

Testimony of the witness – Lumumba Patrick Diya

Personal details: Lumumba Patrick Diya, born in [incomprehensible] in the Democratic Republic of Congo, 5 May 1969.

Judge Massei: Prosecutor you can proceed with your questioning.

Intervention: We acknowledge... your Honor.

Judge Massei: Yes, have his proceedings been finalized? It has been determined that he doesn't have any on-going proceedings, no, it was archived.

Mignini: Finalized, yes, yes.

Judge Massei: He is aided by his attorney.

Intervention: We take note that apart from the last hearing he has been present at all hearings, including the preliminary hearing your Honor, and of course he is the plaintiff's attorney.

Judge Massei: We take note that you have been present... you have been present at all the hearings, maybe some...

Response: Yes, nearly all.

Intervention: Yes except a few, overall.

Judge Massei: You have been present at virtually all the proceedings that have taken place to this date with the exception of perhaps one hearing.

Intervention: Being the plaintiff's attorney your Honor I would ask that this was also acknowledged.

Judge Massei: Go ahead.

Prosecutor dr. Mignini.

Question: Listen, did you know Meredith Kercher?

Answer: Yes.

Question: Right, on which occasion did you meet her, when?

Answer: I met her in my ex-bar, because a... when Amanda came to look for work, the first time she came, she was in a group of girls and Meredith was one of them.

Question: And what period was that?

Answer: I think... I don't remember exactly, it could have been the last days of September, the first days of October, I don't remember well.

Question: You were the owner of the Pub "Le Chic", correct?

Answer: Yes, I was the owner yes.

Question: Listen, and so who introduced you to Meredith?

Answer: I met her through Amanda.

Question: Through Amanda.

Answer: Yes.

Question: And did you ever accompany her home? Did you ever go out with Meredith?

Answer: Never.

Question: Did Amanda introduce you to her because you knew, you had met Amanda first before you met Meredith?

Answer: I don't understand the question.

Question: I mean, you told me that Amanda introduced you to Meredith.

Answer: Yes.

Question: But this means that you met Amanda first, before this instance?

Answer: Of course. Of course yes.

Question: Because she came to work in your pub, no?

Answer: Yes, basically I can say that I met both of them, in the sense that Amanda came looking, she came for work. In that moment they were in a group, however another time Amanda brought her because there was a dinner on the premises, and on that occasion she introduced me to her.

Question: Listen, and for how long did Amanda work in your pub?

Answer: About 1 month, give or take a day, yes.

Question: And what were the times of her shift? Did she work, did she come to you, everyday to the pub?

Answer: In the beginning, I can say, the first days, like the first ten days she came almost, almost every evening, let's say 3 [hours].

Question: So the first, the first 10 days which is... which is the beginning of September, is that what you said?

Answer: End of September beginning of October, let's say beginning of October, she would come almost every day and then...

Question: What time would she come?

Answer: It would depend, normally the shift would depend on the day, because if it was the days on the weekend, she could come a little later because the customers arrive a bit later and during the week she could come a little earlier, because the customers in general are students and they come a little earlier. So, either from nine, or from...

Question: 21?

Answer: From 21 or from 22. Around that time.

Question: You said that the first ten days, more or less, she would come every day?

Answer: Yes.

Question: Then instead what was the... then this changed?

Answer: Yes yes yes, then it changed let's say, she started coming Tuesday and Thursday, this was the arrangement we came to.

Question: So Tuesday and Thursday?

Answer: And Thursday yes.

Question: And at what time would she come? In this definitive arrangement, no, Tuesdays – you said, and Thursdays?

Answer: Yes.

Question: At what time?

Answer: It was always like this... At 22:00 or yes at 21:30 around that time, mostly 22:00, let's say.

Question: "Mainly at 22:00".

Answer: Yes.

Question: Did it ever happen that... that she couldn't come or that her presence wasn't needed, before? Apart from the occasion of the first of November, before this date was there a day in which... she wasn't... it wasn't necessary for her to come and you informed her?

Answer: No.

Question: It never happened.

Answer: It never happened. No before, let's say before, it happened that, it happened like the time that basically, a change of shift to give out flyers, because she also did publicity, and in the first moment as it is...

Question: Where was this?

Answer: This is what happened, seeing as I didn't have her telephone number at first, so I communicated with her via an Algerian friend that she had brought to me, that she had introduced me to.

Question: Who was this friend?

Answer: He was called Iuva. So, I would send a message to Iuva or I would call Iuva and I would say: "Iuva tell Amanda this, this, this" like this and then...

Question: And he would inform her?

Answer: And he would inform her.

Question: Listen, and what duties did Amanda carry out?

Answer: Basically in the beginning when we reached an agreement she was the one that was supposed to work more inside the premises, to waiter on tables, and then do some publicity. And when I realized that she wasn't very good at waitressing, she started doing more handing out of flyers, publicity, and waitressing.

Question: Were there any other employees at the pub?

Answer: Yes.

Question: Who was there?

Answer: There was a Bulgarian girl, there was the guy...

Question: His name was?

Answer: Bistra, there was this Algerian guy called Iuva, there was a Polish girl called Magda, and...

Question: And they would also come, did they have the same shift as Amanda?

Answer: No no no, no for example, the Bulgarian girl, she would come, she was more professional, so she would come, more often...

Question: With greater frequency?

Answer: What?

Question: With greater, she came every day?

Answer: Not every day because she was also a student, a student let's say, she had more of a foundation as a waitress, because she was the most professional of all of them.

Question: However they would come, so they came more often than Amanda, if I've understood correctly?

Answer: Yes, yes.

Question: Listen, how was your relationship with Amanda?

Answer: My relationship, from my point of view was good.

Question: Was it always like that?

Answer: Our personal or work relationship?

