

ANNEX 2

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[signed]

REGISTER No. 021

YEAR: 2004

[Seal: Bizon Legal Consultancy
Document No. 82]

-----CENTRAL AFRICAN REPUBLIC-----
ON BEHALF OF THE PEOPLE OF THE
CENTRAL AFRICAN REPUBLIC-----
VERBATIM EXTRACT FROM THE RECORDS
OF THE REGISTRY OF THE BANGUI COURT
OF APPEAL OF THE CENTRAL AFRICAN
REPUBLIC: -----

DECISION No. 021 OF 16 DECEMBER 2004
PARTIALLY REVERSING THE DISMISSAL OF
THE CHARGES, THE SEVERANCE OF THE
PROCEEDINGS AND COMMITTAL FOR TRIAL
BEFORE THE *COUR CRIMINELLE* OF THE
INDICTMENTS CHAMBER

---This sixteenth day of December; -----

---In the year two thousand and four; -----

COPY

---Hearing of the Indictments Chamber of the
Bangui Court of Appeal; -----

Before:

---Alfred Lambert Matigo, President of the
Indictments Chamber of the Bangui Court of
Appeal, Presiding Judge; -----

---Henri Ballot, First Judge of the Indictments
Chamber of the Bangui Court of Appeal; -----
and

---Rock Alfred Ngoumbre, Second Judge of the
Indictments Chamber of the Bangui Court of
Appeal, Judges;

With Magloire Dieudonné Maliki, Registrar of
the Bangui Court of Appeal; -----

---Appearances: Public Prosecutor's Office,
represented by Mr Emmanuel Rufin Ndakala,
Second Advocate-General at the Bangui Court
of Appeal; -----

--- DECISION: -----

-----THE INDICTMENTS CHAMBER: ---

---Noting the proceedings against Ange Félix Patassé *et al.*; -----

---For murder, fatal injury, arbitrary detention and false imprisonment, concealment of bodies, theft and pillaging, malicious wounding, destruction of property, undermining the internal security of the State, collusion with a foreign power, complicity in murder, misappropriation of public funds, forgery of and use of forged public and private documents, complicity in forgery and the use of forgeries, and embezzlement; -----

---Offences proscribed and punishable under articles 38, 50, 70, 167, 168, 169, 175, 108 and 184 of the Criminal Code and Law No. 03.10 of 1 March 2003 setting forth the penalties for the misappropriation of public funds, corruption, extortion, influence-peddling and related offences; -----

---Noting the Order for Partial Dismissal of Charges and Committal for Trial Before the Bangui *Cour Criminelle* rendered by the Senior Investigating Judge of the Bangui *Tribunal de Grande Instance* on 16 September 2004; -----

---Noting the appeal entered by the Public Prosecutor of the Bangui *Tribunal de Grande Instance* on 17 September 2004; -----

---Noting the 24 October 2004 application of the Principal Public Prosecutor of the Bangui Court of Appeal seeking referral to the Indictments Chamber; -----

---Noting the 23 November 2004 supplemental brief of the Public Prosecutor's Office; -----

---Noting articles 100 and 103 of the Code of Criminal Procedure; -----

-----PROCEDURE-----

---Considering that, in the present proceedings against Ange Félix Patassé *et al.*, the Senior Investigating Judge of the Bangui *Tribunal de Grande Instance* made an Order for Partial Dismissal of Charges and Committal for Trial

Before the *Cour Criminelle*; that said order was notified to the Public Prosecutor of the Bangui *Tribunal de Grande Instance* that same day; ---

---Considering that, pursuant to article 99(f) of the Code of Criminal Procedure, the Public Prosecutor may enter an appeal no later than 48 hours after the date of the Order;-----

---Considering that, in the present case, the Public Prosecutor's appeal, registered on 17 September 2004 following the final determination in the proceedings, was entered within the prescribed time limits and that accordingly, the appeal is admissible as to form; -----

