

Trial Hearing
Witness: CAR-OTP-PPPP-0222

(Open Session)

ICC-01/05-01/08

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 Thursday, 24 March 2011
8 (The hearing resumes in open session at 2.56 p.m. from Courtroom 2)
9 THE COURT USHER: All rise. Please be seated.
10 THE COURT OFFICER: Good afternoon, Madam President, your Honours. We are
11 in open session.
12 PRESIDING JUDGE STEINER: Good afternoon. Welcome back to this courtroom.
13 We will start this afternoon with the testimony of Witness 222. Before the witness is
14 brought into the courtroom, the Chamber will issue a short oral decision in relation to
15 the applications by the legal representatives of victims to question the next witness.
16 On 23 March 2011, the Chamber received an application from Maître Zarambaud on
17 behalf of the victims that he represents to question Witness 222, filing 1353-Conf.
18 The application contains a list of four questions.
19 Similarly, the Chamber received an application from Maître Douzima on the same
20 day on behalf of the victims that she represents. This is filing 1354-Conf. The
21 application contains a list of three questions.
22 The Chamber recognises that both applications made by the legal representatives
23 have not been made at least seven days prior to the particular witness testifying.
24 However, the Chamber acknowledges that the witness concerned was due to testify at
25 a later stage in the case and that he has been interposed at this stage as it is more

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1 convenient for the Court's schedule.

2 Under these circumstances, the Chamber accepts the filings made and, having
3 considered the reasons given by both Maître Douzima and Maître Zarambaud as to
4 why the personal interests of the victims that they represent are affected, the Chamber
5 allows the respective applications to question Witness 222 as set out in the
6 aforementioned filings.

7 Could, please, the court usher bring the witness in.

8 (The witness enters the courtroom)

9 WITNESS: CAR-OTP-PPPP-0222

10 PRESIDING JUDGE STEINER: Good afternoon, Professor.

11 THE WITNESS: Good afternoon.

12 PRESIDING JUDGE STEINER: You are welcome to this Court and, for the sake of
13 the transcript, I would first ask you please to identify yourself.

14 THE WITNESS: I am William James John Samarin from Toronto.

15 PRESIDING JUDGE STEINER: Thank you very much, Professor. You come to this
16 Court in order to testify on an issue of your expertise. Before we start with your
17 questioning by the parties, I would like to ask you, please, to see the card that is
18 supposed to be in front of you which contains a solemn undertaking.

19 THE WITNESS: Do I have to hear my own voice?

20 PRESIDING JUDGE STEINER: So could you please, Professor, read out the words
21 on the card.

22 THE WITNESS: I solemnly declare that I will speak the truth, the whole truth and
23 nothing but the truth.

24 PRESIDING JUDGE STEINER: Thank you, Professor. Professor Samarin, you have
25 provided the Court with a report which is dated 3 September 2010 and comprises 20

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1 pages. To the best of your knowledge, are the contents of that report a true reflection
2 of your views impartially stated?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE STEINER: Your report was disclosed confidentially on
5 4 October 2010 to the parties. Am I right in assuming that, as regards your report,
6 there is no difficulty in the entirety of your report being published publicly?

7 THE WITNESS: Excuse me. I just came from Africa, so my answer to that question
8 is, yes, that there is no difficulty.

9 PRESIDING JUDGE STEINER: If - and this I inform you and as well the
10 Prosecution - there are parts of the report that should remain confidential, the
11 Chamber asks the Prosecution to be mindful of this and to request private session if
12 necessary. As well you, Professor, if there are any parts of your report that you
13 deem necessary to be discussed in private session, meaning that the public cannot
14 have access to the information, you please just let us know and we can turn at any
15 time, at any point, into private session.

16 THE WITNESS: I understand.

17 PRESIDING JUDGE STEINER: In addition, Professor, in addition to your report,
18 you have provided a curriculum vitae which was filed on 26 February 2010. It's for
19 us filing 705-Conf-AnxA. Presently, this is a confidential document. In your view,
20 can this document be made public as long as any personal data -- any personal details
21 such as your address or telephone numbers or email are kept confidentially redacted?

