

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 Monday, 28 March 2011

8 (The hearing starts in open session at 9.41 a.m.)

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

10 Please be seated.

11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are

12 in open session.

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

14 the case.

15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The

16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

17 PRESIDING JUDGE STEINER: Thank you very much.

18 Good morning to everyone. I welcome the Prosecution team, the legal

19 representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. Good

20 morning to our interpreters and court reporters. We will continue this morning with

21 the questioning of Witness 0222 and for that purpose I ask, please, the court usher to

22 bring the witness in.

23 (The witness enters the courtroom)

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

25 PRESIDING JUDGE STEINER: Good morning, Professor Samarin.

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1 THE WITNESS: Good morning, your Honour. Good morning.

2 PRESIDING JUDGE STEINER: Did you manage to rest, or to enjoy your weekend
3 here in The Hague?

4 THE WITNESS: Well, I went to Amsterdam to visit the Van Gogh museum, so I
5 spent the whole afternoon there. Yes, I had a great time.

6 PRESIDING JUDGE STEINER: Professor, we will continue today with your
7 questioning starting with the legal representatives of victims. Before I give the floor
8 to Maître Zarambaud, I just would like to remind you that you are still under oath.
9 Do you understand that?

10 THE WITNESS: I do understand that.

11 PRESIDING JUDGE STEINER: So, Maître Zarambaud, you have the floor.

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

13 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

14 Q. Good morning, Witness. I am Mr Zarambaud Assingambi and I am here as
15 legal representative of the victims, speaking on behalf of my colleague Marie-Edith
16 Douzima. I don't have many questions to ask you. My first question is as follows.
17 It's on the basic language ideas for language learning as of -- as learnt by the natives
18 in Africa and also on the basis of your personal experience.

19 You have deduced that a large number of Central Africans in Bangui knew more
20 about Lingala than they would ever have admitted. This doesn't mean that the
21 Central African natives had mastered the Lingala language. In other words, you
22 could deduce that they -- you couldn't deduce that they understand it and speak it.
23 A very small percentage of these Central Africans probably live in Bangui and could
24 be considered -- and could not be considered as competent speakers of Lingala. I
25 was citing you there.

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1 I would therefore like to ask you, Professor, if you could give us a few explanations of
2 this question of knowing more than they would admit about Lingala, as you said,
3 without however being a competent speaker of the language?

4 A. The question puzzles me a bit, counsellor. The translation in English uses the
5 phrase "more than they would admit." As I understand that phrase, it would mean
6 that they did not want to admit, that they were concealing a fact, and it was never my
7 intention at any time to suggest that.

8 I can understand that there are circumstances in life where one conceals one's
9 knowledge or competence in another language, but it is not true for most -- I don't see
10 any reason why Central Africans would have hidden - I say "hidden" - concealed the
11 fact.

12 The point that I wanted to make on Friday was that Central Africans certainly along
13 the river, not inland necessarily and to a much lesser extent, if any at all, but along the
14 river and in Bangui would have been able to recognise Lingala as "their language,"
15 and I'm pointing, using my hand to point over there, meaning across the river.

16 That's the point that I was trying to make.

17 Q. Thank you, Professor. My second question is as follows: In answer to the
18 question, and here I am quoting, "What is the degree of mastery of the Sango
19 language which the people of the Democratic Republic of Congo have?" Your
20 answer was as follows, "Only a few in Zongo and around have been able to learn
21 Sango; perhaps at home, or when a parent or another member of the family was
22 Central African, or when conducting trade," end of quote. I can give you the
23 reference. This time I will give you the reference. It's CAR-OTP-0064-0584, last
24 paragraph. My question is as follows: What would your answer be if the same
25 question had been asked solely for Jean-Pierre Bemba's troops that came to the

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1 Central African Republic?

2 A. Counsellor, according to or based on my reading of the documents that I was
3 provided with, and that's about all I know about the events of those years, 2002/2003,
4 I would say that very, very few had any understanding of Sango, or even knew that
5 there was a lingua-franca, a langue véhiculaire, in the Central African Republic. The
6 ones who knew it -- who knew this or who were acquainted with the existence of
7 Sango would have been some of the officers, but certainly not any of the foot soldiers.
8 So I can't imagine many of them being able to even use a few words in Sango. There
9 was no need for them also. There was no need for them and that's a sociolinguistic
10 fact, because a language is used, as the counsellor pointed out on Friday -- or he
11 enquired about this, is language used for communication? Isn't that the function of
12 language? Indeed it is, but the MLC forces did not need Sango because they had
13 force, did they not? And they used Lingala just because that's the language that
14 exploded out of them, that was natural to them, or at least to many of them.
15 So I conclude my response to you, counsellor, by saying, number 1, they did not need
16 to know Sango and that on the history of the grouping or the recruiting, pardon me,
17 the recruiting of these men, there was no way that they could have acquired a
18 familiarity with Sango. I'm finished.

19 Q. Thank you, Professor. My third question - and it's to a certain extent the other
20 part of the previous question - is as follows, and I'm quoting here, there was the
21 question of finding out what percentage of the Central African Republic would be
22 able to recognise Lingala, end of quote. And your answer was that the percentage
23 was, I quote, "Considerable," end of quote, and the reference is CAR-OTP-0064-0589.
24 So in the light of that answer, my question is as follows: What would you answer if
25 the same question were asked in relation to the percentage of victims able to

1 recognise Lingala without being speakers of the language?

2 A. The victims, as I understand it, were primarily urban in Bangui and somewhat
3 up-country a bit, but also at Bossangoa, which calls itself a city. When I was there,
4 there were only about 15/18,000 people, but that was a long time ago and I think it has
5 become a larger city.

6 So this means that the people are familiar with other languages and would, therefore,
7 have had more -- and have more radios than the people in the rural areas, so they had
8 for a long time greater opportunity to learn about the existence of Lingala; that there
9 was such a language spoken by and sung in across the river.

10 I would also, in answering this question, point out to you -- but in this meeting, where
11 there are so many people of African origin, it's hardly necessary for me to make the
12 observation, but Africans - Central Africans, because that's what I know best - are
13 aware of other languages. I said something about this in my report. I said that I
14 actually studied it. I had an assistant interview people in Bangui, asking them for
15 the ethnic backgrounds of all of his or her neighbours within 50 metres. Now, that's
16 quite an area and my assistant researcher said there was no problem. Everybody
17 knew the ethnic background.

18 I also in another bit of research asked children what "mara" -- - that's the word that we
19 use for tribe/ethnic group - "What's the mara of your buddy?" "Mbatimo, mara ti
20 mati markinye?" (phon) Everyone knew what the ethnic background was. The
21 point I'm making is that Central Africans are aware of other languages and other
22 languages are significant in identifying people. It seems to me reasonable that, for
23 that reason, they would have been aware of who Lingala speakers were and what
24 they were doing and so forth. I'm finished.

25 Q. Thank you very much, Professor. I have one last question to ask you. The

1 question is as follows: Could the victims make a distinction either through accent or
2 any other feature between French, as they were used to hearing it in Central Africa,
3 and French as spoken by some of the members of Jean-Pierre Bemba's troops?

4 A. Yes. The answer to comprehend a lot of diversity is yes, and the reason I say
5 "yes" is because what people do with another language at different levels of
6 competence depends on their own language. In other words, we have the very
7 common fact of "accent." My accent in any language is going to reveal to some
8 people the fact that I am a native speaker of English and it just seems reasonable to
9 me that a Bobangi, a Mongo, some person from a Bantu ethnic group in the
10 Democratic Republic of the Congo is going to have a different accent. He's going to
11 sound different from anybody in the Central African Republic.

12 I could give you words that illustrate this in the Central African Republic, but of
13 course, yes, in our case, the Central African Republic, there has been a tremendous
14 change in the knowledge of Sango -- of French since the 1950s when I was there. So
15 there are more people more proficient in French, but the forces of the MLC included
16 many from the eastern DRC who would not have had an opportunity to learn French
17 well. For these reasons, counsellor, I make my answer "yes" to yours.

18 I'd like to add something that is not relevant immediately to your question, but I think
19 to an earlier one, about the victims. In fact, the question that immediately preceded
20 this one, you said, "How would the victims be able to recognise Lingala?" What I'm
21 going to say may be a hypothesis, but I think it's a serious hypothesis, and I think that
22 people in trauma are sensitive to the linguistic clues around them, so when a poor
23 woman is being violated, and my stomach turns in thinking about it, and somebody
24 says something in Lingala, she's going to be stabbed with that linguistic
25 pronouncement, whether it be several words or not.

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1 MR ZARAMBAUD: (Interpretation) Thank you very much indeed, Professor, for
2 having been so kind as to answer my questions. This was my final question and I
3 should like to thank your Honours for having allowed me to speak. Thank you.

4 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. Now, I
5 give the floor to Maître Douzima to put her questions on behalf of the victims she
6 represents. Maître Douzima.

7 MS DOUZIMA-LAWSON: Thank you very much, your Honour.

8 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

9 Q. Witness, good morning, sir.

10 A. Good morning, counsel.

11 Q. I think it is only necessary for me to introduce myself yet again. My name is
12 Marie-Edith Douzima. I am one of the legal representatives of the victims in these
13 proceedings, just as Mr Zarambaud who just questioned you. Now, I too should like
14 to ask a certain number of questions of you. You may perhaps believe, sir, that my
15 questions have already been asked. However, I would want you to clarify some
16 answers that you already gave on Friday, or even this morning, because the subject in
17 which you're an expert, sir, is of the highest importance for us, representatives of the
18 victims.

19 May I begin referring to some parts of your report. I should like to ask you, and the
20 purpose of this question is to have more clarification so that this Chamber may have
21 available to it more identifying elements. You said, sir, in page
22 CAR-OTP-0064-00589, this is in the French report, I shall quote you, sir, "It is not
23 surprising that a Central African would affirm that the Banyamulengue had a
24 Congolese accent when they spoke French. I can myself have a very clear idea of the
25 origin of an African speaking English, or French." That was your statement, sir.

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1 Now, would you be so kind, please, as to tell us what the Congolese accent is like
2 specifically?

3 A. The answer to that must be "no," because I have to honestly admit that I am not
4 familiar with the languages spoken by those people, and by the MLC forces, and
5 nowhere in the documents that I had was there any inventory - a list - of the
6 languages spoken, and I can only surmise, that is conclude, from who they were and
7 where they came from.