----- MERITS: -----

---Considering that Mr Ange Félix Patassé was elected democratically and inducted into office as the President of the Republic and Head of State on 22 October 1993; that his regime suffered several upheavals connected with various social crises; that this culminated with an attempted coup d'état, on the night of 28 May 2001, which failed thanks to the efforts of a bastion of soldiers who had remained loyal; that, after the attempted coup, Mr Patassé's regime took a harder line and that, harbouring misgivings about the national army, he completely withdrew his trust in it; that the army was effectively disarmed to the detriment of the powerfully armed militias created by the former Head of State's official driver Victor Ndoubabe, known as the *Société Centrafricaine de Protection et de Surveillance* (SCPS), and others commanded by Martin Koumtamadj, alias Abdoulaye Miskine, a Chadian national, and by Paul Barril, a retired captain of the French gendarmerie; -----

---Considering that the objective of all these militias was to increase the personal security of Mr Patassé and to intimidate or neutralise any person who might attempt to hinder the now-alarmed Head of State; -----

---Considering that, following an armed insurgency in October 2002 which attempted

to overthrow Mr Patassé, in desperation he requested the Congolese rebel leader Jean Pierre Bemba of the Movement for the Liberation of Congo (MLC) to send him troops in order to contain the insurgency threatening his regime; that therefore Mr Bemba's men, commonly known as the "Banyamulengué", arrived on the territory of the Central African Republic (CAR); that they were stationed first with the Support Regiment and subsequently at Camp Béal, where, on instructions from Mr Patassé, the Director General of Presidential Security, Ferdinand Bombayaké, then brigadier general, provided uniforms intended for the Central African Armed Forces (FACA), combat equipment for and logistical support to the Banyamulengué, who were quickly deployed in various combat zones, where they inflicted multiple acts of violence on the civilian population, pillaging, raping and destroying everything in their path; numerous incidents of rape, torture, severe brutality and murder were suffered at the hands of the MLC combatants who came to the aid of Mr Patassé, who, during this tumultuous period, sidestepped all of the procedures governing the use of public funds, resulting in a variety of misappropriations; -----

---Considering that, on his instruction, the Prime Minister at the time, Mr Martin Ziguele, requisitioned government and private vehicles which he provided to the Banyamulengué who had come to support him; -----

---Considering further that during Mr Patassé's term of office various economic crimes were noted, resulting in the currently estimated loss of seventy billion CFA francs (70 000 000 000 CFA francs); that it is worth noting that said crimes mainly consisted of misappropriation of public funds (gifts and loans from countries friendly to the CAR), selling State-owned buildings at greatly reduced prices and fraudulent creation of front companies; -----

---Considering that, with respect to the gifts, it must be noted that in 1999 the CAR suffered an unprecedented fuel shortage owing

to the immobilisation of its petroleum barges in the Democratic Republic of the Congo (DRC); that accordingly, on account of its secular relations with the CAR, Libya made a non-reimbursable donation of 55 000 tonnes of fuel; that said petroleum products were managed by Michel Bangue-Tandet and Simon Kouloumba, respectively Adviser at the Presidency of the Republic and Adviser at the Presidency for Petroleum and President of the Libyan Petroleum Management Committee; that the then Head of State considered this a personal gift; -----

---Considering further that, still within the context of bilateral relations between the CAR and Libya, a loan of ten million euros (10 000 000 euros) or six billion six hundred and fifty million (6 650 000 000) CFA francs was granted by the Libyan Arab Foreign Bank, payable over 25 years with seven years' deferral at an interest rate of one percent and that this loan agreement was signed on 14 December 2000 in Bangui; -----

---Considering that, as security for said loan, the Central African State undertook to transfer all sums from its extractive concerns into a special account opened at the *Union de Banques Arabes et Françaises* (UBAF) in Paris and that a mortgage in the sum of eleven billion five hundred and twelve million seven hundred thousand seven hundred and three (11 512 700 703) CFA francs was taken out on four (4) land titles, namely: -----

- Buffle (PETROCA building): 5 473 056 103 CFA francs; -----
- Fernando (former BCAD [*Banque de Cr dit Agricole et de D veloppement*] building): 1 760 800 000 CFA francs; -----
- Pacific II: 651 840 000 CFA francs; -----
- H tel du Centre: 3 627 004 600 CFA francs;

---Considering that, furthermore, an unassessed mining concession located in Haute Kotto was put up as a guarantee for the same

loan; -----

---Considering that, in execution of said loan agreement, an initial sum of 3 491 510 977 CFA francs was made available to the Central African State in order to pay the salaries of government officials, pensions and grants; that, however, the balance of the loan in question, that is 3 058 489 083 CFA francs, was routed to another destination and remains unaccounted for to date; -----