Question: Both.

Answer: As a person, honestly, from what I know, we always had a good relationship, but with her as an employee, with her way of working, I had to repeat her tasks to her several times.

Question: Did you have some ... Did you have to tell her off on occasion? Did you have some... Did you ever argue?

Answer: No no no no.

Question: Did you ever have to raise your voice, for example?

Answer: No no no never, no no never, because even when these types of things happened, after the customers left and she had neglected to clear a table, what did I do... it's something that you mustn't do, I said this like for all staff. I spoke to all employees together to tell them: you have to be careful, when the customers leave, you have to clear up. But saying it directly to her, like that, never.

Question: And Amanda's relationship with Meredith, how was it?

Answer: hmm...

Question: Do you know or?

Answer: No no.

Question: You don't know.

Answer: I don't know, I knew they were friends, friends and that's it.

Question: How much, how much did Amanda earn for her work? How much money did you give her?

Answer: 5 euros per hour like all are paid in the centre.

Question: Listen, and did she complain about this, of her pay, of her entitlements?

Answer: To me no, because yes I know other bar owners, I know this is the going rate, I think that I, at least, because others, other owners don't pay when the staff don't work well, but I always pay, I always paid.

Question: But do you know, if she complained to others?

Answer: With... this, Algerian that brought her...

Question: Iuva?

Answer: Yes Iuva, on one occasion he told me: "ah, look Amanda isn't happy" and Iuva said he gave her advice, he said "Amanda look nobody can pay you here like Patrick, Patrick always pays, others will give you problems" and I said to Iuva "if another time she says this to you it's better you don't give her advice, it's better that you let her go because, for me..."

Question: When did this happen?

Answer: I don't remember well but I think it could have been the... ten days, one week before the end of October, but I don't really remember well, it was just one of those moments.

Question: I understand.

Answer: Yes.

Question: And listen, do you know Raffaele Sollecito?

Answer: Yes.

Question: When did you meet him?

Answer: I always saw him at the bar, when he would come looking for Amanda.

Question: Do you remember when you started seeing him at the bar?

Answer: I don't remember well, maybe it could be ten days before the end of the month give or take a day but I don't remember well.

Question: How many times did you see him in the pub together with Amanda?

Answer: I don't remember well but I think I can remember three times, I can remember well three times.

Question: From when?

Answer: From the first time that I saw him, I can remember three times.

Question: "Three times".

Answer: Yes.

Question: So, approximately in ten days?

Answer: For me yes, but I'm not sure.

Question: Understood. Listen, do you know Rudy Herman Guede?

Answer: No.

Question: You've never seen him?

Answer: No never seen him, that's going a bit far because one time at the pub I ...

Question: He came there?

Answer: No no I don't know if it's him, one time at the pub I served a young African, he came while there was a group of people and he bought a drink, and seeing as it was the first time I had seen this face, and I asked this person, where are you from. And he responded that he was American and his parents were South Africans, it was a conversation lasting 5 seconds, but to me it seems it could have been him but I'm not... I'm not certain.

Question: But when you saw the photos of Rudy... Later you saw the photos of Rudy, no?

Answer: Yes.

Question: Did you recognize him?

Answer: No, no, no, because on the basis of this of, of when I saw these photos, in that way, that I started to think: but this is that guy that I saw but it's not that certain that it's him.

Question: Listen, that evening when this guy came, was he black?

Answer: Yes yes yes yes.

Question: Was Amanda there that evening?

Answer: I don't know. I don't know if it was the same evening that Amanda was working, I don't remember.

Question: Listen, on the evening of Wednesday 31 October 2007.

Answer: Yes.

Question: Was your pub open?

Answer: Yes.

Question: Do you remember who came? Who was there? Who was present?

Answer: The people...

Question: That evening, the night of Halloween.

Answer: Of Halloween yes. No, there were lots of people but who for example was working with me ...

Question: Here, was Amanda there?

Answer: Yes yes yes yes I saw, I saw Amanda.

Question: Yes.

Answer: And then at what time she left I don't know.

Question: At what time did you see her?

Answer: Really I don't remember well. I don't... I'm unable to place it well because I remember, the Bulgarian girl was working, and she asked me, she said to me "I saw Amanda and she is looking for you", and then I was upstairs, I came down and I asked her: "do you want something to drink" I remember well, she wanted a glass of red wine, and I served her the wine, then I stayed there, because two people from SIAE arrived, and so I spoke with these two and then after I didn't... I didn't see her.

Question: But she, but was Amanda on her own?

Answer: I, when I saw her there [yes] but I wouldn't know if she came with somebody or not.

Question: Did you speak, however did you speak with Amanda?

Answer: Yes, of course, of course.

Question: Do you remember how she was dressed?

Answer: I don't remember. I just remember a bit of make-up I think, I think make-up to be a cat.

Question: "of a cat"?

Answer: Yes yes.

Question: Listen, do you remember the time approximately? Was it the afternoon, the evening?

Answer: No, it was the evening, it was the evening.

Question: "It was the evening".

Answer: In other words it was later... it could have been later than 22:00.

Question: "After 22:00" so it was late evening.

Answer: I think so, it must have been after 22:00 yes.

Question: Did you see who she was talking too, that evening?

Answer: No, it's a bit difficult for me, I don't remember.

Question: And at what time did you lose sight of her, at what time did she leave? Can you say, or?

Answer: It's a bit difficult, however I can be certain that already a little after mid-night and it seems she wasn't there anymore.

Question: So you saw her towards, after 22:00?

Answer: After 22:00, yes.

Question: Listen, let's go to the afternoon of the first, in other words the next day.

Answer: Yes, Thursday yes.

Question: That afternoon, at what time did you go to the pub that afternoon?

