

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0222

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 Friday, 25 March 2011

8 (The hearing starts open session at 2.37 p.m.)

9 THE COURT USHER: All rise. The International Criminal Court is now in session.

10 Please be seated.

11 PRESIDING JUDGE STEINER: Good afternoon. Could, please, our court officer

12 call the case.

13 THE COURT OFFICER: Thank you. The case of The Prosecutor versus Mr Bemba.

14 PRESIDING JUDGE STEINER: Court officer, just for the sake of the record, the

15 number of the case, please.

16 THE COURT OFFICER: The number of the case is ICC-01/05-01/08.

17 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon.

18 Welcome the Prosecution team, the legal representatives of victims. Welcome to the

19 Defence team, Mr Jean-Pierre Bemba Gombo. Good afternoon our interpreters and

20 court reporters. We will continue today with the questioning of witness expert

21 number 222 and for that purpose I ask, please, the court usher to bring the witness in.

22 (The witness enters the courtroom)

23 WITNESS: CAR-OTP-PPPP-0222 (On former oath)

24 PRESIDING JUDGE STEINER: Good afternoon, Professor Samarin.

25 THE WITNESS: Good afternoon.

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1 PRESIDING JUDGE STEINER: Are you feeling well and able to continue giving
2 your testimony?

3 THE WITNESS: Yes, I am well and able. I had a good night's sleep and I'm ready
4 to go.

5 PRESIDING JUDGE STEINER: We are very glad about that. Professor, before I
6 give the floor to the Prosecution, I just need to remind you first, that you are still
7 under oath and second, of the five-seconds golden rule in order for this hearing to
8 run smoothly.

9 I suppose Mr Badibanga will continue with the questioning? Mr Badibanga, you
10 have the floor.

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

12 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)

13 Q. Good afternoon, Professor Samarin.

14 A. Good afternoon.

15 Q. Today I'll be asking you some questions about the actual content of the report
16 that you provided to the Court in September of last year, September 2010. First of all,
17 if you don't mind, just so that we can understand the explanations that you'll be
18 providing us, I would like for you to provide us with some definitions, and I thank
19 you in advance for trying to make them easy for a layman such as myself, how would
20 you define "linguistics?"

21 A. "Linguistics" since early in the 19th century is a scientific study of language,
22 language as a cognitive phenomenon with its own rules. One of the goals of
23 linguistics is to understand the diversity of languages, but especially since the
24 Chomskyan era of 1960s to understand also the cognitive infrastructure or
25 substructure of these rules. I think that -- I hope that simplifies matters enough.

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1 If not, let's continue.

2 Q. No, that's just fine. Once you get into the general pace of the scientific
3 presentation, I think you'll understand the necessary foundation of knowledge that is
4 required. Now yesterday you made reference to sociolinguistics. Could you
5 re-explain to us what that means, briefly?

6 A. Well, in scholarship there is usually -- there are usually differences of opinion,
7 so it's understand -- and change over time, so it's understandable that I cannot give
8 you one explanation or one definition of sociolinguistics that would comprehend
9 everything that everybody does.

10 One of them -- one of the fields that has been very well studied since the 1960s is the
11 formal -- are the formal properties of the correlation between the differences in
12 language and other variables like class, for example, or dialect or gender for example,
13 and this is one of the things that I studied with respect to Sango when I went back in
14 the 1990s. There are certain changes in the language, grammatical changes, and I
15 wanted to know among other things whether girls, or females, were in the vanguard
16 as they are in industrial countries. In fact, it had been said that this was always true,
17 that women were always in the vanguard of language change, so that's an example of
18 one kind of very -- I would -- yes, a very precise and very well compartmentalised
19 part of sociolinguistics.

20 The broader view is represented by the work of now deceased Dell Hymes, a friend
21 of mine, who also started out as an anthropologist and linguist, whose motto was
22 something like, "Who says what and when?", and that has to do with variation in
23 language altogether. When a Protestant preacher comes to the pulpit, is his
24 language the same or different? When a Protestant Central African comes to the
25 pulpit and he says "anee" (phon) for "we" plural, or "we" first person plural, instead of

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1 "ee" (phon), why does he do that? When he walks out of the church and says "ee",
2 but inside the church he says "anee", differences like that a
3 sociolinguistic -- sociolinguist seeks to explain; in other words, explain the patterns.

4 Q. Now, judging by what you said yesterday, have I understood correctly when
5 you said that you became an expert in Sango; that's your area of expertise?

6 A. Yes.

7 THE INTERPRETER: Correction: Specialisation in sociolinguistics.

8 MR BADIBANGA: (Interpretation)

9 Q. Professor, how do you define a language? What is a language?

10 A. It has been said that a language is speech with an army, but that has been said
11 in jest. Language to begin with, as I say, is a cognitive phenomenon, but from a
12 social point of view we look at languages in terms of identification; that is to say, who
13 are those people who talk in such-and-such a way? In Gbeya, the people down the
14 road just 40 kilometres away said "mbwa" (phon) with rising tone, for "my friend,"
15 and we on the other side closer to Bossangoa we said "maa" (phon), or "maam" (phon).
16 So they spoke a different dialect from ourselves just within 50 kilometres.
17 So a language as a separate phenomenon arises through culture, because of culture
18 and culture change. The people in the north of Bossangoa call themselves Suma
19 (phon), their language is a Gbeya, but they like to think of themselves as Suma for
20 what I would consider religio-political reasons. So a language is a linguistic
21 phenomenon, an idiom, a speech that comes to be characterised as the way they talk,
22 and in Central African, and indeed other parts of Africa, people frequently avoid -- or
23 I shouldn't say "avoid," but do not use a name of a language. What they say is -- I'm
24 saying it in Sango, "Yanga tikotro," (phon) "the village language." So I would ask
25 somebody, "What's your village language?" They might say "Banda," but they might

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1 say something else.

2 Q. Now, when you were speaking of languages a few moments ago, you used the
3 word "dialect". Do you make a distinction between a language and a dialect and, if
4 so, what is the distinction?

5 A. Yes, there is a difference and -- but it is a difference for convenience. We
6 linguists say that a language is identified by the fact that it is mutually unintelligible
7 to the speakers of another variety of the language. So that Dutch, as we call it, is a
8 Germanic language. It is a different language, because it is incomprehensible to me
9 as a language, even though parts of it are similar to me -- are familiar with me.

10 A dialect then is -- and we have more varieties now than we used to think of in the
11 old days. A dialect is now replaced by the term "geolect". We take the part "lect"
12 and then say "geolect", which means a variety of speech that characterises a
13 geographical area. Then we have sociolects also, and these are varieties that
14 characterise social communities. So you think of a "lect" of various kinds as being a
15 part of a larger language, which is mutually unintelligible to another language.

16 Q. Sango and Lingala, are they languages or dialects?

17 A. It wasn't too long ago when people were saying that the Africans did not speak
18 languages. I remember arguing this in -- at Christmas in 1951, when I said I was
19 going to Africa to study languages, and I was told, "But there aren't languages in
20 Africa. They are just dialects," which means at that time that they were not in
21 writing and so they couldn't have grammars. So, yes, there are thousands of
22 languages in Africa today, perhaps 2,000 now we think, and Lingala and Sango, even
23 though they share some features, are entirely different languages as identified by a
24 linguist, even though they are -- they are a certain type of language. I mentioned
25 that yesterday, that they are lingua-francas in that they are simplified forms of an

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1 original ethnic language that goes back centuries, if not millennia. These are new
2 languages.

3 Q. In a few moments we will touch upon the origins of those languages. Right
4 now I would like to ask you what language family Sango belongs to?

5 A. Most of Africa -- the languages of most of Africa belong to one family,
6 theoretically somewhere starting from Southern Cameroon and spreading to the west
7 and the south, and then as with European languages there are different sub-families
8 within this larger Niger-Congo family. Like a tree, you have all of these separate
9 branches, and the family to which most of the languages of the Central African
10 Republic belong to is called the Ubangian family. I think I'm given credit for that
11 name.

12 Q. A few moments ago you said that most languages in Central Africa are
13 languages from the Ubangian family. More specifically, from a geographical point
14 of view, what region of the world are we talking about? What are the boundaries
15 within which we find this family of languages; the Ubangian family?

16 A. Well, indeed most of the languages do occur within the political boundaries of
17 the Central African Republic. I know of none in The Chad, in Cameroon. One of
18 the sub-families -- no, pardon me, Karne mbum (phon) belongs to another family and
19 they are -- in the south there are some Gbeya on the other side of the border. The
20 Banda may have arisen -- seem to have arisen in what we now know as The Sudan,
21 and there are a lot of Ubangians in the northern part of the Democratic Republic of
22 the Congo from -- yes, from the Ubangian family and it's sub-families; Gbeya and
23 Banda in particular.

24 Q. What language family does Lingala belong to?

25 A. Lingala is a Bantu language, but the Bantu family is huge. We know that it

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1 spreads all the way from the Ubangi River all the way down to the Cape, although
2 there are some in the south, in the Kalahari and elsewhere, perhaps, some very early
3 inhabitants of these languages. But most of the, most of the area south of, say, the
4 Equator, are Bantu languages. They are related of course, as I said earlier, to
5 languages like Fulani or Wolof, or something, but very distantly. There are some
6 features that reveal that they are as similar as say Sanskrit and English or French, but
7 these are Bantu languages, all of which at this time and in the recent past have the
8 same characteristics.

9 Q. At this stage, Professor, the Presiding Judge has not made any objections. This
10 means that everything is going well, at least for the speed at which we are speaking,
11 for the translation, but perhaps you could just wait a second or more too before
12 answering my questions so that the court reporters have a little more time.

13 A. I'm sorry. And I hope I'm not too discursive in my answers; I don't want to say
14 more than I need to.

15 Q. Not at all; quite the opposite. You just said that Bantu language was found in
16 the region between the Ubangi River to Cape Town, or along the Ubangi River.
17 I would just like to make sure that we are talking about the same thing, that when
18 you say Ubangi River in English, are you referring to the river which separates the
19 Congo from the Central African Republic?

20 A. Yes, indeed. Years ago a team of linguists from the school of Oriental and
21 African Studies tried to determine what they called a northern border-land of Bantu
22 languages, and it was found then that - and it still remains the same - that on, as one
23 says on the right bank of the Ubangi River, which is the border between the two
24 countries, on the right bank, you have no Bantu languages, although on the left bank
25 you do have some Ubangian ones. However, in the southwest of the Central African

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1 Republic, starting at Mbaki or the Lobaye River, you begin to have Bantu languages.