8 For example, I said there may have been some Mbansa, some Mongbandi, some
9 people from the northwestern part who joined on the spot, or were forced to join the
10 forces. Well, I have no -- no way of knowing that. Of course, and if I knew what
11 these languages were, I might be able to predict. For example, a speaker of English
12 is going to use the "R" sign, "er," in the place of the "er sign like guara, bara in Sango
13 and in Spanish and many other languages of the world, so that would be an accent,
14 and one of the reasons that Central Africans say I speak like them is that I have
15 learned, because of my linguistic training, to produce "mba," "ba," "ma," and so forth,
16 in at least one of these languages that has more sounds, more exotic sounds, than
17 Sango does. I think I have answered the question, but I will continue if you would
18 like me to?

19 Q. Thank you very much, Professor. I should like to take advantage of this
20 opportunity to ask you, sir, whether it would be possible for you to recognise a
21 Congolese person and a Central African person when they speak French?

22 A. You're asking me if I can do that? Well, the DRC is a very large country and
23 there are -- the CAR is a smaller country. So I think that there are -- I think there's
24 too much variation here, and I think that I would be presuming more familiarity with
25 the situation in the field; in other words, in those countries to identify -- to respond to

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1 your question with "yes." That's a rather long way of saying "no," and, no, I would
2 not, but I had to give my reasons as well. I might -- for some people I might not be
3 able to identify them for other people.

4 Q. Witness --

5 A. I was just going to add that when you were saying "you" I took that to mean me
6 and not Central Africans. I am not speaking for Central Africans. They might say
7 "yes".

8 Q. Indeed, sir, I was referring to you, specifically to you, sir. Am I to understand
9 that, if it is you, the answer is "yes"?

10 A. If -- no, the answer is "no" for me.

11 Q. Thank you very much indeed. Now, I should like to ask you a few questions
12 related to some of the answers you gave yesterday to the Prosecutor. I should like to
13 begin with the question that was put to you, sir, on the regions in DRC where Sango
14 is spoken - on page 23, line 16, real-time transcript from last Friday - that there were
15 Catholic priests who seemed to have learned that ethnic language, and I should like
16 to know, sir, when you speak of "ethnic languages," you wish to refer to a language of
17 an ethnic group in Central Africa known as the Sango, or do you wish to refer to the
18 national Central African language which is Sango?

19 A. The historical fact that I am citing took place around 1910, or a couple of years
20 later, on the Belgian side of -- well, yes, it was a colony by that time, south of what
21 was then called Banzyville, today called Mobayi-Mbongo. It is just opposite the city
22 of Mobaye. Mobaye and Mobayi must be the same thing, but Mbongo means on one
23 side and the other refers to the other side of the river.

24 So these were Belgian missionary priests whose goal was to learn an ethnic, that is
25 traditional local language, and they were among the people not called Sango, but

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1 people who were called Mongbandi or simply Ngbandi. In other words, they were
2 speakers and they are speakers of the language on which Sango is based.
3 Now, we must recognise, because it has been around for a long time, that the people
4 right around the French town, Central African town now of course, of Mobaye on the
5 right bank are called Sango and they were called Sango before the end of the 19th
6 century and it was recognised that they were the same people as the Yakoma people.
7 Why the colonialists distinguished them I don't know, because they lived the same
8 way, they had canoes, they had canoers, they fished and so forth. Their cultures
9 were identical. So what this anecdote is important for is to document the way the
10 vehicular language, the lingua-franca, the pidgin, had spread into the interior and
11 rather far into the interior, but it was not the ethnic Sango which is Ngbandi language
12 of the Central African Republic.

13 Q. Thank you very much, Witness. On page *33, lines 19 through to 22, and I am
14 referring here to the transcript, sir, Friday last, you said this and I quote, "Today, there
15 can be no doubt that Sango is the language of those who are Central African." What
16 does this mean, sir?

17 A. Well, I can't recall exactly the context in which I made that statement, but it
18 seems to me -- well, I do recall having talked about the symbolic significance of the
19 Sango language. In other words, what it's cultural and political meanings are.
20 I may have mentioned in the report submitted last year that, when I interviewed the
21 people of -- I forget the name of the town, the village rather. I had a questionnaire
22 and I still have, these are in my archives, "What is the French language?" "Su yanga
23 ti muzu?" (phon) This is the white man's language, but what's the Central African
24 language? Sango.

25 So these were rural people in a village where everybody spoke Gbeya. It was a

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1 monolingual Gbeya, rural, old-fashioned village, and already this is in 1962 they were
2 telling me that Sango was the language of the Central African Republic. By this time,
3 of course, it was independent. So what's Gbeya? Well, of course, they were talking
4 to me in Gbeya. "Buzandre" (phon), and that means the village language.

5 So the answer to your question briefly is that today, without doubt, a Central African
6 feels that Sango is the nation's language, not French. That Sango distinguishes the
7 Central African Republic from every other African country and they are proud of
8 that.

9 Q. Thank you very much, Professor. Then could one say the same in respect of
10 Lingala in respect of the Congolese?

11 A. Oh, yes. Not that I know the field. I don't have friends whose -- well, yes, I
12 do have one friend who speaks -- well, yes, among my linguistic colleagues I have
13 several friends who speak Lingala, but I would say, yes, that Lingala has been part of
14 the -- shall I say part of the cultural development of the Congolese through
15 colonisation, through independence. It is part of that historic process of culture
16 change and political change.

17 And certainly because of the fact that there are hundreds of thousands - well, quite a
18 few anyway - who speak Lingala as their first language. It must be. By "their first,"
19 I mean the language they learn when they're running around the home and learning
20 and hearing language in the homestead, that that is their first, their primary, their
21 dominant language that they would recognise it as their language, the language of
22 their feelings, of their most basic communications.

23 Excuse me, may I apologise? Am I talking too long? I mean, I am supposed to be
24 brief in my answers, but I don't know how much -- what brief is. So, your Honour, I
25 hope you'll --

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1 PRESIDING JUDGE STEINER: We are more than willing to listen to you, Professor,
2 so it's up to you to be objective - sufficiently objective - in your answers, but how long
3 it takes, it's up to you.

4 THE WITNESS: Thank you.

5 MS DOUZIMA-LAWSON: (Interpretation)

6 Q. Professor, did you have anything to add to your latest answer?

7 A. No, I'm finished with that.

8 MS DOUZIMA-LAWSON: (Interpretation) Thank you very much, Professor, for
9 all your explanations. Thanks to which I do not have to ask the other questions,
10 because you have already answered them in advance. And thank you very much,
11 your Honour, for allowing me to speak.

12 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. I ask now
13 whether Maître Liriss is ready to start his questioning? I'm sorry, Maître Liriss. I'm
14 really sorry. Judge Ozaki first wants to put some follow-up questions.

15 JUDGE OZAKI: Good morning, Professor Samarin.

16 THE WITNESS: Good morning.

17 JUDGE OZAKI: I have several follow-up questions, some of which are clarification
18 or confirmation of what you have already testified. The first question is, in your
19 view can the people in Bangui differentiate Lingala from other Bantu languages?

20 THE WITNESS: Realistically, your Honour, I think we'd have to limit the Bantu
21 languages to the region shared -- to the central region. In other words, if they -- if
22 the Central Africans heard Zulu or Xhosa, which have clicks for example, they
23 might -- if they didn't have an image of that person, not knowing the person was
24 African, they wouldn't recognise southern Bantu languages and others in that area as
25 Bantu.

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1 As you move northward and get closer to the Ubangi River, and in particular along
2 the Congo River where the Mongo and others whose names don't come to me rapidly,
3 but their names are not important right now, it's the region that contributed to the
4 colonisation of the Ubangi River, I think that they would recognise those languages as
5 being related, as being similar, not related, because related has to do with the origin of
6 languages, but similar to Lingala. They would recognise their similarity, yes,
7 because of the -- even though they were -- even though these ethnic traditional Bantu
8 languages are more complex, as I said on Friday, they would be recognised. Now,
9 whether they were recognised as different from Lingala, that's another matter, but
10 I think that they would recognise Lingala as being that kind of language.

11 JUDGE OZAKI: Thank you very much. My next question is: Is there any ethnic
12 group in the Central African Republic who speaks Bantu type of language?

13 THE WITNESS: Yes, only in the southwest. They are -- Mbaiki, as I remember, is
14 100-110 kilometres away from Bangui and there's a small area where a couple of
15 Bantu languages that are related to those on the other -- Congo Brazzaville, you know,
16 on that side, it would be the right bank of the Ubangi River. It's about Lobaye, the
17 Lobaye River that you began to have Bantu speaking people. That's about
18 the -- that's the only place.

19 JUDGE OZAKI: Thank you very much. Then is it possible that Bangui people who
20 don't speak Lingala are confusing Lingala with those Bantu origin languages spoken
21 in the southwest of Central Africa?

22 THE WITNESS: Well, I will admit that there are people in Bangui from the Mbaiki
23 area. There's one ethnic group in particular, and I never heard of them before,
24 I mean never, but my research assistants give me this name, but let us remember that
25 all of them would speak Sango, and maybe even if their ethnicity was whatever this

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1 group is, and it must be a small group and I don't know where they came from,
2 because they are not Isungu, they are not Boganda, the ones closer to the Lobaye
3 River, I don't know where these people come from, but they would have spoken
4 Sango, some of them, I say, as their native language.

5 So I think, if I understand your question correctly, you're asking me if when these
6 Bantu speaking Central Africans spoke their language would some other Central
7 Africans have thought they were speaking Lingala? And I admit that that's a
8 perceptive question and a reasonable one.

9 After reflection I think my answer remains -- I think should be "no," that, no, that
10 they would make a difference, that those people would not be confused with people
11 from the DRC. So may I repeat that, to delete the "no" part and just make the
12 declaration I believe that Ubangian -- people of Ubangian languages, Central Africans
13 living in Bangui, would not fail to recognise the others as Central Africans.

14 JUDGE OZAKI: Thank you very much. Then how about other neighbouring
15 countries of Central African Republic? For example, is there any Bantu speaking
16 population in Chad?

