

Trial Hearing
Witness: CAR-D04-PPPP-0060

(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
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Tuesday, 11 September 2012
9 (The hearing starts in open session at 11.03 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning, and good morning again for those that
14 were here in the first part of today's status conference.
15 Could, please, court officer call the case.
16 THE COURT OFFICER: Thank you, Madam President. Situation in the Central African
17 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you.
19 I welcome again Prosecution team, legal representatives of victims, Defence team,
20 Mr Jean-Pierre Bemba Gombo. I welcome again our interpreters and court reporters.
21 We will start today with the testimony of the third expert witness called by the Defence,
22 Witness CAR-D04-PPPP-0060, who is a linguistic expert, Professor Georges Bokamba.
23 Since no application for protective or special measures has been made for this witness, the
24 witness will give testimony in public session.
25 I ask, please, court usher to bring the witness in.

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1 (The witness enters the courtroom)

2 WITNESS: CAR-D04-PPPP-0060

3 (The witness speaks English)

4 PRESIDING JUDGE STEINER: Good morning and welcome, Professor Bokamba.

5 THE WITNESS: Good morning, your Honours.

6 PRESIDING JUDGE STEINER: First of all, we would like to thank you very much for
7 taking the time to come and to give evidence to this Court.

8 THE WITNESS: It's my honour.

9 PRESIDING JUDGE STEINER: Professor Bokamba, probably there is a card in front of
10 you containing the solemn undertaking, and I will ask you, please, to read out the words
11 on the card.

12 THE WITNESS: Okay, fine. I solemnly declare that I will speak the truth, the whole
13 truth and nothing but the truth.

14 PRESIDING JUDGE STEINER: Thank you, Professor.

15 Professor Bokamba, you have provided the Court with a report, which is dated 16
16 July 2012 and which comprises 30 pages. To the best of your knowledge, are the contents
17 of that report a true reflection of your views impartially stated?

18 THE WITNESS: Yes, your Honour.

19 PRESIDING JUDGE STEINER: Professor, although you will be testifying in open session
20 and with your identity known to the public, there are some victims, witnesses or persons
21 connected with this case that could be considered as vulnerable and therefore their
22 identities should not be revealed to the public in general.

23 In case during your testimony you find it necessary to mention names of persons that in
24 principle are to be considered as vulnerable, and the Defence will help you in identifying
25 such persons, you just let us know and we can go into private session. In private session

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1 you can feel free to speak, because only those that are in the courtroom will be able --

2 THE WITNESS: Yes.

3 PRESIDING JUDGE STEINER: -- to hear what you say.

4 THE WITNESS: Yes, your Honour.

5 PRESIDING JUDGE STEINER: You will be questioned first by Defence, followed by
6 Prosecution team and by legal representatives of victims that were authorised to put some
7 questions to you. Finally, Defence will be able to put some follow-up questions at the
8 end of your testimony.

9 Professor, before I give the floor to the Defence, there are some important ground rules --

10 THE WITNESS: Yes, your Honour.

11 PRESIDING JUDGE STEINER: -- that must be observed during your questioning, which
12 I'm afraid can make the process a little bit artificial, but you see that in both sides we have
13 interpreters --

14 THE WITNESS: Yes.

15 PRESIDING JUDGE STEINER: -- and court reporters.

16 THE WITNESS: Yes.

17 PRESIDING JUDGE STEINER: We have real-time interpretation, and the court reporters
18 provide the parties and participants and the Chamber with real-time transcripts.

19 THE WITNESS: Yes.

20 PRESIDING JUDGE STEINER: In order to allow the interpreters and court reporters to
21 do their job, it's really necessary that you speak slower than normal.

22 THE WITNESS: Yes, ma'am.

23 PRESIDING JUDGE STEINER: Because it seems unnatural, it may be that you start
24 speeding up and in that case I will have to interrupt you. Please don't take offence.

25 THE WITNESS: No.

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1 PRESIDING JUDGE STEINER: It's just for practical reasons.

2 THE WITNESS: Yes, your Honour.

3 PRESIDING JUDGE STEINER: And finally, Mr Witness, one last final important rule.

4 After any of the parties or the legal representatives or the Chamber put any question to
5 you, you have to wait five seconds before you start giving your answer in order to allow
6 the interpreters to finalise the translation of the question. We call that "the five-seconds
7 golden rule" --

8 THE WITNESS: Yes.

9 PRESIDING JUDGE STEINER: -- and many times I will have to remind you on that rule.

10 THE WITNESS: Yes, your Honour.

11 PRESIDING JUDGE STEINER: I hope you understand the difficulties of the procedures?

12 THE WITNESS: I understand, your Honour.

13 PRESIDING JUDGE STEINER: Thank you very much.

14 And now I'll give the floor to Mr Haynes that will start questioning you on behalf of the
15 Defence.

16 Mr Haynes.

17 MR HAYNES: Thank you, your Honour, and good morning. Good morning to
18 everybody in the courtroom.

19 QUESTIONED BY MR HAYNES:

20 Q. And good morning to you, Professor Bokamba.

21 A. Good morning, Mr Haynes.

22 Q. I am going to re-emphasise that, because I think you and I are going to be the only
23 people who will speak the same language during your questioning and it is only human
24 to respond to me as though we are having a conversation.

25 A. Yes.

1 Q. But please resist the temptation to do so. Just pause and count inwardly to five
2 before you respond to me. Do you understand?

3 A. Yes, sir, but --

4 Q. I don't think you do.

5 PRESIDING JUDGE STEINER: Yes, Professor?

6 THE WITNESS: Your Honour, I have a statement that I wanted to ask your permission if
7 I could read it before the Defence begins the questioning? I didn't realise that it goes so
8 quickly. I thought you were going to ask me, "Do you have anything to ask?", and then I
9 would have raised the question then.

10 PRESIDING JUDGE STEINER: I think Defence will not to object.

11 MR HAYNES: Well, Mr Badibanga and myself, together with Ms Bala-Gaye and
12 Ms Gibson, met with Professor Bokamba yesterday evening. I think we know what he's
13 going to say. It's unobjectionable and he should be allowed to say it.