22 THE WITNESS: Yes.

23 PRESIDING JUDGE STEINER: Thank you, Professor. Just before I give the floor to
24 the Prosecution, there are some ground rules first, I'm afraid, which makes the
25 process somehow artificial. You will see that on either side of us we have

1 interpreters and court reporters. They have a very, very difficult job, particularly
2 when Judges, counsel or witnesses speak too quickly.

3 It's absolutely critical, Professor, that you please bear in mind that your delivery must
4 be without being too slow, must be measured. If you start speeding up during the
5 course of your evidence, I'm afraid I'll have to interrupt you to ask you to slow down.
6 So don't take offence in that respect.

7 THE WITNESS: I understand.

8 PRESIDING JUDGE STEINER: Thank you, Professor. Now I'll now give the floor,
9 then, to the Prosecution. Mr Badibanga.

10 MR BADIBANGA: (Interpretation) Thank you, your Honour.

11 QUESTIONED BY MR BADIBANGA: (Interpretation)

12 Q. Good afternoon, Professor Samarin.

13 A. Good afternoon.

14 Q. As you know, my name is Jean-Jacques Badibanga and I'm going to be putting
15 to you some questions on behalf of the Prosecution. We're going to operate in the
16 following fashion: First, I will be asking you to introduce yourself. Second, we will
17 be talking about your professional training. Subsequent to that, we will be talking
18 specifically about this case and your professional background as it relates to that
19 issue.

20 As the Judge indicated to you, we use interpreters in this courtroom. As a
21 consequence, you and I will be paying particular attention to that so that our remarks
22 may be interpreted appropriately.

23 Your Honour, before continuing, we were informed by the VWU that Professor
24 Samarin had one or two notes that he would like to use during his testimonial.

25 Compliant with the modus operandi of this courtroom, particularly in relation to the

1 previous testimony that was given, I would have liked the Bench to ask the witness
2 whether this is, indeed, the case so this particular issue can be dealt with right now.

3 PRESIDING JUDGE STEINER: The Chamber was informed that you intend to use
4 some support materials while giving your testimony; is that correct?

5 THE WITNESS: I wouldn't, your Honour, call this support. I called it a mnemonic
6 aid, just a list of things that I could peer at from time to time.

7 PRESIDING JUDGE STEINER: May I ask Maître Liriss whether the Defence has any
8 objection that the Defence (sic) uses some notes in support of his recollection of the
9 report?

10 MR LIRISS: (Interpretation) I have no objection whatsoever, your Honour, to the
11 extent that it is simply notes that will help jog the memory of the witness.

12 PRESIDING JUDGE STEINER: I need to make a correction. Does the Defence have
13 any objection that the expert, the witness, uses some notes, not the Defence. Maître
14 Badibanga, since the Defence has no objection, the witness is authorised to make use
15 of his aide-mémoire.

16 THE WITNESS: I'm not -- your Honour, I'm not -- I wasn't hearing you in the
17 earphones.

18 PRESIDING JUDGE STEINER: I can repeat.

19 THE WITNESS: Yes, please.

20 PRESIDING JUDGE STEINER: Yes. The Defence has no objection and you are
21 authorised to make use of this aide-mémoire.

22 THE WITNESS: Thank you.

23 PRESIDING JUDGE STEINER: Maître Badibanga.

24 MR BADIBANGA: (Interpretation)

25 Q. Professor, once again, would you mind stating your identity.

1 A. I am William J Samarin, retired Professor from the University of Toronto,
2 Toronto, Canada.

3 Q. I would like to use this opportunity to draw to your attention the following:

4 On the fact that all these proceedings are conducted in public, with that in mind
5 please don't drill down to the details with regard to your address, by way of example.

6 It is sufficient to state the town, as you have just done. That's good.

7 In addition to that, when we will be talking about your report proper, if you want to
8 mention the name of a witness - a Prosecution witness - please don't state that name
9 before we go into private session. Could you tell us your age and your date of birth,
10 please?

