

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0019

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Tuesday, 26 February 2013

8 *(The hearing starts in closed session at 9.09 a.m.) Reclassified as Open session.

9 THE COURT USHER: All rise.

10 The International Criminal Court is now in session.

11 Please be seated.

12 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the

13 case.

14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central African

15 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.

16 PRESIDING JUDGE STEINER: Thank you. Good morning. I welcome the

17 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre Bemba

18 Gombo. I welcome our interpreters and court reporters. Good morning, Mr Rojas.

19 THE COURT OFFICER (Redacted): (Interpretation) Good morning, your Honour.

20 WITNESS: CAR-D04-PPPP-0019 (On former oath)

21 (Redacted)

22 (The witness gives evidence via video link)

23 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

24 THE WITNESS: (No interpretation)

25 PRESIDING JUDGE STEINER: I haven't received the interpretation.

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1 THE INTERPRETER: Apologies from the interpreters, from the (Redacted) booth. Good
2 morning.

3 THE WITNESS: (Interpretation) What are you saying, your Honour?

4 PRESIDING JUDGE STEINER: Mr Witness, I was waiting for the translation of what you
5 said, and it was just "good morning," so good morning to you as well.

6 THE WITNESS: (Interpretation) Once again, good morning, your Honour. I had
7 answered already, but once again, I repeat myself, good morning.

8 PRESIDING JUDGE STEINER: Mr Witness, you will continue today giving your
9 testimony before this Court, but before I give the floor back to the Defence, I need to
10 remind you that you are still under oath; do you understand that, sir?

11 THE WITNESS: (Interpretation) Yes, I understand the meaning of the oath that I swore
12 yesterday.

13 PRESIDING JUDGE STEINER: So this morning Defence will continue questioning you,
14 and for that purpose I'll give back the floor to Maître Kilolo.

15 Maître Kilolo, you have the floor.

16 MR KILOLO: (Interpretation) Thank you, your Honour, for giving me the opportunity
17 to address the Court.

18 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

19 Q. Witness, good morning.

20 A. Good morning, Counsel.

21 Q. Yesterday, we were discussing the situation relating to the operations in the Central
22 African Republic as of 26 October 2002 up until 30 October, the date on which you arrived
23 in Bangui. I would like to ask you to tell us, in your own words, how the operations
24 unfolded from the time that you arrived in Bangui on 30 October 2002 up until the last
25 day, and I would like to ask you to tell us what happened one step at a time, that is to say

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1 location by location, as you advanced into the theatre of operations?

2 A. Well, if I've understood your question correctly, you're asking me to give you the
3 entire background of the war from the time that we left the DRC up until the day I arrived
4 in the CAR; is that correct?

5 Q. Yes, that's right, Witness. Could you tell us what the situation was when you got
6 there, who you fought with, against whom, how the command was organised, was there
7 any co-ordination in the field? In short, could you tell us all about the operations - the
8 command operations - in the Central African Republic, of course?

9 A. Thank you. The operation in question began in October, late October, up until
10 March 2003. The operation lasted five months, approximately. Please be patient on
11 your side, because it's not an easy task to tell you about what happened over five months,
12 to summarise everything that happened in ten or 15 minutes. It is possible that I might
13 forget a few steps, or stages rather. I may omit some stages. I don't know everything,
14 but I will tell you about the events that occurred.

15 I got to Bangui on 30 October and, when I got to the port, five or six vehicles were there
16 and the soldiers got in. Personally, I got into a vehicle led -- correction, driven by a
17 (Redacted)

18 As I told you yesterday, there were others soldiers at Camp Béal. (Redacted)
19 (Redacted)the enemy that we were fighting received information to the effect that an army
20 was awaiting, so the enemy wanted to attack us before we attacked them, immediately,
21 and so it was a matter of setting up operations for an army that was going to begin
22 fighting and we also had this opportunity (Redacted) with the CAR soldiers (Redacted)
23 (Redacted)

24 We spoke briefly -- correction, we fought briefly, and this operation helped me really
25 because it was a test (Redacted) We began

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1 the fighting at the parliament and we moved forward five kilometres. (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted) the enemy
15 was the Head of General Staff who wanted to overthrow the government, but that attempt
16 failed, so he had an army at his disposal and he had fled with this army and he was
17 receiving support from the local people and from a number of politicians who didn't like
18 President Patassé.
19 There were also some Chadians who were behind him. (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 We were told that in the field, on the battle-field, we would be fighting side-by-side the
25 CAR soldiers. As for the Libyans, they would be providing support - air support - so

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1 they would -- there would be an air force and they would be handling that.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 I would say this: When -- in relation to the org chart, or the organisation, the command
6 was somewhat uncertain, hazy, because Mr Patassé and Bombayake to my mind had not
7 been able to -- Mazi and Mbeti-Ti-Bangui, that they didn't have 100 per cent confidence in
8 them.

9 Secondly, Mr Patassé was not able to inspire confidence. That is why the orders from
10 Bombayake would come and other orders would come from the chain of command. For
11 example, a minister might get information, but might not be able to actually issue an order.
12 Furthermore, the head of the land forces - the chief of land forces - would give us orders,
13 but they were different from other orders that we received.

14 So we continued fighting the next day, up until PK12. At PK12, we had a bit of a
15 problem. There was a crossing and the enemy did not go just one way. They took two
16 different paths, not one: One towards Damara and another leading towards Boali.

17 (Redacted)

18 (Redacted) so we were there for a week or two

19 at PK12.

20 Bemba came to PK12. (Redacted)

21 (Redacted) he inspected the troops and he was told that the troops'

22 morale was good. He reminded us what our mission was in the Central African

23 Republic; namely to protect the population and their property, to wage war as if it were

24 our war and also to respect the CAR hierarchy because this -- the Central Africans were

25 leading us.

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1 After that gathering, he left. (Redacted)
2 (Redacted)
3 I remind you that, when we got there, the Bangui airport was being held by the enemy.
4 When I speak about "the enemy" I mean Bozizé's army and his troops, but before getting
5 to PK12 we freed the airport. So that was the airport that he landed at. (Redacted)
6 (Redacted)
7 (Redacted) after the mission, he left the next day. General Mazi (Redacted) went
8 by way of the Damara road, and 20 kilometres from PK12 we drove out the enemy who
9 was positioned there. There was Mazi and Tutu Kuese. There was also another
10 lieutenant, a Central African Republic lieutenant. I don't know what his name was.
11 Our troops, or at least a battalion of our troops led by Major Kamisi, went towards
12 Damara and stopped at PK22. We took Boali and we moved forwards towards
13 Bossembélé. Once we got to Bossembélé there was another cross-roads, and once we got
14 to that place we withdrew slightly to organise the second operation; an operation that was
15 going to take us towards Damara.
16 We moved forward towards 55 Kilometres, where the enemy was based, and we regained
17 Damara. We stayed in Damara for one week. In Bossembélé that is where (Redacted)
18 reinforcements from an additional unit, because a great many of the enemy had fled
19 towards Bossangoa and others had headed towards Bossemptélé and Bozoum.
20 The battalion that came to provide reinforcements joined up with us and that -- it was led
21 by Major Yves, and he headed towards -- and another major went in another direction.
22 While we were fighting -- you see, there's always damage during fighting. When you
23 fire a shell, you can't keep the shell from hitting a tree or a house. When you fire a shell,
24 you may -- well, you may also receive -- you may also be shelled in return. That's how
25 things work during war.