14 PRESIDING JUDGE STEINER: Maître?

15 MR BADIBANGA: (Interpretation) We have no objection, Madam President. I believe
16 he can read his statement.

17 PRESIDING JUDGE STEINER: And since both parties are aware of the contents of the
18 statement, can it be delivered in open session?

19 MR HAYNES: Absolutely.

20 PRESIDING JUDGE STEINER: Professor Bokamba, you have the floor.

21 THE WITNESS: Thank you, your Honour.

22 Your Honour Presiding Judge Steiner, your Honour Judge Aluoch, and Judge Ozaki,
23 Mr Badibanga, Ms Bala-Gaye, Maître Kilolo, Maître Haynes, ladies and gentlemen, good
24 morning.

25 It is truly an honour for me, and with a sense of trepidation, that I appear before this

1 august Court to testify as a linguistics expert with regard to the sociolinguistics of Lingala,
2 a central Bantu language whose primary zone of currency is the Democratic Republic of
3 the Congo, or DRC, and the Republic of the Congo, or RoC.

4 Your Honour, Judge Steiner, I would like to begin by expressing my gratitude, deep
5 gratitude indeed, to you and to your colleagues, both on the Prosecution and the Defence
6 team, for allowing me and facilitating my presence here.

7 The hospitality accorded to me thus far has been humbling and generous, and I'm grateful
8 to you and your office staff involved in this endeavour. I know that without your
9 permission, Judge Steiner, and agreement between the Defence team, and the Defence
10 team that has invited me, and the Prosecution team, I would not appear here today.

11 In light of this consideration, I wish to formally apologise to Mr Badibanga - to Maître
12 Badibanga - and Maître Bala-Gaye for initially accepting with reluctance their request to
13 visit and interview me in my home town last month, and then having to cancel the
14 appointment subsequently due in part to travel time pressures and in part to the fact that
15 the Defence team was not going to participate at the proposed meeting.

16 This was not the best way to begin my interaction with the Prosecution team but, as you
17 can understand, your Honours, I was placed in a very difficult predicament that left me
18 no other choice.

19 Your Honours, I consider myself a simple university professor whose daily smallest
20 audience is the classroom and periodic largest audience is the conference hall. In such
21 settings I am in my natural elements, like a fish in the water. There I know how to swim
22 under the water, on the surface of the water, how to detect and avoid predators or traps,
23 and how to breathe normally.

24 In this highest court in the world, Your Honours, I am like a fish out of the water, so you
25 can understand my apprehension. I hope that both the Defence team and the

1 Prosecution team will treat me kindly, recognising not only my linguistic expertise but
2 also my habitus, that reflects the development and this development and decades long
3 experience as an administrator at a large university.
4 Specifically, your Honours, I wish to emphasise from the outset what is indicated in my
5 curriculum vitae that I am a linguist with primary training and specialisation in formal or
6 theoretical linguistics and also a linguist who subsequently developed an interest in
7 sociolinguistics for practical purposes involving inerrant interest in promoting
8 development in Africa.
9 As a formal linguist, specifically a syntactician at that, I was taught to dissect language,
10 data, to discern the patterns or regularities that instantiate structural rules and to develop
11 a solution that would not only account for the observed data but also possibly provide an
12 explanation that is of general nature and consistent with the best existing theories in the
13 field of syntax.
14 Your Honours, these are the skills or, if you wish, habitus that I have acquired and apply
15 on a daily basis in my research and my teaching in syntax and sociolinguistics. I have
16 been practising these skills for over 40 years, as my publications will indicate. These are
17 the skills I bring to the case, this case, and plan to apply as consistently as I can.
18 Why do I offer the Court this background, your Honour? I wish to make clear from the
19 outset the perspective I bring to the monumental task that I have been assigned. Prior to
20 my appearance here, I was asked by Mr Jean-Pierre Bemba Gombo's Defence team to
21 undertake two types of major research questions: (1) To profile the sociolinguistics of
22 Lingala in Central African Republic, with a particular emphasis on its spread in DRC, in
23 the RoC and Central African Republic in order to permit the team to assess the
24 accusations against Mr Bemba regarding the use of this language by the purported MLC
25 soldiers in Bangui.

Two: To respond to Witness 222 reports of 3 September 2010 to the Prosecution on the structural relationships between Sango and Lingala and on the utilisation of the latter in Bangui.

My submitted report, your Honour, which I assume the Court has reviewed, as well as the Defence and the Prosecution team, was extracted in part from two recent applications of mine, which I mentioned in that report, and in part from my personal knowledge and experience with regard to the sociolinguistics of Lingala.

I address therein these questions based on a wide range of sources that are cited within the report. Theoretically, I draw on current knowledge in four of the five primary or main subfields of linguistics; namely, phonology, phonetics, morphology and syntax, and the applied subfields of sociolinguistics that I have defined in my report.

My report is informed not only by the work of the -- of other experts of DRC languages, RoCs and so on languages, but also by my own experience and field research in DRC. As a native of that country, and a highly proficient speaker of several of the countries' Bantu languages, including Lingala, that is one of my native languages.

As indicated in my CV, your Honours, Lingala has been a topic of my research, teaching and numerous publications since at least 1972, discussing, dissecting rather, it structurally and sociolinguistically.

Upon first examination, my study report, which you have, may appear to be very critical of Witness 222 report, and this may appear to be so to the known linguist or specialist in the fields of sociolinguistics, particularly areas that we consider to be critical sociolinguistics.

Far from that, what my report does, and what I will do throughout my testimony this week, your Honours, is to dissect the questions posed to me by drawing on the known facts regarding the spread and utilisation of Lingala in the region under consideration in

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1 this case.

2 I wish to state unambiguously from the start, or from the outset, that Witness 222 is a long
3 time dear colleague and a friend of mine, whose research I hold in my esteem. If my
4 study report and oral answers concerning points derived from it appear critical of his, it is
5 not personal nor is it to support the Defence's position. It is simply my analytical
6 approach, which is part of my habitus.

7 I am here to present a neutral testimony, based on my expertise and my professionalism.

8 I will draw on data or historical narratives, wherever these exist, in offering you answers
9 to questions and will state nothing if these conditions are not met.