11 A. I am 85 years old. I was born on 7 February 1926.

12 Q. And where were you born?

13 A. I was born in Los Angeles, California.

14 Q. What is your nationality?

15 A. I am originally, and I still remain, a citizen of the United States of America, but I
16 also am a citizen of Canada.

17 Q. Can you tell us once more where you live currently?

18 A. Toronto, the Province of Ontario, Canada.

19 Q. Could you tell the Court what your profession is?

20 A. I'm a linguist.

21 PRESIDING JUDGE STEINER: I'm sorry to interrupt you, just to make a reminder of
22 the five seconds golden rule. Professor, the five seconds golden rule is the rule that
23 we impose, or at least we beg, the parties to follow, meaning that before you answer
24 to a question you count to five. And the Prosecution before asking another question
25 has to count to five in order to give the interpreters the time they need to complete the

1 translation. Maître Badibanga.

2 THE WITNESS: I'm sorry, your Honour. I will make an effort.

3 PRESIDING JUDGE STEINER: No, this message was sent to Maître Badibanga,
4 because he knew about the rule.

5 MR BADIBANGA: (Interpretation) I shall be counting.

6 Q. Professor, you said that you are a linguist. Could you tell us for how long you
7 have been retired? You mentioned that you were retired earlier.

8 A. Yes, I have been retired in the official sense - in the financial sense - since 1991,
9 although I have continued teaching and pursuing research ever since to the present
10 day. I -- well, I had my first appointment as a professor of linguistics in 1961.

11 Q. You see, I have waited the five seconds now. Tell me, Professor, for how long
12 did you teach as a professor?

13 A. Well, that would make about 30 years. Excuse me, if that wasn't five seconds.

14 Q. I'd like to come back to your training. Could you tell us about your university
15 studies? What degrees do you have?

16 A. I began studying linguistics in a formal sense in 1947 at the University of
17 Oklahoma and continued it at the University of California, Berkeley, that fall. I
18 continued until I received my BA in linguistics and anthropology summa cum laude
19 at the university and graduated in 1950. I returned to the same university in 1955 to
20 begin my graduate work towards a PhD in linguistics. That was all the year of
21 1955/56 and I returned in 1960 to finish my residence and my study. The degree was
22 not actually awarded me until 1962.

23 Q. What was the precise subject of your thesis?

24 A. My thesis is on the ethnic language belonging to the Ubangian family called
25 Gbeya. Gbeya is a group of languages with different, well, dialects and as well

1 sub-languages. There are several Gbeya languages. The language I learned and
2 still speak is the one that is identified as Bossangoa, the Gbeya of Bossangoa, whereas
3 they call themselves Gbeya.

4 Q. If I have understood correctly, you say that in 1962 you got your degree.
5 Exactly what degree did you get?

6 A. The degree is a Doctor of Philosophy in Linguistics.

7 Q. Thank you, Professor. After going through this training period you taught at
8 university and you said you did that from 1961 to 1991. Could you tell us what
9 university you taught at?

10 A. My first seven years of teaching were at the Hartford Seminary Foundation
11 where there was and there had been for many years a PhD programme in various
12 fields like Arabic, Chinese, anthropology and linguistics. So although this was a
13 theological school, it was very unusual. In fact, it was unique in providing a
14 graduate programme, a programme that allowed people to proceed in any university
15 whatsoever. One of my students became the President of the Linguistic Society of
16 America.

17 Q. Now, I'm not an expert. Could you give us an explanation? Did you teach
18 linguistics in general, or any specialised area of linguistics which you taught
19 throughout this period?

20 A. When I began linguistics in 1947, there were very few textbooks. Some of them
21 were being written by professors whose courses I took, so it was not a very
22 specialised field. We called the linguistics of that era descriptive linguistics,
23 meaning producing grammars of previously unwritten languages. The theoretical
24 aspects of linguistics were just beginning. I never entered that part of linguistics and
25 many other sub-disciplines like acoustics, like cognitive linguistics and many other

1 things.