---Considering that, contrary to all expectations, whilst the first agreement was in effect, on the initiative of Mr Ange Félix Patassé, another Memorandum of Understanding was signed on 29 June 2000 in Tripoli by Minister André Nalke-Dorogo, then Minister of Mines and Energy, with a Libyan company called LAICO; that, in this instance, the already mortgaged buildings - Buffle and Fernando as identified above - were purely and simply sold for 1 760 800 000 CFA francs and 651 840 000 CFA francs respectively, with LAICO collecting the funds and receiving the land titles; that once again the above-mentioned sums were not deposited in the coffers of the Central African Public Treasury;

---Considering, finally, that a person with the status of President of the Republic and Head of State is prohibited from engaging in gainful activities incompatible with that status; that, notwithstanding that legal prohibition, the former Head of State Mr Patassé embarked on unrestrained racketeering, creating a plethora of companies, many of them fictitious, in violation of the provisions of the Investment Code since some companies had no partners or the capital was not entirely subscribed; that, to this end, he employed the services of Mr Abraham Pierre Mbokani, a notary, and instructed him to prepare the articles of incorporation of companies such as Trans Oil, which specialised in selling hydrocarbons, CADOC (*Central African Coltan and Dérives Company*) for mining coltan, a much sought-after substance in the manufacture of cellular phones; CATADIAM (*Centrafricaine de Tailleries de Diamants*) which was active in

purchasing rough diamonds, cutting and selling them; Colombe-Mines, Timber-Mbaere (a forestry company), Centrafondor (*Centrafricaine de Fonderie d'Or*) and OMAC, to name but a few; -----

---Considering that, in the light of the foregoing, Mr Patassé *et al.* stand accused of the following serious crimes and lesser offences:-----

- Undermining internal State security; ---
- Collusion with foreign powers; -----
- Misappropriation of public funds; -----
- Misappropriation of moveable and immoveable assets belonging to the State; -----
- Premeditated murder; -----
- Complicity in premeditated murder; ----
- Complicity in rape, pillaging and destruction of property; -----
- Forgery of and use of forged documents;
- Complicity in forgery of and use of forged public and private documents; and-----
- Embezzlement. -----

-----AS TO:-----

- UNDERMINING INTERNAL STATE SECURITY; -----
- COLLUSION WITH A FOREIGN POWER; -----
- PREMEDITATED MURDER; -----
- FATAL WOUNDING; -----
- RAPE; -----
- COMPLICITY IN VIOLATION OF STATE SECURITY; -----
- COLLUSION WITH A FOREIGN POWER; -----
- PILLAGING; and -----
- DESTRUCTION OF PROPERTY. -----

---Considering that Mr Patassé *et al.* stand accused of the aforementioned crimes; that it has been established from the record of the investigation that, after his regime had suffered multiple military and political crises, Mr Patassé was highly suspicious of the

national army, commonly known as the FACA, and withdrew his trust in it. Accordingly, at the urging of persons close to him, in particular Victor Ndoubabe and his friend Martin Koumtamadji, alias Abdoulaye Miskine, he created an army of heavily armed militias under the pseudonym of *Société Centrafricaine de Protection et de Surveillance* (SCPS), which was based near his residence, a group called the anti-highway robbery brigade based in Ouham and Ouham-Péndé, and another group under the leadership of Paul Barril, a former French gendarme, whom he pompously named National Director of the Campaign against International Terrorism, which was active in Nana-Mambéré and Mambéré-Kadéï; -----

---Considering that, following the armed insurgency of 25 October 2002, feeling that his regime was under threat, Mr Patassé decided of his own initiative and without the government's knowledge to invite rebel fighters from the *Movement de Libération du Congo* under the command of Jean Pierre Bemba; that, to this end, a coalition between Mr Patassé and Mr Bemba came into being; that, on the arrival of the Banyamulengué, Mr Patassé instructed that FACA uniforms be distributed to the rebels, who were then deployed in the city of Bangui and in the provinces; -----