10 Your Honours, I wish this approach to be clear to avoid any misinterpretations of my
11 testimony.

12 I am most grateful for your indulgence, your Honours. Thank you.

13 PRESIDING JUDGE STEINER: Thank you very much, Professor, and I think we could
14 go straight back to Mr Haynes.

15 THE WITNESS: Yes.

16 PRESIDING JUDGE STEINER: You have the floor, Mr Haynes.

17 MR HAYNES:

18 Q. Just before we do, with admiral caution, Professor Bokamba, you used the phrase
19 "Witness 222." He, like you, was not in any way protected from the disclosure of his
20 name and I'm quite sure at this point you'd like everybody to know you were talking
21 about Professor William Samarin?

22 A. Correct, sir.

23 Q. Okay. Now, let me, I know you've had a familiarisation, just introduce everybody.

24 A. Yes.

25 Q. Because you and I met for the first time yesterday afternoon, didn't we?

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- 1 A. Yes, sir.
- 2 Q. You've never met Mr Aimé Kilolo?
- 3 A. No, sir.
- 4 Q. Nor Mr Jean-Pierre Bemba?
- 5 A. No, sir.
- 6 Q. Okay, but you met Ms Gibson and I yesterday?
- 7 A. Yes, yes.
- 8 Q. You also met for the Prosecution Mr Badibanga and Ms Bala-Gaye --
- 9 A. Yes, sir.
- 10 Q. -- who will be asking you questions after me.
- 11 And what you might not fully have understood, to Mr Badibanga's right is Ms Douzima
- 12 Lawson and to her right Mr Zarambaud, and after the Prosecution they may ask you some
- 13 questions as well, okay?
- 14 A. Yes, sir.
- 15 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry. From the beginning, it is going
- 16 to be -- it's been too fast.
- 17 THE WITNESS: Ah, okay.
- 18 PRESIDING JUDGE STEINER: What Mr Haynes says and you agree, and he says and
- 19 you agree, so it's too -- a bit colloquial for our interpreters. So I need to remind both on
- 20 the second -- on the five-seconds golden rule, please.
- 21 MR HAYNES:
- 22 Q. Well, Professor, let's see if we can get it right with a few simple questions. Again
- 23 just remember, when I have finished, pause, gather your thoughts and answer about five
- 24 seconds later; is that okay?
- 25 A. Yes, sir.

1 Q. Good. I just want to give you some idea of the programme. We have about an
2 hour-and-a-half of court time left today. We will have half-an-hour now and then a
3 break; do you understand?

4 A. Yes, sir.

5 Q. And then we will have another hour and we will finish at 1.30; do you understand
6 that?

7 A. Yes, sir.

8 Q. I think I will conclude my examination of you tomorrow, okay?

9 A. Yes, sir.

10 Q. And with good luck, and a following wind, I hope we will conclude the whole of
11 your testimony before the weekend; okay?

12 A. Yes, sir.

13 Q. Right. I'm going to deal firstly with you. Will you tell us your full name, please?

14 A. My full name is Eyamba Georges Bokamba.

15 Q. And what is your date of birth?

16 A. My date of birth is August 28, 1944.

17 Q. And where were you born?

18 A. I was born in the Democratic Republic of the Congo.

19 Q. Can you be a little more specific and give us a town name?

20 A. I was born in the community or small town of Mieti (phon), which is located in the
21 Equator province.

22 Q. What language did you speak in your family home as a child?

23 A. I spoke two languages, Zamba and Lingala, which are both Bantu languages and
24 closely related languages within that subregion.

25 Q. And now what other languages do you speak?

1 A. I speak Kiswahili or what is called in English Swahili, French, Likila, English of
2 course, a little bit of Spanish and little bit of Lomongo, another Congolese language.

3 Q. And where you say "a little bit," how would you gauge your proficiency?

4 A. My proficiency in the case of a little bit of a particular language is at a level where I
5 would say intermediate knowledge in speaking, but advanced knowledge in
6 comprehension; that is I can follow conversations without needing interpretation from
7 anyone, but could perhaps respond slowly in that language, or else engage in code
8 mixing.

9 Q. And when you say, as you have, that you speak Lingala, Zamba, Kiswahili, English
10 and French --

11 A. Yes.

12 Q. -- what is your level of proficiency in those languages?

13 A. In those languages I consider myself to be on the Act IV model, probably a III or IV,
14 which means I am close to being superior, or else neo-native proficiency. To be more
15 specific, neo-native, highly educated native speakers' proficiency level.

16 Q. Thank you.

17 A. You're welcome, sir.

18 Q. Now, I want to move on quite briefly to your professional life. When, where and in
19 what subject did you study as an undergraduate?

20 A. For my undergraduate studies, I specialised in English literature for my degree.
21 However, as indicated in my CV, I also studied extensively, but did not study at the same
22 level as English, courses in political science and French, such that I earned what is referred
23 to in the American system - and I assume maybe the same for the English system - a
24 minor; that is a certificate indicating that I took sufficient number of courses to qualify for
25 a certificate in those areas.

1 Q. Thank you. And over the course of the -- well, I'm sorry, you didn't tell us when
2 and where that --

3 A. Oh, yes. My undergraduate degree was obtained from the University of Kansas, in
4 the City of Lawrence and the State of Kansas, United States of America, in 1968.

5 Q. Thank you. And just briefly, could you tell us what further academic
6 conversations you have achieved?

7 A. From there, I pursued my studies at the University of Wisconsin-Madison in the US,
8 with a focus on African languages and literature, which was the name of the department,
9 but my focus rather a series of courses that qualified me for my degree were in linguistics,
10 and in fact I wrote my Masters thesis in linguistics on the subject of morphology of Zamba,
11 one of my two native languages, and I obtained my first Masters degree in 1970.

12 From there I proceeded to Indiana University, where I pursued courses in the Department
13 of Linguistics, specialising in the syntax of Bantu languages, and in the process obtained a
14 second Masters, this time not with the title "African languages and literature," but
15 "Linguistics," in 1974. And then in 1976, after defending my doctoral thesis on the topic
16 of question formation in some Bantu languages, I obtained my PhD in 1976.

17 Q. Thank you. And I wonder if you can tell us, as briefly as you can, a little bit about
18 your working life since your purely academic life finished?

19 A. If I understand your question correctly, Counsel, you want to know what it is that I
20 have done since I graduated with my doctorate at Indiana University?