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1 I realised one thing: Wherever we went, the local inhabitants were happy about us, and
2 they sang, they sang songs of liberation. And we met prisoners, and some members of
3 the local inhabitants had been pillaged and looted, but the vehicles that were going to
4 Doule (phon) that we encountered along the road, well, there were many of those and we
5 entered into fighting, and we went all the way through to Sibut, and I remember that at
6 Sibut there were nuns that came to see us, and they came to ask us to liberate Sibut,
7 because the enemy had closed a school, where young girls were studying.
8 We went and we did everything we could, and we actually liberated some areas, and
9 there were more than 80 pupils, majority of which were young girls. These were young
10 girls who were supervised by two or three nuns. And then there was an official and
11 some girls were escorted by soldiers from Sibut to where (Redacted) at that particular
12 time, and we asked Bombayake to escort these people back to Patassé, (Redacted)
13 (Redacted)
14 In addition to that, in the entrance to Zumo (phon), there was a company that belonged to
15 French people. It was a company that built roads or other things that I don't know about,
16 but anyway we came across a lorry that had been destroyed. At least three -- there were
17 three kilometres, there had been a petrol leakage, and the person who was the prefect of
18 Bozoum, we located that person who had been held prisoner and he was liberated and
19 given back to the local inhabitants, but anyway all the operations that we did to Bozoum,
20 Bossangoa and Sibut, we didn't do this on our own. These operations were done jointly
21 with military personnel belonging to CAR.
22 The soldiers who we arrested were then taken as prisoners of war, and then those taken
23 by the enemy that we were then able to liberate, we were able to hand them back to the
24 local inhabitants. The people demonised our operations however, because people were
25 weary of President Patassé, and I think we could go so far as to say as its army was

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1 divided because its General Staff, its command staff, wasn't aware of necessarily what it
2 was supposed to be doing.

3 Maybe all of that is politics, but to tell you the truth, the operations that we were involved
4 in, these operations that we were running, these operations were worthy of gratitude on
5 the part of Mr Patassé because we helped him, we helped his local inhabitants, and Bozizé
6 couldn't agree with that because we didn't make his life easy by any means. In short, this
7 is how the military operations unfolded.

8 And I'd like to remind you once more that when I arrived at Bossangoa it was night-time,
9 it was about 2 in the morning. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 I'd just like to say that when we liberated Bangui port, there were different sets of troops
20 from -- in the CEMAC I believe, troops that were supposed to come to protect the local
21 inhabitants and to supply them with things from Mr Patassé, but these people didn't stop
22 at Bangui; they went into the local vicinity, which was a sign that showed me that things
23 weren't going as they were supposed to go.

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted) in
5 this fashion: He said, "The commander has decided you can go back to Bangui, and then
6 from Bangui you can go back home." (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted) So we were
10 relieved at Sibut and Bozoum by CAR troops and Bossangoa, and then we started off
11 going home very slowly.
12 When we left Bossangoa and when we arrived at PK30 or 25, the enemy came in, and we
13 fought where we were, and the soldiers who were faithful to Patassé, and who had come
14 to meet us, (Redacted) and others went to see other people in my unit, and at Bossembélé
15 we fought and then the enemy withdrew and we were able therefore to withdraw.
16 Until 5 in the morning we were walking -- we were going rather to PK12, and then we
17 arrived at PK12, and then (Redacted)
18 (Redacted)
19 (Redacted) the transport minister, and he was asked to put to our
20 avail a ferry to take us across the river and I went from PK12 to the port, and when I
21 arrived at the port the entire city was at war.
22 We fought at Semaké (phon). The Chadians and the others who had been converted to
23 Islam and that were ready to go off to Mecca, all these people were soldiers against whom
24 we were fighting, and I couldn't go to the city from the port. I crossed over with a few
25 people that were with me, and that's just to tell you.

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1 I crossed with the belt I had, and all the others crossed one-by-one by every way they
2 could. They just muddled through, to get back home to Congo, and we got back to
3 Congo. This took us two or three weeks, but even after a month, many people had not
4 yet returned and we lost a lot of men, and some managed to cross, and once we crossed,
5 we were able to reorganise ourselves.

6 I don't know whether I've properly answered your question by talking about all this, but,
7 Counsel, I can tell you that that's a summary of the operations that we ran.

8 Thank you very much for your attention.

9 Q. Thank you very much, Mr Witness. (Redacted)

10 (Redacted) Can you tell us what role he had at that particular time?

11 A. Thank you, Counsel. (Redacted)

12 (Redacted) what he was doing. He had a role to play, a role given to
13 him by the CAR army, and he was an adviser also to Patassé. That's what I can tell you,
14 but I'm not familiar with the finer detail, to properly establish what relations he had, what
15 other relationships he had (Redacted) but what I can tell you, Counsel, is that the CAR war,
16 well, I mean, I think you can hear different versions about what happened, but I can tell
17 you, and I can tell the Court and the members of the Bench and other people, you
18 are -- have great wisdom, you're very intelligent, so I think you need to look at what
19 happened in the CAR with a great deal of caution because, with your leave, I can tell you
20 that when we were fighting there were French mercenaries who were supporting our
21 operations, and every time we retook an area, we came across other mercenaries.

22 I was surprised to find myself in front of Thierry, a French soldier, and in other areas, and
23 you could also come across a white seasoned fighter at Bossembélé, and these people
24 greeted other people, and they greeted each other, "How are you," et cetera, et cetera, and
25 then they went off again .

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1 And the next day we fought in Sibut and once again we came across the same set of
2 people. So, to tell you the truth, there were people on the ground that can tell you
3 different versions of what happened on the ground because they were there, but I'm
4 among the people who can tell you the truth, but there are other people who heard of
5 these operations. People who want to talk about things that they actually never
6 experienced on the ground.

7 There are other people who can tell stories about what happened, not because they were
8 present or not because they were -- they had experience, direct experience, just because
9 they'd been asked to talk about it. * This war was very complicated. I can't say exactly
10 what role (Redacted) played in relation to President Patassé but I believe he was one
11 of his advisers. Thank you very much.

12 Q. So what are the various loyalist forces that were fighting to support Patassé?

13 A. Patassé received support from four different sets of troops, four groups of troops,
14 that fought in support of him. There was the Central African army, and within its ranks
15 there was a group which was responsible for logistics and there was also the management
16 of the General Staff, the air force, the navy and the land army. There was also a second
17 group within the CAR army, the presidential detail, to protect the president's person, and
18 then there was a third group, we the Congolese, and the fourth group were the Libyans.
19 So these were the four bodies of men that fought on behalf of Mr Patassé.

20 Q. Now, you spoke also (Redacted)

21 (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) Each -- well, maybe you in this courtroom have the experience of military
13 operations, but no operation can be run without appraising how operations have run to
14 date. So what can I tell you about these evaluations or these appraisals or these
15 stocktakes?

16 When you receive orders, you need to follow those orders and that will tell you what you
17 have to do. And then there are other soldiers who are wounded, and you need to know
18 the punching power and the fire power of the enemy. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 I don't know whether I've answered the question properly that you've put to the me?

25 Q. Okay. Can you tell us about the hybrid operations, the joint operations? Earlier

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1 on you told us soldiers were fighting side-by-side. Could you tell us in a more detailed
2 fashion what that involved?

3 A. Thank you for your question, Counsel. I realised yesterday that Counsel
4 Badibanga's team had brought files, and in the dossier there was a drawing, I think.
5 Perhaps I can tell you very clearly, but I don't know how you can really understand how
6 we run these operations jointly. Now, these hybrid or joint operations, what do they
7 involve?

8 * Well, if I was given some soldiers. Mixed operations were done in two different ways,
9 but we didn't explore those two options; we only chose one. * We wanted to have one
10 section of CAR soldiers and one section of Congolese soldiers that we could put together,
11 but we didn't want to do that in the end.
12 Now, because we were in greater numbers, we asked each battalion to give us a company,
13 and with that company, if we arrived -- or if we managed to organise our defence, and
14 *sometimes when we launched our defensive in the forest or when we came out on to the
15 road, you could take all the right wing of the front, to make sure that that was -- it was the
16 Congolese in the right wing at the front and the other wing could be done by the CAR, but
17 of course we were all making up the same front, * the same defensive front. They could
18 have one person here, one person behind, but there was lots of confusion. So, by
19 building the front this way, this helped us to establish what was going on and so then we
20 could -- we wouldn't get mixed up and fight each other by mistake. So this is why we
21 chose this layout to the front and then we knew where the enemy was coming from, but if
22 we hadn't properly sorted out the enemy, then the other wing could come as
23 reinforcements.