2 I finally identified myself as something in North America we called an
3 anthropological linguist, or a linguistic anthropologist, or a sociolinguist, meaning
4 referring to the fact that we study how people use language in different circumstances
5 and how language variations correlate with those non-linguistic variables.

6 Q. Thank you for that explanation. What university level did you teach to?
7 What level were the students?

8 A. At the University of Toronto I was appointed as Associate Professor, even
9 though I was a full Professor in Hartford, and I taught right from the beginning
10 undergraduate courses as well as graduate courses, which is an obligation at the
11 University of Toronto.

12 Q. Did you also supervise doctoral theses?

13 A. Oh, yes, both at Hartford Seminary Foundation, theses on African languages.
14 One student wrote his thesis and his MA thesis and his PhD thesis on Sango and at
15 the University of Toronto one of my students wrote his PhD thesis on Eskimo,
16 another one on a sociolinguistic study on glossolalia in Ireland. Those I am referring
17 to are PhD theses. There are several on the MA level that I don't remember quickly.

18 Q. Yes, Professor, we were able to read your resume and we can -- we don't need to
19 go through all the experience you have as that would take up a great deal of the
20 Court's time, so I shall try to highlight a number of points and then get on to the case
21 in hand.

22 During this period from 1961 to 1991, and perhaps afterwards, did you conduct
23 research in languages in the area in which we are interested in here; in other words,
24 Central Africa?

25 A. Yes, as -- I returned -- I went to the Central African Republic in 1962 and spent

1 several months there with a grant from the United States Department of Education to
2 prepare a grammar of Sango, collecting tape-recorded speech in several parts of the
3 country to the very east and to the very west, and that was published by Ofsted Press,
4 copies were circulated and then Mouton published the grammar in 1967.

5 In 1966 again with a grant from the US government, I returned and spent -- I returned
6 to the Central African Republic and spent this time four months to prepare something
7 I called Learning Sango, consisting of lessons on how to learn Sango as well as a book
8 of readings to help people understand discourse in Sango. That was '66.

9 I became interested -- at the same time I was working on Gbeya ideophones.

10 Ideophones are very -- are adverbs that characterise not only African languages, but
11 other languages as well, like Japanese, but especially African languages, so I did that
12 on the side.

13 I then became interested in explaining the origin of Sango, because Sango is a new
14 language, a lingua-franca like Lingala and like Kituba. So I went back in 19-- I
15 began research in France in the archives and I went back to Bangui in 1972/73, again
16 in 1988, and then I began studying change in Sango from the Sango I knew from
17 many years earlier to what the young people and children were speaking in Bangui.
18 So I spent months in 1991, '92 and '94, and I was planning to go back in '96, but could
19 not because of difficulties there.

20 Q. Before you had a seat as professor, did you carry out other jobs?

21 A. I don't understand the question.

22 Q. It's just to see where you were exactly. You said that from 1961 you were
23 teaching and you talked about your professional activity before then. I would like to
24 know if before you had a position as university professor in 1961 you held other
25 positions? Did you have any other profession?

1 A. Yes. As a matter of fact, I went with my wife and child to what was then
2 Ubangi-Chari, the territory of French Equatorial Africa, prepared linguistically to
3 work in some Ubangian language, and that was an important concern of mine in
4 education, in the study of languages -- well, I won't go into all of the things that I tried
5 to do, comparing dialects and things like that. I tried to learn a Bantu language. I
6 made a serious effort at learning Isungu-Mbati in the town of Mbaki. I gathered
7 material on Nbaka in the same area; on Bangandu; a Bantu language also in the forest
8 there; and then I asked to be put into an area where an ethnic language was used and
9 so we ended up in the district of Bossangoa where I began learning Gbeya from
10 scratch, because there was no grammar, no dictionary, anything of that kind.
11 By 1959 I had prepared primmers to teach people how to read in Sango and in Gbeya
12 and at that time -- yes, now I'm talking about the 1950's now. We left in 1960, in
13 February, because of my wife's continued poor health in Ubangi-Chari.