17 THE WITNESS: No, no, there are none there, none in the Sudan, in the
18 Cameroon -- of course the Cameroon in the very south has Bantu languages but -- and
19 along the Sangha River that flows through Congo Brazzaville, maybe at the very tip
20 of the Cameroon where its frontier -- where it joins the CAR, but the number must be
21 very small. So the answer would be no.

22 JUDGE OZAKI: Thank you very much. Now, I have completed my questions at
23 this stage. Thanks.

24 PRESIDING JUDGE STEINER: Thank you, Professor. I also have a -- it is not a
25 follow-up, but maybe for my understanding, a question for clarification. While

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1 listening to some witnesses here we could notice some difficulties even in translation
2 of the questions put to the witnesses in relation to their ability to recognise Lingala, or
3 the aggressors, the alleged aggressors, as Lingala, speaking Lingala, and understand
4 Lingala, and the word "know" Lingala. Many times we had translation as if the
5 questions related, "Do you know Lingala? Do you understand Lingala, or do you
6 recognise Lingala?" In Sango, are the words "recognise" and "understand" similar in
7 order for generate some confusion in the perception of the witness on exactly what
8 the question was?

9 THE WITNESS: Yes, I would like to be very clear about this. I touched on it I think
10 in my report where -- in which I said that in my experience over all of these years I
11 have found Central Africans to be very modest about their language competence. In
12 other words, they seem to answer honestly.

13 For example, I had a test in which I was -- a bit of research where I was studying
14 something in the grammar in the Sango language and the influence of French on
15 Sango language, and I had the people evaluate themselves, 1, 2, 3, 4, I forget, maybe it
16 was in French, très bien, bien and so forth, and I was surprised at how few of these
17 university students, educated young people, were giving themselves good marks in
18 French, and even in Sango, in other tests I had them evaluate their own. Point
19 number 1, and that is that Central Africans in my experience, regardless of their
20 education, do not claim more than they should. Excuse me, there was a second point
21 that I have to pick it up now.

22 Yes, it has to do with your question in particular, your Honour, the word for
23 "understand" and "know". Sango is an African language, it is a Central African
24 language. Despite being a simplified Ngbandi language, it has many characteristics
25 of a Ubangian language. The verb "hinga," H-I-N-G-A, "hinga" with high or low

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- 1 tones, means to know. "Bi yingalo," (phon) "I know him or her". "Bi yin yangate
2 Sango," (phon) "I know Yangate Sango." I know. "Ma" is the verb to hear, but
3 also to hear in the physical sense. It is also the verb to understand "Ma mawa?"
4 (phon) "Have you understood?", not "Have you simply heard?" "Ma mawa?"
5 "Have you understood?" And when I was studying the linguistic competence of
6 preschool children to determine the number of children who knew only Sango, or
7 who also knew the parents' ethnic language, they would say "Mbitene Senge," (phon)
8 "Yes, I speak it easily," the parents' ethnic language. "Bi ma kete kete," (phon) "I
9 understand a bit." That would mean when parents give an instruction, like my
10 mother did in Russian to me -- with me. So they would make a difference, they
11 would make a distinction between linguistic competence. They are able to do so.
12 So when they said "Mi ma Lingala pe" (phon), that doesn't mean that they cannot
13 identify the language. They really mean that they don't understand Lingala. I will
14 stop there, unless you would like to pursue this question further?
- 15 PRESIDING JUDGE STEINER: Judge Aluoch also has a clarification or follow-up
16 question.
- 17 JUDGE ALUOCH: Good morning, Professor.
- 18 THE WITNESS: Good morning, your Honour.
- 19 JUDGE ALUOCH: I am just looking at the present transcript on the screen, I think it
20 is page 19, and I am looking particularly at an answer you have just given when you
21 said -- it's line 17-18, "Point number 1, and that is that Central Africans in my
22 experience, regardless of their education, do not claim more than they should."
23 What does that sentence mean, please?
- 24 THE WITNESS: What does --
- 25 JUDGE ALUOCH: What does it mean?

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1 THE WITNESS: What it means to me - and in the context of my research it was very
2 clear - is that they were being honest, they were being modest, that they had a sense
3 of the degrees of competence in a language, that knowing a language meant being
4 able to converse, or argue; in other words, to produce discourse, and by "discourse"
5 I mean connected sentences dealing with a certain topic. That's knowing a language.
6 Not knowing a language means just -- at all "Bi hinga appa" (phon), "I don't know it,"
7 and then under -- and then "Ma mangoni" (phon), the listening, the hearing, means
8 understanding a bit of it, or -- and then you add adverbs "Bi ma mingi" (phon), "I
9 understand a lot. I understand a little. I don't understand at all," and so forth with
10 the same verb. All I can report is what my research has revealed to me, that -- and
11 what their transcripts, their work, revealed to me; namely, that in general they are
12 very -- I cannot think of any other word other than what I have used already,
13 "honest," about measuring or characterising their own knowledge of a language.
14 JUDGE ALUOCH: Thank you, Professor. The reason I asked you that question is
15 because we've had some witnesses - I have one or two transcripts with me this
16 morning - who have on the one hand said they have not been to school at all and at
17 the same time they have said that, "The language the Banyamulengue was speaking
18 was Lingala. I don't know it, I don't understand it, but it was Lingala." So this
19 means that it has nothing to do with one's level of education at all. That's really
20 what I was driving at, yes.
21 THE WITNESS: Oh, yes. Oh, yes, let's get that clear. Yes, knowing a language in
22 the Central African Republic is not correlated with education at all; just knowing a
23 language. To become familiar with other languages, yes. When a child goes school,
24 very frequently even in the bush - excuse me, even in the provinces - there will be
25 children from other ethnic groups, so at Mobaye there are Dogba and there are Gbeya

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1 and maybe some Zuma, maybe some Kaba, depending on circumstances, so they will
2 hear languages that they had not heard before in their own villages and so they
3 become aware of other languages. So school does relate in some places, not so much
4 in Bangui perhaps but in the rural areas; education as a context of linguistic
5 diversity -- - and I talk about this in my chapter on the spread of Sango in Catholic
6 missions early in the 1800s. All right, but you don't learn Lingala or learn Bantu or
7 anything like that. The only language you would learn is French, and I'm sure that
8 many young people are picking up French just from their friends, or enough to give
9 the impression that they know French.

10 JUDGE ALUOCH: Thank you very much. Thank you.

11 THE WITNESS: Excuse me, may I add, yes, because I heard myself say "except
12 French," and that seems to contra -- I need to -- I need to -- it seems to contradict what
13 I said about modesty. I think that with respect to French, because French is a
14 prestige language and young people want to, you know, show off, that they would
15 claim a little more knowledge of French than they would of ethnic languages.

16 JUDGE ALUOCH: Thank you very much.

17 PRESIDING JUDGE STEINER: Thank you, Professor. Now, it is time for me to ask
18 Maître Liriss whether you would like to start your questioning now, or after the
19 break?

20 MR LIRISS: (Interpretation) I would prefer to do so after the break, your Honour.
21 That way we could deal with the questions all in one go.

22 PRESIDING JUDGE STEINER: Professor, we are going to anticipate a little bit the
23 break. After the break the Defence will put some questions to you, so we are going
24 to suspend our hearing now and we'll be back at 11.30. So we will have 35 minutes'
25 break. I ask, please, the court usher to escort the witness outside the courtroom.

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- 1 (The witness stands down)
- 2 PRESIDING JUDGE STEINER: The hearing is suspended.
- 3 THE COURT OFFICER: All rise.
- 4 (Recess taken at 10.52 a.m.)
- 5 (Upon resuming in open session at 11.34 a.m.)
- 6 THE COURT USHER: All rise. Please be seated.
- 7 PRESIDING JUDGE STEINER: Welcome back. I please ask court usher to bring the
- 8 witness in.
- 9 (The witness enters the courtroom)
- 10 PRESIDING JUDGE STEINER: Welcome back, Professor.
- 11 THE WITNESS: I'm glad to be back. Thank you.
- 12 PRESIDING JUDGE STEINER: I'm now giving the floor to Maître Liriss, lead
- 13 counsel for the Defence. Maître Liriss.
- 14 MR LIRISS: (Interpretation) Thank you very much, your Honour.
- 15 QUESTIONED BY MR LIRISS: (Interpretation)
- 16 Q. Good morning, Professor. I have had the opportunity of following this case.
- 17 I've seen the document, I've seen the impressive list of work you have done and I
- 18 imagine it must have been a great night for your students to have you give lectures to
- 19 them.
- 20 I'm counsel for Mr Bemba. My name is Liriss Nkwebe. It is now my job to ask you
- 21 questions and, please, so that we can conclude as quickly as possible so that you can
- 22 go home and stay in excellent condition, as you are.
- 23 I would therefore like you to give the briefest, most concise, answers possible.
- 24 I would like to remind us, you and me, that we must speak more slowly than we
- 25 normally do and, most importantly, we must comply with the five-second rule. Are

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1 we in agreement, Professor?

2 A. Absolutely.

3 Q. Professor, you may not realise this, but you're testimony in this case is of crucial
4 importance because it is one criterion, or perhaps the criterion, which is the basis for
5 the Prosecution attributing the crimes to MLC forces. This is why I am counting on
6 you to give accurate answers to my questions so that the crucial importance of your
7 testimony is such so that your colleague from the University of Illinois, who will be
8 coming here, will have clear points so that he, too, can give his point of view on your
9 expert assessment. I trust we have understood one another other well, Professor?

10 A. Yes.

11 Q. Professor, you realise of course that a social and cultural analysis, or a
12 sociolinguist analysis of a given community, at a given point in time, depends on the
13 state of the community at that time; is that correct?

14 A. Yes, that would be a -- called a synchronic analysis or research, in present time.

15 Q. Do you realise that this state or make-up of the community would be influenced
16 by a number of factors; economic development, trade and migration of communities,
17 and a number of other factors?

18 A. I can't answer that question because I don't understand what community we are
19 talking about.

20 Q. Professor, we're talking about all human communities.

21 A. If that is the case, counsellor, I would say that the factors that you introduced as
22 constraints on the community are too broad for me to respond to helpfully.

23 Q. I shall simplify my question: Could you tell us some factors which, over the
24 years, can change the make-up of a given community or the state of that community?