24 Now, similarly, if the enemy was to come on their side of the front, well, then they could
25 fight, and if they didn't manage to defeat the enemy, well then * we could provide

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1 reinforcements to them and all take part in the same defensive operation and hence this
2 hybrid operation, as I termed it earlier.

3 Q. So what authority decided how the various sections of * the same defensive would
4 be operating, whether it was on the left wing or the right wing? Who was responsible for
5 structuring the way that you were going to be deploying your forces?

6 A. Now, with regard to the Damara front, the commander of the battalion who was
7 there was just like here, and the CAR company was at his avail. What I mean by that is
8 that on the Bossangoa road operations, there was a company that belonged to the CAR,
9 and decisions were taken by the commander of the company, who was right next to him,
10 and he should -- he was designed to assist him. And then there was Mr Yves on the
11 Bossangoa road in conjunction with the company that was stationed there, and this all
12 relates to the various axes. When a decision was taken, the decision was designed to set
13 up * a defensive, and when I went to see them, I could change or fine-tune the way that
14 *the defensive was designed but I couldn't change the orders that they were implementing,
15 designed to mix up the various bodies of troops, one with the other.

16 Q. So what areas, what operational zones saw these hybrid operations unfold? Were
17 there particular areas where there were operational zones that were only for MLC, or only
18 for the CAR, for example?

19 A. All the operations were run (Redacted) There were none where we, the
20 Congolese, were involved without enjoying the assistance of the CAR army.
21 Having said that, there were areas where one man was responsible for command without
22 us. For example, the Banguis were securing Bangui when we left. This was something
23 that I wasn't involved in, an operation organised around Bangui. This operation was
24 something that was their job and not ours, and to secure Boali centre, this wasn't my
25 business at all, but operations that were entrusted to us, we ran in a hybrid fashion.

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1 There were no areas where it was the sole purview of the MLC, without receiving
2 assistance from the CAR army.

3 Q. And during all these hybrid operations, how was military intelligence organised?

4 A. Military intelligence within the CCO there were particular cells, there were
5 subcommittees, and these subcommittees which were within the CCO -- there was one
6 subcommittee that was responsible for gathering intelligence. There was another cell
7 that was responsible for logistics.

8 In the subcommittee, in the subcommittee belonging to the cell with regard to gathering
9 intelligence, all that, all the intelligence collation, was done by that, but there was also
10 (Redacted) *S2 that was responsible liaising with that subcommittee (Redacted) -- what
11 had been said in that particular cell.

12 The same thing with logistics. (Redacted)

13 (Redacted)

14 (Redacted) As you know, in a

15 country, there are some people that can hate you but not all people.

16 Anyway, Mr Patassé had his own prefects, his own bürgermeisters, his own mayors, his
17 own council, if I can put it that way, his own councillors, and all these people exchanged
18 information with the CC.

19 (Redacted) "Look, Commander, this is what we've received by way of
20 information. The enemy has left the road, the Bozoum road, and now he's moving on to
21 Bossemptélé." That was information that was being sent (Redacted) S2, he was very far
22 away from the assistant who was in charge of information.

23 And all the information I just gave you was a matter of telling the *S2, who was going
24 back and forth, to go and inform: "Don't be surprised. This is the technique that the
25 enemy is using. There are so many Chadians who have crossed. On a particular day,

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1 you will see vehicles arriving. People shall disguise themselves as Muslims, saying
2 either to go -- saying they were going to Mecca, but really they are going to the Bangui."
3 We did not lead that subcommittee, or that unit, it was them; but (Redacted) *S2 took part
4 and he gave (Redacted) information.

5 PRESIDING JUDGE STEINER: Maître Kilolo, sorry to interrupt you. Apparently, we
6 have a problem with the English transcript. I see it was just a delay.

7 You can proceed, Maître.

8 MR KILOLO: (Interpretation)

9 Q. Witness, (Redacted) Could you tell us exactly what
10 the military chain of command was for these operations in the Central African Republic?

11 A. Counsel, could you repeat your question?

12 Q. Witness, could you tell us what the chain of command was for these operations in
13 the Central African Republic? (Redacted)

14 (Redacted) Could you tell us who was at the very top
15 of the supreme command as part of the MLC operations in the CAR, and then could you
16 tell us each and every level of command within that chain of command, (Redacted)
17 (Redacted)

18 A. I really don't understand your question. When you talk about the chain of
19 command and people in charge, what do you mean exactly?

20 Q. When you got to the Central African Republic, as part of the operations that were
21 going on there, who were your direct superiors? As part of these operations, who was
22 giving you the military orders?

23 A. (Redacted) Mr Mazi. (Redacted)

24 Since there was a lack of confidence in the CAR authorities, their soldiers didn't trust them.

25 It was the general who was supposed to give orders, not Mazi. But there were

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1 conflicts -- there were conflicting orders, rather.

2 There were some orders that came from the Chief of General Staff, from Bombayake, from
3 the office of the president, from Mazi, and then from Mazi to us, who would implement
4 the orders. (Redacted) He was Mazi. That
5 is how the chain of command worked. (Redacted) the order would be passed down
6 to the (Redacted) battalions on the front.

7 THE INTERPRETER: The (Redacted) booth reports that there are some sounds problems
8 coming from the remote location.

9 PRESIDING JUDGE STEINER: May I ask the interpreter whether the problem -- or court
10 officer, if the problem is here or in the room where the testimony is being taken?

11 THE INTERPRETER: Message from the (Redacted) booth: Your Honour, I believe the
12 noise is coming from the place where the witness is giving testimony. Each time he
13 speaks there is a buzzing, a buzz and background noise, from the microphone.

14 THE COURT OFFICER: Madam President, I've just been informed that it is raining in
15 (Redacted). So the noise you hear is the rain hitting on the roof.

16 PRESIDING JUDGE STEINER: So I'm asking then the (Redacted) interpreter whether it's
17 possible to continue, if we ask the witness to speak slower or if the noise and this buzz
18 that I can hear as well makes it impossible to continue.

19 THE INTERPRETER: The (Redacted) booth says that they can continue to work, and if the
20 situation worsens we will let you know, but if the witness could continue to speak slowly,
21 this will be of assistance.

22 PRESIDING JUDGE STEINER: Thank you very much.

23 Mr Witness, the (Redacted) interpreter is having difficulties because there is some kind of
24 noise that is coming from the place you are; probably is the rain that is making some noise,
25 and is making for him very difficult to follow you.

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- 1 In order for us to continue, I ask you please to speak even slower than you've been doing
2 in order for the interpreter to be able to continue. Can we count on you, Mr Witness?
3 THE WITNESS: (Interpretation) Yes, I will try.
4 PRESIDING JUDGE STEINER: Thank you very much.
5 Mr Kilolo, you can continue.
6 MR KILOLO: (Interpretation)
7 Q. Witness, could you give us a few examples, some memories you have of orders that
8 (Redacted) from General Mazi, and could you specify what channels he went through to
9 forward these orders (Redacted) through the field and were in various location?
10 Tell us about these orders (Redacted) General Mazi.
11 A. Thank you for your question. I don't have any examples to give you, not about the
12 way the orders were given, but I can give you an example. What I can say is that during
13 the war -- during a war, there may be a decision or an order. For example, to leave PK12
14 and go take Damara, that was an order, and most of those orders were verbal.
15 (Redacted) and he would
16 say, "Get ready for a battle that will happen tomorrow morning." Those were all orders.
17 You work in a different field of endeavour, a different field than mine, but please try to
18 read between the lines. All the orders that he gave were orders relating to operations.
19 When we took Damara, for example, he said, "Don't move forward. Stay where you are,"
20 and we would obey. When he said, "Okay, in a particular place there is a particular
21 situation. Go ahead," we would receive the order. There you have it. There were
22 other kinds of orders that I don't remember any more that would be transmitted through
23 the various messages that we received.
24 MR KILOLO: (Interpretation) I'd like to ask you a question about a document, number
25 45 on our list. This is at page CAR-D04-0002-0567. If the court officer could provide the

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1 witness with that document.