2 Q. I think you gave that detail a few minutes ago, but I just wanted to ask that
3 question for the purpose of clarification. Now, are there specific features in each
4 language family which you find in all languages in the same family? Are there
5 linguistic features that you find in all Bantu languages and other specific features that
6 you find in the Ubangian languages, in that family?

7 A. Yes. That is a language family or a group, or whatever the unit may be called,
8 is always characterised by, first of all, words, lexims, meaningful units, let's call them
9 "words. You can find in different language families, just as you find in the
10 Indo-European family, for words like father and mother and brother and sister, you
11 can find the same word in slight -- with slightly different pronunciations. So we
12 have a lexical difference.

13 Then we find differences in grammar. Bantu languages have noun classes, many
14 more than European languages do. So that the noun carries a prefix for one class
15 and a -- for singular and for plural, and so forth, and I won't go into detail, but from
16 one point of view you might say there are nine classes in some Bantu languages and
17 that, as in European languages, a noun phrase has to agree so that your adjectives and
18 prepositions, and so forth, agree with these nouns classes, which makes learning such
19 a language difficult. And the grammar that characterises, say, Bantu languages is
20 also different in that a single word may have many meaningful parts to it; meaning, a
21 verb might have something that says there's an object here, or this is a certain kind of
22 future tense, and so forth and so forth.

23 So when we say Bantu languages, we mean a certain kind of language. When we
24 say Ubangian languages, we also mean a certain kind of language from a lexical and
25 grammatical point of view. And I should add phonological, I am sorry. I meant to

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1 start with that.

2 Now, within a family, you have sounds that most of the languages share, a word like
3 "gba," pronounced "gba," without that unit "gb" is not found in most Bantu languages
4 but is, and I think this is important, I mean I've used it as an important piece of
5 evidence, it does occur for some reason in some of the Bantu languages between the
6 Ubangi and the Congo River.

7 Q. It wasn't -- first, I just have the impression that I missed the end of the
8 interpretation - at least I didn't get it. I don't know if you heard the statement by the
9 interpreters, did you just -- could you just say the end of what you said when you
10 mentioned the name of the second river. The interpreter didn't hear the name of the
11 second river.

12 A. The -- between -- I said the Ubangi and the Congo River, yes, that there were
13 some languages that had that particular sound that I was referring to.

14 Q. Thank you, Professor, we won't dwell on this point but once again to make
15 things clear, are Bantu languages similar to Ubangian languages, or not?

16 A. Bantu languages as a whole are very different, very different from Ubangian
17 languages. If you want me to go on explaining that statement, but the answer is - I
18 will - but the answer is categorically that Bantu languages are very different from
19 Ubangian languages.

20 Q. Thank you. I think at this point it is very clear. Thank you. The last
21 question on this subject now, and I've understood that you've explained to us that
22 you are an anthropologist, that you've studied anthropology and, again, because I am
23 not an expert in this field, are Central Africans Bantu race people as the Congolese are,
24 if you can talk about races, if indeed they exist, but in common terminology could
25 you say that Central Africans are part of the Bantu race and if that is the case are these

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1 so-called races related to the linguistic families, or not at all?

2 A. Well, we have made a great deal of progress from the time when I was an
3 undergraduate in the 1940s. At that time, well, even in 1952 when I went to London
4 to visit a linguist there, the languages of Africa were divided into the Sudanic, for
5 example, and the Bantu, and people talked about these language groups as being
6 racial as well. So people talked about, or referred to, the Bantu people. There are
7 no Bantu people, there are people who speak Bantu languages.

8 Now, of course -- now, of course, there are physical features that distinguish every
9 geographical area, even among Bantu people. I was surprised in the Mbaki area by
10 how brown, rather than black, the Isungu people were or are.

11 So, if I understand your question correctly, it's important to distinguish between race
12 and language. Now, because the Bantu area, at least south of the Ubangi River is a
13 rainforest, you get a different kind of culture, and that leads to different kinds of
14 economies. So the lives are different, but they are more important than immediate,
15 physical difference. I say "immediate," there are differences, and Central Africans
16 recognise people as coming - Africans - as coming from different parts of Africa.
17 I think that's a point that is very important to recognise.

18 Q. Professor, we'll now go on to another chapter. Now, throughout your
19 testimony we may, when using a technical term, require me to ask you a question
20 asking for a definition. Now, at this stage I'd like to go into your knowledge of
21 Sango. I'm referring to your statement yesterday, transcript 88, it was page 10 in the
22 French version, lines 16 and following, when you said, "I went to Ubangi-Chari with
23 my wife and child to study certain Ubangian languages." Could you tell us if that
24 was when you learnt Sango?

25 A. Yes, the first language that I learned was Sango. I learned Sango in, near

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1 Bozoum, but the people from whom -- or I learned Sango came from various parts of
2 the western part of the colony. We didn't have any Banda, people of Banda ethnicity,
3 but everybody -- we had Kaba and Laka, and Mbaka and so forth.

4 Q. Would you say that you speak Sango fluently?

5 A. Apparently, according to Central Africans, I speak it fluently.

6 Q. Could you be taken for a Central African when you speak Sango; obviously not
7 on the basis of your physical appearance?

8 A. Yes. In Bangui recently I had somebody who didn't know I was a white man,
9 yes, on the telephone, although I've had -- somebody told me once in the 1990s that I
10 talked like a Gbeya - a Gbeya - so I speak a Gbeya variety of Sango. That's what I
11 was told and that I talked like an old man; an old-timer. This was -- of course, it was
12 40 years after I had learned Sango.

13 Q. Would it be accurate to say, on reading your curriculum vitae, that your
14 knowledge of Sango is more than just speaking the language, but that you also know
15 the grammar, the syntax and the history of the development of the language?

16 A. I don't think that my answer can be, or should be, anything other than "Yes."

17 Q. According to your research, where does the Sango language come from?

18 A. Out of all fairness to the linguist community I have to admit that there are two
19 views; one of them presented by a Central African, younger than I, and a friend - I
20 hope he's still a friend - who believes that Sango was a lingua-franca before
21 colonisation. As a scholar I have to say that this is an assertion not based on
22 linguistic or historical evidence, and I have an article in a French journal in which I
23 take Monsieur Diki-Kadiri's view and argue against them point-by-point. My own
24 conviction accepted by my peers, senior scholars who also work on the origins of
25 pidgins and creoles, my view is that Sango originated as a new language with

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1 colonisation. I have dates from 1893, '94, so that by the time by 1910, shall we say,
2 language -- Sango was already a language. Not a jargon, but a language, a
3 vocabulary and a certain simple kind of grammar. And I believe and I argue that it
4 was the Africans who worked for the whites - the Europeans - who created this
5 language. Sango was not created by whites. It was created by Africans, foreign
6 Africans, armed or not armed, porters and all kinds of people, West Africans, people
7 from Nigeria, especially from the Lower Congo area, who came in the hundreds, if
8 not thousands, and they needed some kind of linguistic means to say, you know, "I
9 want to buy some eggs," or whatever. In doing that they put words together and
10 made a jargon, and that jargon quickly evolved into something that was gelled, like
11 J-ello gelled, and it had a form.

12 And my historical argument is revealed in a book that I failed to refer to yesterday,
13 entitled "The Black Man's Burden," which is a history of African labour in the
14 colonisation of Central Africa. I had all of this data that I couldn't put into a book on
15 Sango as a language, so I decided to make it a separate book. "The Black Man's
16 Burden," by the way, is the white man. At that time, the white man was the black
17 man's burden.

18 At the same time - and this is my thesis and I argue again and again that - Kituba in
19 Lower Congo and Lingala arose as new languages. Lingala is a Bantu language
20 based primarily on something, a dialect -- no, a language called Bobangi, or Yansi, in
21 the southern part -- well, it's the Middle Congo, whereas Kituba is a lingua-franca
22 based on KiKoongo and its related dialects. Sango is a pidgin lingua-franca based
23 on Ngbandi, or as it's called in the Central African Republic the Yakoma language.

24 Q. Very briefly, what is the current status of Sango as a language in the Central
25 African Republic?

1 A. In the 1950s, before independence, Sango was for most people, almost
2 everybody -- for everybody it was a second language. They learned a village
3 language first, then usually when they went to school, where there were other kids
4 from different ethnic groups, they learned Sango. Women and elderly people in the
5 1950s were not found to speak Sango, and speaking Gbeya, you know, I knew that.
6 Since independence, or right from independence, Sango was recognised by the
7 Central African Republic in its constitution as a langue nationale. Subsequently,
8 because it was recognised that there were other national languages, ethnic languages,
9 it was given the status of official language. So Sango, despite its history and its
10 poverty in grammar and in lexicon, is an official language in the Central African
11 Republic.

12 And I haven't travelled around the country since 1962, but the impression I have is
13 that everybody speaks Sango now, except the new immigrants, people who are the
14 refugees from other parts of the surrounding part of Africa surrounding the Central
15 African Republic, and certainly in Bangui it is the dominant language. You stand on
16 the street and everybody is talking Sango. In fact, I was in a restaurant and there
17 were four men. We were only five people. There were four men sitting in the
18 corner over there talking French, Sango sometimes when it had French in it and then
19 sometimes pure Sango. I learned later that they were ministers, four ministers of the
20 government, and I had a wonderful opportunity to see the important role that Sango
21 was even at this level of sophistication and political power.

22 MR BADIBANGA: (Interpretation) Your Honour, with your approval I would like
23 to have the table and the report displayed on the screen; the report that Professor
24 Samarin gave us. It's on page 17 of the report and the reference is
25 CAR-OTP-0064-0594. There's no reference requiring this to be shown in private

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1 session. There is no level of confidentiality. Therefore, it can be displayed.

2 THE WITNESS: Excuse me, your Honour, but I don't see it here. Am I allowed to
3 see it?

4 PRESIDING JUDGE STEINER: Yes, the court officer will display it on your screen.
5 I just would like to check first with the Prosecution the reference number, unless we
6 have two different reports, because the reference number of my report is another one.

7 MR BADIBANGA: (Interpretation) My apologies, your Honour, I gave you the
8 French reference. In the original English version it is CAR-OTP-0064-0318, on page
9 13, I'm sorry.