25 A. My mind goes to another place for an example. My mind goes to a quartier of

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1 Los Angeles where about 10 or 15,000 Russian peasants settled in the early part of the
2 20th Century. They came to the United States because they were pacifists, they were
3 members of a religious community that wanted to be independent of everything, and
4 even -- they also believed that they could not become citizens of any country.
5 So I look back on my own history as an example of what happens to a cultural unit, in
6 this case an immigrant population, a religious sect, speaking Russian, attempting in
7 my father's generation, and to the present, to maintain the Russian language.
8 So what has -- what has contributed to the weakening of the integrity of this
9 community -- and I am actually writing an article on this community from my
10 perspective and from a historical perspective going back all the way to Alexander II,
11 the Tsar of Russia.
12 In this case, of course, we have an ethnic community, a linguistic community, which
13 is a minority in a dominant society. That is one kind of a situation, which is quite
14 different from a rural Central African society, but in some ways it resembles factors
15 that affect language competence and life in general in the capital of the Central
16 African Republic, Bangui.
17 So you have language, you have population, you have demography, you have
18 employment, entertainment, radio, literature. All of those things affect -- affect what?
19 I sit here as a professor. In our community, very few have even had a university
20 education. How was it that I was able to go to university, or even imagine myself
21 going to university, when I was not encouraged by my parents or by the community?
22 How was I able to afford going to university? Ah, fortunately at that time in 1947 it
23 wasn't too expensive and so forth and so forth.
24 So most certainly a historian -- and I am somewhat of a historian on Central Africa
25 and on the development of the Central African Republic, but certainly we dig and dig

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1 into the past and the present to be able to understand how a culture or community
2 functions.

3 I will stop there. You asked me, sir, to be brief, but the questions challenge me and I
4 needed this time to try to give an answer.

5 Q. I'm sorry, Professor, but I don't think you have answered my question. I shall
6 phrase it differently. The people of the Central African Republic, their culture, their
7 level of development and their make-up - their current make-up - was this the same
8 in 2002 as it was before independence?

9 A. I don't know anything about what it was in 2002. I was there recently for one
10 week. I saw some things. My last period in the Central African Republic was in
11 1994, when I was there for a rather long time, and I was there when the Central
12 African Republic was not in existence, but it was a colony. So with this, my personal
13 historical perspective, I can say, yes, indeed, what is now the Central African
14 Republic has changed in many ways since the last 60 years.

15 Q. Has migration as a phenomenon, have the different wars in or around the
16 Central African Republic, has the growth of trade changed things, Professor?

17 A. Yes. Population movement, if I can use that phrase "population movement,"
18 not simply migration, but population movement, began -- began in the 1890s already.
19 And I won't give details, but when say the Banzidi (phon) who were near Bangui
20 were able under the French rule and among the Belgians also to go up the river and
21 vice-versa. So you had -- you had a change in movement of population along the
22 river that was not possible because of ethnic strife before the colonisation. So it
23 started there and continued.

24 Q. Thank you, Professor.

25 A. I was just reflecting -- yes, excuse me. So I was going to come closer and say,

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1 yes, and then you have the wars in recent years where people were fleeing strife and
2 the nomadic pastoralists for example came in large numbers to certain parts of the
3 Central African Republic, Chadian soldiers coming in and so forth in certain parts of
4 the country, and you had people coming into Bangui because of the strife in the
5 inland areas.

6 Q. If I've understood correctly, your answer is, yes, all these phenomena are such
7 that they can change the make-up of a given population; is that correct?

8 A. Yes, the Central African Republic as a community - as a society - has been
9 changed by population movement.

10 Q. Professor, would it be accurate to say that, in the light of these changes, a
11 sociolinguistic study must take into account such changes? In other words, can a
12 sociolinguistic study conducted some 10, 20, 30 years ago still be valid, given the
13 changes which have occurred and given society?

14 A. I didn't -- in the translation the word "still" was used, in other words something
15 existed before that and continued, but I didn't understand what that word "still"
16 referred to. What persisted?

17 Q. We were talking about social phenomena which can change the make-up of
18 society. I think we agree on that. So my question was can a sociolinguistic study,
19 or must a sociolinguistic study, take this new make-up of society into account, or
20 must the studies conducted ten years ago be updated to suit or to match the new
21 social cultural make-up of the society in question?

22 A. To the first part of your question the answer is, yes. For example, when I
23 explain the history of Sango, I look at population movement. Sango was spread by
24 soldiers who occupied parts of Ubangi-Chari, and so forth, all the way -- and that's
25 why in fact Sango used to be called in the '50s -- by some people it was "yangati

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1 turugu" (phon), "the soldier's Sango."

2 Now, your question would like me to make a comment on the differences - it seems to
3 me, I mean, as I understand you, that you recognise that I'm talking about the remote
4 past, but you want me to comment on recent events. No? Well, in the last ten years,
5 you said.

6 I understood you to say that -- you're shaking your head in the negative, which
7 wasn't picked up by the translator. You were saying, no, that you weren't talking
8 about that. Well, let's say that my answer is yes. I would say, of course, as a
9 scientist, I take all facts into consideration. Okay, all right. I take all facts into
10 consideration depending on what my goal as a researcher is. For example, if Sango
11 is changing, what has population movement got to do with the change in the Sango
12 language, or something like that?

13 Q. Professor, when was your last stay in the Central African Republic? And I'm
14 not talking about the trip you did for the Court. Before that trip, when was your last
15 stay as a scientific researcher in the Central African Republic?

16 A. That was in the summer - that is our summer - of 1994.

17 Q. How much time did you stay there, Professor?

18 A. It was at least two months. Sometimes on my trips I have stayed four months,
19 three months, but it was no less than two months.

20 Q. Professor, what date are your most recent works on the Central African
21 Republic, please?

22 A. I don't understand the question. Are you asking me about a publication?
23 When you say "work," you mean as a publication?

24 Q. Your latest publication.

25 A. Well, I have just submitted a long article, so it has -- it hasn't been published yet.

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1 I have several articles. I gave one in -- I gave one in 2001 and another in 2003. They
2 are all listed in my curriculum vitae, counsellor, but I have several articles that need
3 to go to press, but I have been vacillating between putting a book together or
4 publishing them in journals. Perhaps a brief answer is that my latest publications
5 have not yet been published. I'm finished.

6 Q. Professor, this work was carried out on the basis of your latest research in
7 Central Africa in 1994?

8 A. Yes. Well, but, for example, yes, but if we're talking about changes, the kinds
9 of things that I am writing about take time and, for example, the conference paper
10 that I gave at the society -- at the annual meeting of the Society for Pidgin and Creole
11 Languages, I discussed the origin of the relative clause or a relative marker, the
12 relative pronoun, if you want to call it, over the years, and I'm excused for saying that
13 this has nothing to do with events since then, because people in my hearing and on
14 the radio are still doing the same thing. Nothing has changed since 1994. And the
15 changes that I saw with the use of the plural prefix, as in Bantu languages, a change
16 that -- something that happened recently, and I studied this, or I found evidence for it
17 quite a long time ago but it has become very dominant now on a paper that has been
18 published, is in contemporary use. I heard it, but nothing has changed since 1994.

19 Q. Professor, please, if I understand correctly, the only publication of yours
20 actually goes back to 1960, apart from the articles. What scientific work have you
21 published and what year was that, sir?

22 A. Well, in my field, counsellor, articles are considered to be as important as books
23 because linguistic articles, I suppose as in other fields, are reviewed by peers,
24 supposedly peers, not young professors; by peers. Nonetheless, so, if I put all of my
25 articles together, plus the ones that have not yet been published, they would make up

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1 a book, but the book would not be any more important than the articles.

2 Having said that, I will point out that there's another book mentioned, I think - should
3 be - in my curriculum vitae, namely the book "The Black Man's Burden" published in
4 1989.

5 Q. Professor, when did you receive your mandate, your mission, from the
6 Prosecutor's office? What date was that?

7 A. I can't remember the date. Since I gave -- submitted my report in September,
8 and I remember reading the testimony in the summer at our cottage, it probably was
9 in the -- probably was in the springtime of last year, but I don't remember the date.

10 Q. That's not really a problem, sir, since it was in September that you submitted
11 your report to the Office of the Prosecutor. In connection with the subject of our
12 previous discussion, would it be accurate to say that that report is based on the results
13 of your research up until 1994?

14 A. Well, some of it was. Some of it was in terms of data, some of it of course is
15 based on the consensus, the beliefs, the conclusions of linguists about important
16 principles and conclusions, and so forth, and thirdly some of it is based on events of
17 2002/2003 that I found and analysed in the testimonies.

18 Q. You and I, sir, will pursue this discussion on this work at a later date. You said,
19 sir, that at the behest of the Court you were in the *CAR two weeks ago; is that an
20 accurate statement?

21 A. Yes.

22 Q. Which is the organ of the Court that asked you to undertake this second mission,
23 sir? May I help you, sir? Was it the Chamber, was it the Presidency of the Court,
24 was it the Office of the Prosecutor, was it the victims' unit? Which was the organ of
25 the Court that asked you to undertake this second mission?

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1 A. It must have been the Prosecutor's department, because that's where
2 correspondence came from.

3 Q. Could we be more accurate, sir? Was it the Office of the Prosecutor or is it
4 possible that it was the Office of the Prosecutor? I would like for this Chamber to be
5 aware of the specific body or organ that entrusted you with that mission.

6 A. When you say, counsellor, "specific," I can't be more specific than having the
7 name of somebody, no. Oh, just a minute, just a minute, yes, there was a
8 document -- or there is. Maybe I have it here. But, yes, there is a document, yes,
9 and offhand I can't tell you what that organ is. It was enough for me that it was part
10 of the ICC.

11 Q. Professor, what was the mission entrusted to you for this second visit two
12 weeks ago?

13 A. The mission was not specific, as I recall, in writing, but it arose out of my
14 suggestion that it would be a good thing for me to be in the field to see, to bring
15 myself up-to-date, on the linguistic situation in Bangui since I was there last in 1994.

16 Q. Professor, if I understand correctly, you submitted your report in September
17 and two weeks ago you carried out another mission so as to be in the field; right?

18 A. I submitted my report based on the documents and on my expertise, and so
19 forth, in September of last year. In this instance I was not writing, I was not adding
20 to that report and I was not asked to write a report. I was not asked to add or
21 modify my report in any way.