21 Q. You should be an advocate, Professor. Yes, that was a much better question.

22 A. Yes. Before I completed my dissertation, and defended it, I was a successful
23 candidate for the position of visiting lecturer at the University of Illinois, which is a State
24 institution located in the State of Illinois, and that was in 1974, so for two years I served in
25 that role as a visiting lecturer in linguistics and African languages.

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1 After receiving my doctorate, namely in '76, effectively August of that year, I was
2 appointed assistant professor of linguistics and African Languages and given, of course,
3 the role of director of the programme in African languages that I was to develop for the
4 department.

5 Ever since that time I have been with the University of Illinois, at Urbana-Champaign,
6 except for short visits elsewhere on sabbatical or research. I went through the different
7 ranks; namely, from assistant professor to associate professor and then full professor.

8 Q. Thank you very much, and I'm going to now ask that you look at a document on the
9 screen to your right. It is Defence document number 3, please, the ERN number of which
10 is CAR-D04-0003-0470.

11 A. Counsel, my screens are blank.

12 Q. It takes a little time for the documents to come up.

13 A. Ah, I see. Okay.

14 Q. I'll give you a second to put your spectacles on.

15 A. Yes, thank you.

16 Q. Professor, can you identify that document as the first page of your curriculum vitae
17 which you submitted to this Court?

18 A. Yes, sir.

19 Q. And if we go to, as it were, page 33, the last four numbers of the ERN number is
20 0502, can you identify that as the last page of your curriculum vitae?

21 A. Yes, sir.

22 Q. And do you recall it to be a 33-page document, with 17 chapters, setting out your
23 various positions, both honorary and remunerated, your publications and memberships
24 of professional associations, amongst many other things?

25 A. I do not recall that it's 17 chapters. Can you roll back so I can see the

1 penultimate -- okay, that's correct.

2 Q. Well, I think -- yes.

3 A. Yes. Yes, sir.

4 Q. And is that a document you prepared?

5 A. Yes, sir.

6 Q. And does it accurately record all the significant events of your professional life?

7 A. Yes, sir.

8 Q. Now, I'm going to do something formal now that doesn't involve you.

9 A. Yes.

10 MR HAYNES: The Defence does submit document 3 into evidence, the professor's
11 curriculum vitae. The ERN number is already in the record.

12 PRESIDING JUDGE STEINER: Mr Haynes, before we have an objection from
13 Prosecution, could you please inform for the record the ERN number?

14 MR HAYNES: Absolutely. It's CAR-D04-0003-0470.

15 Q. Now, Professor, you've probably already told us this but I'm just going to
16 double-check it with you. Was your work confined to the United States, or have you
17 worked outside your adoptive country?

18 A. I have worked, in terms of spending a semester or a full academic year, in one other
19 country, at least in the formal fashion, and that is Nigeria where I spent a sabbatical, an
20 academic year sabbatical, from 1982 to 1983. I was a visiting professor for about a month
21 at the University of the North in South Africa, but I was not employed by them. It was
22 simply a visiting invitation for one month.

23 Q. And how closely have you retained your links with the country of your birth?

24 A. I have retained very close contact with the Congo, or the Democratic Republic of the
25 Congo, in several ways: One is by reading whatever information I can access through

1 newspapers, local or -- that is newspapers published in the United States, such as The
2 New York Times; financial international magazines that are published periodically from
3 outside of the United States both in French and English; listening from time to time to
4 Radio Okapi online, that is a radio established by the United Nations and that functions in
5 the Congo; as well as making periodic visits and having correspondence with colleagues
6 at different universities as well as extended family members who still reside in the Congo.
7 Beyond that I organise, as you may see or have seen in my CV, conferences on the Congo,
8 in the United States, or a symposia along with colleagues about which we inform of
9 developments that are taking place there.

10 Q. And thank you for reminding me. I've neglected to ask you about your own
11 personal family circumstances.

12 A. My family in the western perspective or nuclear family is doing well. I am a father
13 of four children; two women and two men, they came in that order. As in our family we
14 say, "Heaven came first and then Hell broke loose thereafter." And I'm a grandfather of
15 two young grandchildren. The oldest is ten and the youngest is four years old. In the
16 extended family sense, I have a number of relatives who still live in the Congo, including
17 nieces, cousins, nephews and so on. Both of my parents passed on. It's been several
18 decades now.

19 Q. Thank you. And going back to what we were talking about --

20 A. Yes, sir.

21 Q. -- before that, what sort of contact have you had with the wider region of Central
22 Africa, as it were?

23 A. I was in the Congo, or Democratic Republic of the Congo, in 2009, in specifically
24 November 2009, and across Congo-Brazzaville also the same year for a period of about a
25 week. Prior to that, I had been in the Congo in 2005, 2004 and 1997, but I have not

1 travelled elsewhere, for example in Central African Republic, or Gabon, or the other
2 surrounding countries to DRC.

3 Q. Okay. Just tidying up this section, have you appeared in court as a witness before?

4 A. Yes, sir.

5 Q. And was that as a linguistic expert as well?

6 A. Yes, sir.

7 Q. And can you just briefly tell us, if you can, by which I mean if it's not confidential --

8 A. No.

9 Q. -- what that was all about?

10 A. Yes. I appeared as a linguistics expert in a case involving asylum request to a court
11 in California, I believe it was '87, and I was asked to serve in part as an interpreter of the
12 individual making the request and also consultant to the court with respect to whether or
13 not the story that this individual told the court was consistent with what I knew about the
14 country from which I came. And there was I believe a one hour -- a less than one hour
15 appearance.

16 Other than that I have not appeared per se in court, but I have served, as I indicated
17 yesterday to you and to the Defence, rather the Prosecution team, as a linguistic expert
18 doing work via telephone for the Federal Government of Switzerland with respect to
19 asylum request.

20 Q. Thank you very much. Again, this may be familiar to you, but can you explain to
21 the Chamber how it is you came to be involved in this case?

22 A. Yes, sir. I was -- I received an inquiry from the late Maître Nkwebe, asking me if I
23 would be willing to serve as a linguistic analyst or consultant with respect to Lingala, and
24 I responded by indicating "Yes, but I need to know more about what is involved." It was
25 from there, through correspondence, that I eventually became involved in serving in this

1 capacity.