10 Q. Professor, can you see this table on the screen?

11 A. Yes, I can.

12 Q. Now, if I make a mistake please correct me, but I've understood that this
13 report -- my apologies, this table was included in your report and related to
14 information on the simplicity of Sango. At one stage you say that Sango is lexically
15 simple and you refer to this table which includes a comparison with Lingala. Now,
16 if I've understood correctly, could you then give us a brief explanation of what this
17 table is here for so that we have a better understanding of it?

18 A. This table was not intended to document the simplicity of the vocabulary of
19 Sango, but in the report I did say that it had about 1,500, maybe 2,000 words. Of
20 course, I have a chapter on the vocabulary of Sango that I hope will be published, in
21 which I discuss the difficulties that any lexicographer has in defining what a "word"
22 is, and I won't go into that unless you want me to explain, explain that.
23 I say what I just said because there are Central Africans who say that there are many
24 more words than I accept in the Sango language, but their concept of what a word is
25 is simply different from mine. So we come up with different sums.

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1 This was -- I undertook this examination for this study at - it was never in existence
2 before - because I wanted to see, number one, to determine how much -- how many
3 Lingala words were in Sango among Sango's most frequently used words and,
4 fortunately, I have a tabulation of the frequency of occurrence of Sango in 1962. So
5 this is from my -- well, as I say here, from my data of 1962, from the whole country.
6 So it shows you that the table reveals the similarity in language form; you know, it's
7 not too difficult to pronounce the Lingala words, for a European especially, but it also
8 shows that some of the words are different because the grammars are different. So
9 what this table does is reveal similarities in differences in the first 100 most frequently
10 used words in these languages. Unfortunately, my -- I could not find exactly the
11 sources for this Lingala list that I wanted, but this was the best I could do.

12 Q. So we'll be returning to that table a little later on, when we talk more
13 specifically about the differences or even to compare between Sango and Lingala.

14 Professor, the Ngbandi, is this a language that has a relationship with Sango?

15 A. Yes, counsellor, the Ngbandi -- the Ngbandi language and the language goes by
16 different names, it's also called Moguandi (phon) and even Mbatì, Yakoma, Sango,
17 Dendi. These are the most important or best-known dialects.

18 So this is a -- it's not a family of languages. At this level, it is called a group, a group
19 being one language with different dialects, regional dialects. And according to my
20 friend and scholar who has worked on this language, Pascal Wyalgure (phon) there is
21 a great deal of homogeneity. In other words, the languages in the Ngbandi group of
22 languages are almost or certainly mutually intelligible. So the simple answer to
23 your question, counsellor, is that one can say as I say - and as I say in all of my
24 publications - Sango is Ngbandi, but Ngbandi in a different form, a new form, for
25 reasons of language change.

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1 Q. So today is it possible to confuse Sango and Ngbandi?

2 A. No. The answer is, no. That is to say -- well, excuse me, let me retrace,
3 backup a little bit. I would say no, but then I have to admit that I haven't done any
4 testing, so I have affirmed that I would tell the truth, but there are a lot of things that
5 we don't know, and I can only tell you by my personal experience and from what I
6 read. And, yes, from what I read. I go to the marvelous dictionary by Father
7 Benjamin Lukens (phon), a (indiscernible) missionary, in the early 1900s, a wonderful
8 dictionary, and I have a great difficulty understanding his examples. It's a
9 wonderful dictionary because he gives examples of various uses of the word, not
10 simply a definition and especially his translations are in Dutch, and then I have to go
11 to my Dutch dictionary to figure out what he is saying, except that he does have a
12 Ngbandi/French dictionary as well.

13 Anyway, what I'm saying is that a person who knows only Sango, a Central African
14 who knows only Sango, will not be able to understand Ngbandi. Does a Ngbandi,
15 who has never heard Sango before, understand Sango? Some people might say, yes;
16 I would say no, because so many Ngbandi people have contact with Sango that they
17 learn Sango.

18 You have to go way inland into the Democratic Republic of the Congo, quite a few
19 hundred kilometres, to find a Ngbandi person who has not heard Sango. And, by
20 the way, Sango is influencing Ngbandi in Bangui, and let's get the words correct,
21 correctly. In other words, young people -- Ngbandi young people Yakoma, Sango,
22 and so forth, Ngbandi people in Bangui mix these two languages up to such an extent
23 that their language, Ngbandi language, is being simplified in the direction of Sango.

24 Excuse me, I think I went a little too much into detail there, even though it's
25 interesting, but I'm not here to entertain you. So the answer, categorically, is these

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1 are different languages and they cannot -- it's not only that they cannot be confused,
2 but that they are mutually unintelligible.

3 Q. What we understand, therefore, is that you're not entertaining us; on the
4 contrary, you're answering the question, questions that we have been encountering
5 since the beginning of these proceedings and so it is of great help. So if I have fully
6 understood what you've just said, Professor, I would say that if somebody is speaking
7 Ngbandi in roads or streets of Bangui, most of the local inhabitants should at least be
8 able to identify that it is Ngbandi that is being spoken?

9 A. Yes.

10 Q. I would just like to backtrack just a little before we actually move forward once
11 again. I'd like to draw upon your assistance just for the sake of clarity. You
12 mentioned a little earlier on that Sango was a pidgin based on Lubango-Bongi (phon)
13 and that's where I got lost. You said this is called Yakoma in Central Africa, so
14 Yakoma, is it a different language to Sango or is it the same term that covers -- that
15 refers to the same language? If you need the reference in the English version of the
16 transcript in real-time, it was page 13, line 21 through to 24.

17 A. When I write about the history of Sango, I use the term Ngbandi, I do not use
18 Yakoma or Sango, and Sango is another, is a word used of the Ngbandi people
19 around the town of Mobaye, on the right bank of the Ubangi River, up-river of
20 Bangui.

21 As with many ethnic names in Africa, whites gave names to people; the people did
22 not call themselves Yakoma or Sango or Gbeya, or anything. These names just
23 popped up. People had names, of course, and their villages were taken down -- the
24 villagers were given names by the whites when they were taking censuses and where
25 are we?

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1 Well, they usually gave the head man, the elder's name, as the name of the village,
2 but how ethnic names came into existence we do not know. Even the word "Sango,"
3 how did it arise? So -- but it is a historical fact that the people at the head waters of
4 the Ubangi River have been called, since the 1890s and the early 1900s as Yakoma and
5 the people at Mobaye as Sango, the people up, further up the Mbili River, no, the
6 Mbobbo (phon) River are called Dendi and so forth. So Yakoma are Ngbandi but not
7 all Ngbandi are Yakoma.

8 Q. Once again, just one or two brief questions pertaining to Sango. If we follow
9 the geographical distinction that you've just indicated, should we be led to
10 understand, therefore, that Sango is not spoken in the Democratic Republic of the
11 Congo area or other areas where, indeed, Sango is spoken?

12 A. Sango was at one time spoken on the left bank, and I could give you evidence
13 for that. Catholic priests wanted to base their mission on an ethnic language, and
14 they started learning Sango and discovered that it was not an ethnic language.
15 Eventually, Lingala replaced Sango as lingua-franca in that same area, so Sango used
16 to be, long ago, used to be the lingua-franca on the left bank, but it has been replaced
17 by Lingala, and I found in 1953 when I went to Libenge and across the river from
18 Mobaye in 1988, I found very few people with whom I could speak in Sango.

19 Q. Let's just imagine therefore, Professor, that one of the Congolese soldiers
20 belonging to the MLC was able to speak Sango. Do Central Africans -- could they
21 know that he wasn't from the Central African Republic just by listening to him?

22 A. I'm giving serious thought to that question. Central Africans are convinced
23 that they can identify the ethnic background of a person who speaks Sango, and I
24 undertook an experiment with tape recordings and controls and everything else to
25 determine if this was indeed correct. I think that my samples of speech were not

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1 long enough, they were just seven seconds long, and so there are some interesting
2 conclusions, but that particular study did not confirm what the Central Africans say,
3 but they do say that they can hear the difference.

4 And I myself - I myself - can identify a person whose ethnic language is Banda,
5 because of the vowel "uh", for example, so that instead of saying "ee," or "e", a Banda
6 person might say "uh". In fact, Banda has two kinds of "uh" and not only one. I
7 used to be able to identify a Kaba person, because a Kaba person had difficulty with
8 the sounds "f" and "p". They pronounce "f" like "p" and they pronounce "p" like "f,"
9 or something like that. That was a long time ago. I think that answers your
10 question, perhaps. I hope so.

11 Q. Entirely so. At this stage, Mr Professor, I would like us to move on to Lingala
12 with maybe a last question. What, according to you, is the level of mastery of Sango
13 among the people living in the DRC?

14 A. Well, up until recently, as I said yesterday my last extensive séjour was in 1994.
15 Previous to that time, very few people on the west -- on the left bank spoke Sango.
16 As Bangui grew in population -- in 1953, according to what I have read in French
17 documents the population was only 35,000. In 1988, it was almost 500,000. So
18 Central Africans needed firewood. Most of the cooking is done with wood and not
19 gas, or kerosene. Central Africans wanted to buy palm oil, which could come across
20 and is still coming across in barrels from across the river. But the degree of
21 bilingualism, Sango-Lingala, Lingala-Sango, I cannot affirm and there is no study, but
22 it's just natural. It would easy for a Central African to learn Lingala and vice-versa,
23 although I would say it might be easier for a Lingala -- for a person speaking Lingala
24 to learn Sango than the other way around. That's just a guess.

25 Q. Now, we're going to just take advantage of the last ten minutes before recess to

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1 just make some inroads in the understanding of Lingala. Professor, do you have the
2 same degree of knowledge with Lingala as you have with Sango?

3 A. No, I don't. I'm sorry that I don't have the same degree of knowledge, except
4 it's origin, but as a language, it's grammar and so forth, no. I don't speak Lingala
5 and I cannot use it to illustrate very much.

6 MR BADIBANGA: (Interpretation) The Bench seems to indicate that we
7 have -- that I have muddled up my time. Apparently, it's at half-past-4 the recess.
8 Rather than the hour-and-a-half standard session, it will be a two hour session if I've
9 understood properly?

10 PRESIDING JUDGE STEINER: That's correct. We have half-an-hour break and
11 then a second session of two hours.

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

13 Q. Professor, should we therefore understand that you do not speak Lingala?

14 A. That's correct.

15 Q. Perhaps I should have waited my five seconds, but can you at least
16 recognise -- recognise expressions, or identify Lingala when it is spoken?