22 Q. I certainly understand that, sir. So if we understand correctly, sir, you drafted
23 your report without going bodily to the country, without having carried out a survey
24 in the field since 1994. Is that accurate, sir?

25 A. The topic about going to Bangui did come up in negotiations. I may have

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1 raised the matter, I may not, I don't remember, and it is possible that somebody,
2 perhaps -- is there somebody called Scaliotti, or something, who is in the Prosecution
3 department? Anyway, I can't remember his name, but he said, "Well, we'll think
4 about that," or something to that effect, so in my thinking there was always a
5 possibility of my going to Africa. The answer to your question is, yes, that particular
6 report was written without my having gone back to -- but I was given certain -- I was
7 given certain questions to address myself to, so I did not insist on my going back
8 because my going back did not seem to be required for answering those questions.

9 Q. I thank you very much for your frankness, Professor. Could you tell me, sir,
10 on which data did you base yourself then in order to draft your report, apart from
11 your own personal knowledge?

12 A. Counsellor, I'm glad you said "knowledge," or at least that's the translation I got
13 in English, and not "experience," because my knowledge is greater than my
14 experience.

15 Q. Agreed, sir, I do maintain that word "knowledge." So, sir, apart from your
16 knowledge, what other data enabled you to draft that report without having carried
17 out a firsthand field study since 1994?

18 A. Since 1994, I have been working on manuscripts that deal with the rise of
19 lingua-francas of langue véhiculaire in Central Africa. So I would say that -- well,
20 obviously not concerned with that particular event, but with central Africa as a region,
21 with a small "c," and the languages of the region, I have been and continue to be to
22 this very moment very involved.

23 Q. Thank you, Professor. I'm still waiting for an answer, sir, to my question on
24 the scientific data which provided the basis, apart from your knowledge, for your
25 drafting of the report?

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1 A. Allow me a moment of reflection, counsellor. I'm puzzled, because I do not
2 now, as I sit here, see any kind of data that would have been necessary to answer the
3 Court's questions in the mandate that I received. Perhaps the counsellor would tell
4 me what he thinks the data should be, or should have been?

5 Q. We shall abridge this, sir. Would it be accurate to indicate that, apart from
6 your knowledge, you based yourself on the data provided to you by the Prosecution
7 in order to draft your report?

8 A. The answer to that question must be no, because the mandate provided the
9 questions, provided the topics and the relevant things that I was supposed to address
10 myself to. It provided me with testimonies, it provided me with historical material
11 and all of that with which you must certainly be acquainted, but it is based on my
12 knowledge -- on my knowledge.

13 If I -- if I say that people on the other side of the river in the DRC do not know or are
14 not familiar with Sango, that it is not an important language there, that's a fact that
15 I don't think anybody can challenge. Well, they could challenge, but that they can
16 disprove. I would rather say that. I mean, that is based on my experience. That's
17 data.

18 Q. Let's skip over that, sir. Professor, let's speak of experience. In the section
19 devoted to your experience, you say -- the English version is CAR-OTP-0064-00307.
20 You say this, sir, "I went three times to the Democratic Republic of Congo, first time in
21 1953," and you spent several days in Brazzaville in 1962. My question is: When did
22 you last go to the Democratic Republic of Congo and the Republic of Congo?

23 A. When you refer, counsellor, to Brazzaville, it was not Brazzaville. I was in
24 Kinshasa in 1962. '53 at Libenge, across the river from Mongoumba, 1953, then 1962
25 and then 1972, or January of '73, those two months. No, no. It was 1988. 1988. It

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1 must have been the summertime. Yes, our summertime. 1988, when I was at
2 Mobaye, and I went across the river to -- for the purpose of finding out if Sango was
3 used there and I walked about and so forth. So those are the visits that I made to the
4 DRC.

5 Q. Very well then, sir, 20 years ago. And how long did you stay at the time, sir, in
6 the DRC please?

7 A. Well, I would say there were three days with purpose; in other words, with
8 linguistic curiosity, with linguistic intent.

9 Q. So three days 20 years ago. Sir, in the same section you say the following.
10 Apart from these days, you were explaining therefore your knowledge of Lingala,
11 you said that over and beyond those days you heard colleagues speaking Bantu
12 languages at linguistic conferences. Do you remember that particular sentence in
13 your report, Professor?

14 A. Not that I remember that sentence, but I can imagine myself saying it. I would
15 say it today.

16 Q. Agreed, sir. Correct me if I'm mistaken, sir. Having read your report, it
17 would seem to me that the basis of your knowledge of Lingala would stem from the
18 visit carried out 20 years ago to Kinshasa and the conversations you have held with
19 colleagues at linguistic conferences? Please correct me if I'm mistaken and set me
20 right. Thank you.

21 A. Well, I wouldn't like to set you right, or I wouldn't like to correct you, counsellor,
22 but let's go back to my experience in Bantu languages. I taught Swahili, not a
23 speaker but as a linguist. I taught Swahili at Smith College in the 1960s. I was, as I
24 mentioned the other day, I was director of the language programme for the Peace
25 Corps when they were learning Chinyanja and this, too, was in the 1960s. I have a

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1 grammar and dictionary of Lingala that I acquired in the 1950s by Malcolm Guthrie,
2 and by the marks in it I obviously studied it. In other words, counsellor, I don't -- I
3 wouldn't want to challenge somebody else's statement about Lingala with my own
4 knowledge, but my own knowledge for our present purposes, for my report, is I think
5 sufficient.

6 Q. Thank you, Professor. You haven't answered my question. You couldn't give
7 a "yes" or a "no," and I respect that, but speaking of the Lingala language you stated,
8 and that is found on the transcript of 25 March, real-time version, page 25, lines 19
9 and 20. I'm referring to the French version. You made the following statement,
10 Professor: "I'm sorry, I don't have the same level of knowledge with relation to
11 Lingala except with regard to its origin." Now, was that statement correct,
12 Professor?

13 A. No, no, it's not, because I obviously contradicted myself last week when I said
14 that I was familiar with its -- with the way it was different from normal or traditional
15 Bantu languages. So that statement is based on familiarity with its grammar. So
16 that statement by itself, taken out of context, whatever its context is, that statement is
17 not entirely true.

18 Q. In any event, we will return to that point. We'll be discussing that and we will
19 try to provide the proper context. Now, you also said, and you just said this, that
20 you taught Swahili. Do you speak Swahili, Professor?

21 A. No, I do not speak Swahili. I will add that when I said I taught Swahili, I said I
22 taught it as a linguist. I had a book, and I was explaining the grammar and the
23 phonology to students at Smith College. Excuse me, I just remembered another
24 language, yes, in the 1960s, another Bantu language. In the 1960s, I was helping a
25 man and wife who were going as missionaries to some place in South Africa. I was

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1 helping them with Zulu.

2 Q. Speaking of Swahili, in your report you said that you had tried, on the basis of
3 your knowledge in Swahili, to explain what Banyamulengue meant, and you said that
4 you had understood the "ba" as being the plural, as "mulengue" as meaning "child."
5 Is that correct?

6 A. Excuse me for correcting the counsellor. I did not say that I was explaining the
7 meaning of the name in terms of Swahili. On the contrary, what I said, as I recall,
8 was that I was understanding the term in the basis of my knowledge of Sango and
9 Bantu languages. And I said -- and, also, it's not a major point in my report, it's an
10 aside, a curiosity, I said I wonder what -- I wonder what Central Africans would
11 understand the term to mean because, well, they wouldn't -- might not know what
12 "ba" meant, or "nya," but "mulengue" means "child." And so how would they have
13 understood the term, but it's not an important -- well, yes, sociolinguistically, it might
14 have -- it might have been meant something, but of course I have no
15 information about that. I never asked anybody what did you take that to be, what to
16 mean? In any case, it was not Swahili that was helping me, it was simply the fact
17 that I saw a Bantu prefix there.

18 Q. I can read out what you wrote, but that's not all that important. Now, what's
19 of importance to me is -- well, it's because -- it's not really what Central African
20 people think, it's what you as a linguist think regarding Swahili. How do you
21 explain the term Banyamulengue? And that was what disturbed me. So this is
22 why I'm -- I focussed on that point. So can you confirm that "mulengue" in Swahili
23 means child, according to your knowledge?

24 A. I learned -- I learned in my recent visit in talking to four adult students from
25 Katanga province that Banyamulengue, whatever the tones are, and there are no

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1 tones in Swahili, if that is the expression, are actually Tutsi people, this is their -- and
2 they all four of them agreed that they were all -- that they were Tutsis and that they
3 named themselves after a particular mountain which had nothing to do -- well, they
4 didn't say it had nothing to do with children. Mulengue, whatever, however it is
5 pronounced, or Mulengue or whatever, is the name of a mountain in a certain area
6 and they took that name to identify themselves with the Democratic Republic of the
7 Congo. So have I answered -- so, yes. I will leave it at that. If you want me to
8 clarify it, I will be glad to do so.

9 Q. Professor, I'd just like to verify your knowledge of Swahili, because we'll be
10 going back to that point. You mentioned the influence of Swahili on Central African
11 languages. Now, for your information, "mulengue" does not mean "child" in Swahili.
12 I have another question for you, please. In the science of sociolinguists, what is the
13 structure of a language, what does that term mean?

14 A. Counsellor, may I take this opportunity to -- I apologise for the term, correct
15 you. I have never said that Swahili has affected Central African languages. It
16 has -- some of its vocabulary was adopted in Sango. And in this paper on Swahili I
17 describe precisely what I mean by that and how Swahili speakers from the east could
18 have been around on the Ubangi River and how their words got into Sango. And I
19 discuss in that paper that a priest in the 1890s, 1896, I think, said that Swahili
20 was -- they called it la langue politique or -- no. That Swahili was known by all the
21 chiefs, the important chiefs along the Congo River, so Swahili was a very important
22 language at that time and was almost a lingua-franca.

23 Now, that was -- I had to say that because I had to correct your understanding of
24 what I had written about Swahili, and I can be very precise about that. Your
25 question, however, if you want us to go to that now, I will be glad to proceed. So

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1 you were asking me about what language structure means, is that correct, counsellor?

2 Q. Professor, we'll have an opportunity to get back to your statement regarding the
3 influence of Swahili on certain languages. There are some points regarding that, and
4 you can make corrections, if necessary, but now my question is a more general one, a
5 scientific question. I asked you if you could explain to me what the structure of a
6 language is.