2 Q. Did you ever meet Maître Nkwebe?

3 A. No, sir.

4 Q. And you've already told us that you've never met Mr Kilolo, so you've --

5 A. No.

6 Q. -- never had any physical contact or human contact with the Defence team at all?

7 A. That's correct, sir.

8 Q. Thank you. Well, we are now going to move into rather more substantial matters
9 and I'm going to start by asking you a couple of questions just to -- which might seem to
10 you as quite basic, but can you give us a definition of sociolinguistics, please?

11 A. Yes, sir. Sociolinguistics is the study of the forms or structure, if you wish, and
12 functions of language - any language - in its social context, by which I mean we study how
13 language works, how it varies and what social factors may account for the ways in which
14 this variation, or these variations, occur.

15 So, for example, I could say that by hearing someone speak French and, as a sociolinguist,
16 I can more or less say whether they were coming from Paris or they were coming from the
17 province, and if I had been even much more refined, such as phonotations, individuals
18 who focus on the sound system, they could even locate where the individual was
19 speaking came from within Paris. This is what sociolinguistics in part does.

20 There is another angle to it, the one that I've just defined with respect to looking at
21 variation and so on. It's an aspect of sociolinguistics that is a little bit formal in that it
22 takes structure into consideration and analyses a structure of language with respect to the
23 variation that is occurring, either at a sound level, at the morphological, namely word
24 formation, or at a level of the syntax.

25 The other angle, which had been much more prevalent and perhaps characterised, the

1 colleagues whom we call anthropological linguist, they look at the sociology of language,
2 who uses what language, when, with whom, for what purposes, and issues of spread of
3 the language and so on in the given societies.

4 Q. Thank you. And probably one last question before the break. Can you tell us
5 what the word "Bantu" signifies?

6 A. Bantu is a term that was coined from the word "ntu," which means person, and
7 whose plural is "Bantu;" "Ba" meaning the plural marking and "ntu" meaning the root or
8 the core part.

9 That was coined initially by the late scholar by the name of Meinhof -- I'm sorry, it's not
10 Meinhof. It was Bleek, Bleek in 1850, after doing some initial investigation of languages
11 spoken in southern Africa, with one of them coming from the Congo, in particular the
12 language Kikongo, and found to his amazement that they had the same root from the
13 Congo, all the way to South Africa, and that what missionary linguists used to refer to as
14 "alliterative languages" actually should be called "Bantu languages."

15 Now, what are Bantu languages? It's a large subfamily within Niger-Congo, among the
16 four major language families in Africa, that are spoken from the Cameroon all the way to
17 South Africa, except for small pockets of Khoisan languages in Tanzania and Southwest
18 Africa, or what is now referred to as Namibia.

19 It is estimated that there are about 500 languages in a large phylum that contains over
20 1,400 languages that are labelled as "Niger-Congo languages."

21 MR HAYNES: Thank you very much. I think we'll now go for a break.

22 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

23 Professor, we are going now into our half-an-hour break. It's almost 5-past-12. We'll be
24 back at 12.35.

25 I ask, please, court usher to accompany the witness outside the courtroom. In the

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- 1 meantime, we will suspend and resume at 12.35.
- 2 (The witness stands down)
- 3 THE COURT OFFICER: All rise.
- 4 (Recess taken at 12.02 p.m.)
- 5 (Upon resuming in open session at 12.37 p.m.)
- 6 THE COURT USHER: All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE STEINER: Welcome back.
- 9 Could, please, court usher bring the witness in.
- 10 (The witness enters the courtroom)
- 11 PRESIDING JUDGE STEINER: Professor Bokamba, welcome back.
- 12 THE WITNESS: Thank you, your Honour. How did I do with the rule of -- the golden
- 13 rule?
- 14 PRESIDING JUDGE STEINER: You are going very well. Thank you very much.
- 15 THE WITNESS: Okay.
- 16 PRESIDING JUDGE STEINER: We appreciate that.
- 17 Mr Haynes.
- 18 MR HAYNES:
- 19 Q. One of the problems is it's easy to forget it when you've had a break.
- 20 A. Yes.
- 21 Q. So try and remember now. Before the break, we were talking about the family of
- 22 languages called Bantu?
- 23 A. Yes, sir.
- 24 Q. Just a couple of questions which you haven't covered. Is there any evidence as to
- 25 the origins of that language, in other words when it was first spoken, or those languages?

1 A. First of all, a correction, sir. Bantu, as I indicated, is a family of languages as one of
2 the major branches, if not the major branches, of the Niger-Congo, and it is estimated that
3 there are about 500 languages. Mr Bleek, in initially attempting a reconstruction, did not
4 finish that, but a student by the name of Carl Meinhof completed the work in 1869 and
5 demonstrated by doing serious reconstruction at a sound level that those languages were
6 related to the same mother and father. In other words, they demonstrated ancestry that
7 was common and that and that they therefore spread thereafter, but it was a single, as it
8 were, language at an earlier stage going back whenever.

9 And it is estimated in the work of Greenberg, 1950s, published mainly in '63 as "African
10 Languages," and the work of Guthrie in 1970 where he does a reconstruction in which he
11 details all these relationships in three different volumes, that these languages may have
12 come from an area just south of Lake Chad in Nigeria and then spread downward as the
13 Bantu speakers migrated from north all the way to the south. And that explains why
14 those languages are all related and perhaps diversified after that, you know, big migration,
15 but no one has clearly pinpointed a single language per se.

16 The reconstruction is done in other languages as well. For example, the so-called
17 Indo-European languages, which include several families of which Romance languages,
18 Germanic languages and languages of India, and this is in process. It has to do with
19 resemblances that are so pervasive that cannot be per chance, but must indicate a genesis
20 that is common.

21 Q. Thank you. And the next question, which you anticipated I think, 500 is a lot of
22 languages. Are there similarities between all Bantu languages in terms of syntax or
23 structure?

24 A. Indeed. Among them there is a vocabulary that I alluded to initially in the word
25 "ntu" that you find in different forms in Swahili, Zulu, Setswana, Lingala, Kikongo, you

1 name it, and the second level of resemblance is in the sound system where many, if not
2 most, of these languages have the same or similar vowel system, it's either five or seven;
3 in some other cases, particularly southern Bantu languages, perhaps nine; and then the
4 consonant, consonantal system.