Answer: I arrived at the pub, really I don't remember very well, it must have been more or less, like 5:30 or 6:00.

Question: 17:30 / 18:00

Answer: 17:30 / 18:00

Question: However before going on, on the evening of 31 October, did you say there were a lot of people?

Answer: Yes.

Question: It was from... There were a lot of people from the beginning of the evening, basically, or?

Answer: No no no, the people arrive progressively and for this I say, also, when I say: I saw Amanda, it could be towards 22:00, because I remember that up until 21:30, I could imagine who was there, there still weren't that many people.

Question: I understand. You went there, the afternoon of the first you went to the pub, towards 17:30 / 18:00.

Answer: At 17:30 / 18:00 yes.

Question: And it was the time that, the time that you usually went to the pub, no?

Answer: Yes, yes.

Question: Here then, that evening, was Amanda supposed to come?

Answer: Yes.

Question: Because it was Thursday?

Answer: Yes.

Question: So Tuesday and Thursday?

Answer: And Thursday yes.

Question: So the previous evening Amanda was not working?

Answer: No, it was Tuesday.

Question: Instead that evening she was supposed to come, the first?

Answer: Yes.

Question: Here then, did Amanda come that evening?

Answer: No.

Question: She didn't come. Can you explain why, what happened?

Answer: It happened that often, on Sundays I would work on my own, because only a few customers ever come, for the costs, because otherwise the staff have to be paid and there aren't many customers, it's not worth it and when I, while I was at the bar, I realized there, that even though it was Thursday, but in any case it's first of November, the Day of the Dead, and so I thought making Amanda come all the way to the bar only to tell her that there are no customers and tell her to go home, for me, I thought it would be polite of me. So I said to myself: maybe she has other things to do and it would be better to send her an SMS, and so I wrote her an SMS.

Question: At what time did you send it?

Answer: It could have been towards quarter past eight, twenty past eight, more or less.

Question: Listen, did you send it with your cell phone?

Answer: With my cell phone yes.

Question: Which number was it? The one you had in that period?

Answer: 338/7195723

Question: Yes. Now, no trace of this was found on your mobile phone.

Answer: Yes.

Question: How come, can you explain?

Answer: No, I think only for the reason that the cell phone that I have, if I send an SMS to someone, and this is... when I try to send another SMS to another person, I see in front of me that SMS sent earlier. So I have to delete it in order to send another, so for it still to be there I must not send anybody else an SMS.

Question: So after sending the SMS, did you delete it?

Answer: No no no it's not that I... When I sent another SMS...

Question: Ah I see, you sent other SMS's that evening?

Answer: Yes.

Question: And so you deleted this one here?

Answer: That earlier one, yes.

Question: The one from before. Was it an option of the phone, how was it?

Answer: Yes yes the cell phone was like this, if I send an SMS to her and later I have to send another SMS to somebody else, when I want to send the other SMS I have to cancel the one I sent to her to send the other one.

Question: Right, and what did you write in that SMS?

Answer: I wrote: "Hi Amanda, today is like a Sunday, there won't be many people, don't come this evening come Tuesday".

Question: In Italian?

Answer: In Italian, yes.

Question: And did Amanda respond to you?

Answer: Yes.

Question: When did she respond to you?

Answer: It could have been maybe ten minutes later, quarter of an hour later, I don't remember well.

Question: So around 20:30 more or less?

Answer: Yes yes, 20:30 / 20:35, I don't remember well.

Question: What did Amanda say in her response?

Answer: She responded something like: "Of course, see you afterward" or maybe "see you later" something like this.

Question: In Italian?

Answer: Yes in Italian, and Good evening, yes.

Question: Can the witness be shown whether this is the display of the message.

Answer: Yes.

Question: I don't know if it's visible, I think, this is the display of the...

Judge Massei: Yes, yes it's visible.

Question: And then what happened? Here then, "see you afterwards" "see you later" no?

Answer: Yes.

Question: Meaning you had an appointment? How...

Answer: No no no but we didn't have an appointment.

Question: How come she said to you, she responded to you like this?

Answer: I don't know, but I thought, maybe for people of English mother tongue "ci vediamo dopo" could be translated "see you later" I thought this but...

Question: Yes, that it was...

Intervention: [not picked up by microphone.]

Question: Yes yes go on.

Answer: Yes, I thought this, that it could be something like this, however...

Judge Massei: And so what do you mean by "something like this"? What does that mean "something like this" do you mean that it's an expression in English?

Answer: Like an expression for saying "see you later" is like "ci vediamo dopo", and then for me it wasn't so important to understand, my ... the important thing for me was that she wasn't to come, I wouldn't have to spend money for nothing, without customers.

Question: Listen, did you meet up with Amanda in the evening? Who knows, did you meet after dinner, did you ever have appointments with Amanda?

Answer: No.

Question: "No". Then what happened? Go ahead with... So you return home, at what time did you return home that night?

Answer: That night?

Question: Yes.

Answer: I think... I arriv... I don't remember well but I think I returned home, more or less, towards 1:45 / 2:00, later at 2 I was already home.

Question: Ok, and then?

Answer: I found that... that my partner was sleeping and the baby woke up and so I stayed with the baby for a while and then we went to sleep.

Question: When did you find out about the crime?

Answer: Late on Friday, towards maybe six/six thirty, six thirty/seven at the pub.

Question: "At the pub".

Answer: Yes.

Question: Therefore Friday 2.

Answer: Yes.

Question: 2 November.

Answer: Yes.

Question: Did you have the chance to talk to Amanda?

Answer: On the telephone, yes.

Question: Ok, and that evening?

Answer: On the Friday, yes yes.

Question: "On the Friday".

Answer: As soon as I knew about it I phoned her to verify if the news was true or not.