2 THE COURT OFFICER (Redacted): (Interpretation) The document has been shown to
3 the witness.

4 MR KILOLO: (Interpretation)

5 Q. Witness, I will read out part of this document to you, "Democratic Republic of the
6 Congo, Congolese Liberation Army. Echo brigade. Command -- General Staff

7 command, 4 May 2003. To: The National President of the MLC.

8 Your Excellency, re report on military operations conducted by ALC troops (MLC) from
9 29 October 2002 to 15 March 2003 in Bangui, Central African Republic. Please find below

10 an account of the operations conducted by our ALC troops in the Central African

11 Republic. In response to the request from His Excellency, the President of the Central

12 African Republic, Ange-Félix Patassé, who asked you for troops to provide him with

13 assistance so as to deal with the various rebel movements that have been threatening his
14 government, which was democratically elected.

15 On the basis of this agreement which you approved, you entrusted me with this mission,

16 as commander of the brigade within the ALC, so as to lead the troops to Bangui, the

17 capital of the Central African Republic. It is entirely normal that upon my return I

18 should give you a report regarding the events and how they unfolded and the conduct of
19 our troops in the field during the operations.

20 I wish to specify that our troops were placed entirely under the command - control - of the

21 Central African Republic military authorities. They themselves handled military

22 logistics, fuel, ammunition, food, medications and so on and so forth.

23 As soon as I arrived, I asked the CAR military hierarchy who we were going to be fighting

24 with and I asked for the organisation chart showing the various leaders, or leaders who

25 would conduct the operations in the field.

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1 Owing to that concern raised, the Central African Republic military authorities gave me
2 the following organisation chart: (1) Chief of General Staff, CAR, Ernest -- General
3 Ernest Mbeti-Ti- Bangui, at the very top; second, Commander of Operations,
4 Brigadier-General Mazi, Central African; third, Co-ordinator of General Operations,
5 Brigadier-General Bombayake (Commander of the CAR Presidential Guard); (4)
6 Commander Central African Republic groups, Major Tutu Kuese.
7 After showing this organisation chart, the group or committee of leaders, with the Chief of
8 General Staff at the head of this group, decided that they would rather give me the
9 position of assistant operations commander, and this was despite my prerogatives as
10 brigadier commander. My task was to ensure the conduct of my soldiers, and from a
11 political point of view I would report regularly to my hierarchy in Gbadolite.
12 I should specify as well that all our daily operations were always submitted to the Chief of
13 General Staff of the CAR, and he regularly would tour the various operational sites," end
14 of quote.

15 Witness, I will stop at this point and ask you this question: Who wrote this message that
16 I've just read out?

17 A. I remember you asked me that question yesterday. (Redacted)
18 (Redacted)

19 Q. Could you explain this passage that I have just brought to your attention and
20 reminded you of?

21 A. Well, I'd like your question to be clear. What sort of explanation do you want?
22 How should I answer your question in relation to this document?

23 Q. Well, in light of exactly what happened in the field, could you explain the difference,
24 or rather the allocation of the various roles between General Mbeti-Ti-Bangui, General
25 Mazi, Bombayake, Tutu Kuese (Redacted)

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1 A. Could you read the document again to understand what everyone's job was? But
2 to answer, well, at the top there was Mbeti-Ti-Bangui, Chief of General Staff. He was the
3 leader of all the operations. From all the information received from the presidency,
4 reports on operations, planning, all that came from him. He was also the one who gave
5 the orders to Mazi, who was the commander of operations - I'm talking about the
6 operations in the CAR - (Redacted)

7 (Redacted)

8 The link between the presidency and the Chief of General Staff and the Minister of
9 Defence and the operations in the front was established by Bombayake. Tutu Kuese was
10 (Redacted) at the headquarters. He was the commander of the CAR group that came to
11 provide us with support, or rather that we went -- that we went to support.

12 During the operations, well, you know in our part of the world there's a war underway
13 and we know how this war is unfolding and we know how orders are given. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 I'd like to say this: During the operations obviously this kind of thing can happen, but
18 you want to know how the orders are given from the presidency to the General Staff
19 headquarters to the commander of operations, Mr Mazi, (Redacted)

20 (Redacted) that is to say one idea would

21 be dreamt up somewhere and then there would be a chain. It would go down the chain,
22 or down the line, and then the idea would be put into effect.

23 Have I answered the question?

24 PRESIDING JUDGE STEINER: If you allow me?

25 Mr Witness, first I would like you to give a look again at the bottom of the page and to

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- 1 confirm to the Chamber (Redacted)
- 2 THE WITNESS: (Interpretation) (Redacted)
- 3 (Redacted)
- 4 PRESIDING JUDGE STEINER: (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 THE WITNESS: (Interpretation) (Redacted)
- 8 (Redacted)
- 9 PRESIDING JUDGE STEINER: (Redacted)
- 10 (Redacted)
- 11 THE WITNESS: (Interpretation) (Redacted)
- 12 PRESIDING JUDGE STEINER: (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Pause in proceedings)
- 16 THE WITNESS: (Interpretation) I've finished, your Honour.
- 17 PRESIDING JUDGE STEINER: Thank you very much. And I ask please, court officer,
- 18 to assign an ERN number to this piece of paper.
- 19 THE COURT OFFICER: Thank you, Madam President. This document will bear the
- 20 following ERN number: CAR-ICC-0001-0085.
- 21 PRESIDING JUDGE STEINER: Thank you very much.
- 22 Another point, Mr Witness: Here on page 28, as from line 7, you say, and this is what is
- 23 in the English transcript, you say, (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 THE WITNESS: (Interpretation) Maybe you didn't quite hear me properly. I said

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE STEINER: (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 THE WITNESS: (Interpretation) Your Honour, thank you very much. I do apologise

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Thank you very much, your Honour.

25 PRESIDING JUDGE STEINER: (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 THE WITNESS: (Interpretation) Thank you.

5 PRESIDING JUDGE STEINER: In the meantime, we will proceed with your testimony
6 until it's time for us to go to the break. (Redacted)

7 (Redacted)

8 Maître Kilolo, you have the floor.

9 MR KILOLO: (Interpretation) Thank you, your Honour.

10 Q. Mr Witness, you have talked at length about the CCO. Would you mind exactly
11 clarifying what was the role of the CCO in relation to operations that the MLC contingent
12 was running in the Central African Republic?

13 A. This is what I've just told you: Would you mind clarifying your question so that I
14 can properly understand what you want to hear from me? I believe I've covered
15 everything in terms of how the orders were issued, we were told you need to attack this
16 particular point. You're going to stay there or you're going to receive medication or
17 you're going to receive food rations and other issues pertaining to war wounded. These
18 are the orders that we received from the CCO.

19 Q. Very well, Mr Witness. So just to encapsulate what you've said, earlier on you
20 clarified, when referring to three stretches, you talked about a design or conception
21 structure and then a transmission section and then an implementation section.

22 Now, to be quite sure that I'm fully following you, let's talk first and foremost about the
23 conception or design structure. Who was responsible for that and what was the role of
24 such structure?

25 A. Now, this particular design structure had the following role: Before launching an

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1 operation, this particular body, this -- was responsible for gathering all the information
2 relating to the enemy.
3 After running an analysis on the enemy, the operational order would be sent. After this
4 train of analysis, the order was sent to the broadcast, or to the transmission structure,
5 about where the enemy was located. The enemy is made up of one battalion, let's say or
6 is equipped with such-and-such a weaponry. This was the analysis that was run on all
7 the available information. The enemy, let's say, is made up of one battalion, therefore we
8 need to attack that battalion with two battalions. This is what we mean by conception or
9 devising something. So the order is sent to Mr Mazi to say: "We have decided this and
10 now you need to ready such-and-such a body of troops that needs to attack such-and-such
11 a town or such-and-such a location," where the enemy was positioned.
12 Mazi then had to come to us - we were the people on the ground - in order to transmit to
13 us the order, to say that "Military hierarchy has decided this and therefore you need to
14 execute the order that has been given, based on the decision that was taken." And I think
15 I was very clear in explaining that to you, explaining these three structures. I hope
16 you've followed me.

17 Q. The MLC contingent in Central African Republic, did it have any liaison officers or
18 co-ordination officers and, if so, what was their role?