5 Beyond that at a level of the word, the resemblance is just incredible so much so that if
6 you know one of these languages you can learn the other much quicker because of the fact
7 that they resemble each other.

8 Example in point just for illustration. To say that you write a letter can be said using one
9 verb, that is relatively short, but if you write a letter to someone you take the root of that
10 verb, add an element that we call a suffix and that becomes -- still looks like just one word,
11 but you can also cause someone to write on behalf of another. All of that includes, you
12 know, grooves in a way that you find similar to languages like German, that are highly
13 agglutinative. So that kind of structure is found throughout.

14 The forms of these prepositional elements may be slightly different, but if you reconstruct
15 them you'll find they're all very, very similar and therefore the ease with which you can
16 learn one language after another by simply mastering that, and if you have a linguist
17 word you figure out the rules and you have another language in your head.

18 Q. Just while we're there, there's a distinction, isn't there, between vowel sounds and
19 vowel letters?

20 A. Yes. Vowel letters are what's the non-specialist, non-linguist, recognises as the
21 autographic symbols we use for spelling words, but for a linguist a sound is a unique
22 representation of how a particular segment is produced in a vocal track with a variety of
23 articulatory features.

24 For example, "A," while spelt in some languages for example English as "E," it is not
25 pronounced "E" in all the environment, but if it is represented phonetically, using the

1 international phonetic alphabet as such as "A," you'll find that in every instance that it
2 appears that is the way it is going to be pronounced.

3 So we are talking about very a distinctive -- a distinctive alphabet that is used for basically
4 defining on an articulatory basis the way segments are produced, whether consonants or
5 vowels.

6 I hope that my explanation is clear. I cannot do it without being on a blackboard, then I
7 would demonstrate, but perhaps a better example would be, take the -- what we see as the
8 letter "I" in English. If you consider that letter "I" and you say, "Okay, this is a vowel, but
9 is it a sound?" Yes and no. It's not a sound, because when it occurs with a word -- in a
10 word "divide," you pronounce it as "ide", but when you say "division" it's pronounced as
11 "i."

12 Q. Well, I've gone off at a bit of a tangent here, but how many vowel sounds are there
13 in English?

14 A. English has -- I'm putting in front of me my phonetic alphabet for English. I believe
15 there are about 12. 12 vowels.

16 Q. And how does that compare with Lingala?

17 A. Lingala has seven phonetic vowels as opposed to Swahili, which has five.

18 Q. Thank you. Now, Lingala is a Bantu language, isn't it?

19 A. Correct.

20 Q. Sango?

21 A. No, sir, Sango is not a Bantu language. It is a Ubangian language related to Bantu
22 and being part of the Niger-Congo family.

23 Q. Now, in relation to Lingala, we can be a bit more precise as to the length of time it
24 has been spoken, can't we?

25 A. I'm not sure I understood all of your question. Could you repeat, Counsel?

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1 Q. Yes. For approximately how long has Lingala been spoken?

2 A. Estimates vary, but most of them in the research that has been done tend to situate
3 the development of Lingala around 1866 to 1880.

4 Q. So by the year 2000, it had been spoken for between 120 and 140 years?

5 A. That's correct, sir.

6 Q. Now, I just want to explore with you briefly the historical and linguistic origins of
7 Lingala, and to do that we're going to look at the screen again briefly.

8 A. Okay.

9 MR HAYNES: And I want, if the court officer would be so good, to put document 6 on
10 the screen and, if you bear with me, that is CAR-OTP-0027-0529.

11 PRESIDING JUDGE STEINER: Yes, Maître Badibanga?

12 MR BADIBANGA: (Interpretation) Thank you, your Honour. Just a practical
13 question: I have the impression, when I looked at the Defence list, that documents 6 and
14 7 were actually the same, one and the same, and it seems to be that number 6 has some
15 notes on it and number 7 does not. I believe I saw a signature of some kind on that
16 document. Do we -- it might be better to use document 7 since we're in public session
17 rather than number 6.

18 MR HAYNES: I absolutely agree. Document number 7 is CAR-OTP-0066-0122.

19 Q. Is the image on your screen big enough for you to identify the place names,
20 Professor?

21 A. A little bit. Is it possible to enlarge once more, to fill the screen?

22 Q. Is that big enough?

23 A. I suppose. I don't think you will succeed.

24 Q. We could go one size bigger, I think.

25 A. Okay. Better.

1 Q. Okay. Where does research have it that Lingala originated geographically?

2 A. Lingala originated at the confluence of the Mongala River, and the Congo River, if
3 everyone can see that? If I pointed, would that help? No, you won't be able to see it.
4 Just above where it says "Congo," you see going from Congo at the Bantu River, you see a
5 small river going up north, toward Bozinga, yes. Aha. Okay.
6 So on one side, on the right, if you continue on the Congo River you will see "Lisala" and
7 on the other side you'll see the word "Congo," but in-between there's a small river going
8 north, Mongala. At that very confluence of the Mongala and the Congo is -- should be
9 the town of Mankanza, or Nouvelle Anvers.

10 Q. Thank you. Now, we do have the technology here for you to mark the screen, and
11 it might --

12 A. Okay.

13 Q. -- make more sense for the record if you did that. So if the professor could please
14 be provided with a red, or a black, or a green pen, rather than blue.

15 A. It is done, sir.

16 Q. Thank you very much. And what we can now do is capture it. Can you sign the
17 screen, perhaps somewhere where it is white at the top? Yes. Yes, that's fine.

18 A. Here?

19 Q. Yes. And put the date on it, which is 10 September 2012.

20 A. I put the date first.

21 Q. I don't think that's fatal.

22 A. I did the 10th and then September, which should be okay, instead of September 10.

23 Q. Yes.

24 A. That's okay?

25 Q. Yes, that's fine.

1 A. All right.

2 MR HAYNES: And can that image please be captured and given an EVD-T number?

3 PRESIDING JUDGE STEINER: Maître Douzima?

4 MS DOUZIMA LAWSON: (Interpretation) Actually, today is the 11th, not the 10th.

5 MR HAYNES: It is, isn't it? Well, perhaps the simplest thing to do is to put into the
6 transcript what Ms Douzima Lawson has just said and we will all know that the
7 document was incorrectly dated. Thank you.