17 A. I'm pausing because understanding has to do with context. Well, in the first
18 place I know some words in Lingala, others than the ones that are in Sango, and on
19 this page you have the word "mingi," for example, which is a very widespread word
20 and it probably comes from Swahili, as a matter of fact. But if I heard -- if I heard
21 Zulu, for example, and Lingala, I would know the difference. If I heard Lingala and
22 KiKoongo, I would know that it is different. One more point, but I would -- I don't
23 think that I would easily recognise it as different from Kituba, but there are linguists
24 who believe that Lingala and Kituba are practically the same language.

25 Q. Could I therefore surmise that you are like the average Central African person

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1 who speaks Sango fluently, and that when you hear words from Lingala you can in
2 no way confuse that with Lingala and Ngbandi?

3 A. Categorically, categorically, I would say that a Central African would
4 identify - always identify - Lingala as "Yanga tala" (phon), their language. "Yanga
5 ti yappay. (phon) Yanga tala," their language. They might not know where it
6 comes from, or what it is or anything, or what it means, but it's their language.

7 Q. In your report -- and for the English version this is page 6, but I don't think we
8 need to bring this up on your screens. I will just give the reference. So on page 6, in
9 your report, the exact reference CAR-OTP-0064-0311, this is on page 8 in the French
10 version with CAR-OTP-0064-0385.

11 THE INTERPRETER: The English -- the English booth didn't get the last reference
12 and would the counsel mind repeating his question?

13 PRESIDING JUDGE STEINER: Maître, I am sorry to interrupt you so abruptly, but
14 the interpreter could not hear the reference you gave and is asking you, please, to
15 repeat your question. Maybe you were speeding up a little bit.

16 MR BADIBANGA: (Interpretation) I would call upon the indulgence of the
17 interpreters and I will follow that advice.

18 Q. I was saying, therefore, that in your report on page 6 for the English version, the
19 reference being, your Honour, CAR-OTP-0064-0311, and for the French version the
20 report mentions that on page 8, CAR-OTP-0064-0585, in this section of the report you
21 talk about the genesis and the origins of Lingala, if I were just to put it in a nutshell.
22 I would therefore like you to present that genesis, but beforehand can you tell us
23 what sources you are -- you would be drawing upon to do so; relating, therefore, to
24 this particular passage in your report?

25 A. The genesis of Lingala was in the context of colonisation in the latter part of the

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1 19th century. By the way, it's very important to understand that the name "Lingala"
2 arose later, or -- yes, maybe a decade or more after the language came into existence.
3 It was first called Bangala, but when Vanbouk (phon), a Catholic missionary, began to
4 use Lingala or Bangala in the schools, he found that it was too simple, it didn't have
5 any grammar and so forth, exactly what other people were saying about that
6 language, because it was a pidgin. It was a simplified form of some Congolese
7 language.
8 It was at that time that the prefix "li" was put. Not all languages of that area took
9 that prefix for a language name. So there are -- some others had "bo" (phon), or
10 whatever. I don't know all of the prefixes. Well, in KiKoongo, it's "ki," and that's
11 not too far away, you see. So even the prefix was artificial, or possibly artificial.
12 As for Ngala, well, there was a river called Mongala, and so forth, and this man had
13 his idea, and this man had his idea, and they finally settled on this particular name.
14 But the origin was at the confluence, at the Equator, where the Ubangi River comes
15 down and it probably -- Bangala probably arose because a particular ethnic group
16 called the Bobangi were traders along the Congo River.
17 Now, did they invent a pidgin? I don't think so, and there's no evidence to suggest
18 this; that it was when Europeans came and began to do the same thing that people
19 were doing on the Ubangi River, that this new way of talking, this new idiom came
20 into existence. And, in fact -- excuse me, can I add -- and on this one, I do not stand
21 alone. I do not stand alone. Yes, it was Father Hudestaad (phon) - if I pronounce it
22 correctly in Nederlands - who said the same thing. So there at least two us, and he
23 knows those languages of that area.
24 Q. Professor, is it necessary for a linguist to speak a language in order to study it or
25 to assess it?

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1 A. No.

2 PRESIDING JUDGE STEINER: Professor, if you don't mind. Sorry to interrupt you.

3 It appears that Maître Liriss has something to say.

4 MR LIRISS: (Interpretation) This has no importance. The reply was provided. I
5 thank you, your Honour.

6 PRESIDING JUDGE STEINER: I don't see any prejudice to the Defence to the
7 question put by Maître Badibanga. You can proceed, please.

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

9 Q. Professor, you were speaking to us about the status of Sango as a language at
10 the present time. What is the current status of Lingala?

11 A. I do not know what Lingala's official status is in the Democrat Republic, but it
12 certainly is one of the three dominant -- or the three important lingua-francas of the
13 DRC; Swahili in the east; Lingala, shall we say, in the middle; and Kituba or, as some
14 people call it, Monokituba, in the area of Kinshasa and south down the river.
15 Of course, the spread of, shall we call it, Bangala was due to its use in the force
16 publique from the 1885 'til -- oh, I don't know, continued to be used up until
17 independence and it probably still is the important language of the military.

18 Q. In comparison to Swahili, which you are quite familiar with, I believe, could
19 you tell us what are the main characteristics of Lingala?

20 A. Lingala is a Bantu language; therefore, one would expect it to have noun classes
21 and verbs - we would call them agglutinative construction - that is to say, a word that
22 takes prefixes and/or suffixes to carry meaning. So that in a -- in a Bantu language,
23 to put it simply, you would have fewer words in a sentence because one word - a
24 noun or, especially, a verb - would carry more meaning. It's load, it's semantic load
25 would be heavier.

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1 In Sango, all you have is a verb; "ta" (phon) meaning eat, and so forth. So Swahili
2 and Lingala are like that, but let us remember that Lingala is a simplified form of
3 language. Bangala even more so. There's a form of -- there is a form of Bangala in
4 the far northeast; although, it today is being influenced by the new Lingala, and that
5 Bangala is as simple as Sango. From what I have read about it, and I have material
6 from the early 1900s, the variety of Bangala in that part is very much like Sango and,
7 in fact, some of the Bantu words in Sango may have come from that language;
8 although, that language - Bangala - is being influenced now by Swahili.
9 So I say, yes, they are both Bantu languages, but let us remember that Swahili and
10 Lingala are different because Lingala is a simplified form of a Bantu language. But
11 let us remember, also -- and I'm sorry it's complicated; when you come to language,
12 things get complicated. Swahili is a language. You may remember, of course you
13 remember, that you asked me what a language was. Swahili is a language. All
14 right.
15 Then the Chamorro islands, they speak a variety of Swahili there, but it's so different,
16 that it's not Swahili. What is it? We don't know, or I don't know. But the variety
17 that's -- of Swahili that's spoken in the eastern part of the DRC, all the way down to
18 the Ntaganda province, is simplified, maybe not quite as much as Lingala.
19 So I would think that it would be easier for a person to learn Lingala, than it is for a
20 person to learn even Katanga or Swahili. I hope, counsellor, that I answered your
21 question.
22 Q. I reassure you, Professor, if that were not the case I would put my question
23 again. A few moments ago, you said -- and this was on page 19, lines 24 and 25, and
24 I'm referring to the English version of the transcript - you said, Professor, when we
25 were talking about the chart, if you'll recall, this chart shows that there are words that

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1 are different because the grammar is different. Since you were just speaking to us
2 about Lingala, could you very briefly tell us the difference, the grammatical
3 difference between Lingala and Sango?

4 A. The grammar of Sango, from a linguist point of view, is minimal. In other
5 words, we say there's no -- there's practically no morphology, "morphology" meaning
6 a word is simple; only -- there is only one suffix to make a noun out of a verb.
7 There's only one thing, is it a prefix that says plural? Apart from that, words are very
8 simple.

9 It's like pidgin English. Maybe pidgin English is even spoken in Nigeria or in
10 Cameroon. Maybe it's more complicated than Sango is. The reason is, not that the
11 early foreign Africans were bad learners of language, Africans are marvellous
12 learners of language, but the reason is that -- Ngbandi is like that. There is very little
13 complexity in nouns; and the complexity in the verbal system is in tones, because
14 Ngbandi has high tone, mid-tone, low town, falling tone, rising tone. It doesn't
15 sound like Chinese, but it's the same kind of language.

16 So you take a "mni" for -- with a high tone, meaning "I," and you take a mid-tone with
17 a verb to say so-and-so, but a different verb does it differently, and just like with the
18 arbitrarianist, with feminine and neuter and masculine in Indo-European languages,
19 you have to memorise all these differences. So whereas Ngbandi is very complex,
20 very complex in the tonal grammar of verbs, Lingala is simple but difficult in a
21 different way.

22 THE INTERPRETER: Microphone, please.

23 MR BADIBANGA: (Interpretation)

24 Q. In your report, you say -- page 3, and the reference is CAR-OTP-0064-0308, page
25 3 of the report, you say, Professor, the fact that Lingala, because of its status as a

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1 national language - just like Sango in the Central African Republic - is the language
2 that unifies people in a speech community being a national language, and this is an
3 important sociolinguistic fact. I'm not sure if I've understood this point entirely.

4 Could you please explain this to us?

5 A. In the colonial era with which I am familiar, and certainly up until then, people
6 identified themselves locally. There was no tribal structure, as there is in other parts
7 of Africa. The only important unit was the homestead; the people linked by kinship.
8 Then people began to get these ethnic names that I have already spoken about, but
9 still a person's focal point was his village, where he was born, and she.
10 By the early 1960s, people were already recognising that French was "Yangi ti bunzu,"
11 (phon) was a white man's language, even though it was official, but "Yangi ti kotro,"
12 the language of the village - and the word "village" had come to take a different
13 meaning, it meant the country - was Sango.

14 This is surprising to me. This was -- I interviewed every inhabitant of one particular
15 village sociolinguistically to get their -- an idea of their allegiance to Gbeya, or their
16 allegiance to French or Sango.

17 Now, there's no question - there's no question - that Sango is the language of being
18 Central African, that it carries the same political and cultural significance that our
19 modern languages do, and that may true of Lingala also.

20 Q. Is that what you meant when at page 3 of this report you spoke of the fact that
21 the soldiers of the MLC would have used Lingala as a symbol of their solidarity
22 among themselves?