Question: And where did you find her? Did she say where she was?

Answer: Yes, because two American friends arrived, an afro-American, Exsidas, and an Ital-American, Catrin, and they arrived and they came to the pub, they said to me: "Patrick did you hear that Amanda's friend is dead, that English girl that lived with her" and I asked them: "but she seems a bit Indian", like that. And they said: "Yes". I asked them: "but who told you, is it true?", and they said "we've heard". I thought maybe it was like an urban legend. I said: "Have you asked Amanda if... Have you called Amanda to find out if it's true?" and they said: "we don't have Amanda's telephone number" and I said: "I have it, let's phone her" and I took my phone and I called Amanda.

Question: About what time?

Answer: I don't remember well, it could have been 19:00 or 18:30, I don't remember well.

Question: And what did Amanda say to you, exactly?

Answer: I called and I said "Amanda is it true that your friend, the English one, is dead? She said to me: "it's true" and immediately she said: "I can't talk now because I'm with the Police" and then I said: "ah, Ok, sorry", and before I ended the call she asked me: "how did you find out about it?", and I told her: "Exsidas and Catrin are here, it was these two that told me about it." And then I ended the call.

Question: But did you speak in Italian to Amanda?

Answer: Yes.

Question: I mean that evening, did you speak in Italian?

Answer: Yes yes yes on the phone in Italian, yes.

Question: Listen, did you then see or talk again with Amanda and also with Raffaele?

Answer: No, Raffaele no, because Raffaele and I never spoke.

Question: With Amanda, with Amanda?

Answer: With Amanda I saw her on the Monday at the University for Foreigners.

Question: Right, Monday which would be the fifth?

Answer: Yes.

Question: Right, at what time did you see her?

Answer: It could have been around 13:15, 13:30, but I don't remember well. I remember that the 1pm exit of the students was already past, yes because I was there waiting, at the University for Foreigners because I was the coordinator of the Italian and foreign students and so, the director of the University had telephoned me, in the morning, because they wanted a student who was mother-tongue English, to speak with the BBC, and the University of Foreigners was worried that... because a student might say bad things of the University for Foreigners, and so I went there, I tried to contact some students, except that they didn't want to, because there were those who didn't want to meet the journalists, there were those who weren't in agreement, seeing as the day before the University had refused to put up a poster of mourning inside, and many were not happy, while we were there I saw Amanda pass by and I called her.

Question: You called her?

Answer: Yes yes yes.

Question: And what did you say to each other?

Answer: No when I saw her, she crossed the road, I went to meet her towards the traffic lights, and then I took her in front of Gallenga building of the University for Foreigners, and I said: "how are you", to say to... after all of this how are you. And she ... she complains a bit about the Police to say, she was saying that "I've been a long, long, long time with the Police, it's really very tiresome, tiring" and I tried to play the part of the Police advocate, saying "look it's normal that the Police does... it doesn't have magic, it's normal that they ask you these questions, and I think it's in order to understand, no" and so on. And then after I've been speaking with her, the person responsible for dealing with the press at the University who was a few meters away signals to me as if to say: "But Patrick, this student who is an English mother tongue, can we find one or not?" and in that moment I said: "Amanda, do you feel like, do you feel up to speaking to the press on behalf of the University for Foreigners, because they are looking for English mother tongue students" and she said to me "me and my flat mates agreed that we shouldn't talk with anyone. We must not speak on the phone to anyone" and she hugs me and she says to me: "Patrick you are a good person, you have helped me a lot, so you can telephone me when you want". And then after she said to me "I have to go to my friend, I'm tired" and then she left.

Question: Listen, but did you ask information about Meredith's death? How she died?

Answer: No no no no.

Question: You didn't ask this?

Answer: No, because when I said "how are you?" I expected in that moment maybe she will tell me this and that, but I realized she didn't want to talk, and it's my nature that when I understand a person doesn't want to talk about something I let it go.

Question: Listen, you didn't speak any more with... you didn't speak again with Amanda?

Answer: No, no.

Question: Then it was... what happened? The next day?

Answer: The next day I woke up, I don't remember well if it was... however outside it was still a bit dark, the baby had woken up, my son, in that period he was 1 and a half years old, and I carried him, we went with him to the kitchen, I prepared him milk, I gave him milk, and then I heard, somebody knocked at the door and the sound was that the person was, really he was behind the door, I had thought that maybe it was the neighbor, something like that, because I had put on a cartoon for the baby, and when somebody knocked my natural instinct was to lower the volume, immediately, even if it was already low, and he knocked a second time. I... I went towards, near the door and I asked "who is it?", and I heard the voice of a woman who said: "open the door" and seeing as I have a security system on my door that opens it a little bit, half way, I opened, I saw a lot of Police badges, that said to me: "Police, Police, open the door" and as my son, every time someone knocks at the door, he is already, my son was there and I tried to say that, "and there's a baby, wait a moment", but there was such agitation: "open, open", and I opened the door, it was the Police but... they handcuffed me and then they took me to the Police station.

Question: Were you then placed into Police detention?

Answer: Yes.

Question: Now, you were... How were you treated by the Police? Were you badly treated? Were you beaten?

Answer: No, I was not beaten but the situation was hard.

Question: In what way, what do you mean? Explain, it's clear that it was detention, so you were...

Answer: No because for example when I, already the fact that the Police took me like that in front of my baby, they handcuffed me. I tried to ask "but what's happening, why?" they said to me: "You know what you've done". Also my partner tried to ask them: "and what... what is happening? What has he done?" they said "I know what he's done", they found me [not heard] I am, I'm tropical but practically without even getting a jumper, nothing, I was there, I stayed there like that for, for a long time in the Police Station, I was cold, I tried to say that I was cold and if I could have a jumper, nobody gave one to me.