8 Q. How and/or why did Lingala originate as a language in the mid-19th Century at that
9 geographical location?

10 A. Current research converged on this topic, and what is stated is that the language
11 developed in that location presumably - I say "presumably" because it is uncertain, no one
12 has said for certain - that it was a centre - one of the centres - for trading along the Congo
13 River, and that subsequent to that initial trade, which may have occurred, according to
14 Mumbanza, before the arrival of -- Mumbanza 1973, to be specific, before the arrival of the
15 European colonies, it began to take the shape of a language that was needed for trading
16 among the riverine people of the region.

17 And once the Europeans arrived in the Congo, and particularly began to build what are
18 referred then as posts, one of the principal posts was built in that town of Mankanza.
19 The estimated time is around 1885 or '86, and it was named Bangala; the post of Bangala.
20 The justification seemed to be that, because the people in that area spoke a language that
21 they seemed to be referring to as, you know, "Bangala," or "Mongala," that this is why that
22 post was, you know, named as such.

23 The initial entries for building that post was of the Catholic Missions, and then as it
24 developed with an orphanage around that time, the colonist found it very, what should I
25 say, propitious to build a fort as one of three major forts on the Congo River. The first

1 one was at Stanley Pool, which is in the area of Kinshasa, or what is present Kinshasa; the
2 second one, as I recall, was that of the Bangala or in the Mankanza area; and the third in
3 Stanley Pool, or what is currently Kisangani.

4 It turned out that the Bangala Station became much more important, so that by 1897 it was
5 given a special status in that the colonial government was training its militia there, as well
6 as the Catholic church beginning to propagate its work from that area. So that's sort of
7 an initial overview of why this became the language of the town.

8 Q. Thank you very much. What languages, if you know, did the riverine traders
9 speak?

10 A. According to the work of a missionary linguist by the name of John Whitehead, a
11 Baptist missionary, he thought that the main language, rather than languages, that were
12 spoken around there, as well as on the Ubangi River, was Bobangi. So he went on to
13 publish a Grammar and Dictionary of Bobangi in 1889, in which he claimed that this
14 language known by a colonist as Mongala, or Lingala, actually is a language that was born
15 out of Bobangi.

16 But that work of Whitehead has been contested by a number of scholars, including myself,
17 as well as the veteran Gustaaf Hulstaert, a Belgian scholar and missionary linguist who
18 worked and lived in the Congo for years and years and became the expert on Lomongo, in
19 that there were several other languages that interacted in the region and that the birth of
20 Lingala, with the kind of resemblances it has to the nearby languages, indicate that it was
21 not a single source that gave birth to it, but rather several, and these included the
22 language called Liboko, Likila, Baloi, Zamba and I believe Mobeka, and these are just a
23 few.

24 Why these languages? Well, these happened to be the languages that are spoken in the
25 area, and the resemblances are such that you can be speaking in one of these languages

1 and the other person speaking in another language and you will understand yourself.

2 Technically speaking these are languages that are mutually intelligible, and therefore it's
3 not surprising, a number of us argue, that Lingala is so closely related in every aspect to
4 the minute -- some of the minute details to these languages in that area, as opposed to
5 languages in the eastern part of the country, or southern part of the country.

6 Q. Liboko, Likila, Baloi and Zamba, are they in the Bantu branch?

7 A. Yes, most of the languages of the Congo are in the Bantu family.

8 Q. And you've probably already answered this, but to what extent do you believe
9 Lingala derived from those languages?

10 A. In the absence of a documented description -- and I think this is part of
11 Whitehead's weakness, in that he only studied the one language, Bobangi, and drew out
12 the conclusion that he did. However, Bobangi is spoken a little further down, at the
13 confluence basically of the Congo River and the Ubangi River, but that's a different story,
14 but I simply wanted to relate this.

15 If you -- if one looks at the phonological structure, namely the rules that permit us to
16 pronounce words, and go below that to the basic sort of atomic units that we consider to
17 be the sound, when we will find that Lingala, Likila, Mabale and so-called Baloi, Libinza,
18 another one that I didn't mention earlier, are extremely close that not only does it permit
19 the mutual intelligibility that I referenced earlier, but also one can see it in terms of the
20 word structure, in terms of the sentence structure and that tense usages and so on are such
21 that the -- you know, that kind of structural resemblance can only be explained by a
22 close-knit relationship in opposition to, for example, languages spoken in the area of
23 Mbandaka going down, another Bantu language, you can see where Mbandaka is, or a
24 language such as Swahili on the eastern part of the Congo.

25 And Guthrie in 1948, in his book on classification of Bantu languages, placed these

1 languages, namely of the area that we are referencing here, on what he called Bantu
2 Central, okay, Zone C40. What does that mean? It means that when we are looking at
3 vowel, you find that all these languages have seven vowels. If you are looking at
4 phonological rules, you see that the languages - these languages - just like Lingala have a
5 vowel harmony that applies to specific vowels. Tone is the same, et cetera, et cetera.
6 In a nutshell, the resemblances are simply incredible and beyond doubt, and therefore one
7 cannot argue that they are, you know, different in ways in which I characterise; for
8 example, Kiswahili versus Lingala, or Kiswahili or Lingala versus Kikongo.

9 Q. To what extent are languages such as Liboko, Likila, Baloi, Zamba and Mbandaka in
10 common usage today?

11 A. They are the daily languages or communication in the region among the inhabitants.
12 For example, my wife is a speaker of Likila and her mother is also a speaker of Likila. I
13 can communicate with my mother-in-law in Zamba and she will understand it without
14 my having to use my Likila and vice-versa.

15 Q. Thank you very much. When is the earliest evidence of the language we now call
16 "Lingala" being referred to by that name?

17 A. I believe it began with the establishment of the Bangala Station by the Scheutist
18 missionary. I am trying to remember the date here but I don't have it to hand, but I think
19 it's around 1866/1887. I don't mean 1886. 1887. Eighty-seven or '86, yes. Yes, '87 or
20 '89. And that is in part referenced in one of my studies as documented by work by De
21 Boeck, a Belgian scholar missionary who lived in the area and was the first person to have
22 produced the text book -- not text book, but a documented or a written version of the
23 language and eventually popularised it.