23 A. Yes, to begin with Lingala had already been the unifying language of the force
24 publique, except in the far east I suppose where Swahili would have been. But if a
25 Swahili person -- a Swahili-speaking person from the east was transferred to Kinshasa

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1 he would learn Lingala, so perhaps all of those soldiers from the east also spoke
2 Lingala. I would expect it. So that's my preliminary statement. Yes, Lingala would
3 be the unifying and was the unifying language in its various forms. I was told that
4 Mobutu spoke Lingala differently from other people, but we have to recognise that
5 the linguistic -- that linguistic diversity characterised the MLC, probably that it had
6 Swahili speakers, that it had Lingala speakers and it may have had other speakers of
7 other languages, because of the events and the history of the MLC and what led to the
8 events of 2002 and 2003.

9 Q. Would you agree, Professor, that the primary objective of language is to allow
10 people to communicate?

11 A. Yes, language is -- language is one of the characteristics that define
12 homosapiens.

13 Q. Can a language also be used as a way of establishing distance with another
14 group, and can it be also used to express authority over a community, or a group; for
15 example, by an armed force operating in a conquered territory?

16 A. Yes, absolutely, and this is one of the phenomena that sociolinguists look at.
17 The use of words like "vu" (phon) and "tu" (phon), to establish relationship or a
18 distance, and in Sango between "alla" (phon) and "mo" (phon). I was tempted to go
19 on to say more about that. It's so interesting, because I've seen the change. I used
20 to be called "mo." Now I'm called "alla," or "vu" in Sango.

21 Oh, yes, a lot has been written on this topic. My, my, my, all kinds of things come to
22 me, because I used to lecture about them. Oh, yes, you switch -- you switch
23 languages. As I said about those ministers, they were switching because of -- they
24 were communicating, they could have communicated in French or Sango, but they
25 communicated with something fluid. Language is malleable, and every

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1 moment -- every moment is different cognitively, intellectually and emotionally.

2 That's the wonderful thing about language.

3 Q. One last question about Lingala, Professor. Is it possible to confuse Lingala
4 and Ngbandi?

5 A. No, and I don't need to -- I don't need to say anything more on that. The
6 answer is "No."

7 Q. We still have two minutes and I think we'll make best use of it. When we talk
8 about a compact between two languages from a linguistic point of view -- correction,
9 contact between languages or two languages in linguistic sciences, what does that
10 mean?

11 A. One of the important fields, or sub-disciplines, of linguistics has become
12 language contact. We are interested in knowing what happens and why
13 such-and-such happens when languages come in contact. Languages we think of
14 come in contact because of people, but of course languages come in contact in the
15 brain. Sometimes because I grew up in a Russian-speaking home something comes
16 back to me and I say it in Russian, a word or something like that, and in Bangui I
17 switch between Gbeya and Sango and French and English because it's going on in
18 here. So language is in contact because people are in contact, and people are
19 expressing their relationship, their emotions. They're determining sociologically
20 their identities as different, or as the same, or as some variety of the same. So that is
21 how languages come in contact, and all kinds of things can come in contact. I mean,
22 all parts of language can come in contact. So you have a language in Canada that's
23 called Michif, which -- the grammar of which is French and the vocabulary is Kri and
24 there are other languages like that. That is language contact.

25 Excuse me, may I just add? I know I just added. It doesn't mean that -- it is not

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1 simply that you speak that language and I speak this language and we hear each
2 other. It's how these two languages influence each other. That is language contact.
3 PRESIDING JUDGE STEINER: Mr Badibanga, maybe we could go to the break.
4 Professor, we are having a half-an-hour break. We will continue with this hearing at
5 5 o'clock sharp. I ask, please, the court usher to escort the witness outside the
6 courtroom.

7 (The witness stands down)

8 PRESIDING JUDGE STEINER: The hearing is suspended. We will resume at
9 5 o'clock.

10 THE COURT USHER: All rise.

11 (Recess taken at 4.28 p.m.)

12 (Upon resuming in open session at 5.06 p.m.)

13 THE COURT USHER: All rise. Please be seated.

14 PRESIDING JUDGE STEINER: Welcome back. I'm informed by court officer that
15 Mr Badibanga would like to give the Chamber information. I ask, first, whether the
16 information can be given in public session or should we turn into private session?

17 MR BADIBANGA: (Interpretation) We need to be in private session, your
18 Honour.

19 PRESIDING JUDGE STEINER: Court officer, please, let's turn into private session.

20 *(Private session at 5.07 p.m.) Reclassified as Open session

21 THE COURT OFFICER: We are in private session.

22 PRESIDING JUDGE STEINER: Mr Badibanga.

23 MR BADIBANGA: (Interpretation) Your Honour, your Honours, the Prosecution
24 would like to provide you with the following information: We are up against a
25 problem of dates. Originally, after this witness we had scheduled Witness 229, who

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1 was meant to appear before the Court, and the VWU tells us that (Redacted)

2 (Redacted) and this will make it difficult to attend

3 the Court soon.

4 The VWU has not had contact with the witness for a number of days, and the witness

5 should have travelled on (Redacted) so as to be ready to give testimony as of (Redacted),

6 (Redacted). Apparently, this seems now to be impossible, and we wanted to provide

7 this information to the Court and to see, perhaps, if the Court wishes - once again,

8 unfortunately - to review the order of appearance of the witnesses.

9 We have got some information from the VWU, which tells us that the next

10 witness - in other words, Witness 75 - is also (Redacted) and could be

11 able to give testimony as of (Redacted) as the witness needs two days for the

12 process of familiarisation.

13 For the order of witnesses, we realise that this may disturb the original plans. For

14 Witness 75, the witness could appear after the current expert. If you think it could

15 be necessary, then the witness could give testimony.

16 Perhaps one last piece of information: The latest organisational set-up for the travel

17 arrangements of Witness 229 have been made and the witness should, in theory, be

18 travelling on the (Redacted) so as to be in The Hague on the (Redacted). This, of course, provided

19 the VWU can establish contact with the witness and this is not the case at the

20 moment.

21 Thank you.

22 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. So at least we have

23 an alternative; that was my main concern, was in relation to the participation of

24 Witness 75.

25 Maître Liriss, do you have any comment to make on this possible change, new change

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1 on the order of witnesses?

2 MR LIRISS: (Interpretation) No, your Honour. The Defence is at the disposal of
3 the Court.

4 PRESIDING JUDGE STEINER: Thank you very much. So the Chamber would like
5 to receive from OTP and/or VWU an updated report by Monday morning in relation
6 to Witness 229. In any case, the Chamber is of the view that we should not simply
7 suspend the hearing. If Witness 075 can be ready to start testifying on (Redacted)
8 the Chamber would very much appreciate.

9 So the Chamber asks the Prosecution and asks the VWU to make all efforts in order to
10 have Witness 075 prepared to give testimony as from (Redacted). So we are going
11 to wait for the report on Monday morning to see what we can decide in relation to
12 229.

13 Court officer, please, can we turn back into open session.

14 (Open session at 5.13 p.m.)

15 THE COURT OFFICER: We are in open session.

16 PRESIDING JUDGE STEINER: Thank you. Court usher, please, could you
17 introduce the witness into the courtroom.

18 (The witness enters the courtroom)

19 PRESIDING JUDGE STEINER: Welcome back, Professor. The Chamber apologises for
20 this brief delay, but there were some problems that we had to discuss in private session
21 before we could continue with your testimony.

22 Mr Badibanga, you have the floor.

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

24 Q. Professor, we were talking about contact between two languages. Professor, in
25 linguistics sciences, could you say that Sango and Lingala are languages which have been

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1 in contact?

2 A. No, but that "no" is based on what I said some time ago; that is to say of course it has
3 been in contact, but not in contact in a way that would affect one language or the other.

4 A few words have come into -- a few Lingala words have come into Sango recently, but
5 they were introduced by a certain person. They were deliberately suggested to radio
6 broadcasters, like the word "singila," (phon) like the word "hatta" (phon) meaning "when"
7 and so forth, but otherwise the languages have not affected each other.

8 Q. Have I understood correctly, Professor? Have I understood that the people of
9 Bangui in particular, and Central African Republic citizens in general, are in contact with
10 people who speak a number of languages; languages of the country, or foreign languages?

11 A. Globally, the answer is -- I think should be "No". The people of the Central African
12 Republic have had contact with each other, but not with other languages than French.

13 Q. What about the contact or closeness to people to speaking the languages of the
14 Congo, and I am thinking of Lingala in particular?

15 A. Excuse me, I don't understand the question.

16 Q. Perhaps I can rephrase it. I simply wanted to ask you about the possibility that
17 Central African Republics might have an identifying Lingala, or other languages of the
18 Congo, that's all?

19 A. As for identifying languages, yes. Yes, Central Africans would be able to identify
20 Lingala. Radio broadcasts are heard, that is to say broadcasts from Kinshasa. A great
21 deal -- I am told a great deal of Congolese music, that is music in Lingala, is heard on the
22 Central African radio. So there are opportunities for people to hear a great deal of
23 Lingala, apart from the fact that there has been for a long time a community of Central
24 Africans who speak Sango in Brazzaville, for example. I remember I visited that quartier
25 in 1962.

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1 Q. You have said that you are told that people listen to Congo radio a lot. Could you
2 just tell us what your source for that information is? Who tells you that people listen to
3 Congo radio a lot?

4 A. Well, for one thing I -- I have ridden in taxis, where the radio was always playing,
5 and I myself have heard songs in Lingala. I did quite a bit of research at the radio to
6 determine the amount of broadcasts in Sango, and it was at that time -- and it was at that
7 time that I learned something about the programming. On this last visit I visited -- I had
8 an interview with the director, a woman, a director of programming, so I learned -- I had
9 an opportunity to learn quite a bit about the languages that were used, the percentages.
10 Now, I never got a percentage for Lingala, but I would say that over the years just in
11 casual conversation I would hear. But I've always been interested in the Bantu words in
12 Sango, so I've been looking for evidence for how they penetrated the Sango language. So
13 I have been attentive to that topic.

14 Q. Would listening to programmes on the radio, for example, be part of what you call
15 "personal experience" and the subjective element, when you say in your report that, "The
16 ability to identify a language, or even a family or group of languages, is based on personal
17 experience and includes a degree of subjectivity"? The reference is page 8 of the report,
18 in the English version, reference CAR-OTP-0064-0313, and it's on page 10 of the French
19 version.