14 Q. Thank you, Professor. I don't know if you have a copy of your resumé. I
15 don't want to ask you to go through it in its entirety, but just to highlight a number of
16 publications, perhaps the most important ones, a couple of articles, or point out the
17 two most relevant conferences for the subject we are dealing with today. Would you
18 need us to give you a copy of your resumé for you to do that, or could you just give
19 us the details?

20 A. Mr Counsellor, I'll give you some details and you might ask me about others.
21 First of all, in my field I'm called "Mr Sango." I have been for more than ten years
22 now involved with -- in a group of linguists who specialise in pidgin and Creole
23 languages. Sango is technically a pidgin, as I am trying to argue in my articles.
24 Creoles, well, there is a lot of disagreement as to what a Creole is, but Haitian Creole
25 for example is one, and so forth.

1 So that has been my field of research, and also sociolinguistics which as I mentioned
2 earlier is -- has to do with what variety of language is used in particular
3 circumstances. For example, who uses Sango and switches to French, or why do
4 people mix Sango and French and so forth? That's the field of sociolinguistics.
5 I attended -- I gave a paper on Sango, as a matter of fact, in 1968. It may have been
6 the first international conference of pidgin and Creole languages. There was a
7 smaller one I think somewhere a few years before, but this one in 1968 was the
8 largest.

9 There have been conferences - international conferences - in Africa. I attended one in
10 Brazzaville, in Abidjan, in Accra. I was invited to Johannesburg in 1962 to talk to a
11 linguist there. South Africa was quite a few years behind the United States at that
12 time.

13 So I've given papers at conferences. I was a member of the Canadian African Studies
14 Association, the American Anthropological Association, I gave papers at those
15 conferences, I mean conferences of those societies, as well as the Canadian Linguistic
16 Society, the Linguistic Society of America and others. Oh, yes, I attended in
17 1975 -- not only attended, I gave a paper again on Sango at a conference on pidgins
18 and Creoles at the University of Hawaii.

19 I feel, as far as my publications are concerned, that my grammar on Sango is
20 important - and it's the only one cited by linguists - and my grammar of Gbeya, of
21 course. I had hoped to publish a book by now on my recent studies, but have not,
22 but in the meantime there are many articles published both on -- on both of those
23 Central African languages.

24 I've just submitted an article on the influence of Swahili on Central Africa. I have an
25 article to appear I hope in one journal, whose editors are right here in this country, on

1 the origins of Kituba, another lingua-franca in the southern part of Central Africa.

2 I hope that gives you an impression of some sense of my specialties and activities.

3 MR BADIBANGA: (Interpretation) Thank you. Thank you, yes. Your Honour,
4 at this stage I would like to have the witness's resumé presented to him so that he can
5 confirm that it is his resumé that he submitted to the Court. He referred to it earlier.
6 This was a written filing, ICC-01/05-01/08-705-Conf-AnxA. I don't know if the court
7 officer has it, or otherwise I have a printed version on paper here.

8 PRESIDING JUDGE STEINER: I don't have a hard copy here with me, but since
9 there is a risk that personal information appears it's better for the document to be
10 displayed only inside the courtroom.

11 THE COURT OFFICER: Indeed, your Honour, the technicians have been advised
12 accordingly, and if the participants and parties can switch to "PC1" they will be able
13 to see the document. Thank you.

14 PRESIDING JUDGE STEINER: I will suggest, then, that the witness is presented
15 only with a hard copy, please.

16 MR BADIBANGA: (No interpretation)

17 Q. (Interpretation) Professor, I would just like you to look at this document and
18 could you confirm that this is, indeed, the resumé which you gave to the Office of the
19 Prosecutor?

20 A. Yes, this is what I prepared, an updated and edited copy. This is the last copy
21 of my curriculum vitae, but curriculum vitae are rarely perfect so there may be some
22 mistakes in it, but to the best of my ability this is my CV.