7 A. Actually, there are structures, and my senior colleague, Henry Allan Gleason, Jr.
8 insisted on this. The phonological structure, and there used to be, it was once
9 thought, that there was the morphological structure and the syntactic structure. In
10 the last 30, 40 years, linguists now talk about morphosyntactic structures. It is not
11 necessary that -- it is even preferable to look at those two aspects of language at the
12 same time. Without going into detail we might say that "structure" is synonymous
13 with the word "grammar," but that's an answer for the layman, shall I say.

14 Q. Is the morphology of a language part of the structure, as well as the phonology
15 and the syntax?

16 A. Morphology, yes. Excuse me. Yes, morphology is certainly part of the
17 structure of a language.

18 Q. Syntax as well, in addition to grammar?

19 A. Yes, not in addition to grammar; syntax is part of what is grammar. But, of
20 course, grammar like syntax is what a linguist arrives at. A linguist, I might add, a
21 linguist gives a grammar to a language, in one sense, because it is theoretical and one
22 linguist may disagree with another linguist's way of portraying the grammar.

23 Q. Professor, you said that with regard to Lingala that you had studied the origin
24 of that language; is that so?

25 A. Yes. Yes, counsellor.

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1 Q. Did you study the structure, the morphology, the syntax and the grammar of
2 that language?

3 A. I read, counsellor, a grammar.

4 Q. And phonology?

5 A. Well, counsellor, in ordinary -- in ordinary, casual language, grammar includes
6 a phonology. So I became interested -- so I became familiar with the phonology, but
7 I became more informed just recently in writing -- in writing this article on Swahili. I
8 studied -- I studied a book by Motin Ngaya (phon), who has written about -- who has
9 compared the languages of the Upper and Middle Congo, so -- and I was looking -- I
10 was looking at the grammar and at the phonology in connection with a paper I was
11 giving for a conference on language contact at Leipzig in 1980 something. Just a
12 minute, I want to go back to your question. Oh, yes, you were asking if I had
13 become familiar with all these things. Number 1 I read a grammar, and in
14 subsequent years I have looked at other aspects of the language in connection with
15 other research projects I have had. That would be the short answer and I'm sorry I
16 didn't think of it earlier.

17 Q. Professor, please, if we could be more specific. In your reply on the 25th,
18 real-time transcript page 25, lines 19 and 20, with regard to Lingala you clearly said
19 that -- you clearly said, "No, no. I'm sorry, I have not ..." -- correction, "I don't have
20 the same level of knowledge except with regard to the origin." Now, by this current
21 reply are you saying that you have studied the structure? If so, have you published
22 the results of your studies on this aspect of the language?

23 A. I must, counsellor, go back to the statement that you just read and underline, or
24 highlight, that part of it that says "to the same degree of knowledge," if I'm quoting
25 myself correctly. Would you please read that again; the first part?

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1 Q. You're right, Professor, I should have done that earlier. Well, here is the
2 question that was put to you, "Professor, do you have the same knowledge with
3 regard to Lingala as Sango?" and your answer was, "No, no. I'm sorry, I don't have
4 the same level of knowledge, except with regard to its origin, but as a language, the
5 grammar, et cetera, no. I don't speak Lingala. "

6 THE INTERPRETER: Inaudible.

7 MR LIRISS: (Interpretation)

8 Q. "I can't illustrate -- I can't use it to illustrate very much." That is what you said,
9 but now you've just said that you studied the structure of Lingala and my question is:
10 Have you published the results of these studies?

11 A. Counsellor, I see no contradiction. I see no contradiction at all. My study of
12 Sango surpasses -- well, does not surpass my study of Gbeya, on which I also wrote a
13 grammar, but Gbeya is more difficult, more complex, than Sango. So when I say that
14 my knowledge of Lingala structure is the same as that of Sango that's easy, because
15 Sango is simpler than Lingala and I can make some observations that would -- that
16 would be true of Lingala without having to be specific. And I can say that I have
17 become familiar enough with Lingala to identify it as a Bantu language and moreover
18 to identify it as a simplified Bantu language, and that's not -- in my field, that's not a
19 trivial amount of knowledge.

20 Q. What are we to understand? Now you've studied Lingala and it's structure, it's
21 morphology, its phonology, its grammar, its syntax? Is that what you would like us
22 to gather?

23 A. Counsellor, that depends on what you mean by the word "studied." Yes, I
24 have studied it.

25 Q. Have you published your work subsequent to this study, Professor? I beg

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1 your pardon, if we could come to an agreement. When I speak about "study" or
2 "studying," I'm not speaking of the sort of study that ordinary people would be doing.
3 I am speaking to you, the linguist, and your kind of studying is not the kind of
4 studying that ordinary people would conduct. I'm speaking of your studying of a
5 language, as a linguist, and the publication of such studies to make a contribution to
6 science.

7 A. Yes, I appreciate that clarification, or that comment. I would use the word
8 "research" for that. Study in the sense of research, having a certain goal to look at
9 syntax, at the possibility of language influencing, as I did with Kituba to discover
10 where the verb "to be" in Sango comes from, and my conclusion was that it comes
11 from Kituba, or possibly it comes from Iko in Swahili. In any case, that's research.
12 You have a goal and you discover things when you're doing research.
13 The second, I need to -- in answering this question, I want to answer your question
14 "Did you publish on your research?" I am replacing "study" with "research" and you
15 have asked me, "Have you published?" Well, counsellor, we linguists work very hard
16 and we are encouraged to publish and we like to publish, and we get famous
17 possibly - some people do - by publishing, but most of what we do never gets
18 published. Most of what we do doesn't even get into the archives. Most of what
19 we goes into the trash bin, but it becomes part of our knowledge as we work with
20 other languages as we live and work with linguists. So, no, I have not published on
21 Lingala, because I had other things to do, and I even haven't published enough on
22 Gbeya, or Sango, and I hope that somebody will go into my archives to finish my life's
23 work. I'm finished.

24 Q. Professor, for all the parties in this trial - and, well, also for the Chamber - are
25 your remarks on Lingala based solely upon what you say that you know? That is

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1 the case, is it not?

2 A. It couldn't be based on what I don't know. It has to be based on what I know.

3 Q. And what you know you have not based on -- you haven't based that on the
4 publication of other colleagues now, have you?

5 A. Well, I can't agree to that, counsellor.

6 Q. Have you understood my question, Professor? Would you like me to repeat it?
7 Perhaps I was a bit too quick. What I mean is this: For the time being, in this
8 courtroom, with regard to Lingala we only can trust or go by what you refer to as
9 your scientific knowledge; is that correct?

10 A. Yes.

11 Q. Now, I see, but your scientific knowledge is it based in your report regarding
12 Lingala on the views of other colleagues of yours who have published?

13 A. Well, counsellor, I don't see any problem here, because I don't find that I said
14 very much about Lingala structure in my report.

15 Q. Now, Professor, I'll be honest with you. I recognise the -- I believe it's now
16 time for us to take a break, your Honour.

17 PRESIDING JUDGE STEINER: Thank you, Maître Liriss.

18 THE INTERPRETER: The English interpreter apologises. He missed one part of
19 the last question.

20 PRESIDING JUDGE STEINER: Professor, we are having now our lunch break. It's
21 almost 1 o'clock. You will have time to not only have lunch, but to take some rest.
22 The Chamber will -- the hearing will resume at 2.30. I ask, please, the court usher to
23 escort the witness outside the courtroom.

24 (The witness stands down)

25 THE COURT OFFICER: All rise.

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1 (Luncheon recess taken at 1.00 p.m.)

2 (Upon resuming in open session at 2.34 p.m.)

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

4 PRESIDING JUDGE STEINER: Good afternoon. Welcome back. I ask, please, court
5 usher to bring the witness in.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE STEINER: Good afternoon, Professor.

8 THE WITNESS: Good afternoon.

9 PRESIDING JUDGE STEINER: Welcome back.

10 THE WITNESS: I was almost asleep.

11 PRESIDING JUDGE STEINER: It is good to know that you managed to rest a little bit.

12 THE WITNESS: Yes.

13 PRESIDING JUDGE STEINER: Are you ready to continue?

14 THE WITNESS: I am ready to continue, yes.

15 PRESIDING JUDGE STEINER: So I'm giving the floor to Maître Liriss.

16 MR LIRISS: (Interpretation)

17 Q. Good afternoon, Professor. We shall continue with the question about personal
18 experience. According to the socio-linguistic studies which you did in '82, '85, '90 to '91,
19 on the sources and spread of the Lingala language, now, could you tell us the distance or
20 radius through which this language spread?

21 A. Excuse me, counsellor, but I have never undertaken any research on the spread of
22 Lingala. My research and writing has been about the spread of Sango.

23 Q. Professor, now, you have studied the origins of Lingala, haven't you?

24 A. Yes.

25 Q. Therefore, you must have studied its spread?

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1 A. No, I'm sorry, because we linguists use a spread of language in a -- well, in a
2 professional sense, in a way that the word is understood by us. I know nothing
3 about -- well, no, I cannot say I know nothing, I know nothing. I do, of course, know
4 something about the spread of Lingala because of the way it was used in the Force
5 Publique, and so forth. I have learned a considerable amount about the spread of
6 Lingala. I have not undertaken any research in the spread of Lingala, and that is what I
7 meant a while ago.

8 THE INTERPRETER: Microphone, please.

9 MR LIRISS: (Interpretation)

10 Q. To use your word, have you conducted other research into Lingala and, in such a
11 case, what recommendations came out of this research?

12 A. I am trying to recall; sometimes I forget things. No, the study I have done on
13 Lingala has related to what similarities it might have with Kituba and the possibilities of
14 its having contributed to Sango. I have not undertaken any research as a specialist in
15 Lingala. I am not a specialist in Lingala. There are people who are specialists on
16 Spanish, on French, and so forth, apparently and not importantly - not importantly - I am
17 a specialist on Sango.

18 Q. Professor, in all modesty you say that you are not a specialist in Lingala, but that
19 you focus on Sango. Under those circumstances, then, how did you end up making
20 grammatical comparisons of these two languages? And here I'm referring to your
21 document CAR-OTP-0064-0583, and the transcript of 26 March, page 32, lines 3 to 23.
22 Would you like me to repeat the question, Professor?

