts to illicit coaching and bribing of witnesses, typical forms of corruptly influencing.

18. The Chamber is convinced that Mr Kilolo's contributions to the illicit coaching activities were essential, without which the influencing of the witnesses would not have occurred at all or in the same way. Mr Kilolo's aim was to manipulate the witnesses' testimonies. He expected the witnesses to follow his narrative and instructions, thus contaminating the evidence presented before Trial Chamber III. Indeed, as a matter of fact, his influence had an impact on the testimony of most of the 14 Main Case defence witnesses.
19. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Kilolo, jointly with Mr Bemba and Mr Mangenda, committed the offence of corruptly influencing of 14 witnesses within the meaning of Articles 70(1)(c) and 25(3)(a) of the Statute.
20. Also, Mr Kilolo, jointly with Mr Bemba and Mr Mangenda, called the 14 witnesses to testify as defence witnesses in the Main Case after having illicitly coached them. By doing so, Mr Kilolo, together with Mr Bemba and Mr Mangenda, intentionally introduced their evidence into the evidentiary record of the Main Case. Having illicitly coached them previously, Mr Kilolo knew that the evidence of the 14 Main Case defence witnesses was false. In this context, the Chamber highlights that, as it clarified at the commencement of the trial, it only relied on the witnesses' testimony relating to (i) prior contacts with the defence in the Main Case, (ii) the receipt of money, material benefits and non-monetary promises, and (iii) witnesses' acquaintance with third persons. The Chamber did not assess the falsity of the testimonial evidence relating to the merits of the Main Case.
21. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Kilolo, jointly with Mr Bemba and Mr Mangenda, committed the offence of presenting false evidence through 14 witnesses within the meaning of Articles 70(1)(b) and 25(3)(a) of the Statute.

22. The 14 Main Case defence witnesses, who were under oath when giving evidence before Trial Chamber III, objectively, and upon instruction of Mr Kilolo, did not tell the truth relating to three points, namely (i) prior contacts with the defence in the Main Case, (ii) the receipt of money, material benefits and non-monetary promises, and (iii) the witnesses' acquaintance of third persons. The information under these three categories was 'material' as it has a significant impact on the assessment of a witness's credibility. Questions on these points, especially when put by the non-calling party, provide indispensable information and are deliberately put to witnesses with a view to testing their credibility. Mr Kilolo exerted influence over the 14 Main Case defence witnesses and urged them to give false testimony by intentionally instructing, dictating as well as rewarding them, such as giving or facilitating the transfer of money, material benefits and non-monetary promises.
23. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Kilolo induced the giving of false testimony by the 14 Main Case defence witnesses within the meaning of Articles 70(1)(a) and 25(3)(b) of the Statute.

2. Mr Mangenda

24. Mr Mangenda, jointly with Mr Bemba and Mr Kilolo, intentionally contributed, as co-perpetrator, to the planning and execution of the illicit coaching activities of Mr Kilolo involving the 14 Main Case defence witnesses. The Chamber is convinced that Mr Mangenda's contributions to the illicit coaching activities were essential, without which the influencing of the 14 witnesses would not have occurred at all or in the same way. Mr Mangenda shared the aim of manipulating the witnesses' testimonies and contaminating the evidence presented before Trial Chamber III.
25. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Mangenda, jointly with Mr Bemba and Mr Kilolo, committed

the offence of corruptly influencing 14 Main Case defence witnesses within the meaning of Articles 70(1)(c) and 25(3)(a) of the Statute.