23 Q. The purpose is just to establish that this is, indeed, the document that you gave
24 us. At a first glance, I suppose you can tell us whether the information in it, covering
25 both your studies and training and your publications, are correct?

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1 A. Yes.

2 MR BADIBANGA: (Interpretation) Your Honour, this is a written filing and I
3 would ask for it to be given an EVD-T number.

4 THE COURT OFFICER: Madam President, the document shall be given the
5 reference EVD-T-OTP-00600. Thank you, your Honours.

6 MR BADIBANGA: (Interpretation)

7 Q. Professor, you have already mentioned your professional experience in relation
8 to Central Africa, or various aspects of it. Now, we shall go into a number of details.
9 You said that you made your first trip to the Central African Republic in June 1952; is
10 this correct?

11 A. Yes.

12 Q. What was the purpose of that trip?

13 A. The purpose of our going to Ubangi-Chari in 1952 was to remain there for the
14 rest of our lives until retirement to work in one or more of the then colony's
15 languages.

16 Q. Why did you choose the Central African Republic and its languages?

17 A. I had considered other countries, like Brazil, where many unwritten languages
18 are used by the indigenous population, but I found no other place in the world, and it
19 didn't make any difference where we went, I didn't find any other place in the world
20 where the kind of work I wanted to engage in was going to be possible. We were
21 going at -- we were -- this was a career of work, a humanitarian endeavour, and we
22 were not looking for to become rich or anything, and I at that time did not plan to
23 enter the scientific field. I think I will stop there as my answer, unless you want
24 more clarification?

25 Q. No, we just want to understand why it came to be that you found yourself in the

1 Central African Republic. You mentioned here various trips that you took to the
2 Central African Republic, and when was the last time you spent some time in the
3 Central African Republic?

4 A. The last time of any duration was in 1994. I think that was for two months, but
5 it might have been longer, but -- and I mentioned that I was planning to go back in
6 1996, but the most recent trip ended just last week. I was in Bangui for eight days.

7 Q. Could you give us the specific dates?

8 A. I boarded the Air France flight on 8 March and I left Bangui on the 17th.

9 Q. Thank you, Professor. Now, were all of your trips to the Central African
10 Republic professional in nature?

11 A. The first one, the one that lasted the séjour, the residence that lasted 1952 to 1960,
12 I don't know if one would call that professional. I would use the word "professional"
13 for my linguistic career. So every visit has been related to my linguistic career,
14 although like my last -- my recent visit to Bangui, it's like going home because I have
15 friends from long ago who treat me like family and whom I treat like members of my
16 family, and I won't go into details as to why that is, but I must mention that this last
17 trip was actually a mission on behalf of the ICC.

18 Q. Could one say that over the past 30 years you have taken advantage of each trip
19 you made to the Central African Republic to enhance your knowledge of Central
20 African languages?

21 A. Yes, indeed. I have carried on more work than I have been able to publish on,
22 like collection of Gbeya personal names, of dog names, of all kinds of things, and I'm
23 happy to say that the University of Toronto Library has been accepting my archives
24 since 1987, so everything that I have done on Central -- on the Central African
25 Republic is available, or will be available, to anybody in the world. All kinds of raw

1 material, all of my recordings, all of my notes, all of my diaries and journals and
2 as -- of a linguistic nature, or even just living there, all those are going to be available.

3 Did I answer your question?

4 Q. Your answer was just perfect, Professor. I would like to conclude with this
5 series of questions. Now, one last question of this nature. Did you travel to other
6 parts of the world in relation to your work on Central African languages?

7 A. Oh, my, yes. As I mentioned earlier, I was at a conference in 19 -- in
8 Brazzaville in 1962, organised by ACCT, or something like that, with respect to the
9 study of the use of languages in Africa, and there was a small group of pidginists and
10 Creolists there. Then I went to Johannesburg, as I mentioned, to visit with
11 professors at the University of Witwatersrand, excuse my Dutch.
12 I extended my travels when I began studying the colonisation of Central Africa and
13 the linguistic aspects of that period. I worked in the archives of a Dutch trading
14 company here in this country. I worked in the archives in Brussels and at Tele
15 Huren in Belgium. I spent -- where I spent ten weeks. I spent ten weeks in London,
16 working on various archives in mission societies and in libraries. Portugal, yes, my
17 wife's father was Portuguese, so I learned Portuguese, and I worked in the libraries in
18 Portugal in 1979.