23 A. Please, the -- referring to the document numbers doesn't help me, because all I have
24 is the English version of my report.

25 Q. I'm terribly sorry, but I only have the French version of your report, and it's page

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1 0583.

2 A. Well, perhaps the counsellor could repeat the question, then, without the actual
3 reference. That might be enough.

4 Q. I shall do even better than that. I shall repeat the question and give you the
5 reference in English. Now, in English, the reference is CAR-OTP-0064-0309, and my
6 question is as follows: You have shown great modesty, and you lack knowledge of
7 Lingala. In such a case, how could you make comparisons of the grammar of two
8 languages, one which you have mastered and one which you have only studied partially?

9 A. Out of all respect, counsellor, this is an activity that many, many linguists are
10 involved in, or undertake. We compare data, hopefully from even -- hopefully from
11 good data, but even with bad data, in different languages to make comparisons on lexicon,
12 vocabulary and grammar and phonology. One doesn't have to be a specialist in one or
13 more languages to make comparisons. So my comparisons are based on books that I
14 consulted in the library, and I'm proud to say that the library of the University of Toronto
15 has a good -- is good and has many books on African languages. So I found all I wanted
16 for both Lingala and Swahili, so my comparison is based on these sources.

17 Q. Thank you, Professor. Now, your statement on 24 March, page 1 of the English
18 transcript, lines 26 to 28, page 12, line 1, here you spoke of possible publication. This was
19 a study, or research, that you had conducted on the influence of Swahili on a number of
20 Central African languages. I suppose it was the Sango, or others. Could you tell us
21 what this consists of? What is this a study of? What did you discover?

22 A. There are three parts of -- well, the usual three parts of Sango that -- whose -- which
23 may have felt the influence of Bantu languages. Phonology. I addressed myself there to
24 the question of, since linguists have said that phonology as well as grammar is simplified
25 in pidginisation, why wasn't the -- why were the complex consonants of Ngbandi not

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1 simplified? "Ba", for example, or "ba," which in simplification should have been
2 according to certain linguists been simplified, especially since many of the speakers of
3 Western African languages, like Kru and Senegalese, do not have these sounds. And I
4 argue in this paper through research, not through my own personal experience, but
5 through reading Motin Ngaya's good study of what he calls the riverine languages, that
6 those languages had those sounds, and I prove or I demonstrate with my historical
7 research, some of which was undertaken here in this country, in Belgium and elsewhere,
8 that people from that region, the Equatorial region, were imported -- forced to go to the
9 Ubangi River basin. So that is how I argue in that paper, and that is in the process of
10 being published, whether electronically in the air some place, or in print, I forget.
11 Anyway, it is coming out.
12 With respect to grammar, I've already -- I mentioned earlier this morning the -- I was
13 interested in the origin of what we call the copula, the verb "to be." Where did that come
14 from, because that verb is not in Ngbandi? There is no verb "to be" in Ngbandi. How
15 did it appear? My research took me to Kituba, and only later did I learn - and, in fact, it
16 was confirmed in one of the witness's testimony - that "equal" was used exactly as it is in
17 Sango. So that has to do with grammar.
18 Something else that I have felt was that Bantu grammar, syntax, has influenced Sango, but
19 this would be another ten years of my life and I don't have those ten years, but as I read
20 about Bantu languages and as I look at the difference between Sango and its source
21 language, I say this looks like influence.
22 For example, there is a preposition "na." Lingala I think has two prepositions and "na" is
23 used in other ways besides being a preposition. The one in Sango in -- Ngbandi is used
24 infrequently. For example, you say "Mi gua yaka," (phon) "I go garden," or farm, but the
25 normal way to say it in Sango is "Mi gua na yaka" with "na," "I go to garden," and I

1 think -- whether or not I could demonstrate it, whether I could get the data is another
2 matter, but I think that Bantu languages influenced Sango's syntax. Not grammar,
3 because Sango has practically no morphological grammar. That is number 2.
4 Phonology, grammar and finally lexicon.
5 It was -- when I started the study of the origin of Sango, I had no idea that Bantu
6 languages could have been involved in its origin. I said to myself, "Where do all these
7 Sango -- where do all these Bantu words come from?" Oh, well, the usual
8 person -- excuse me, the common explanation for that is, "Oh, that's Lingala," and so you
9 will find in Bukio's (phon) very good dictionary of 1978 a list of words in Sango that he
10 and his two Central African co-workers, Bukio -- pardon me, Diki-Kidiri and another one
11 whose name I forget, Central Africans, they apparently agreed that these words came
12 from Lingala. Well, yes, they are in Lingala, but where did Lingala get them, because
13 Lingala's words where did they come from? There was no Lingala before Lingala.
14 Lingala got its words from someplace else. So this is the way one does historical
15 linguistic research, and so my demonstration of what is in -- what is in Sango comes from
16 a research. We call it library research. It's still research. It may not be in the field. It's
17 library research, of looking at one book after another, and thinking about those things.
18 For example, the verb for father you might think is obvious, "baba." Ah, no, in Swahili I
19 am told that it's "ba-ba," not "baba," and "mama" in Sango is -- in Swahili I am told it's
20 "ma-ma." The stress is on the penultimate syllable, and those are the kind of things that
21 one thinks about in comparing lexicons very carefully. Thank you.

22 Q. Thank you, Professor. I see that my question gave you an opportunity to go
23 further into your favourite area, so now we shall try to be short and concise. Now,
24 Professor, in the end, with your knowledge of the committed ecology of the Central
25 African Republic, is it possible for a Sango speaker to detect the difference between

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1 Swahili and Lingala?

2 A. No, I don't think so. I don't think that a difference would be made, and in fact in
3 reading -- and I would like to take this opportunity to make a slight correction of my
4 report, which I -- some of which I read during the recess, where I said that the military
5 force of the MLC would have spoken Lingala, but now I believe, as a result of talking to
6 these Congolese in Bangui, that as a matter of fact they spoke another language, maybe
7 probably several languages, one of which was Swahili, and some of them only
8 learned -- and that I point out in the report, some of those learned something about
9 Lingala.

10 To go to your question specifically now, could Central Africans learn -- distinguish
11 between Swahili and Lingala, I would say not likely.

12 Q. Now, you've corrected your report here. It is that the MLC forces weren't,
13 according to you, speaking Lingala only, but also spoke Swahili?

14 A. The other languages; at least one more.

15 Q. Okay. My question is follows: Why didn't the witnesses refer to these other
16 languages? As far as I know and so far, why did the witnesses only refer to the Lingala
17 language?

18 A. I'd like to answer that question and --

19 MR BADIBANGA: (Interpretation) Madam President.

20 PRESIDING JUDGE STEINER: Mr Badibanga. Just one moment, Professor.

21 MR BADIBANGA: (Interpretation) I have a feeling that the witness is being asked
22 whether he knew exactly what the other witnesses were referring to when they spoke in
23 this Chamber. I do not think that he can actually take the place of these other witnesses.

24 PRESIDING JUDGE STEINER: Maître Liriss, if you don't want to have such a
25 speculative question, you could maybe rephrase it. The way it is, the Prosecution is right;

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1 it's speculative.

2 MR LIRISS: (Interpretation) Yes, your Honour.

3 Q. Professor, you have just said that it was not only Lingala which was spoken but also
4 Swahili, and you added perhaps other languages. So my question is, then, sir: Do you
5 know why Central Africans only refer to Lingala? And the question subsequent to this
6 one, do you believe that they used Lingala to refer to all other languages?

7 A. Counsellor, I will begin my response by reading what was in the mandate that
8 relates to this point. In my report, on -- well, on the very first page, "To what extent," I
9 was asked, "can Central Africans identify a Congolese language and Lingala as a
10 particular Congolese language?" It seems to me that I understood that question, and I set
11 about in my analysis, my study, my reflection to answer it.

12 The first thing is that at the time of this chaos, of people being killed, violence being
13 committed, there was no need for discrimination as to specific languages. All that
14 Central Africans needed to do, in talking about these guys who were doing this and that,
15 to identify them as talking a language that was not Central African.

16 And whether or not they knew Swahili or Tutsi, or whatever it was, was not
17 necessary - that is, the specific language was not necessary - but that it sounded different.
18 Not that its syntax was different or even its vocabulary, but that it sounded different.
19 The intonation pattern, the quality of voice, all of those subtle, sometimes subtle things
20 that go into language identification.

21 Now, many of them would have known that the other people on the other side of the
22 river, up and down the river, in fact, many of them would have known that Lingala was
23 their language, just like Sango is our language, and they would have -- might have -- some
24 of them might have assumed that, "Oh, they're talking Lingala."

25 So they were making, I believe, correct conclusions about language differences, the

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1 identity of that language over there which was, in our terms - they wouldn't know
2 this - which were Bantu, in sound and in vocabulary, that were different from -- from
3 Sango.

4 By the way, I spent -- in 1994, I did some field work. Yes, I've -- I don't know if I
5 mentioned it in my report, but I spent a week in -- among the Mwe (phon), on the Ngiti
6 River, these are water people who live just a foot above water, and their language was
7 Mwe, related to Lingala, and I took a great deal of linguistic data.

8 And the missionary there, who was my host, said, "You hear those kids over there? They
9 are talking Mwe, but they're talking a variety of Mwe that is influenced by Lingala." So
10 this area -- I'm citing that as an experience of my hearing for about five days, my hearing
11 Bantu language from across the river, and Central Africans would have had the same kind
12 of experience, and oral experience that helped them identify them as opposed to us.

13 Q. I will go back to your testimony on this question, sir, page 59, line 13, you said that it
14 was not of substance; it wasn't necessary for a Central African to know exactly what
15 Lingala was, whatever language was being spoken. The important thing was to
16 assimilate that language to foreigners, and especially to the foreigners coming from the
17 other side of the river, from the other bank. Was that the exact statement you made, sir?

18 A. No, counsellor, that's a paraphrase of what I said or are you reading something I
19 said?

20 Q. No, I wasn't re-reading. I wasn't re-reading; it was just the idea that I had kept in
21 my mind but, if it isn't accurate, let me rephrase it. Let me rephrase it this way: Since
22 other languages were spoken, according to you, by the MLC soldiers, the question that I
23 had asked earlier was: Why, do you know why Central Africans believed that all these
24 languages -- no, let me take this back.