19 A. Yes, there were such officers. At that particular time we had Major Diku and he
20 was the co-ordinator and he was at the CCO. He stayed behind the lines with the
21 General Staff, with Mbeti Bangui, and he was in the conception structure and (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted) Diku was at the CCO, where all decision-making was
25 done, and he worked there as a co-ordinator.

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1 Q. Perhaps I didn't understand you properly, Mr Witness, but I wanted to know what
2 the role was of that co-ordinator, Diku, within the CCO. What was his remit?

3 A. I already told you, he was like a co-ordinator. His co-ordination role involved the
4 following: I think you can remember that we had the ALC General Chief of Staff. It
5 was he who appointed Diku. (Redacted) -- I don't know his duties
6 really, but what I do know is that he was part of Mbeti Bangui's General Staff and they
7 were at the CCO and he was therefore part of the CCO, but don't come and ask me to tell
8 you more about that. I may give you erroneous information, and obviously I've taken an
9 oath to the effect that I should tell the truth, and that's what I can tell you.

10 Q. You told us who gave you orders, but would you also clarify who you were
11 accountable to, based on the military operations that were run in the Central African
12 Republic?

13 A. I do apologise Counsel, can I put a question to you? If you remember very clearly,
14 I told you who was my operational commander.

15 Q. Very well, Mr Witness. And so, in a hands-on fashion, would you mind quoting
16 the name of the authority that you were accountable to, for these military operations?

17 THE COURT OFFICER (Redacted): (Interpretation) Just a second. Would you just mind
18 just bearing with me for a couple of minutes? I do apologise.

19 I do apologise, your Honour. We are once again linked up with you. It's raining
20 outside --

21 THE INTERPRETER: Inaudible.

22 THE COURT OFFICER (Redacted): (Interpretation) I just wanted to make sure the link
23 didn't fail.

24 THE INTERPRETER: Inaudible.

25 THE COURT OFFICER (Redacted): (Interpretation) If you wish to have further details, I

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1 can give you them during the pause, during the coffee break.

2 PRESIDING JUDGE STEINER: I think the connection is not that good, it's failing.

3 Are you receiving correctly our voices and the sound from the courtroom, Mr Rojas?

4 THE COURT OFFICER (Redacted): (Interpretation) Yes, your Honour, I can hear you very

5 clearly. I can hear you very clearly and I can hear the interpretation very clearly. The

6 witness can hear the interpretation as well.

7 PRESIDING JUDGE STEINER: So I think we can proceed.

8 Maître Kilolo.

9 MR KILOLO: (Interpretation)

10 Q. Mr Witness, I put a question to you earlier on. It may seem a bit bothersome, but it

11 is important for these proceedings to have at each time names given and respond to the

12 questions put to you, so here was my question: To whom were you accountable in

13 relation to the military operations that were run in Central African Republic? Would you

14 mind giving me some names?

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. And within the framework of the military operations (Redacted) running in

22 Central African Republic, would you mind clarifying who exerted supreme command in

23 the politico, or political-strategic realm of the operations, when thinking of the MLC's

24 presence in Central African Republic?

25 A. Would you mind repeating your question, Counsel? I didn't quite understand.

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1 Q. (Redacted) My question now

2 seeks to establish who was your Supreme Commander within the framework of the
3 military operations that you were running in Central African Republic?

4 A. I will tell you this, Counsel: When I was placed under the command of the Central
5 African authorities, I was totally under their command. All the orders, all the military
6 operational orders came from them. When you're asking me who my Supreme
7 Commander was, I don't know who you are alluding to or what you are alluding to, the
8 Supreme Commander of operations. He was the decision-maker with regard to the
9 military operations, and it was President Patassé for me as a Congolese. Now, today,
10 MONUSCO, I suppose you can't say that it's President Kabila. They can never receive an
11 order, any order, MONUSCO from Kabila. So all the military operations came from
12 Mr Patassé. I'm reiterating this point and I would like to reaffirm it.

13 Q. A final question before the coffee break: Would you mind explaining to us why it
14 was necessary for you to be subordinate to the Central African authorities?

15 A. Because -- you want to know why I received orders from them? Well, it was
16 because it was their war. We only went to support them. We didn't go there to order
17 what was going on in Central African Republic. That's why we were placed under the
18 command of the Central African Republic Army. It wasn't my authorities at Gbadolite
19 that was ordering the operations because it wasn't on the ground and it wasn't the
20 Gbadolite authorities that attacked.

21 If the war had been organised by my authorities in Gbadolite, then it would be us
22 who -- it would be us and then receiving orders from them, but we were there and we
23 were placed under the orders of the Central African authorities.

24 PRESIDING JUDGE STEINER: The hearing is suspended.

25 THE COURT USHER: All rise.

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1 (Recess taken at 11.00 a.m.)

2 *(Upon resuming in closed session at 12.07 p.m.) Reclassified as Open session.

3 THE COURT USHER: All rise.

4 Please be seated.

5 PRESIDING JUDGE STEINER: Welcome back. Mr Witness, welcome back.

6 THE INTERPRETER: Message from the (Redacted) booth: The (Redacted) booth cannot
7 hear the witness.

8 PRESIDING JUDGE STEINER: Mr Witness, can you hear me?

9 THE WITNESS: (Interpretation) Yes, I can hear you now, your Honour.

10 PRESIDING JUDGE STEINER: So welcome back. (Redacted)

11 (Redacted)

12 THE WITNESS: (Interpretation) Please repeat your question; I haven't understood.

13 PRESIDING JUDGE STEINER: (Redacted)

14 (Redacted)

15 THE WITNESS: (Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE STEINER: (Redacted)

19 (Redacted)

20 Mr Witness, are you ready to continue with your testimony?

21 THE WITNESS: (Interpretation) Yes, I'm ready, your Honour.

22 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor.

23 MR KILOLO: (Interpretation)

24 Q. Witness, when General Mazi or any other direct authority figure within the CAR
25 gave (Redacted) an order as part of the operations in the CAR, did (Redacted) to seek the

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1 approval of a third party before carrying out the order in question?

2 A. No. No one else could oppose an operational order coming from the CCO.

3 MR KILOLO: (Interpretation) Could the court officer show the witness document 37
4 on our list, page CAR-D04-0002-1726.

5 THE COURT OFFICER (Redacted): (Interpretation) Page 1726 of document
6 CAR-D04-0002-1726 has been shown to the witness.

7 THE INTERPRETER: Overlapping speakers.

8 MR KILOLO: (Interpretation)

9 Q. Witness, could you please focus on the bottom of the page, at the left, Witness.

10 There's a message that I'm going to read out now: "Extremely urgent. 20th, 9.40 Alpha,
11 from Colonel Mustapha, Central African Republic. To: Chief of General staff of the
12 ALC. Info: Chairman. Reference: 015, Command General Staff CAR operation 2003.
13 With reference to message number 009 of 11 January 2003, I hereby request matériel and,
14 more particularly, the following: SMG 35 box ammunition; LMG 20 chains, or rather
15 belts, of ammunition; 20 belts of ammunition; 22 box RPG; 40 cases; 60 millimetre mortars,
16 25 cases; plus 20 fuses; mortars, 40 cases; ten rockets, 15 millimetre, 20 boxes; 12.7
17 millimetre, 20 cases, plus six magazines; 107 millimetre, 50 cases, plus 20 rockets LG; 200
18 shells. Please soon ASAP a microphone for communications. We await reply from
19 higher levels. Message in 2003 11.25."

20 (Redacted)

21 A. (Redacted)

22 Q. (Redacted)

23 A. Well, it's clear here. On this document we see that this is a message (Redacted) to
24 General Amuli, who was the Chief of General Staff of the ALC, so he was the one that the
25 message was intended for.

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1 Q. In light of this message could you explain what it was all about, this question of
2 delivering weapons and ammunition as part of the operations in the CAR?

3 A. (Redacted) I would like to specify

4 one thing. That was in January. It was in January. And Mazi, (Redacted) as

5 well as other CAR officers, in that time in January had begun to show a certain lack of

6 co-operation with their hierarchy, (Redacted)

7 ammunition, but it was impossible for (Redacted) to get the ammunition. (Redacted)

8 but it wasn't because (Redacted) the equipment to be, or rather the matériel to be sent

9 from Gbadolite.