---Considering that it is clear from the testimony of General André Mazi, the Deputy Chief of Staff of the CAR Armed Forces, that the FACA troops were disarmed and excluded from operations; that only the Presidential Security Unit (USP), charged with guarding the Head of State's residence and the immediate vicinity or strategic points in Bangui were in the field, supported by the Banyamulengué under the command of their leader Moustapha, who reported directly to the then Head of State; -----

---Considering that the rebels' overzealousness in the field degenerated into clashes between them and FACA troops, who had lost one of their own at Camp Béal, namely Colonel Zakatao, an Intelligence Officer; that the rebels

engaged in pillaging and serial rape; -----

---Considering that neighbourhoods in the north of Bangui and certain combat zones were bombarded by a two-seater aircraft belonging to Libya and piloted by a Libyan national; that it is alleged by the two (2) FACA general officers who testified in the proceedings, namely Xavier Sylvestre Yagongo and André Mazi, both of the rank of brigadier general, that Ferdinand Bombayaké is not a pilot but an aircraft mechanic and that, therefore, the bombardments by Libyan aircraft and pilots who came to reinforce the beleaguered President's security cannot be ascribed to him; that the role played by Ferdinand Bombayaké, then the Director of the Presidential Security Unit, was limited merely to the dissemination of instructions issued by Jean Pierre Bemba, Moustapha, the Commander in Chief of the Banyamulengué, and Mr Patassé for implementation; -----

---Considering nonetheless that firstly, the investigation has not established sufficient incriminating evidence against Martin Ziguele, Prime Minister at the material time; Pierre Angoa, Minister of National Defence, who, being unwell, had been evacuated to France for adequate treatment; and Gabriel Jean Édouard Koyambonou, Second Vice-President of the MLPC and government spokesman; that secondly, it has been established that as Supreme Commander of the Armed Forces, Mr Patassé authorised the MLC rebels' arrival and encouraged the proliferation of the militias commanded by Martin Koumtamadji, alias Abdoulaye Miskine, Victor Ndoubabe and Paul Barril which excelled in pillaging, destruction of property and heinous murders of Central African citizens, especially civilians; that furthermore, the investigation revealed the existence of mass graves in which their victims were buried; that, in the light of all the foregoing, the criminal responsibility of Ange Félix Patassé *et al.* is undeniable; -----

---Considering that the murders brought to light above constitute war crimes as defined under article 8 of the Rome Statute of the

International Criminal Court, ratified by the CAR; and that it follows that said crimes fall within the Court's jurisdiction; -----

---Considering that, in the light of the foregoing, it is appropriate to exonerate Martin Ziguele, Pierre Angoa, Gabriel Jean Édouard Koyambonou and Ferdinand Bombayaké in respect of the proceedings for war crimes connected with the events of October 2002, and that Ange Félix Patassé, Jean Pierre Bemba *et al.* should be held in detention for these crimes and so too Martin Koumtamadji, alias Miskine Abdoulaye, Victor Ndoubabe, Paul Barril, Lionel Gan-Befio *et al.* for complicity in said crimes; -----

----ORDER TO SEVER THE PROCEEDINGS----

---Considering that, pursuant to article 5 of the Rome Statute of the International Criminal Court, war crimes fall within the Court's jurisdiction; that war crimes denotes, *inter alia*, wilful killing, destruction and appropriation of property, rape, pillaging, and any form of serious endangerment of physical integrity or damage to property protected by the Geneva Conventions, which have been ratified by the CAR; -----

---Considering that the war crimes of which Ange Félix Patassé, Jean Pierre Bemba *et al.* stand accused following the events of 2002 fall within the jurisdiction of the International Criminal Court; and that accordingly, the proceedings in respect of these crimes should be severed and the Public Prosecutor's Office should pursue the proper avenue for his case;--

MISAPPROPRIATION OF PUBLIC FUNDS AND STATE PROPERTY

---Considering that the case file shows that in April 1999, following a shortage in the CAR, Libya gave a non-reimbursable gift of 55 000 tonnes of petroleum products and that, in order to provide some semblance of transparency, Mr Patassé, then Head of State, created a committee to manage the gift from Libya and named as its chairman Simon