20 A. Would you kindly read me that statement, because when I'm looking in my copy of
21 the report I don't find these, because the pagination of what I was given here is different
22 from the original pagination?

23 Q. The interpreter is reading the English text, "The ability to identify a language, or
24 even a family or group of languages, is based on personal experience and it is always to
25 some degree subjective," and then you added in your report, "It may not be as difficult as

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1 identifying the varieties of wine"?

2 A. At that point, I was being very careful. That statement is the kind that I would
3 have to submit to colleagues, but it's not the -- it doesn't say everything. I, as a linguist,
4 spend a lot of time listening to language and playing with it; that is to say, when
5 somebody is speaking on the streetcar, or subway, or some place, I listen and I try to
6 figure out what language that person is speaking. And with some I have success,
7 because eventually I get a word that confirms my hypothesis. So -- but I have been
8 trained. I trained myself to be discriminating and to -- yes, to arrive at a guess. I can
9 identify Slavic languages, for example, but not -- I can't make a distinction quickly
10 between Czech and say Polish, and I am not a Slavacist. On the other hand - on the other
11 hand - it is possible for people to get some kind of global shall we call it feeling. I mean, I
12 can't doubt - I will not allow myself to doubt - what I think is a fact that Central Africans
13 will identify the languages in the north, in the Chad, as being different, or the ones in the
14 Sudan to the east as being different, and so when it comes to Bantu languages they are
15 going to recognise them as different. Now, within those Bantu languages they may not
16 be able to discriminate one from the other.

17 Q. My question, Professor, was more for the layperson, like myself, and not for the
18 expert that you are. Now, if you will allow me, I would like to take an example perhaps
19 outside Central Africa. When you talk about "personal experience, which makes it
20 possible to identify a language," can this help us understand why a citizen of the Congo,
21 such as me, living in The Netherlands can distinguish German, or Italian, but I don't speak
22 a single word of those languages?

23 A. Yes, that's understandable. Now, that's understandable because of your personal
24 experience in travel, reading, radio, and so forth. Whether somebody in Papua new
25 Guinea, or in the jungles of Brazil, could identify those languages, well, that's highly

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1 improbable. Papua New Guinea, perhaps not, because in the German section before, yes;
2 because part of Papua New Guinea was under German control and they were the first
3 ones to use pidgin English there.

4 So people, depending on their experience, can I believe identify something as different
5 and putting -- compartmentalising those languages in some kind of group.

6 Q. Let's just imagine, therefore, that a Central African Republic person tells us "I
7 recognise Lingala because there are -- well, in the market, there are people who speak
8 Lingala."

9 A. Well, the answer to that, I wouldn't question it at all, not at all. In fact, I've been
10 told precisely that -- I have heard that kind of statement, yes, that Congolese live in
11 such-and-such a part of Bangui, and the quartier would be named and they sell things on
12 the market. And if I were walking by, I'm sure I would identify Lingala, right there in
13 the market.

14 Q. Would it be necessary to speak, yourself, the language or can we imagine - in the
15 example that I've just given you - that without you yourself speaking the language,
16 Lingala, that you could acknowledge it, recognise it, because sometimes you hear it in the
17 market because some people are using that language at the market?

18 A. The answer is, no. What I meant, saying that it is not necessary to know a language
19 to recognise, to identify it, to identify it, and -- and, yes, I have some -- a list here in my
20 aide-mémoire about the levels of recognition. I have six levels of -- or five or six levels of
21 recognition. For example, the first level would be, oh, that's their language, and that
22 would be a territorial identification, geographical. I don't know what it is, but that's their
23 language, soangatiala (phon).

24 The next would be a functional language, oh, yes, that's what they talk when they talk
25 among each other. That's a functional identification. They just -- you know, you hear it.

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- 1 I don't know what the language is. They just use it among themselves. Maybe it's like
2 Sango.
- 3 Then, ah, yeah, I hear it now. Oh, that's quite different, yes, we don't talk like that. And
4 then, oh, yes, I hear a few words, ah, yes. When they say, "come on, give it to me," or
5 something, they say, "yetair" (phon). Oh, yeah, or I've heard that on the river bank.
6 Then you get more words, and -- yes, so those are what I would call the five levels of
7 identification from global, down to the specific of this is Lingala. Not only that, but being
8 able to identify pieces of Lingala.
- 9 Q. These six levels of identification, what is underpinning those six levels of
10 identification? Is it a scientific tool that is used in linguistics?
- 11 A. No, this is not a scientific tool. This is based on my reflection, since my re-exposure
12 to Bangui, my reflection on language contact, and my categories of degrees of
13 identification are based on experience and simply a person's ability to reflect, just to reflect
14 in an ordinary way, about language differences and language use and all human beings
15 are able to do that.
- 16 Q. You say in your report, on page 10, that a considerable percentage of Central African
17 people are able to recognise Lingala as spoken by the Congolese, and you provide reasons
18 for that. In the French version of the report, this is on page 12, you quote the fact that
19 there are radio programmes, quite obviously; you also speak of trade with those people;
20 and you also say that people have got probably a number of Congolese neighbours.
21 Here is my question: Have you been able to confirm that working hypothesis? Were
22 you able to do so during your last stay in Central African Republic?
- 23 A. No, I wasn't able to confirm it with -- by talking to people, because of my sensitivity
24 to what -- no, because of my desire not to expose what I was doing. I was there for (Redacted)
25 (Redacted) -- and research takes a long time, that I had to be very careful.

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1 So -- but I did, by talking with Central Africans -- (Redacted)

2 (Redacted)

3 (Redacted). And from

4 somebody else, whom I can't identify at this time, I was told similar things; that of course
5 you would understand, of course you would be able to identify those people as coming
6 from the Congo.

7 Q. You noted, and rightly so, that in the literature that's been made available to you
8 through the Office of the Prosecutor it wasn't always asked of the witness why he thought
9 that the language spoken by the Congolese was, indeed, Lingala. I'd just like to reassure
10 you this question was a subject of hot debate, a heated debate, since the beginning of these
11 proceedings almost each day with each of the witnesses that we've been able to hear.

12 Now, we would like to hear from you -- I mean, in your report, you offer an answer to the
13 question, which is the following: Why didn't they tell me that it was about a different
14 language or whether it was just simply the Congolese language?

15 A. It would have been -- it was not necessary. I'm going to say this, and I don't
16 know -- I hesitate, because I don't know if I'm allowed to say it, but it's not necessary -- it
17 wasn't necessary to identify Lingala as Lingala, with respect to the MLC personnel.
18 Remember, I would like to remind you, counsellor, that there are these five levels of
19 identification and, it seems to me - if you will allow me the conclusion - that all they had
20 to do, all that Central Africans had to do was to say, oh, they are from the Congo. Oh,
21 they are from the other river over there. Oh, yeah, their language is foreign. You never
22 hear that kind of language here, at least in the bush. Maybe in the bush what they call
23 the "powance" (phon).

24 Now, may I give a report - I think it's related to this answer to your question - I had the
25 fortune -- well, it was not luck, I went working. I went to the riverside, and I was

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1 accompanied by a driver and he told me when I was done, "You would never have been
2 able to do this alone, you know, where you are now; not only in night-time, but daytime."
3 And we roamed round and I tried to find an opportunity to pose some linguistic
4 questions. We were led to a drink stand by a soldier who was already somewhat
5 inebriated and I think he wanted more beer. So we sat down, and I ordered beer for him
6 and Orange-Aid for the rest of us, and I began talking about the other side.

7 We could see the other side, Zongo, from where we were sitting. And this is the good
8 fortune: The man sitting next to me obviously knew a great deal - he was a Central
9 African - he knew a great deal about river life. He talked about the canoes and about
10 fishing and about accidents, and everything, and he was -- so his sensitivity to language,
11 even though he didn't speak Lingala, his sensitivity to the reality of this other language
12 was impressive.

13 Q. The answer that you have just supplied, should I understand it by saying that what
14 they needed was to clearly identify that they were from elsewhere and rule out the fact
15 that they weren't from the Central African Republic, that the soldiers weren't from the
16 Central African Republic? Is that what you were driving at?

17 A. Precisely, counsellor. That is a summary of my statement, yes.

18 Q. I can only make a summary, basically, of what you said, unfortunately. Professor,
19 very swiftly, one or two questions with regard to French. Can we say the following:
20 That the genuine language, common language between the Central African people on the
21 one hand and those in the Congo on the other hand is French, at the end of the day?

22 A. Would you repeat that question?

23 Q. I wanted to say the following: Can we surmise that, at the end of the day, when a
24 Central African person needs to communicate with a Congolese, perhaps the most
25 straightforward way of doing so, the common language for those two people, is French?

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1 A. Oh, right, I am glad I had you ask the question. It's between the Central African
2 and the Congolese. Yes, I would say that the language would be French at some variety,
3 and it does -- because after all some people are not competent in French at all. But, yes, it
4 would be -- French would be their jargon, or would be their lingua-franca; their contact
5 language.

6 Q. Now, does Sango or Lingala have an influence upon the accent of a person when
7 that individual is speaking in French? In other words, can we say that somebody whose
8 original language is Lingala will have a different accent when he expresses himself in
9 French than somebody whose original language is Sango?

10 A. The answer is, yes, I have been told that categorically. French news is news, it's
11 French, and if you are an educated Central African and you listen to news from France, or
12 whatever, you also listen to news in French from Kinshasa, and I'm told that you could
13 tell by listening to them that they are -- that their mother language, or their common
14 language, is different from the Central African one.

15 Q. So according to you -- sorry, Mr Witness, would you like to say something?

16 A. Yes, I was going to add something that I haven't added before, and that is that
17 there's more than grammar and lexicon to identify a language. There's voice. I used a
18 word with a friend of mine the other day in Paris, "texture", the feel -- the feel of a
19 language. Dutch has something that I think I'm on to now. I think I've finally figured
20 out what it is that makes Dutch sound different from German. Not the fact simply that
21 they have different phonemes, but that there is something in the way the mouth is used
22 and I have noticed that with respect to Central African languages as well. So to me, a
23 linguist, it's evident that a Congolese broadcasting in French - in French - is going to
24 sound different. That's not magical at all for me.

25 Q. Could this, therefore, serve to explain the following: That some witnesses say that

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1 the Congolese soldiers were speaking French badly, or who spoke French with a very
2 strange accent?