26. Mr Mangenda, jointly with Mr Bemba and Mr Kilolo, introduced the testimonial evidence of the 14 Main Case defence witnesses into the evidentiary record of the Main Case. Having participated in the illicit coaching activities together with Mr Kilolo, Mr Mangenda knew that the testimonial evidence of the witnesses concerned was false as regards (i) prior contacts with the defence in the Main Case, (ii) the receipt of money, material benefits and non-monetary promises, and (iii) witnesses' acquaintance of third persons.
27. The fact that Mr Mangenda officially carried out the functions of a case manager does not preclude the Chamber from holding him responsible as co-perpetrator of the offence of presenting false evidence. Moreover, and rather than relying on the official position held by Mr Mangenda within the defence team in the Main Case, the Chamber assessed Mr Mangenda's *actual* role. Significance is attached to the fact that Mr Mangenda discussed and coordinated the presentation of false evidence with Mr Bemba and Mr Kilolo on an equal footing. He in particular discussed with Mr Kilolo whether witnesses, who had been previously illicitly coached, should be called to testify, and advised Mr Kilolo on the questions and topics that Mr Kilolo should elicit during their examination in court. These actions convince the Chamber that Mr Mangenda took part in the presentation of evidence.
28. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Mangenda, jointly with Mr Bemba and Mr Kilolo, committed the offence of presenting false evidence through 14 Main Case defence witnesses within the meaning of Articles 70(1)(b) and 25(3)(a) of the Statute.
29. As set out in para. 22 above, the 14 Main Case defence witnesses, who were under oath when giving evidence before Trial Chamber III, objectively, and upon instruction of Mr Kilolo, did not tell the truth on three points. On the

evidence, Mr Mangenda assisted in the giving of false testimony of in total nine out of the 14 Main Case defence witnesses by planning, coordinating, encouraging and supporting, Mr Kilolo in their illicit coaching. More precisely, in relation to seven Main Case defence witnesses, Mr Mangenda was present, thereby providing moral support and encouragement, when Mr Kilolo met with, provided new telephones, illicitly coached and/or bribed them. In relation to two other Main Case defence witnesses, Mr Mangenda provided material support to Mr Kilolo who coached them. Mr Mangenda also acted intentionally with the purpose of facilitating the commission of the offence of giving false evidence by the witnesses, knowing that such false evidence would be presented. The evidence did not support any direct or indirect link between Mr Mangenda's activities and the false testimony, as specified in paragraph 22, given by the remaining five Main Case defence witnesses.

30. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Mangenda committed the offence of aiding the giving of false testimony by two Main Case defence witnesses, and abetting the giving of false testimony by seven Main Case defence witnesses within the meaning of Articles 70(1)(a) and 25(3)(c) of the Statute.

3. Mr Bemba

31. Mr Bemba, jointly with Mr Kilolo and Mr Mangenda, intentionally participated, as co-perpetrator, in the illicit coaching activities of witnesses. The Chamber is convinced that Mr Bemba's contributions to the illicit coaching activities were essential, without which the influencing of the 14 Main Case defence witnesses would not have occurred at all or in the same way. Mr Bemba shared the aim of manipulating the witnesses' testimonies and contaminating the evidence presented before Trial Chamber III.

32. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Bemba, jointly with Mr Kilolo and Mr Mangenda, committed

the offence of corruptly influencing 14 Main Case defence witnesses within the meaning of Articles 70(1)(c) and 25(3)(a) of the Statute.

33. Mr Bemba, jointly with Mr Kilolo and Mr Mangenda, introduced the testimonial evidence of 14 Main Case defence witnesses into the evidentiary record of the Main Case. Having participated in the illicit coaching activities together with Mr Kilolo and Mr Mangenda, Mr Bemba knew that the testimonial evidence of the witnesses concerned was false as regards (i) prior contacts with the defence in the Main Case, (ii) the receipt of money, material benefits and non-monetary promises, and (iii) witnesses' acquaintance of third persons. Mr Bemba's contributions to the presentation of false evidence were essential.
34. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Bemba, jointly with Mr Kilolo and Mr Mangenda, committed the offence of presenting false evidence through 14 Main Case defence witnesses within the meaning of Articles 70(1)(b) and 25(3)(a) of the Statute.
35. As set out in para. 22 above, the 14 Main Case defence witnesses, who were under oath when giving evidence before Trial Chamber III, objectively, and upon instruction of Mr Kilolo, did not tell the truth on the three points. Given Mr Bemba's role in the common plan, the Chamber is satisfied that – through Mr Kilolo – Mr Bemba, asked or urged for conduct with the explicit and/or implicit consequence of prompting each of the 14 Main Case defence witnesses to provide false testimony. Moreover, Mr Bemba approved and authorised the illicit payments to witnesses, or their close relatives or associates, thus ensuring that the witnesses followed the instructions given by Mr Kilolo.
36. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Bemba solicited the giving of false testimony by 14 Main Case defence witnesses within the meaning of Articles 70(1)(a) and 25(3)(b) of the Statute.