Question: Listen, were you however, I repeat, were you badly treated, beaten?

Answer: Nobody hit me, but just this situation like this that, even somebody... it wasn't... yes, beaten nobody beat me but it was hard, the situation really wasn't, it wasn't good, yes.

Question: Listen, can you tell me whether Amanda was frightened of you? Had she ever demonstrated fear of you?

Answer: No but... No, but I don't see for what reason.

Question: There hadn't been, there hadn't been arguments, clashes, in the later times? Beyond... So, you have described this meeting this... but I say in...

Intervention: We object to this question it has already been asked earlier, exactly on the same matter if there had been clashes with Amanda, it's a repetition.

Question Mignini: No, if...but was Amanda frightened of... this is another question, counsel, I'm asking if you think Amanda was frightened of you.

Answer: Honestly for me, I don't see for what reason, because I had a good relationship with her.

Question: So basically it didn't seem to be the case to you.

Answer: To me it didn't seem so, yes, because even in front of the University for Foreigners she hugged me, I don't think you can hug somebody you're frightened of, at least I wouldn't be able to.

Question: I don't have any other questions.

Judge Massei: Yes, go ahead, the plaintiff Counsel Pacelli.

Civil Attorney Pacelli

Question: Listen Patrick, you have substantially responded to nearly all the questions that was the Prosecutor's obligation to ask of you. I, however, would like you to respond to two questions. Listen, what consequences has the fact that Amanda indicated you as the murderer of poor Meredith had on you?

Answer: No but I think that...

Intervention: [not heard]

Civil attorney Pacelli: No, please some silence please, your Honor.

Judge Massei: Yes, yes, go on, go on, Counsel. Yes yes it's correct of course, go on Counsel.

Question: This is the question, respond Patrick, respond.

Answer: No no, I'm now, I'm now 39 years old, yes, and I've spent all my life, it's not as if before... that I've been arrested for maybe stealing jam from a supermarket but nothing

happens to me, then out of the blue I'm accused of murdering a person, and I've raped a person and, so, this is already... and then they take me at my home, and I find myself in isolation for 3 days, I can't speak with anybody, I can't take a shower, a thought came to mind because my father was in politics, my, my father was taken and to this day we haven't had any news, we can't demonstrate if my father is alive, and so ... I had this sensation that I wouldn't be able to embrace my son, like what had happened, until now I hope this situation finished with me, because until now during the night if I have to verify if my son is still there, if my door is still closed and so.

Question: Listen, I would like you to reflect a little on this question. How old were you when your father was kidnapped?

Answer: I was about 9 or 10 years old, something like that.

Question: Have you ever seen your father again?

Answer: Not any more.

Question: So you don't know if your father is still alive or [not heard]?

Answer: No, we don't know.

Question: When you found yourself in a situation of being arrested what did you think? Did you have again, was this wound re-opened?

Answer: No, I really, I hope this situation will be over for me, because until now it hasn't ended at all, I realize, sometimes, I think it's over but when... sometimes even my friends invite me to dinner to their house, at the last moment I change my mind, I don't go.

Question: Listen, have you been receiving treatment, for many months, from Dr. Albrigo?

Answer: Yes.

Question: Do you still today wake up during the night?

Answer: Yes.

Question: What do you feel, why?

Answer: Because I have the sensation that maybe I'll wake up in the morning and my son will not be there anymore, somebody has taken him away, I have this sensation.

Question: And so you have the sensation of not seeing him again?

Answer: Yes.

Question: Listen, a final question, at the time of being arrested, were you managing the pub?

Answer: Yes.

Question: Did you try to reactivate the pub, after your release and after the pub was restored to you.

Answer: Yes yes yes, I tried.

Question: And how did this situation end, from the economic-financial point of view?

Answer: It all collapsed because, when the bar was sequestered for, for 3 months, on paper it's 3 months but a bar when it re-opens it's not as if it's an office that you close for 3 months and after, you come, and you open the office. But there everybody was present, it went badly, to pick up all these things and then it's not as if the State says to you: "ok, for 3 months, you've been sequestered, you don't have to pay contributions, you don't have to pay anything" all these things had to be paid. I, when I didn't have anything left, economically, when a business no longer has, no longer has either savings or anything to continue financing the business, the business collapses. Then there is also the prejudice of the people, if there are so many bars why should I go to someone who has been...

Question: has been arrested?

Answer: has been investigated, for murder, he's safer going somewhere else. I put myself in the position of the customers, maybe I would also do the same thing in their place.

Question: Listen in that period, in November, who was part of your family, Patrick?

Answer: There were 3 of us.

Question: The partner and son?

Answer: Yes yes there were 3 of us.

Question: Presently, and it's my last question your Honor, are you redundant? How do you live?

Answer: I've lost everything, I don't... I spend my time writing music.

Question: Thank-you your Honor, no further questions.

Defense Attorney Maori

Question: Lumumba, earlier, answering the Prosecutor you said you'd seen Raffaele Sollecito a total of three times.

Answer: Yes, from what I remember, yes, yes.

Question: Right, on which occasion did you see him?

Answer: The first time, I think, he was accompanied by two or three other guys, I remember because they were seated, where as soon as you enter there's a table which is at a diagonal with the counter.

Question: Did you always see him inside your pub?

Answer: Yes, yes, yes, it was... Yes, yes there.

Question: Then?

Answer: Ah, you want to know... if the other times it was always inside the pub, yes.

Question: And what was he doing?