Kouloumba, who effectively managed a consignment of 2 000 tonnes, which was sold for 771 803 776 CFA francs; that, on the instructions of Mr Patassé, who considered the gift to be personal, he distributed the funds as he saw fit, disbursing 68 000 000 CFA francs to PETROCA Liquidation for its services, 150 000 000 CFA francs to the Public Treasury as a cash advance, 200 000 000 CFA francs to the CAR customs for customs clearance taxes on the loan granted by BEAC (Bank of Central African States), 32 328 000 CFA francs for management costs, 19 180 000 CFA francs for general costs, and 4 000 000 CFA francs to Mr Kouloumba for his personal management costs; that further, via PETROCA Liquidation, the Accused paid himself the sum of 56 000 000 CFA francs as arrears on a salary allegedly owed to him by PETROCA; That he has acknowledged that the balance of the remaining 50 000 tonnes, the value of which is estimated at 27 billion CFA francs, was wholly managed by Michel Bangué-Tandet, who reported to Mr Patassé in person; and that no plausible explanation has been advanced concerning the 3 000 tonnes which are still outstanding; -----

---Considering that it has been established from the investigation file that, following the loan agreement for the sum of 10 million euros, that is 6 650 000 000 CFA francs, signed on 14 December 2000 between the CAR and the Libyan Arab Foreign Bank, the sum of 3 491 510 917 CFA francs was made available to the CAR; that this sum was used to pay salaries, pensions and grants; that, to date, Mr Patassé has failed to explain the whereabouts of the balance of the loan, which is estimated at 3 058 489 053 CFA francs; that, further, no explanation has been advanced for the sum of 2 412 640 000 CFA francs representing the value of the mortgaged buildings (Fernando and Hôtel Du Centre) sold to Libyan company LAICO in the agreement signed in Tripoli on 23 June 2002; and that there is no trace of that sum in the Public Treasury's books; -----

---Considering, moreover, that it is alleged that

during the former Head of State's stay in Niger, on his instruction via telephone, a sum of 10 000 000 CFA francs for "security maintenance" was withdrawn from the Public Treasury on 15 March 2003 and cleared by Mr Lazare Dokoula, then Minister of Finance, who took advantage of the events of that day to disappear without explaining for what purpose this sum was intended; -----

---Considering that, pursuant to article 1 of Law 03.010 of 1 March 2003 fixing penalties for the misappropriation of public funds, corruption, extortion, corruption, influence-peddling and related offences: "[TRANSLATION] Persons who by any means whatsoever obtain, directly or indirectly, retain or fraudulently hold in possession any property belonging to, intended for or entrusted to the State, municipalities, public institutions or State-run companies, where the offence concerns a sum or property of a value greater than 30 000 000 CFA francs, shall be sentenced to forced labour for life"; -----

---Considering that article 108 of the Criminal Code further specifies that "[TRANSLATION] any public servant or government contract worker in the employ of the State or a public authority, whether a public accountant or not, any person in public office, any authorised depository, any public or ministerial officer who misappropriates or abstracts public or private funds or assets serving as such, documents, payment orders, financial securities, funds or objects of any description in his or her care whilst performing his or her duties is guilty of the crime of misappropriation of public funds and shall be sentenced to a schedule of forced labour if the value of the misappropriated or abstracted property is greater than 100 000 CFA francs";-

---Considering that, in the light of the foregoing, it is appropriate to take all the accused persons identified above into custody for misappropriation of public funds; -----

---Considering that, as regards Martin Ziguéle,

the investigation failed to evince sufficient incriminating evidence on the charge of misappropriation of public funds; that it has been alleged by Mr Ziguele and verified by the Senior Investigating Judge in charge of the case that the special funds which he managed in his capacity as Prime Minister were paid directly into an account bearing the number 350 4000 9001-N held with BICA (*Banque Internationale pour la Centrafrique*) and that his claims have proved plausible, confirming evident transparency; that it follows that Mr Ziguele should be exonerated on this charge; -----