4. Mr Babala

37. Mr Babala intentionally made or facilitated money transfers to two Main Case defence witnesses, knowing that these payments were illicit. On the evidence, no direct or indirect link exists between Mr Babala's assistance as financier to Mr Bemba, Mr Kilolo and Mr Mangenda and the corrupt influencing of the remaining twelve Main Case defence witnesses.
38. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Babala aided in the corrupt influencing of two Main Case defence witnesses within the meaning of Articles 70(1)(c) and 25(3)(c) of the Statute.
39. On the evidence, no direct or indirect link exists between Mr Babala's assistance as financier to Mr Bemba, Mr Kilolo and Mr Mangenda and the presentation of false evidence through 14 Main Case defence witnesses. In the light of the foregoing, the Chamber is therefore unable to conclude, that Mr Babala aided, abetted or otherwise assisted in the presentation of false evidence pursuant to Articles 70(1)(b) and 25(3)(c) of the Statute.
40. Likewise, on the evidence, no direct or indirect link exists between Mr Babala's assistance as financier to Mr Bemba, Mr Kilolo and Mr Mangenda and the giving of false evidence by 14 Main Case defence witnesses. The Chamber is therefore unable to conclude that Mr Babala aided, abetted or otherwise assisted in the giving of false testimony pursuant to Articles 70(1)(a) and 25(3)(c) of the Statute.

5. Mr Arido

41. Mr Arido recruited four Main Case defence witnesses and intentionally promised them money and relocation in Europe in exchange for their testimony in the Main Case. The promise of money and relocation was given by Mr Arido as an inducement to procure the testimony of the witnesses in favour of Mr Bemba. He constructed and adjusted the witnesses' testimonies according to a specific narrative favourable to Mr Bemba during the

instruction and briefing sessions, knowing that the witnesses had only agreed to testify before the Court as a result of the promises he had made to them, thus contaminating the evidence presented before Trial Chamber III. Accordingly, Mr Arido intentionally manipulated the testimonial evidence.

42. In the light of the foregoing, the Chamber is satisfied beyond reasonable doubt that Mr Arido corruptly influenced four Main Case defence witnesses within the meaning of Articles 70(1)(c) and 25(3)(a) of the Statute.

43. As set out in para. 22 above, the four Main Case defence witnesses, who were under oath when giving evidence before Trial Chamber III, objectively, and upon instruction of Mr Kilolo, did not tell the truth on three points. However, the evidence did not show that Mr Arido instructed the four witnesses on any of these points. Therefore the Chamber is not convinced beyond reasonable doubt that Mr Arido, pursuant to Articles 70(1)(b) and Article 25(3)(c) of the Statute, aided, abetted or otherwise assisted the commission, by Mr Bemba, Mr Kilolo and Mr Mangenda, of the offence of presenting false oral evidence by way of introducing the testimony of four Main Case defence witnesses in the proceedings before Trial Chamber III, by instructing them on false information to present to the Court and their introduction to Mr Kilolo.

44. For the same reasons as above, the Chamber is not convinced beyond reasonable doubt that Mr Arido aided, abetted or otherwise assisted in the commission by the four Main Case defence witnesses of the offence of giving false testimony when under an obligation to tell the truth, pursuant to Articles 70(1)(a) and 25(3)(c) of the Statute.