24 Q. And insofar as you haven't already dealt with this, what is the earliest date that
25 there is evidence of Lingala being a written language?

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1 A. I think it's around the same period. There was a meeting, I think if -- is it all right if
2 I look at my -- the report that I submitted? Actually, before I do that, I need -- your
3 Honour, I need to take a quick break. Two minutes?

4 PRESIDING JUDGE STEINER: Of course, Mr Witness. We will suspend. Court
5 usher, please accompany the witness.

6 (The witness stands down)

7 (Pause in proceedings)

8 (The witness enters the courtroom)

9 PRESIDING JUDGE STEINER: Mr Haynes, maybe if you repeat your last question in
10 order to facilitate for the witness.

11 MR HAYNES: Yes.

12 Q. I was asking you when is the evidence of Lingala first being written as a language;
13 can you help us as to that?

14 A. Sure. I was asking that, your Honour, can I look at my note? It's the same report
15 that I've submitted to you and there is a specific date that I'm thinking of, yes. Thank
16 you.

17 PRESIDING JUDGE STEINER: Of course, Mr Witness.

18 THE WITNESS: Okay. I was stating that the written version of Lingala appeared
19 around 1887, 1889, but what I have here, with respect to the birth of the language, is that
20 the Bangala Station was renamed Nouvelle Anvers in 1890, having been established in
21 1884, and was subsequent to that, it appears around 1890 that the Scheutist missionaries
22 committed it to writing or what we refer to as graphicisation. The language had been an
23 oral one, just like most of the others, and at that time this took place and therefore it
24 became a written language.

25 MR HAYNES: Thank you very much.

1 Q. With five minutes to go I want to enter as it were a new chapter and that is to come
2 forward 110 years to the turn of the 21st Century, and perhaps I can preface this series of
3 questions with this: Globally, is Lingala a very modern language?

4 A. That depends on what you refer to or characterise as "modern."

5 Q. I knew that was the wrong adjective. I meant new. I meant new, in terms of its
6 existence?

7 A. Yes, sir, yes, sir, in comparison for example to a language like English which we
8 can -- which birth we can situate back to the time of the Anglo Saxon and the Jutes, and
9 the various invasions of the British Isles in the 6th and then subsequent to that, 9th and
10 10th Century, before it was really established as a -- and recognised as an official language
11 following the Norman invasion of 1066. So if you go to, let's say the period when
12 English became an accepted official language for the United Kingdom, which was 1362,
13 compared to Lingala, 1890, that's a relatively, you know, new language or if we go to
14 Latin, even further, so yes.

15 Q. We don't like to be reminded about those invasions.

16 A. I am sorry.

17 Q. But by the turn of the 21st Century, how widely was Lingala in usage within the
18 Democratic Republic of Congo?

19 A. It is -- it was a language that was widely used, in ways perhaps that none of the
20 other recognised national languages of the Congo, which are, beside Lingala, Kikongo,
21 Kiswahili and Tshiluba, precisely because of three major factors, disregarding others, but
22 fundamentally three ones. One, the trade along the mighty Congo River and its many
23 tributaries predominantly, insofar as the Congo River is concerned, from Kinshasa all the
24 way to Kisangani, Lingala served as the language of trade.

25 Secondly, because of the importance that Lingala came to acquire, largely due to the fact

1 that Belgian colonists recruited workers from the Bangala region, and particularly the
2 Bangala Station, and they sent soldiers there to be trained and so on and then dispersed
3 them across the country, Lingala having been adopted as the official language of La Force
4 Publique, or the colonial army, in 1930 became the language that you could find scattered
5 or heard in different communities around the entire country. That's the second factor.
6 The third factor is Congolese music, which is recognised as the most popular music that
7 makes Africans and non-Africans dance, took over in its competition against Kikongo in
8 the capital city of Kinshasa, around the early 40s, before World War II, and it spread like
9 wild, you know, fire, across much of the region, not just the Congo, but across the other
10 Congo, for a number of practical reasons, and that's the extent to which Lingala is used
11 and spoken in ways, for example, that the competing national language Kiswahili, which
12 is spoken in much of the eastern part of the Democratic Republic of the Congo, cannot,
13 because it is not used in the music to the extent that Lingala is. Estimates range from 65
14 to 70 per cent of the songs are sung in Lingala.

15 Q. Okay. And again pushing my luck with just one more subtly different question --

16 A. Yes.

17 Q. -- that's the spread and the extent of the usage but by the turn of this century what
18 was the status of the language of Lingala within the DRC?

19 A. It continues to have the same role insofar as the music is concerned and it has gone
20 beyond the two Congos, again, because of the popularity of the music. With the advent
21 of the Kabila administrations, beginning when Laurent Kabila, in 1997 and the fact that he
22 brought militia from the eastern part of the Congo and from, as we read in newspapers
23 and heard from radio, from Rwanda and Uganda, the language of the army, the policy,
24 vis-à-vis the use of Lingala as the official language of the armed forces, became murky
25 because Kiswahili was being used by those who spoke Kiswahili, because they came from

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- 1 other countries outside of the Congo, or if they came from eastern Congo and they were
2 child soldiers, they didn't know Lingala or know it well enough so they were using
3 Lingala -- I mean Swahili. Otherwise, insofar as the policy is concerned it remains the
4 official language of the armed forces, including the gendarmerie and the national police.
5 MR HAYNES: Thank you very much.
6 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes. Professor Bokamba,
7 we will adjourn for today. Today we had shorter sitting hours but tomorrow we will
8 resume at 9 in the morning, so we hope you have a restful afternoon and evening and that
9 you are ready to continue tomorrow morning at 9 o'clock.
10 I thank very much Prosecution team, the legal representatives of victims, the Defence
11 team, Mr Jean-Pierre Bemba Gombo. I thank very much interpreters and court reporters.
12 We will adjourn and resume tomorrow morning at 9 o'clock.
13 I ask, please, court usher to accompany the witness outside the courtroom.
14 (The witness stands down)
15 THE COURT OFFICER: All rise.
16 (The hearing ends in open session at 1.32 p.m.)