Answer: That other time, another time he arrived and then after, like a few minutes, Amanda said to me: "Ah Patrick today, seeing as there aren't many customers, can I go?", and I said "yes" and then they left. And another time there were two South American guys that were always there at the bar, one asked me about Amanda and I said: "I know that Ama..." in other words he asked me: "but who is with the waitress, the American." and I remembered that she often spoke of a boyfriend she had in the United States. I told him "ah, you know she has a boyfriend in the United States" and then I saw that, Latin American speak with Amanda and then also with Raffaele. And then later he came and said: "Ah but she's together with the Italian, they told me".

Question: And how did he behave? Like a normal customer?

Answer: To me Raffaele, he gave me the impression of a person that comes from a good family from a good family, and I'm someone, and too much... We in Congo say: "money in the pocket doesn't talk" and so when I say: "good family" I mean a good upbringing, he gave me the impression of a person of a good upbringing.

Question: Can you explain to us what he did for you to consider him a person of a good upbringing?

Answer: Yes, because he enters, he says hello, and then he's not agitated, he smiles and then he's calm, these things, and then he gets up and he leaves, because we in the pub know, no, how they behave.

Question: So he's a person that stands out compared to others...

Answer: Yes.

Question: customers of the pub.

Answer: Yes.

Question: So he has had a good upbringing.

Answer: Yes, that's what it seemed to me.

Question: Of course. Let's go back now to the questions of the Prosecutor. The Prosecutor said to you, he asked you if you had been badly treated in the moment of your arrest.

Answer: Yes, he asked me yes.

Question: And you replied in a certain manner, can you repeat it?

Answer: I said that nobody beat me, but it wasn't fun at the station.

Intervention: He has responded your Honor, this question has already been asked.

Judge Massei: Yes, perhaps... there are some aspects.

Question: I would like to inform Mr. Lumumba, I don't know if you remember well that during an interview of yours, given after...

Intervention: We oppose, your Honor the interviews are not in the records of the investigation, we have a preliminary opposition from this point of view and therefore it's not possible to define its value, journalists write what they want...

Judge Massei: Counsel we have understood, excuse me Counsel...

Question: [not heard due to several voices speaking at once]

Judge Massei: Excuse me, let's avoid all the talking over each other. Excuse me...

Intervention: There are the transcripts.

Judge Massei: The formulation of the question as it was done is not admissible because it invites the witness to repeat what has already been said, so it's entirely... If there is a question which wishes to highlight aspects not yet exposed in an appropriate way.

Question Maori: I will reformulate it in another way.

Judge Massei: Go ahead, Counsel.

Question: Do you remember, Mr. Lumumba, to have met with a television broadcaster, I seem to recall either English or American, English, and in that meeting, which was then broadcast, you stated to have been badly treated by the Police?

Intervention: Objection Your Honor.

Prosecutor: We the Prosecution also object your Honor.

Judge Massei: Excuse me, one at a time. First the Prosecution.

Prosecutor: It's not that... you can't present contradictions on the basis of interviews.

Defense Att. Maori: I didn't present any contradictions.

Judge Massei: Excuse me, excuse me please, Counsel, however you've asked the question let's hear the objection and then there will be a determination of its merits. Go on, Counsel.

Intervention: The defense Attorney Maori representing Sollecito is cross examining, your Honor.

Defense Att. Maori: Exactly.

Intervention: Having said this the questions in cross examination which must focus on being correctly posed, I mean, from the Prosecutor, they must however be the subject of spoken and of specific situations. Now, about questions about journalistic sources, it seems to me that it doesn't have any relevance. The fact that dozens and dozens of newspapers, I say this because, then, I imagine there will be other types of a need to present contradictions, maybe in this sense I would like to avoid it, take note that, many times, [newspapers] say things, they modify, amplify, make correlations through editing, construct interpretations, this cannot be the object of questions to present contradictions, because such is not foreseen by the Code.

Judge Massei: On the question asked by the defense Counsel of Raffaele Sollecito I would note that in cross examination one can ask suggestive questions, that the behavior that the witness would have suffered has already been the subject of discussion and so, in cross examination questions relating to that can be asked, it doesn't seem to me that the question presents contradictions on statements but rather whether the statements that you... Therefore, you remember to have made statements to the press, to the media?

Answer: Yes, but not as the press had reported.

Judge Massei: Right, and do you remember, the defense Counsel was saying that you allegedly said to have not mentioned any threats...

Defense Att. Maori: Bad treatment.

Judge Massei: Right, bad treatment. Now, what do you remember to have said?

Answer: No, I said that the situation wasn't, wasn't, wasn't fun because at a certain point, they removed my clothes, I was left naked.

Judge Massei: Excuse me, you mean "they took away my clothes" before you said that you were lightly dressed, basically, you asked for a jumper and it wasn't given to you.

Answer: Of course, yes.

Judge Massei: In other words taking away your clothes would be something different. How did it go? In other words you were wearing light clothes from the moment that you were detained?

Answer: Yes.

Judge Massei: You asked for a jumper and it wasn't given to you or the clothes you had on were taken off you?

Answer: Yes, at a certain point yes, for a while two, two or three officers, I don't remember well, they were with me in a room, they told me to take off my clothes, I was left a bit... I was left naked for a period of time, looking at the wall, and the window was open. I said this, but I didn't say that they had beaten me, because nobody beat me.

Judge Massei: Continue.

Question: I didn't talk about being beaten I spoke of bad treatment. So, you have responded in the affirmative to my question.

Judge Massei: He responded how he responded, Counsel. Let's avoid making interpretations or comments.

Prosecutor: He responded as he responded.

Judge Massei: Yes, please. Yes, let's stick to the questions that the witness...

Intervention: [not picked up by microphone]

Question Att. Maori: [not heard due to several voices speaking at once]

Judge Massei: Excuse me, excuse me. However, please avoid the interpretations and comments, to the replies the witness provides, there will be a time for evaluation of the replies in the closing arguments, but now let's keep to what the witness says.