10 (Redacted) Patassé's people to

11 provide us with the military matériel and then after that we did receive it, so it was so that

12 those authorities would be able to ask Mr Patassé to provide us with those things.

13 (Redacted) the matériel to be provided immediately from Gbadolite. (Redacted)

14 (Redacted)

15 Head of General Staff and with a carbon copy to the chairman so that the message would

16 be passed along to President Ange-Félix Patassé.

17 In January we had moved ahead on the battle-field, (Redacted)

18 (Redacted) to be moving forward and then having to fall back. Others, who

19 were also co-ordinating, didn't want to make a decision, and seeing that there was that

20 weakness there (Redacted) that would hinder our operations.

21 (Redacted) so that Gbadolite would contact Ange-Félix Patassé so

22 that in the final analysis we would be able to obtain those -- that matériel, and also I think

23 that, unless I'm mistaken, all the matériel (Redacted) and

24 it came from the storage facilities in the CAR, from Bombayake.

25 Q. Witness, I'd like to move on to something else now. I'd like to ask you about

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1 whether at any point in time you had to deal with problems of discipline within the rank
2 and file - within the MLC rank and file - when they were in the CAR?

3 A. What kind of problems are you talking about? There might have been logistics
4 problems, disciplinary problems, operational problems. What kind of problems are you
5 referring to?

6 Q. Did you see any breaches of discipline within or amongst the rank and file, the MLC
7 troops who were in the CAR?

8 A. In an organisation, in a large organisation like an army, there are always cases
9 where discipline is lacking. Furthermore, in churches, where Christians are supposed to
10 obey Jesus, there are cases of lack of discipline. (Redacted) to two cases of
11 discipline -- breaches of discipline rather. First of all, these were cases of soldiers abusing
12 alcohol and punishment was meted out.

13 The second case that (Redacted) occurred when (Redacted) some soldiers and sent
14 (Redacted) to the Congo, to Gemena, and from Gemena they were sent to Gbadolite.
15 That was at the very beginning of the war. (Redacted) because they had stolen
16 television sets and radios. At that time, we were at Camp Béal. (Redacted) Bombayake, he
17 came and (Redacted) sent them to the head of the gendarmerie. The stolen property was
18 recovered and given back to the rightful owners. We received instructions. I was afraid
19 that this breach of discipline might -- might spread. (Redacted)
20 (Redacted)

21 So those were the two breaches of discipline (Redacted). Other than that, there
22 were no other breaches of discipline that I can tell you about.

23 Q. Do you remember the names of those soldiers?

24 A. I can't remember all the names of those soldiers. I do remember, however, the
25 name of Lieutenant Willy Bomengo. There was also an officer by the name of Mbokani,

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1 who was one of Kamisi's troops. There was another group, six soldiers, I forget their
2 names, but the two names that I've just mentioned are the cases that spring to mind.

3 Q. What was and Mbokani and Mr Willy Bomengo accused of? You mentioned theft a
4 few moments ago. Exactly what do you mean? What do you mean exactly when you
5 talk about theft?

6 A. (Redacted) they had some television sets and radios in their possession.

7 When we crossed the border we did not have any radio sets or televisions, so this was a
8 disciplinary matter. I said to myself that they had looted from people. I don't know
9 whether they broke into a residence, or what, but it was a disciplinary matter.

10 Q. Do you remember when Mr Willy Bomengo was arrested?

11 A. I don't remember the exact date. However, I do know it was at the very beginning
12 of the operation, three or four days after the operation began. It was at the very
13 beginning of the operation.

14 Q. You mentioned General Bombayake, as well as commander -- the commander of the
15 gendarmerie. What did those two people have to do with these cases of breach of
16 discipline, these poorly disciplined soldiers?

17 A. Well, regarding the commander of the gendarmerie, (Redacted) to arrest these
18 people before sending them back to the Congo. As for Bombayake, (Redacted)
19 (Redacted) those who had been arrested,

20 well, there were also some CAR soldiers amongst those who had been arrested. All of
21 them were handed over to these two authorities that I've just mentioned.

22 Q. So, generally speaking, I mean, before their departure from Central African Republic,
23 what was the reputation of MLC battalions belonging to the Echo Brigade that actually
24 went into Central African Republic?

25 A. The reputation of the soldiers was a good one. These soldiers didn't have a poor

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1 reputation. You couldn't say either that poor soldiers had been chosen to go over into
2 CAR, but if we did have an idea about somebody's behaviour, well, then we wouldn't
3 send them to the CAR. So the MLC soldiers enjoyed a good reputation.

4 Q. And the MLC soldiers, how did they conduct themselves in relation to the civilian
5 population in the Central African Republic?

6 A. The behaviour of our soldiers in relation to the Central Africans, I can tell you that it
7 was very, very good. They behaved very, very well.

8 Q. What about the level of training for MLC officers who were in the CAR with the
9 troops, the rank and file?

10 A. They didn't have poor training, for training military officers. Some brigade
11 commanders, (Redacted) there were them, but there was no one to have the authority or
12 resources to train officers because most officers came from the General Staff and they had
13 actually been seconded. There was a training centre in Gbadolite and other areas, but
14 when you send an officer to take up particular duties, I think they had to have training
15 because the person who was sent had a letter saying that he had been seconded.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. Now, you spoke of the supplies, the food supplies, and the equipment that was
22 given to the MLC contingent present in Central African Republic. Was that enough to
23 allow the soldiers to feed themselves enough, or would you say that their rations were
24 inadequate?

25 A. Maybe you didn't understand. I didn't tell you that MLC soldiers, whenever they

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1 received money -- in the Central African Republic, no pay was given. We received food
2 supplies, and that was adequate, but the little money that we did receive, this was money
3 that was used to buy cigarettes, soap or razor blades or little bits and bobs. It wasn't a
4 salary per se, and that money was enough. The little money they did receive was
5 adequate to make those purchases. We didn't have any other needs that needed to be
6 met with the monies that we had in our pockets.

7 Q. The MLC troops in Central African Republic, did they have any reference document
8 that related to discipline and conduct that should be adhered to?

9 A. The document that you are alluding to is the Code of Good Practice that was used in
10 Bangui, but I didn't really understand your question.

11 Q. Do you have a code of conduct and that is made available to the troops deployed in
12 Central African Republic?

13 A. The Code of Good Conduct, it wasn't a secret. Everybody who went through
14 training with us knew about it and learned it, but those who were prisoners of war in our
15 country, in most cases, amongst ourselves, among Congolese, well, when we arrested
16 somebody, we called them the S5s. Now, the S5s, these were people who had to read for
17 other people, but in Central African Republic, I didn't have any books to train people
18 because everybody knew what they were supposed to be doing, and it's pretty much the
19 same thing if you were to ask me whether there was a Code of Good Practice from the
20 government. This involves training that we -- we receive, and during the training you
21 learn the Code of Good Conduct. You're read the military code, and this is a document
22 that's available to everybody.

23 THE INTERPRETER: Correction from the English interpretation: "But this isn't a
24 document that is available to everybody."

25 MR KILOLO: (Interpretation)

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1 Q. You said that the troops knew how they should do things. What do you mean by
2 that?

3 A. What I meant in relation to the question you put to me about whether they knew the
4 Code of Good Conduct, I can tell you that they were very much aware of it.

5 Q. Do you know through what channel the MLC soldiers who were present in Central
6 African Republic, by what channel were they informed of the Code of Good Conduct, the
7 MLC Code of Good Conduct?

8 A. Every soldier had his commander. Each platoon had a platoon commander.
9 There was a section head as well, and all these people, all these people could explain to
10 the rank and file what they were supposed to be doing and show them what was
11 it -- what it was about, this code of conduct.

12 Q. And this code of conduct, what did it say exactly in relation to the behaviour of
13 soldiers in relation to the civilian population?