19 PRESIDING JUDGE STEINER: Maître Badibanga, I am requested by the interpreters
20 to remind -- the stenographers to remind you about the five seconds rule.

21 MR BADIBANGA: (Interpretation)

22 Q. Now, that being understood, these are my questions about your professional
23 experience. Now, I would like to now move on to some questions that relate to your
24 report and what you set out in your report. Could you confirm, Professor, that you
25 did indeed draw up a linguistic expert report for the case of The Prosecutor versus

1 Jean-Pierre Bemba at the joint request of the Office of the Prosecutor and the legal
2 representatives of victims?

3 A. Yes, I prepared an eleven-page single-spaced report dated September 3, 2010, on
4 Sango and Lingala and the sociolinguistics of Central African strife on language
5 identification and other such topics.

6 MR BADIBANGA: (Interpretation) Your Honour, now this report already has an
7 EVD number, EVD-T-OTP-00053.

8 Q. Professor, could you explain to the Court what methodology you followed to
9 draw up this report?

10 A. I began reading documents that were sent to me by the ICC about several inches
11 high. I don't know, I didn't weigh the documents, but there were -- and nor did I
12 even number them, but, well, let's just say that I read everything that was sent to me,
13 including some information about the events, the military events, but most of the
14 documents were the records of interviews of witnesses. That's how I began.

15 Q. Did you have to review materials that you had in the past, other than the
16 material that was provided by the International Criminal Court; in particular, all the
17 various academic work that you have been telling us about since the beginning of this
18 hearing?

19 A. As a matter of fact, yes. There are some things on Sango and certainly on
20 Lingala that were undertaken for this report. I had some familiarity with Lingala,
21 but I did go to the library and learn about -- more about the language so that I could
22 compare Sango and Lingala from a linguistic point of view, as well as from a
23 sociolinguistic point of view; that is, where Lingala is spoken and what varieties there
24 are and things like that.

25 PRESIDING JUDGE STEINER: Maître, sorry to interrupt you. We resumed this

1 session a little bit later today but, in any case, I need to consult our interpreters and
2 court reporters on whether we can extend this session until quarter-past-4.

3 THE INTERPRETER: Message from the interpreters: Certainly, your Honour.

4 PRESIDING JUDGE STEINER: Thank you very much. Maître Badibanga, you
5 have still 12 minutes.

6 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'll just take a
7 moment or two. I just need to restructure my examination slightly, because I do
8 want to keep the central arguments of our expert's testimony, or the thread of his
9 arguments.

10 Q. Professor, with regard to the materials that you used to draw up this report, you
11 mentioned the materials that were provided by the International Criminal Court, the
12 Office of the Prosecutor to be more specific, and you just mentioned the literature that
13 you read or reviewed in the library. Now, was this literature focused more on Bantu
14 languages?

15 A. Not Bantu languages in particular, and I must say that as a specialist on African
16 languages I do not consider myself a Bantuist. That's another field entirely, and an
17 old field with a tremendous amount of literature. And also -- or I should say but,
18 but I have done a considerable amount of research on the spread - not the origin, but
19 the spread - of Swahili into what was then the -- well, even before the Congo Free
20 State was established.

21 And I may have already mentioned that I have submitted a long article on Swahili as
22 a lingua-franca and its surprising influence on Sango. So I didn't need to go into that
23 topic because it was fresh on my desk, so the only thing I had to do was get
24 information about Lingala.

25 MR BADIBANGA: (Interpretation) Your Honour, at this particular stage in the

1 proceedings, I'd like to make sure that the reference that the witness is referring to is,
2 indeed, the report that we have at hand. I did see to it that the witness had a copy,
3 but I do -- I would like to ask the court officer if he could show us -- correction, show
4 the witness this report just to make sure that we're talking about the same report.