--- CHARGE OF EMBEZZLEMENT BROUGHT AGAINST ALAIN SERGE LIGUELA-MBOUTOU AND BRUNO JEAN CHRYSANTE NAINANGUE-TENDO-----

---Considering that Mr Ziguele, Prime Minister at the material time, stands accused of awarding a contract for the renovation of a public building to two contractors who failed to perform the work; that it has been established from the various statements and documents in the case file that in 2002, with a view to renovating the dilapidated Ngaragba Central Prison, the Central African State signed a contract by mutual agreement with a company called Kodro Design Sarl, which provided a reasonable quotation in the sum of 248 487 416 CFA francs, as opposed to an English company called Anchor Five which provided a quotation in the amount of 900 000 000 CFA francs for the same work, and Dameca, whose quotation for the cost of the work was in the amount of 548 000 000 CFA francs; -----

---Considering that, following a visit by the Prime Minister and the Minister of Justice, it was agreed at the time that Kodro Design Sarl should undertake the work in two phases; -----

---Considering that it has been established from the documents in the case file that the contractors effectively received, in several payments, a total sum of 67 000 000 CFA francs; that the renovation work of the first phase was completed and an official reception

ceremony took place on 20 June 2002 in the presence of diplomats accredited to the CAR; that the work for the second phase was in progress until 25 October 2002, the date of the armed insurgency which caused the work to be suspended; -----

---Considering further that the Public Treasury was unable to make payments to Kodro Design Sarl for the purpose of continuation of the work; that it emerges from the testimonies of Mr Wilson, CEO of the BPMC (*Banque Populaire Maroco Centrafricaine*) where Kodro Design Sarl has its account that, in regard to the 194 487 416 CFA francs earmarked for the completion of the work, the Public Treasury did not make any payment to the contractors on account of cash flow difficulties; that his statement has been confirmed by Mr Pierre Sedo, the Director General of the Public Treasury at the time, who advised him that Kodro Design Sarl received an initial payment of 40 000 000 CFA francs and a second payment of 27 000 000 CFA francs; -----

---Considering, moreover, that a Preliminary Statement of Receipt was entered into the case file; that, furthermore, a Final Statement of Receipt concerning the refurbishment of Villas 9 and 10 in the *Cité des 36 Villas*, allocated to the National Dialogue Coordination Office, which was drawn up on 13 February 2003 states that the work was fully completed, thereby proving the reliability of the company, which was unable to continue the renovation work on the Ngaragba Central Prison for lack of funds; -----

---Considering that, in the light of the foregoing, Alain Serge Liguela-Mboutou and Bruno Jean Chrysante Naïnangue-Tendo should be exonerated from the charges brought against them on grounds of deficiency in the charges;

---FORGERY OF AND USE OF FORGED PUBLIC AND PRIVATE DOCUMENTS AND COMPLICITY-----

---Considering that the former Head of State

Mr Patassé, out of a predilection for profit-making and in violation of the prohibitions imposed on him by the Constitution of 14 January 1995, took the initiative to create by decree various real and fictitious commercial undertakings, in which he held shares; that thereby, the following companies were created: Trans Oil, which sold hydrocarbons, CATADIAM, CAMIF, Centrafondor, CACODEC, Timber-Mbaéré, OMAC, Colombes-Mines, etcetera, to name but a few; -----

---Considering that to this end, Mr Patassé and his friend Louis Sanchez used the services of Mr Abraham Pierre M'bokani, a notary, to draft articles of incorporation and carry out the required formalities for these companies to become legal entities; that, equipped with these authentic documents and at no financial cost to themselves, Mr Patassé and Mr Sanchez fraudulently exploited national resources without paying any compensation to the Central African State; -----

---Considering that, within the meaning of article 99 of the Criminal Code, any civil servant or public official who, when drafting legal instruments in his or her ministry, alters the substance or circumstances thereof, either by altering the substance or circumstances of agreements in the course of drafting them, or by drafting agreements other than those written or dictated by the parties, or by presenting untrue facts as true or unavowed facts as having being avowed, is engaging in the forgery of an authentic or public document; ---

---Considering that the crime of forgery of public or authentic documents exists in fact as a result of culpable intent, which in concrete terms means the intent to commit fraud which underpins the forger's acts; that such intent to commit fraud is consubstantial with the requisite awareness of the perpetrator, at the time of the forging, of the harm that such alteration of the truth might cause, the intent to cause harm and the awareness of the harm caused; that, in the present case, the notary, Mr Abraham Pierre M'bokani, in drafting the

articles of incorporation of the companies created by Mr Patassé, Head of State at the material time, and his friend Mr Sanchez, was not aware that he was causing harm to the Central African State and therefore had no intent to commit fraud constituting complicity in forgery of and use of forged public or authentic documents; -----