14 A. Well, there's a lot of things in the code of conduct. I can't list in detail all the points.
15 There was the Chairman of the MLC, who had -- he had -- he can tell you what it contains,
16 but we learnt the code, and in this code you learn about patriotism. We knew how to
17 love our country, how to safeguard people and their property, how to properly respect
18 the work of a soldier, what a soldier must do, all that.

19 When you're trained, you're not only trained for your country, but you're trained for
20 operations outside your country's borders, so there's military respect, military discipline,
21 and lots of things like that.

22 Q. Is there any allusion in the Code of Good Conduct, any allusion to murder of
23 civilians, of rape or pillage and looting?

24 A. You can also add the use of -- or the use and abuse of drugs or alcohol. There are a
25 number of things that are forbidden.

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1 Q. So concretely then, when the MLC troops were in the field in the Central African
2 Republic, do you know what authority wielded responsibility in terms of having them
3 framed by some sort of military justice when they were operating in the field?

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Now, you've just answered about responsibility in relation to breaches of discipline
10 in the military arena.

11 Now, I'd like to know the following: If an MLC soldier in the Central African Republic,
12 if he were to commit a serious crime, in other words pillaging, looting, rape of civilians, or
13 murder of civilians, in such cases as those who or what authority had the responsibility of
14 setting up a military justice proceedings, or that would support soldiers to ensure that no
15 commission of any serious crime would take place?

16 A. Perhaps I can answer by asking a question and here it is: The ICC has its own rules
17 and there is a rule of good behaviour, or the Statutes. If a member of the ICC were to
18 commit a crime would the Court be closed down for that, or would the person who
19 committed the crime, would he -- would proceedings be set against him?

20 When you put your question to me, it's very difficult to me -- for me to know the fate of
21 soldiers, MLC soldiers, particularly with regard to crimes that I wasn't witness to, and
22 with crimes it's difficult because with us we say we baptise a child when he's born. You
23 can't give a name to a kid if he's not born yet.

24 Having said that, if there were minor cases of discipline (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. When (Redacted) disciplinary action against MLC soldiers in the Central African
3 Republic, (Redacted) the approval of Mr Bemba before taking such measures; such
4 disciplinary measures?

5 A. (Redacted)

6 (Redacted) The

7 punishment (Redacted) is one of those cases of theft. (Redacted) arrest these soldiers
8 to -- in view of their punishment. But if you say that he needs to approve (Redacted) to
9 have a soldier whipped twice, well, (Redacted) never (Redacted) such order from him.

10 (Redacted)

11 (Redacted) to set in train any action that was deemed necessary (Redacted)

12 (Redacted)

13 Q. Whose responsibility was it to protect the civilian populations in combat areas
14 where the MLC contingent was operating in Central African Republic? Which authority
15 had that responsibility of protecting civilians?

16 A. Why are you asking me this question? I've already told you that the MLC didn't
17 have a sector that it operated in alone. Whenever we entered into operations, we did so
18 jointly with Central African soldiers. It's very difficult to tell you that there was one
19 sector only for the MLC, and in that sector there was somebody who was responsible for
20 protecting whoever that may be. It's very difficult to say that. I've told you very clearly
21 and this on a number of occasions. I've told you already that this -- these operations
22 were run jointly with all those that we worked with. The MLC didn't have a particular
23 sector that we were solely responsible for.

24 Q. Within the MLC contingent in the Central African Republic, was there any policy
25 designed to tolerate crimes perpetrated against the civilian population?

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1 A. Who could ever have issued such an order?

2 Q. Can you just explain what you mean by that?

3 A. Well, I'd like to ask you, Counsel. We've already said on a number of occasions,
4 and even then we keep on showing you that we fell under the command of the Central
5 African army. I've already said this. But if you're trying to heap responsibility on MLC
6 soldiers, well, it would be a sort of -- sort of trap that you're setting, to make me say
7 (Redacted) The CCO had the authority to
8 punish soldiers, be they Congolese or Central African; soldiers that were running awry
9 with instructions that were given them in terms of the operations that had to be
10 implemented. So this is a responsibility that was incumbent upon the operational
11 commanders whenever problems arose.

12 For my part, I wasn't witness to -- how can I put it? I don't know how the CCO would
13 say, "Well, in such and such an area there was a crime, or a case of rape, or a case of
14 pillaging." All that was a remit -- was their remit at the CCO, because the command
15 structure of the CCO, well, it was they -- that they were our commanders. We were
16 together with it, but they had to see what pillage involved when it was with us. They
17 had to establish how rape was being done. I mean, no, I don't think -- I don't think that
18 was the case at all.

19 Q. Was there any investigation - any committee - designed to investigate any alleged
20 crimes purportedly perpetrated in the Central African Republic?

21 A. Yes, I think -- I think having seen Colonel Mondonga, he was part of a committee
22 and he went to run inquiries about crimes that had been committed. I don't know what
23 report was drafted after that, the findings of that committee, but before they could look at
24 the crime we were at the front. We had to -- (Redacted) -- we had to set the example and
25 we would have known about it straight off, but the politicians who are working in the

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1 opposition in the Central African Republic, they had organised things in that way.
2 Every day at 6 p.m. or 5-past-6 in the evening, when they went back, all the Central
3 Africans had to make noise with metal objects, or knocking against glass, to show that
4 they were hungry and that they were weary of the power regime. And people can
5 politicise any event, even here, maybe because they're weary, maybe because they're tired
6 out and maybe they can claim that crimes were committed, but I can tell you I saw that
7 commission of inquiry. They came to us, (Redacted)
8 (Redacted) To tell you the truth, I can tell you that these crimes didn't take
9 place at all.

10 Q. Who initiated this commission of inquiry and who was part of it?

11 A. Mr Mondonga and other Central African officers are well-placed to tell you where
12 the order came from, because before (Redacted) -- I mean, when they arrived
13 to (Redacted) this was a commission made up of many people and Mr Mondonga was the
14 only Congolese part of that committee.

15 And now I've got a question to put to you. At a given time he came back because Patassé
16 asked the commission to be hybrid, but when did that happen? This is why I was saying
17 (Redacted)
18 (Redacted)

19 Q. You talk about a hybrid or mixed commission. What do you mean by that, and do
20 you also know who was heading up this commission of inquiry?

21 A. This question keeps coming back and let me answer again by saying I don't know
22 who organised this, who was leading this commission of inquiry, but I did see it. It was
23 the Mondonga Congolese that was part of it, but also other Central African officials.

24 Q. This mixed commission of inquiry was investigating what type of crime exactly?

25 A. This is what I've told you. I don't know what their remit was. (Redacted)

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1 (Redacted) When the soldiers were arrested, maybe they came to see whether
2 there had indeed been any cases of looting. It was afterwards that (Redacted) arrested
3 Bomengo and the others.

4 Q. Were you heard (Redacted) by this commission of inquiry? (Redacted)
5 (Redacted)

6 A. Yes, this commission questioned me and asked me whether I was aware of cases of
7 looting and I told them, "No," and I was asked whether I had seen women raped or people
8 killed and I said, "No," and I was asked whether (Redacted) soldiers had killed
9 -- (Redacted) soldiers had murdered, or Central African soldiers, and I said I wasn't
10 aware of that. (Redacted)

11 (Redacted)

12 Q. You also mentioned PK12 when you were talking about your move towards the
13 north of the Central African Republic. How long did you remain based at PK12?

14 A. I can't give you any precise date about when we arrived or when we left PK12, but
15 we did spend a certain time there. But I can't give you an exact time frame, but we did
16 stay a little while.

17 Q. Where were you living when you were in that area; namely, the area of PK12?

18 A. At PK12 I was there, and from there I went to Damara, and from Damara I went on
19 to Boali, and then in Boali -- (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 A. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. Is it possible (Redacted) money from Mr Patassé that was then sent on to

12 Mr Bemba in Gbadolite?

13 A. Could you repeat your question?

14 Q. When you were in the Central African Republic, is it possible that President Patassé

15 or CAR authorities might (Redacted) some money and (Redacted) send

16 the money on to Mr Bemba in Gbadolite?