3 A. Of course I paid attention to that statement in the documents, yes, and I said, "Now,
4 what is this person saying? Referring to vocabulary, or what?" We can't -- we can't be
5 sure, but something was being identified. Something was being identified, and I think
6 that that statement by that witness was a significant one and was a very important kind of
7 evidence and a piece of evidence about language identification.

8 MR BADIBANGA: (Interpretation) Your Honour, with your leave, I would like to
9 move into private session for one or two moments.

10 PRESIDING JUDGE STEINER: Court officer, please let's go into private session.

11 *(Private session at 5.49 p.m.) Reclassified as Open session

12 THE COURT OFFICER: We are in private session.

13 MR BADIBANGA: (Interpretation) Thank you. Could the court usher bring up on
14 our screens the table that features in annex 1 in the report, on page 14?

15 PRESIDING JUDGE STEINER: Is this a document that cannot be broadcast?

16 MR BADIBANGA: (Interpretation) That is exactly so.

17 PRESIDING JUDGE STEINER: So then we need to -- court officer, please, let's ask for the
18 blinds to be down.

19 THE COURT OFFICER: I am sorry, can we have the exact ERN number of the annex,
20 because "the annex" doesn't mean much to us? Thank you.

21 MR BADIBANGA: (Interpretation) The reference is CAR-OTP-0064-0319, and in the
22 French version for the participants page 18, reference CAR-OTP-0064-0595.

23 Q. Mr Witness, can you see the table as featured on your screen?

24 A. Yes.

25 Q. Just by way of information, we don't wish this information to be visible to the

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1 general public and this is why a blind has been brought down behind you in such a way
2 that nobody from behind you in the public gallery can see what is featuring on your
3 screen.

4 A. I understand.

5 Q. We are currently in private session. This means that what you say will not be
6 heard beyond this courtroom. You can therefore mention the names of witnesses that are
7 featuring in this table, if you deem necessary. Professor, for drawing up your report you
8 received some literature, including witness testimony, the record of witness testimony; is
9 that right?

10 A. Yes.

11 Q. The table that is featuring in annex A in your report and that is currently on your
12 screen, does this table feature the results of the analysis that you conducted upon those
13 witness testimonies?

14 A. Yes, this is my analysis.

15 Q. Could you briefly present this table to the Court and tell us what objective were you
16 trying to reach through this analysis.

17 A. I would call this an example of a sociolinguistic analysis, and I am -- I was trying to
18 determine what a witness saw, or heard, and with respect to language whether that
19 person had some reason for being considered knowledgeable to some extent.

20 Mr Counsellor, I think it would be -- could we not possibly have my abbreviations,
21 because this was September of last year and I have "L1,1" and L1,5", and so forth, and I
22 forget what those refer to? I know what they were intended to do.

23 Q. Exactly so. In reality, Professor, the explanations are actually featuring lower down
24 on the table. There is a key, if I am not mistaken, to the table.

25 PRESIDING JUDGE STEINER: I think what the Professor is mentioning is what is stated

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1 in Annex B, or Appendix B. It's a list of abbreviations; am I correct?

2 THE WITNESS: Yes, yes.

3 PRESIDING JUDGE STEINER: I think we can put both on the screen in order to facilitate
4 the Professor's consultation, can we, court officer? I am told it's not possible. Maybe if
5 the Professor is given a hard copy of Appendix B?

6 THE WITNESS: May I interrupt? Is there some -- on page 15, does the table -- oh, here
7 we are.

8 PRESIDING JUDGE STEINER: Is this the one that you are looking for, Professor?

9 THE WITNESS: Excuse me, no. What we see here is -- on this page, which is page 14 in
10 the document handed to me, I have "Language" that's in the last column to the right,
11 "Wherever Lingala is significant in the testimony of the witness"; in other words, did the
12 name Lingala come up in the witness's statement? Now -- so "LI" stands for Lingala.
13 Now, I must in the text explain what I mean by 1 and 5. Oh, yes, I remember. I think I
14 said something like -- well, I think I related this to the United States Department of State
15 evaluation. In 1965 I was language coordinator for the Peace Corps, and the
16 members - the Peace Corps volunteers - were learning Malawi. And I was there -- well,
17 in fact I had to test them on their evaluation, and the grades we gave them were from 1 to
18 5. So there were two people in -- that I concluded who had -- who could speak, you
19 know, who had the top knowledge from 1 to 5, and 1 would be the least, so that is
20 what -- this is how I understand my table now.

21 MR BADIBANGA: (Interpretation)

22 Q. Thank you, Professor, and it's probably my fault. In truth, what you've just said is
23 written very clearly on page 11 in your report, and here you say -- here you say, "Refer to
24 the table, if that proves necessary." You say that in your text, but I don't want to put any
25 words in your mouth.

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1 I asked that you be shown the chart because a few moments ago you were talking about
2 the five levels of identification. Now, are these references, Lingala 1 to 5, could they be
3 similar to this scale that you just showed us.

4 A. Yes. We have here for witness number 1, for example - and I don't have to mention
5 the name because we have them numbered - I have "LI," Lingala, and then 1. So what
6 I'm saying is that this person has enough information, knowledge - let's call it
7 knowledge - acquaintance is a better word, enough acquaintance to identify the language
8 as Lingala, to talk about it to -- yes, to be acquainted with it.

9 Now, I would -- I thought I gave the page an "un". No, only in -- yes. In the table, I
10 didn't give the actual citation. In the text, I did. I was just leaving some work for you
11 people to do. So I didn't give the actual page or the actual line, and I should have - it
12 would have been a good thing to do - but I did it in the argument, in my paper.

13 Q. Entirely so, that is revealed by perusal of the report. Pages 10 and 11 in the English
14 version of the document, and in the French, in the French -- correction, in the English
15 version. Now, I don't have the page number right here, but I can provide it if necessary.

16 Let us continue, Professor, if you will.

17 A few moments ago you told us that the purpose of language above all is to communicate.
18 Now, by that, I understand you to mean that it is to make oneself understood. Do you
19 see the reasons why Central African soldiers would have used Lingala expressions to
20 speak to their fellow citizens?

21 A. Do I understand you, counsellor, to ask about Central African soldiers?

22 PRESIDING JUDGE STEINER: Professor, I'm sorry to interrupt you. The Defence
23 wants to --

24 THE WITNESS: Yes.

25 PRESIDING JUDGE STEINER: -- raise some issues.

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1 MR LIRISS: (Interpretation) Your Honour, I'm very sorry to have to make an objection.
2 The witness is not an expert when it comes to determining why soldiers of the MLC might
3 speak in some other language to the people of the Central African Republic. That is not
4 his area of expertise.

5 The question was whether the witness knows or why, what reason, Central African
6 soldiers might speak to the Central African people in a particular language; namely,
7 Sango. But this is not the witness's area of expertise.

8 PRESIDING JUDGE STEINER: Maître Badibanga, I am afraid I agree with the Defence
9 this time, unless you rephrase your question, because you were asking an expert to
10 speculate on something, and I think this is not the objective of his testimony.

11 MR BADIBANGA: (Interpretation) Your Honour, I will skip over that question.

12 Q. Professor, I would now like to give you a number of expressions in French, and I
13 would like to ask you if you could translate them into Sango. Now, you said that you
14 spoke Sango, and I think this would allow us to better understand these various issues.
15 Do you understand?

16 PRESIDING JUDGE STEINER: Shall we continue in private session?

17 MR BADIBANGA: (Interpretation) I'm sorry, your Honour. That point escaped me.
18 Yes, we can go into open session.

19 (Open session at 6.07 p.m.)

20 THE COURT OFFICER: We are in open session.

21 MR BADIBANGA: (Interpretation) Professor -- I beg your pardon, your Honour. I
22 see that the blinds behind the -- the horizontal blinds behind the witness are still closed.

23 PRESIDING JUDGE STEINER: You have not asked for the table to be taken from the
24 screen.

25 MR BADIBANGA: (Interpretation) I thank you, your Honour, for reminding me of

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1 that. No, I don't need that document on the screen anymore. I think we've drawn all
2 our conclusions from it.

3 Q. Professor, I was asking you if you would be so kind as to translate a number of
4 French expressions into Sango for us?

5 A. Yes, I would be glad to do so.

6 Q. How do you say "bon jour," good morning, in Sango?

7 A. "Mi bada mone" (phon), "mi bada mone," there are three words there. It's a
8 sentence, "I greet you", but there are other ways of saying, establishing a greeting,
9 depending on the relationship between individuals. If they are -- if they know each other
10 very well, they might use another expression, but "mi bada mone" is the older one and the
11 more formal one.

12 PRESIDING JUDGE STEINER: Maître Badibanga, I'm really sorry to interrupt you.
13 Could you please explain to the Chamber the relevance of this kind of question? Would
14 you like the Chamber to analyse whether a witness is able to speak Sango, or not?

15 MR BADIBANGA: (Interpretation) No, your Honour. Of course, it's just that over the
16 course of various testimony witnesses have provided a number of expressions that they
17 heard and explained the meanings that they attributed to those expressions, and each time
18 the witness was asked: Do you know what that means? How do you know what that
19 means?

20 And here we have an advantage. We have someone, a witness, who will help us
21 determine whether certain expressions that are clearly used most often by the MLC troops
22 in the Central African Republic were Sango or not. And, you see, these languages may
23 have been Lingala, or another language from the Central African Republic, or an entirely
24 different language.

25 So, you see, this was the purpose of my question. And I did have a few words that were

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1 brought to our attention over the course of the testimony that we've heard since
2 November past.

3 PRESIDING JUDGE STEINER: I would suggest if you are talking about words that were
4 allegedly recognised by some of the witnesses, that you at least give us the reference
5 because, otherwise, the Chamber is not in a position to analyse whether our witness, our
6 Professor, is able to translate a word or not.

7 I think this is not the purpose of the examination. But if you make reference to concrete
8 words, as said to be listened by witnesses, then we can see the relevance. And, also,
9 Mr Badibanga, taking into account that we don't have transcripts in Sango, so --

10 MR BADIBANGA: (Interpretation) Thank you, your Honour. I will try to use
11 expressions that were said by the witnesses, and I'll provide the reference each time.
12 Well, I won't ask the witness to translate them into Sango, but I'll ask him whether those
13 expressions are in Sango or another central African language, to his knowledge.

14 Q. First of all, the word "yaka," and for that, your Honour, I'm referring to transcript 41,
15 page 8, that was during testimony of Witness 22. Witness, could you tell us whether
16 "yaka" is a Sango expression, or an expression from another Central African language?