5 THE WITNESS: Could I interrupt? As a matter of fact, what I have is not the
6 complete report, because I think there are eight tables of which are not here.

7 MR BADIBANGA: (Interpretation) If the witness could have the entire report with
8 the tables as well.

9 PRESIDING JUDGE STEINER: Maître Liriss, any objection on that?

10 MR LIRISS: (Interpretation) No objection, your Honour.

11 THE WITNESS: Could I comment on these?

12 MR BADIBANGA: (Interpretation)

13 Q. Certainly.

14 A. I wish I could publish all of this, because there is a lot of original material here
15 showing the similarities and differences between Sango and Lingala from a
16 phonological point of view, the sounds. I compare Sango -- I compare the words
17 that occur 100 and more times both in Sango and in Lingala, and I compare -- oh, I
18 have an inventory here of everybody of all the witnesses, the 18 -- I have 18 witnesses,
19 but I numbered them 19 at the bottom.

20 Anyway, there are 18 or 19, about who they are, not their names -- yes, their names
21 are here, and my evaluation of their -- of the amount of reference to languages. So
22 I had hoped that this would be a help to members of the Court to relate my comments
23 to the witnesses.

24 Finally, or almost finally, I compare a sample of Lingala with Sango and revealing
25 their similarities. Finally, there is an appendix of, well, many words in English,

1 Sango and other Bantu languages that reveal the similarities between -- and
2 differences between Sango and Lingala.

3 Q. So, Professor, can you confirm that this is, indeed, the report that you provided
4 to the International Criminal Court on 3 September 2010?

5 A. Yes. I'm sorry if I went beyond saying "yes," but this is categorically my report.

6 MR BADIBANGA: (Interpretation) Your Honour, as I was saying, this document
7 already has an EVD number. At this particular stage in the proceedings, we wish to
8 recall everyone that each time that the document is put up on the screen if the Court
9 staff could be very careful to make sure that the witness's private address is not
10 displayed. Furthermore, also the same holds true for the names of the witnesses in
11 this case.

12 PRESIDING JUDGE STEINER: Maître Badibanga, for that effect, the Chamber will
13 order that tomorrow the binders before the witness are closed in order to avoid the
14 public to read what is on the witness's screen. If you could at least -- now that we
15 have only two or three minutes left, I think we could leave the way it is, but
16 tomorrow the Chamber will provide that.

17 MR BADIBANGA: (Interpretation) Thank you, your Honour. Indeed, I will not
18 now ask for the report to be put up on the screen. I would suggest that for the two
19 minutes that we have remaining that we perhaps end the sitting and perhaps we
20 could resume tomorrow with the definitions and with the substance of your report?

21 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. Professor, we have
22 to adjourn for today. Again, we thank you very much for your cooperation with the
23 Court. We will resume tomorrow at 2.30 in the afternoon when the Prosecution will
24 continue putting questions to you. I would like to thank -- first, before I give my
25 thanks, I am informed that the court officer wants to make a correction on an EVD-T

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1 number. Court officer, please.

2 THE COURT OFFICER: Thank you, Madam President. The Professor's curriculum
3 vitae that was previously assigned EVD-T-OTP-00600 should actually have the
4 reference number EVD-T-OTP-00603. Thank you, your Honours.

5 PRESIDING JUDGE STEINER: Thank you very much. Professor, the court usher
6 will accompany you. I hope you have a very restful night.

7 THE WITNESS: Thank you very much. It's a beautiful day.

8 (The witness stands down)

9 PRESIDING JUDGE STEINER: I would like to thank very much the Prosecution
10 team, the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
11 Gombo. I thank very much our interpreters, stenographers/court reporters. We are
12 adjourning for today and resuming tomorrow morning at 2.30 in this courtroom.
13 The hearing is adjourned.

14 THE COURT USHER: All rise.

15 (The hearing ends at 4.13 p.m.)