---In the light of the foregoing, Mr Abraham Pierre M'bokani should be exonerated from the charges brought against him on grounds of deficiency in the charges; -----

---Considering that Mr Patassé and his friend Mr Sanchez, the real perpetrators of the forgeries charged, should be remanded in custody; -----

-----PARTICULARS:-----

--- Ange Félix Patassé, born on 25 January 1937 in Paoua, of Paul Ngakoutou and Ngoumba, married, father of several children, Central African national, agronomist, former Prime Minister, former Head of State, elected in August 1993 and overthrown on 15 March 2003; in exile; -----

--- Michel Bangué-Tandet, born on 5 October 1941 in Bangui, of Victor Tandet and Louise Sabata, Central African national, Senior Treasury Inspector, former Minister, former Treasurer General, former Adviser to the Presidency of the Republic, no previous convictions, Central African national; at large;--

---Mr Lazare Dokoula, senior official of the Ministry of Finance, former Minister of Finance, at large; -----

---Mr Louis Sanchez, born on 26 April 1931 in Lorca in Spain, French National, no criminal record in the CAR; at large; -----

---Simon Kouloumba, born on 5 October 1949 in Alindao, of Bernard Foroto and Jeanne Yakouzou, widower, father of four children, Central African national, petroleum engineer, former Managing Director of PETROCA,

former Energy Adviser to the Presidency of the Republic; no criminal record; -----

---DECISION PARTIALLY REVERSING THE DISMISSAL OF THE CHARGES AND ORDERING THE SEVERANCE OF THE PROCEEDINGS AND COMMITTAL FOR TRIAL BEFORE THE *COUR CRIMINELLE*---

-----FOR THESE REASONS: -----

---AS TO FORM: Finds the appeal of the Public Prosecutor's Office admissible; -----

---AS TO THE MERITS: Partially reverses the Order of the Senior Investigating Judge of the Bangui *Tribunal de Grande Instance* of 16 September 2004; -----

---RULING AFRESH: -----

I. *Murder and other related offences:* -----

---Orders the severance of the proceedings for murder, wilful killing, rape, destruction of moveable and immoveable property, pillaging and other crimes connected with the events of 2002 of which Ange Félix Patassé, Jean Pierre Bemba and his men, Paul Barril, Martin Koumtamadji, alias Abdoulaye Miskine, Victor Ndoubabe, Lionel Gan-Befio *et al.* stand accused; -----

---Rules that the aforementioned war crimes, the perpetrators thereof and their accomplices fall within the jurisdiction of the International Criminal Court in The Hague; -----

---Accordingly, orders the Public Prosecutor's Office to refer the matter to the proper jurisdiction; -----

---Orders the provisional release, unless detained on other grounds, of: -----

- Pierre Angoa; -----
- Gabriel Jean Édouard Koyambonou; and
- Ferdinand Bombayaké; -----

With all legal consequences; -----

II. Misappropriation of public funds, embezzlement, forgery and use of forged documents: -----

---Orders the dismissal of the charges against:

- Alain Serge Liguella-Mboutou; -----
- Bruno Jean Chrysante Nainangue-Tendo; -----
- Abraham Pierre M'bokani; and -----
- Martin Ziguele; -----

---Finds that there are no grounds to proceed against them on those charges; -----

---Orders the committal for trial before the Bangui *Cour Criminelle* of: -----

- Ange Félix Patassé; -----
- Michel Bangue-Tandet; -----
- Lazare Dokoula; -----
- Louis Sanchez; and -----
- Simon Kouloumba; -----

---To be tried there in accordance with the law. -----

---So adjudged and decreed in Chambers, in the month and year stated above; -----

---In witness whereof, this Decision has been signed having being read by the Presiding Judge who rendered it and by the Registrar; --

-----ILLEGIBLE SIGNATURES-----
----- CERTIFIED TRUE COPY; -----

-----Bangui, 21 Dec 2004-----
-----CHIEF REGISTRAR-----

[signed] [seal of the Bangui Court of Appeal]

-----Ms M. N'ZAS -----