17 A. There is a word with not low tone, but mid-tone. Yes, there is a word. I can give
18 you the definition, if you want it? It means garden, or farm. So a person says, "Mi goin
19 a yaka," "I'm going to work in the garden. I'm going to the garden."

20 Q. Professor, now the expression "pesa ngai mai," I am trying to pronounce it without
21 any accent if I can, is that a Sango expression? What might it mean in Sango? I'm
22 referring to transcript 22, page -- correction, transcript 82, page 41.

23 PRESIDING JUDGE STEINER: Maître Liriss.

24 MR LIRISS: (Interpretation) I beg your pardon, your Honour. Quite honestly, I just
25 don't see the relevance of this question. If at least there had been a challenge on the point,

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1 but there has never been any challenge on the terms that the Prosecution is mentioning,
2 trying to get the witness to identify them or translate them. If someone could explain the
3 relevance of these questions?

4 PRESIDING JUDGE STEINER: Maître Liriss, this time I cannot agree with you. I think
5 that it is of relevance. Since more than one witness mentioned that they could identify
6 the Lingala because of one or other word, it would be interesting for the Chamber to have
7 from an expert in Sango the answer on whether that word is Sango, or is not Sango. The
8 professor just said that this expression "yaka" in Sango means going to the garden, or --

9 THE WITNESS: No, excuse me.

10 PRESIDING JUDGE STEINER: No, please. Please.

11 THE WITNESS: I am sorry. I gave a sentence in which it would be used. When we
12 say "yaka," we have to get the right tone. I don't know of another word "yaka" in Sango,
13 or "yaka" with high tone. The only one I know is "yaka" with mid-tone, and that just
14 means garden or farm.

15 PRESIDING JUDGE STEINER: So then I have a follow-up question: Is there a word
16 "yaka" in Lingala?

17 THE WITNESS: I don't know, your Honour.

18 PRESIDING JUDGE STEINER: You can proceed, Maître.

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

20 Q. Professor, now the expression "pesa ngai mai" means something in Sango? And
21 the reference that I provided was transcript 82, page 41, and that is the French version.

22 A. Counsellor, I don't recall having read that. I have another one which I cited in
23 my -- in my text and that was "pesa ngai mbongo." I don't know. Lingala has two tones,
24 but the record - the document - didn't have tones, so it said "pesa ngai mbongo". Now
25 that, as far as I know, is Lingala. I know that because "ngai," I know that word. I have

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1 seen that many times in texts -- Bangala and Lingala texts. I don't know the verb "pesa,"
2 but it ends in the vowel "a" which -- and in the imperative verbs like that, like walk and
3 clean or anything like that, ends in the vowel "a". But your word was "pesa," which is
4 supposed to mean "give," and then the second word was what?

5 Q. I'll repeat. My question was: The expression "pesa ngai mai," is that an
6 expression from Sango, or from a Central African language?

7 A. Yes, I get it now. The person is saying, "Give me water." "Mai" is water. I don't
8 remember that in the documents, but that is what that means. "Pesa ngai," and you
9 notice it's the verb and pronoun and the object just as in, "Give me money," "pesa ngai
10 mbongo," would be. So this is not an expression in Sango.

11 Q. Entirely so. Professor, I am not asking you to translate these expressions for us.
12 I'm just asking you to tell us whether they come from the Central African Republic, or
13 from the country. My next question is the expression that you mentioned "Pesa ngai
14 mbongo," and, your Honour, my reference is transcript 64, page 28. Professor, now this
15 expression, is this is an expression from Sango, or from a language of the Central African
16 Republic?

17 A. No.

18 Q. Very well. The next expression, "mama a kofi." That is the transcript 82, page 53.
19 I will repeat that, "mama a kofi." Is this a Sango expression, or an expression from a
20 language of the Central African Republic?

21 A. "Mama" could be in Lingala, it certainly is in Sango, but yes, the expression is not
22 Sango. I don't know what "a" means. I don't know what "kofi" means.

23 Q. I will move on to another point, and I think with that we have received sufficient
24 information.

25 PRESIDING JUDGE STEINER: If you will allow me, apologising for interrupting you.

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1 In this, the former expression, "pesa ngai mbongo," Professor says that this is not a Sango
2 expression. Is the Professor aware of which other language this expression belongs to?

3 THE WITNESS: From the translation, your Honour, I would say it's a Bantu expression.
4 The word "mbongo," in that translation, was "money" and that comes, I know, from a
5 Kikongo language, because Sango does have a word "bongo," low, mid-tone, but not
6 "mbongo." And "ngai" certainly is a Bantu word for first person singular. So it would
7 have to be a Central African geographically, or let's call it a Congolese Bantu language.

8 PRESIDING JUDGE STEINER: Thank you very much. Maître Badibanga.

9 MR BADIBANGA: (Interpretation)

10 Q. Professor, now, with these questions, I am moving towards the end of my
11 examination, this chat, so to speak, between us, and if you could I would like to return to
12 a few of the questions that were asked of you when you were entrusted with the
13 particular task, and I would like to ask you to provide us with some very short answers,
14 so that we can bring my examination to an end. And these questions, which were
15 entrusted to you, were as follows: Now, the inhabitants of the Central African Republic,
16 and Bangui in particular, are they able to recognise Lingala spoken by Congolese people?

17 A. Yes.

18 Q. How can a speaker of one of these languages mentioned be able to recognise the
19 other language in the oral form?

20 A. You request a brief answer, counsellor. I'm -- I'm hesitating because the answer is
21 not simple and, I mean, there are different factors, and I thought that I had gone into them
22 earlier in my testimony.

23 Now, I could repeat them, but I can't give a simple answer. In other words, I believe that
24 Central Africans could recognise Lingala or Isungu from Mbaiki as a Bantu language.

25 They would know that it was a Bantu language. They would know that it's a different

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1 language, different from Ubangian languages and they would be able to do that on the
2 basis of their general knowledge of being Central Africans. They could identify Lingala
3 but of course there would be other things that would contribute, perhaps, to their
4 perception of the individuals, and so forth, but the answer -- but in the end they would
5 swear -- they would say, "Yes, he's from over there, he's not from here."

6 Q. You were also asked the following question as part of your tasks: In your opinion
7 what is the proportion of Central African people who speak Lingala?

8 A. I don't recall, counsellor, that that was in the census of 1988. The only question
9 about a language was about proficiency in French and Sango, so I have no way of giving
10 you an answer. It is -- but I would say that the percentage of -- is something less than 1
11 per cent, and only along, along the river edge, that people inland would not know, would
12 not know Lingala; although, they might know, from the radio and from songs, that it was
13 a Congolese language.

14 Q. Professor, in the conclusion of your report, you state, and I'll turn to page 11, the
15 English version is CAR-OTP-0064-0316, you say, and I quote, "The witnesses recognised
16 Lingala as being the soldiers' dialect. As a group, they associated Lingala with the DRC
17 and its inhabitants. They identified the language spoken by the soldiers of the MLC as
18 the soldiers' language and they identified the language spoken by the soldiers of the MLC
19 with the DRC. I conclude the Lingala language is a signifier (identifier) of the military
20 force that is alleged to have committed crimes during the events in the CAR in 2002/2003."
21 Professor, do you stand by this conclusion?

22 A. Counsellor, when I came to this part of the paper, at the end of the paper, having
23 spent many hours reading and thinking and writing, I stopped and I said, now, am I
24 really saying here, "Am I informing them; am I helping them at the Court; and what do I
25 say?" And I say the Lingala language is a signifier and identifier of the military force that

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1 is alleged to have committed crimes during the events in the Central African Republic in
2 2002 and 2003, and I stand by that conclusion.

3 Q. Thank you, Professor. Your Honour, I have no further questions for this witness.

4 PRESIDING JUDGE STEINER: Thank you, Mr Badibanga. Professor, we still have
5 about 20 minutes. I'm first asking you whether you feel comfortable if we continue with
6 the questioning by the legal representatives of victims or, if you prefer - if you are too
7 tired - we can have it on Monday. It's up to you, Professor.

8 THE WITNESS: Your Honour, parts of me are strong, but, yes, I would appreciate
9 stopping and coming back refreshed Monday morning, yes.

10 PRESIDING JUDGE STEINER: The Chamber fully understands, Professor. So we
11 thank you very, very much. It has been very long --

12 THE WITNESS: Yes.

13 PRESIDING JUDGE STEINER: -- but very interesting testimony given before this
14 Chamber. We thank you very much. We are going then to adjourn the hearing for
15 today. We are going, then, to adjourn the hearing for today. We are going to resume on
16 Monday morning, at 9.30 in the morning, in this courtroom.

17 Before I adjourn, just for the record, the Chamber expects VWU to provide the Chamber
18 with a report on Monday morning, as was said, but by 1 p.m., during the lunch break.
19 I thank you very much the presence of the Prosecution team, legal representatives of
20 victims, the Defence team. Maître Liriss?

21 MR LIRISS: (Interpretation) I'm sorry. I was not listening really. I don't know what
22 question you've asked me.

23 PRESIDING JUDGE STEINER: I haven't put any question. I saw you on your feet and
24 I'm asking you whether you have anything else to say?

25 MR LIRISS: (Interpretation) No, no, indeed. I was just asking the officer if the

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1 Chamber had been informed, contrary to what we had announced, that we would
2 question Professor Samarin. We will be examining him.

3 PRESIDING JUDGE STEINER: The Defence will have the opportunity to question the
4 witness on Monday, soon after the legal representatives of victims, and for the time the
5 Defence deems necessary, as always.

6 So thank you very much Defence team, Mr Jean-Pierre Bemba Gombo. I thank very
7 much our interpreters, court reporters. Before we adjourn, I'll ask, please, the court
8 usher to escort the witness. And I wish you, Professor, a very, very nice and restful
9 weekend.

10 THE WITNESS: Thank you very much.

11 PRESIDING JUDGE STEINER: It appears that the weather will be good.

12 THE WITNESS: Good.

13 PRESIDING JUDGE STEINER: You are lucky.

14 (The witness stands down)

15 PRESIDING JUDGE STEINER: The hearing is adjourned.

16 THE COURT USHER: All rise.

17 (The hearing ends at 6.39 p.m.)

18 RECLASSIFICATION REPORT

19 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
20 2012, and the instructions in the email dated 6 February 2014, the version of the
21 transcript with its redactions becomes Public.