Question Att. Maori: Of course. One last question. At the moment that the Police arrived at your residence, and you understood and explained it clearly when asked by the Prosecutor, did the Police Officers who came to arrest you, tell you the reason why you were being taken to the Police station?

Answer: No.

Question: Thank-you.

Judge Massei: There are no questions. Go on Counsel.

Defense Attorney Ghirga

Question: A question, Amanda Knox defense. You spoke about contributions, you recounted to us the troubled period of the reopening, were you paying the contributions for the remuneration for Amanda or for the girls? You say three months is a long time, they pass by quickly, you need to pay the contributions. This word contributions what did you mean? You said contributions.

Judge Massei: Yes yes he made reference to it.

Question Att. Ghirga: It's just that, we have spoken about damages, I...

Answer: No not for Amanda, because Amanda had started, she wasn't...

Question: Not for Amanda.

Judge Massei: Let him finish.

Answer: Her pay wasn't declared.

Judge Massei: Please continue.

Answer: No, I say this so... For contributions I mean all the various taxes that a local bar pays, but not for Amanda because Amanda didn't have a contract of employment, she had just started.

Question Att. Ghirga: Indeed, it will be a matter that needs to be verified by the defense, but if I ask you what your economic situation was let's say on the first of November 2007, was the business active? Did it have a positive balance sheet? Was business, in quotes, going well? Here, if you wish... in that moment. In any case it will all be checked but...

Judge Massei: Yes continue.

Question Att. Ghirga: Given that he has spoken of damages, I have to ask you all the minor details, how was your work going? How was the pub going up until the first of November 2007.

Answer: No, no, but I think that... your Honor, our bar is for winter, it's like having a stall on the beach and you ask him how it was going in January and February, and during the winter nobody goes to the beach and so, it's automatically the same for us. With us having a bar that was the opposite of those of the summer, so bars where the customers come when it's cold, before the start of the hot period, but in any case business was going well, it was growing progressively.

Judge Massei: Perhaps you can give an indication of the revenue, perhaps of the profit, the monthly average that you were able to obtain?

Answer: This is something I can't say now, my accountant knows this.

Question Att. Ghirga: OK, thanks.

Judge Massei: Continue.

Defense Attorney Dalla Vedova

Question: Listen, Lumumba, I wanted to clarify some things about the morning of 6 November, you have recounted...

Answer: Yes.

Question: You have recounted that they came to your house...

Judge Massei: 6 November? Tuesday.

Question Avv. Dalla Vedova: 6 November of 2007.

Answer: But 6 November, Tuesday, which is the morning when they took me.

Question: Exactly yes, 6 November 2007.

Answer: Yes yes.

Question: You have recounted that you were at home, and it was dark, and you were feeding your son.

Answer: It was still dark outside, yes yes, yes.

Question: So more or less what time was it?

Answer: Really I don't remember well but...

Question: Four, five O'clock?

Answer: Maybe 6 O'clock, but really, honestly I don't remember well, the only thing I remember is that I didn't immediately open the door, because I saw outside it was still dark, however it was almost sunrise something like that.

Question: Listen, how many people came, that morning, to your house. Do you remember?

Answer: Really I don't remember, there were many of them.

Question: So ten?

Answer: Maybe, even, yes. Maybe.

Question: Listen, did one of them present himself as the responsible for the group?

Answer: No.

Question: So you didn't know who the coordinator was of this group?

Answer: No.

Question: Listen, but this, these people, these ten what did they say: "we are all from the Police"?

Answer: He said "It's the Police, open", as well as other things, and when I opened the door I was in handcuffs, yes.

Question: But who said this, you said it was a woman?

Answer: The first voice that said: "Open open" was a woman however in that group there were both men and women.

Question: Did this person justify himself, when you opened the door? Other than showing you...

Answer: He said, he said to me "Police", yes.

Question: And did they also show you...

Answer: Their badges, yes, yes.

Question: Understood. Listen, did they say to you that you could have an Attorney?

Answer: When we were already at the Police station and... I don't remember well, really, when, I think one of them said to me "do you have an Attorney?", and I said: "but I've never done anything, I don't have an Attorney" and that's all.

Question: Listen, have you ever had an experience of this type? In other words do you have a Police record in Italy?

Answer: No no no.

Question: You don't have a Police record?

Answer: No no no.

Question: So did it enter your mind to ask for an Attorney in that moment? Did you ask for one?

Answer: No, I didn't... I thought that they were... I thought above all else, apart from the fact that I couldn't understand why they had taken me, and at a certain point I asked some of them "but are you sure that the person you are looking for is me?" and I had something of a conviction that, maybe they had made a mistake, maybe they were looking for a Patrick, and seeing as I am a Patrick that everybody knows, I thought that they arrived at me, and so before thinking of finding an Attorney, first I must be convinced to have done something wrong, and so I hadn't done anything wrong, I thought all that time that they had taken me in place of somebody else.

Question: And at what time did they tell you were entitled to an Attorney on the morning of the 6th, was it in the morning or the afternoon?

Answer: I think it was in the afternoon, I think.

Question: Where were you through that period of time? At the Police station?

Answer: Yes.

Question: Always in the same room?

Answer: No, we changed, we went to one room to take, to take finger prints and so on and so forth, and I was near that place and then after we were there a while and then we returned there.

Question: Did you have the opportunity to call your wife to calm her, to tell her something?

Answer: I saw her.

Intervention: [not picked up by microphone.]

Prosecutor: But why is this relevant, I don't get it, he was in detention.

Judge Massei: Excuse me, excuse me.

Question Att. Dalla Vedova: Can I continue your Honor?

Judge Massei: Maybe we can hear the objection, excuse me, however in such a case let's hear the objection to the question but let's avoid interrupting the question.