VI. Verdict

45. For the foregoing reasons and on the basis of the evidence submitted and discussed at trial, and the entire proceedings, pursuant to Article 74(2) of the Statute, the Chamber finds

Jean-Pierre Bemba Gombo

GUILTY, under Articles 70(1)(b) and (c), in conjunction with Article 25(3)(a) of the Statute, of having corruptly influenced D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54, D-55, D-57, and D-64 and having presented their false evidence as co-perpetrator;

GUILTY, under Article 70(1)(a), in conjunction with Article 25(3)(b) of the Statute, of having solicited the giving of false testimony by witnesses D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54, D-55, D-57, and D-64.

Aimé Kilolo Musamba

GUILTY, under Article 70(1)(b) and (c), in conjunction with Article 25(3)(a) of the Statute, of having corruptly influenced witnesses D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54, D-55, D-57, and D-64 and having presented their false evidence as co-perpetrator;

GUILTY, under Article 70(1)(a), in conjunction with Article 25(3)(b) of the Statute, of having induced the giving of false testimony by witnesses D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54, D-55, D-57, and D-64.

Jean-Jacques Mangenda Kabongo

GUILTY, under Article 70(1)(b) and (c), in conjunction with Article 25(3)(a) of the Statute, of having corruptly influenced witnesses D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54, D-55, D-57, and D-64 and having presented their false evidence as co-perpetrator;

GUILTY, under Article 70(1)(a), in conjunction with Article 25(3)(c) of the Statute, of having aided in the giving of false testimony by witnesses D-15 and D-54 and abetted in the giving of false testimony by witnesses D-2, D-3, D-4, D-6, D-13, D-25 and D-29;

NOT GUILTY, under Article 70(1)(a), in conjunction with Article 25(3)(c) of the Statute, of having aided, abetted or otherwise assisted in the giving of false testimony by witnesses D-23, D-26, D-55, D-57 or D-64; and **ACQUITS** him of the charge in respect to those factual allegations.

Fidèle Babala Wandu

GUILTY, under Article 70(1)(c), in conjunction with Article 25(3)(c) of the Statute, of having aided in the commission by Mr Bemba, Mr Kilolo and Mr Mangenda of the offence of corruptly influencing witnesses D-57 and D-64;

NOT GUILTY, under Article 70(1)(a) and (b), in conjunction with Article 25(3)(c) of the Statute, of having aided, abetted or otherwise assisted in the commission of the offences of giving false testimony by witnesses D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54 and D-55, D-57 and D-64; and in the commission by Mr Bemba, Mr Kilolo and Mr Mangenda of the offence of presenting false evidence by witnesses D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54, D-55, D-57, and D-64; and **ACQUITS** him of those charges;

NOT GUILTY, under Article 70(1)(c), in conjunction with Article 25(3)(c) of the Statute, of having aided, abetted or otherwise assisted in the commission by Mr Bemba, Mr Kilolo and Mr Mangenda, of the offences of corruptly influencing witnesses D-2, D-3, D-4, D-6, D-13, D-15, D-23, D-25, D-26, D-29, D-54 and D-55; and **ACQUITS** him of the charge in respect to those factual allegations.

Narcisse Arido

GUILTY, under Article 70(1)(c) in conjunction with Article 25(3)(a) of the Statute, of having corruptly influenced D-2, D-3, D-4 and D-6;

NOT GUILTY, under Article 70(1)(a) and (b), in conjunction with Article 25(3)(c) of the Statute, of having aided, abetted or otherwise assisted the commission, by Mr Bemba, Mr Kilolo, and Mr Mangenda, of the offence of presenting false evidence of witnesses D-2, D-3, D-4 and D-6; and of having aided, abetted or otherwise assisted in the commission of witnesses D-2, D-3, D-4 and D-6 of the offence of giving false testimony; and **ACQUITS** him of those charges.