17 A. No, that never occurred, and I don't see why. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Is it possible that you might have heard people talking about crimes committed in

21 the Central African Republic during the operations between October 2002 and

22 March 2003?

23 A. Could you repeat the question, because I have the impression that you've put that

24 question to me several times already. Regarding the joint commission of inquiry that

25 was set up, and that came and talked to me and asked questions to me, well, I was aware

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1 of what was going on, but I did not see anything with my own eyes.

2 Q. Did it ever occur -- did a person ever tell you anything about a specific case of rape
3 committed by MLC soldiers in the Central African Republic?

4 A. Yes. Let me repeat: I did hear talk along those lines, but I was not an eye-witness
5 to anything like that.

6 Q. Were you ever told the identity - the name - of an MLC soldier involved in a case of
7 rape within the Central African Republic?

8 A. No, I do not know of any soldier who did any such thing.

9 Q. Were you told the name or the identity of any victim of rape committed by an MLC
10 soldier in the Central African Republic?

11 A. No.

12 Q. Did anyone ever mention a specific location where such a thing might have occurred;
13 namely, a case of rape attributed to an MLC soldier in the Central African Republic?

14 A. No, I never heard of any such a case.

15 Q. Were you ever given the name of an MLC soldier in the Central African Republic
16 involved in the murder of civilians in the Central African Republic?

17 A. No.

18 Q. Were you ever given the name of a victim, anyone who was brought to you and
19 introduced as a victim? Rather, was any victim mentioned, any person allegedly
20 murdered by an MLC soldier?

21 A. I had heard that close to Camp Béal two CAR officers had died, but I did not see that
22 with my own eyes.

23 Q. Was any location ever mentioned to you? Did anyone ever say that murders had
24 been committed, that civilians had been murdered by MLC soldiers in the CAR? Was
25 any specific scene mentioned, any specific location?

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1 A. I was never told of any such thing.

2 Q. Were you ever given the name of an MLC soldier who may have looted property,
3 taken things from civilians in the Central African Republic?

4 A. No, I was never informed of any such thing.

5 Q. Were you ever given the identity or the contact information of anyone who was
6 allegedly a CAR victim of looting attributed to MLC soldiers in the CAR?

7 A. No, I was never informed of any such thing.

8 Q. Did you ever hear about crimes committed upon civilians in Mongoumba and then
9 attributed to MLC soldiers?

10 A. When the delegation from the Court arrived the first time they mentioned the
11 Mongoumba case. I told them that we had no knowledge of that matter.

12 Q. Did the public authorities of the CAR, or ordinary citizens of that country, ever turn
13 to you and complain about crimes committed by MLC soldiers in the Central African
14 Republic, for example the murdering of civilians, the rape of women, or cases of looting?

15 A. Neither the authorities nor the people of the CAR ever made any such complaint.

16 Q. Did you hear any talk about crimes committed by MLC soldiers in the CAR over the
17 radio? For example, reports from the media, or reports on Voice of America or RFI?

18 A. Once again, I'm saying that I was never aware of any such thing.

19 Q. (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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- 1 A. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 Q. (Redacted)
- 6 (Redacted)
- 7 A. (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 Q. (Redacted)
- 12 A. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 Q. (Redacted)
- 16 A. (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 Q. (Redacted)
- 21 (Redacted)
- 22 A. (Redacted)
- 23 Q. (Redacted)
- 24 (Redacted)
- 25 A. (Redacted)

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1 (Redacted)

2 Q. Did he have any particular duties or function within the MLC at the time of the
3 operations in 2002 and 2003?

4 A. Joint operation means our soldiers and the CAR soldiers, but not amongst soldiers
5 and civilians. It doesn't mean that. Within the MLC I didn't work at the general
6 headquarters, so I couldn't know who was doing what and what other people were doing,
7 but in the Central African Republic there were no specific functions or duties during
8 operations.

9 Q. (Redacted)

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 Q. Mr Jean-Pierre Bemba, did he have some kind of military intelligence system, or
17 civilian intelligence systems, within the CAR during the operations between October 2002
18 and March 2003?

19 A. No, I never saw that. No Congolese person came to me and told me that he was in
20 charge of intelligence. If there had been any such person, I was not aware of it. He is
21 there. He can say the contrary if --

22 Q. Last question for the day: Was Mr Bemba monitoring the operations of the MLC in
23 the CAR?

24 A. Monitoring? I'm trying to understand your question, but I do know that the troops
25 that I crossed over with were troops belonging to Jean-Pierre Bemba, but what do

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1 you -- do you mean -- what do you mean by "monitoring"? Were you asking what they
2 were eating, where they were sleeping, or do you mean whether orders were being
3 carried out properly? Could you please clarify, what kind of monitoring or follow-up do
4 you mean? What are you driving at?

5 Q. Did Mr Bemba ever make arrangements to be kept informed in real-time of the
6 military situation in the field in the CAR?

7 A. Well, it's difficult to answer that question, difficult to say that he was not aware.
8 He had -- a president had turned to him for help, and I don't know what was said
9 between him and the president of the CAR. In my opinion, personally, (Redacted)
10 (Redacted) I do think that he could have been in contact with the president and
11 he might have spoken to him.

12 That being said, (Redacted)

13 And when a war is going on, everyone knows what's going on. The radio broadcasters
14 take care of that. (Redacted) we know what's going on elsewhere. (Redacted)
15 (Redacted) I think it's not a bad idea to be abreast of what -- how the war is progressing,
16 but (Redacted)

17 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo.

18 Mr Witness, it's almost 1.30. We will adjourn for today and continue tomorrow morning,
19 starting at 9 o'clock.

20 I hope this afternoon you find time to continue reading the statements you gave to the
21 Prosecution, as we talked yesterday and the Chamber was informed that in fact you
22 started reading them in order to refresh your memory.

23 I thank very much the Prosecution team, the legal representatives of victims. I thank
24 very much Defence team, Mr Jean-Pierre Bemba Gombo. I thank very, very much our
25 interpreters, court reporters, Mr Rojas that is conducting this hearing from the field office.

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1 And I thank very much Mr Witness, and we hope you have a very restful afternoon.

2 This hearing is adjourned.

3 THE COURT USHER: All rise.

4 *(The hearing ends in closed session at 1.28 p.m.) Reclassified as Open session.

5 CORRECTIONS REPORT

6 The Court Interpretation and Translation Section has made the following corrections in
7 the transcript:

8 *Page 11 lines 9-11:

9 "But I can't really tell you the exact role that (Redacted) what his role
10 exactly was with President Patassé, but I believe he was one of his advisers."

11 Is corrected by

12 " This war was very complicated. I can't say exactly what role (Redacted) played
13 in relation to President Patassé but I believe he was one of his advisers."

14 *Page 13 line 8

15 « Well, (Redacted) given two soldiers. »

16 Is corrected by

17 « Well, if (Redacted) given some soldiers. »

18 *Page 13 lines 9 to 11

19 « We wanted to have one section of CAR and one section of the Congolese that we could
20 put together, but we didn't want to do that in the end. »

21 Is corrected by

22 « We wanted to have one section of CAR soldiers and one section of Congolese soldiers
23 that we could put together, but we didn't want to do that in the end. »

24 * Page 13 line 14

25 « sometimes when we launched an offensive in the forest »

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- 1 Is corrected by
2 « sometimes when we launched our defensive in the forest »
3 *Page 13 line 17
4 « the same offensive front »
5 Is corrected by
6 « the same defensive front »
7 *Page 13 line 25 page 14 line 1
8 « we could provide reinforcements to them. So the offensive can turn into a defensive
9 operation »
10 Is corrected by
11 « we could provide reinforcements to them and all take part in the same defensive
12 operation »
13 *Page 14 line 3
14 « the same offensive »
15 Is corrected by
16 « the same defensive »
17 *Page 14 lines 13-14
18 « An offensive »
19 Is corrected by
20 « A defensive »
21 *Page 15 lines 10-21
22 « SB »
23 Is corrected by
24 « S2 »
25 *Page 15 line 19-23-; page 16 line 3

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- 1 « (Redacted)»
- 2 Is corrected by
- 3 «(Redacted)»
- 4 RECLASSIFICATION REPORT
- 5 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 6 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.