Question Att. Dalla Vedova: I'm waiting to understand what the objection is, otherwise I ask your Honor to continue.

Intervention: How can he call his wife, I mean he's in detention, I mean these are questions that have nothing to do with this.

Judge Massei: So there is an objection on this...

Intervention: [not picked up by microphone.]

Question Att. Dalla Vedova: Can I continue?

Judge Massei: Yes, however the objection is sustained.

Question: Did you have a cell phone?

Answer: I only had one cell phone that I used, yes.

Question: Was it taken?

Answer: Yes. Even my old one was taken that I had there and didn't use any more, it was blocked.

Question: But where? When you were at home or was the cell phone taken when you were in the Police station?

Answer: At home.

Question: Immediately?

Answer: Yes yes.

Question: Were other objects taken from your house, in that moment?

Answer: In reality when, later when an officer arrived, he asked me what I wanted, I asked him for a jumper, and he brought me a jumper, that was mine, and there I understood that, that all my things were... But it was a bit difficult to work out what they had taken, I saw, only he said to me: "how many cell phones do you have?" and I said "I have one that I use which is here, and there was another", the old one, I didn't use it any more, it was on the bedside table. It's those same things, the only things that I could see and take [with me] but later I don't know, later I realized that when they brought me a list, before going to Capanne [prison] and there I realized that there were many of my things that had been taken.

Question: When did you then go to Capanne [prison]? When were you taken to prison?

Answer: That same evening.

Question: "That same evening". Were you able to speak with the Embassy, with your Embassy?

Answer: Yes, yes..

Intervention: Objection also here.

Judge Massei: Perhaps, excuse me, we can ask the question, excuse me Counsel the only thing that the Code permits, is if you were given the possibility to inform [others], if they said to you: you can inform people, relations or whoever...

Question Att. Dalla Vedova: Which is what I had asked.

Answer: No no no no I didn't inform the Embassy..

Judge Massei: Were you told "look you can let people know", do you remember this.

Answer: Yes, yes, yes someone asked me, an officer asked me: "is there anybody that you want to inform that you've been arrested?".

Judge Massei: And what did you say?

Answer: I said: "You took me in front of my family, they know" yes.

Judge Massei: Excuse me please, continue Counsel.

Question Att. Dalla Vedova: Listen, and after how many days, on the other hand, did they revoke your arrest order.

Answer: After?

Question: After how many days were you restored your freedom? Do you remember?

Answer: I think 14.

Question: What happened exactly? Did your Attorney submit a written request, or was it a decision of the Authorities? Can you explain it to us?

Judge Massei: If you know.

Intervention: [not heard]

Judge Massei: Excuse me, do you know how...

Intervention: [not heard]

Judge Massei: Excuse me, please let us reconstruct the...

Answer: Honestly...

Judge Massei: Excuse me, excuse me seeing as he is a plaintiff and in order to reconstruct the story, which forms the prerequisite of the request with the justification put forward and

assumed, so please continue. So, do you know how it then went? How many days was it... it was more or less, how many days were you deprived of your freedom and then...

Answer: 14 days.

Judge Massei: Was it due to a requested submitted by you afterwards? A decision of the Authorities if you know? A decision...

Answer: To be honest I haven't understood.

Judge Massei: If you submitted a request to be...

Answer: Because I know I had an Attorney that...

Judge Massei: However you don't know these aspects of a procedural nature.

Answer: I was paying for all of it, yes but...

Judge Massei: Continue Counsel, it will be in the court records.

Question Att. Dalla Vedova: In the period after your release into liberty, were you called in again by the Prosecutor's office?

Answer: Yes.

Judge Massei: Excuse me Counsel, repeat the question, I didn't...

Question Att. Dalla Vedova: In the period after your release, when you were free again, were you called in again by the investigators?

Answer: Yes.

Question: Can you be more precise, on what occasion? And how many times...

Answer: No no but... No no I didn't have to go to the... to the Prosecutor's office, yes we went to the Prosecutor's office.

Question: How many times?

Answer: One time.

Question: Only one time.

Answer: Yes yes.

Question: Understood. Listen, going back to the relationship between the victim Meredith and Amanda, you said that you know they lived together and they were friends?

Answer: Yes.

Question: Did you also know the other girls of the house?

Answer: No.

Question: And the boys that lived in the floor below, did you know them?

Answer: No.

Question: And so, this, this friendship between Amanda and Meredith, were you able to ascertain it because they frequented your bar or also others...

Answer: Meredith came twice, but they came with friends and so... If somebody tells me: we are friends, I accept it.

Question: Of course. Listen, you also recounted that you had met Rudy Guede.

Answer: No.

Judge Massei: And on this point perhaps... Excuse me you, Rudy Guede...

Question Att. Dalla Vedova: I believe he said so earlier.

Judge Massei: Yes, he said something about it but not in these precise terms. Did you know Rudy Guede?

Answer: No no no not in the way that one knows people like this, I don't know him, I don't know.

Judge Massei: You gave a very uncertain indication, on this point you don't know if it was Rudy Guede, it could have been but it might not have been, this is what I think I understood from your statements.

Answer: Of course, of course, yes.

Question Att. Dalla Vedova: For the moment I've finished, thank-you, your Honor.

Judge Massei: Yes. The Counsel that asked for this witness testimony can if... Are there no more questions?

Intervention: If I can ask one last question?

Judge Massei: Go ahead.

Question Att. ?: Patrick, you submitted a request for compensation, how much were you paid? How much, how much did you receive by order of the Appeal Court of Perugia as a result of your request for...

Answer: Ah, yes, eight thousand euros.

Question: How much?

Answer: Eight thousand euros.

Question: Thank-you your Honor, no more questions.

Judge Massei: So no more questions, the witness is dismissed. He can leave.