25 Why is it that Central Africans only refer to Lingala? That is my real question to you,

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1 why only Lingala? Could you, Professor, give me a concise answer, sir, and if you
2 cannot just, please, tell me that you cannot do so. Thank you.

3 PRESIDING JUDGE STEINER: Mr Badibanga.

4 MR BADIBANGA: (Interpretation) Your Honour, I do not wish to interfere in the
5 hearing. However, it seems to me that, again that they're asking a question which you
6 had already made a ruling earlier. If the transcript is right, the question was: Do you
7 know why Central Africans, et cetera? And I don't think that the Professor is in a
8 position to say whether or not Central Africans were in a position to say it was Lingala, or
9 anything else. Thank you.

10 MR LIRISS: Oui, madame.

11 PRESIDING JUDGE STEINER: Oui.

12 MR LIRISS: (Interpretation) I'm sorry, madam, I rephrased my question. At the
13 beginning it was a speculative question, and this is why I rephrased it by asking the
14 Professor whether he knows, and that is not a speculative question. The Professor may
15 very well answer, "I do know" or "I do not know," for this and that reason.

16 PRESIDING JUDGE STEINER: I fully agree with Maître Liriss, that the witness, on the
17 scope of his knowledge, can answer to the question.

18 THE WITNESS: My answer is that, yes, I believe that a very high number of people in
19 Bangui can and do relate Lingala to the Democratic Republic of the Congo. This answer
20 is supported by an earlier statement, a statement I made this morning, and which is in my
21 report that Central Africans, and probably Africans all over the continent, are sensitive to
22 the existence of that and that and that language.

23 That river over there, and it's not very wide at Bangui, that river over there is different.
24 People are different. They speak a different language. Their language is Lingala. And,
25 of course, they don't know about the other -- how many languages there are in the

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1 Democratic Republic. 300? 500? They don't know anything about those languages.
2 Lingala they know and they associate -- I have not done a study but, to me, from talking
3 to the people it's obvious that they know that Lingala is spoken over there and that it is as
4 important over there as our Sango is to us.

5 MR LIRISS: (Interpretation)

6 Q. I'm sorry, Professor, perhaps I didn't express myself clearly enough. My question
7 remains: Why, since the MLC soldiers, if we're really talking about them, spoke several
8 languages, why is it that only Lingala should be the language identified as being the
9 language of the aggressors?

10 A. One, some people would have recognised bits and pieces of the language.
11 Apparently, a lot of people heard that word "yaka." So, yaka, which is Lingala. To
12 repeat, many people were familiar. One, the ICC driver was -- we were in the radio
13 when somebody was singing a song, "Mo kwazil, mo kwazi pipi," (phon). Maybe you
14 know the song, if you speak Swahili.
15 He said, "Oh, that's Swahili. 'Mo kwazi pipi.'" I don't know what it means, but he knew
16 the song was Swahili. I don't know if he knew the words, but here is a Central African, a
17 Gbeya from Beberati, who knew Swahili and he could identify it.

18 Now, you asked why they would associate Lingala with the people over there? I'm
19 sorry, to me it's so obvious that those people over there speak Lingala and, if you don't
20 know what they speak, they speak Lingala. And the important thing is not that they
21 spoke Lingala, which -- but that they spoke like people over there. They came from over
22 there, and of course they had uniforms and they had other kinds of features that
23 characterised them as soldiers.

24 PRESIDING JUDGE STEINER: Maître Liriss, sorry to interrupt. Judge Aluocho wants a
25 follow-up question.

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- 1 JUDGE ALUOCH: I am very sorry. I am reading the real-time transcript, the English
2 version, just right now on the screen, page 60, starting from line 3 -- sorry, page 61. This
3 is your question, Mr Liriss, "I am sorry, Professor. Perhaps I didn't express myself clearly
4 enough. My question remains: Why, since the MLC soldiers, if we are really talking
5 about them, spoke several languages, why is it that only Lingala should be the language
6 identified as being the language of the aggressors?" Mr Liriss, I was wondering if you
7 could give us -- if you have the transcript where it says, "MLC soldiers are speaking
8 several languages and only Lingala is identified as being the language of the aggressors."
9 I don't have it off my head, but if you have it? Yes, thank you.
- 10 MR LIRISS: (Interpretation) Your Honour, it's much earlier, the previous paragraph.
11 There was a question I had put to the Professor; i.e., whether the Central African
12 interlocutors, or speaking, were capable of identifying Swahili from Lingala,
13 distinguishing the one from the other? To this question the Professor said that he
14 wanted to correct part of his report. The Professor said, "It wasn't only Lingala that was
15 spoken by the aggressors, but several other languages as well," and this is the reason why
16 I asked him, "Under these circumstances, why is it that it should be only Lingala that is
17 referred to as being the language of the aggressors and not the other languages as well?"
18 I shall give you the references, if you will, your Honour. Thank you.
- 19 JUDGE ALUOCH: Thank you, Mr Liriss, because I am still looking for it, but if you give
20 it to me then I will note it here. Thank you.
- 21 THE WITNESS: I have the answer to that question, finally.
- 22 JUDGE ALUOCH: Yes, I will take it from you. Instead of him looking for it, yes, I'll
23 take it directly from you.
- 24 THE WITNESS: Yes, remember I am a linguist and I am speaking from my own
25 background and knowledge. Central Africans don't have that background and

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1 knowledge. They did not know that those guys who were crossing the river with their
2 rifles and other armaments, they did not know that those people spoke different
3 languages. As far as they were concerned, they were just one big gang and that gang
4 over there, they spoke Lingala. If Central Africans invaded the Congo it would be said
5 by the Congolese that they all spoke Sango, even though some of them would have been
6 from the interior who spoke other languages. So that's the answer to my question.

7 JUDGE ALUOCH: Thank you very much.

8 MR LIRISS: (Interpretation) Your Honour, the reference I needed was page 57, lines 8
9 to 17, of the French version.

10 JUDGE ALUOCH: Thank you, Mr Liriss. I think I got the answer directly from the
11 Professor. Thank you, but I note the pages you have given me.

12 THE WITNESS: Mr Counsellor, and madam, yes, I would just -- I would like to
13 apologise for my decibels going up and that I am possibly speaking in a confrontational
14 way, so I will make an effort to control my emotions. I am like that, I mean, but I will try
15 and calm down. I hope you don't take offence, counsellor.

16 MR LIRISS: (Interpretation)

17 Q. No, sir. Not by any means, sir. Rest assured, sir, not by any means. It is I who
18 am afraid of perhaps jolting you with my questions.

19 PRESIDING JUDGE STEINER: Maître Liriss, while you discuss with your team, I will
20 enjoy this -- the opportunity to put as well a clarifying question, if I may say. I am just
21 reading what you just mentioned, Professor, that -- your view that as far as they, the
22 Central African Republics were concerned, "They, the MLC, were just one big gang and
23 that gang over there, they spoke Lingala." A little bit before, when you say that you
24 wanted to correct part of your report by saying that it wasn't only Lingala that was
25 spoken by the aggressors, but several languages, and as a conclusion that probably the

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1 Central Africans, because they don't have the same background and knowledge as you
2 have, they saw those people as a big gang coming from DRC and as a consequence
3 speaking Lingala.
4 A little bit earlier in your testimony, and I don't have right now the reference with me but
5 I can try to find it, it was said by you that Central Africans Republics, they would be in
6 principle able to recognise Lingala because they had music on the radio and they had
7 Congolese people living in Bangui. My questions is: Are these two statements
8 compatible? So would Central African Republics be able to recognise Lingala, or they
9 supposed those aggressors were speaking Lingala just because they came from DRC?
10 THE WITNESS: Your Honour, I believe that they are compatible, because unfortunately
11 we have to talk in generalisations and we don't have percentages. So when I'm speaking
12 about "they recognise," or "they probably know," or whatever, I'm suggesting percentages.
13 So some people in Bangui, or elsewhere, would realise and probably get 100 on a test, and
14 others would not recognise but come to the conclusion that, because this was one group
15 coming as a force - and I used the word "gang". Excuse me, I should not have used that
16 word so colloquially.
17 Also, may I take this opportunity to say -- to correct a statement that was made here or
18 there that I said -- that I corrected -- it was said that I corrected my report to say that they
19 spoke Swahili. I think what I said was that they probably spoke Swahili. Once again,
20 percentages. How many of them, I don't know. How many? According to these
21 Congolese, they told me that the Banyamulengue spoke Swahili. How do they know? I
22 don't know, but that was their conclusion based on their own kinds of evidence.
23 Whether they actually spoke Swahili to each other in the MLC forces, how many of them
24 there were among the MLC, I don't know.
25 PRESIDING JUDGE STEINER: Thank you very much for this clarification, Professor.

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1 Maître Liriss.

2 MR LIRISS: (Interpretation) Thank you, your Honour.

3 Q. Professor, let me refer again to your statement 0064 -- CAR-0064, page 36 in the
4 English version. You say that, when the Office of the Prosecutor entrusted you with this
5 mission, you did not know in detail the existence -- of the existence of an armed conflict in
6 the Central African Republic in 2002/2003. The only conflict you were aware of was the
7 1996 conflict between Central African leaders, among them. Do you remember that, sir?

8 A. Yes. I was not aware of the latter conflict. My wife of 54 years had recently died
9 and I probably was not familiar with the news.

10 Q. Under these circumstances, sir, then my question is how were you in a position to
11 undertake a sociolinguistic study - an expert and accurate study - on a conflict which you
12 did not know about in such a short period of time and without going to the field? In fact,
13 some 8,000 kilometres away?

14 A. Well, counsellor, I undertook this assignment with a clear conscience; that is to say,
15 not for any particular personal gain. I find that the ICC is not forthcoming in financial
16 details, so I'm -- but it's -- I felt that -- I felt that what was asked of me was relatively -- was
17 something within my capacity, with respect to my competence as a Central African
18 specialist, and an Africanist and Pidginist linguist.

19 So the mandate that I have here in English and that I read a few minutes ago was
20 something that I felt that I could do without going to the field. I didn't -- it would have
21 been nice, but I don't know what I would have learned. I did not at the time have in
22 mind what I would ask people, particularly, to answer the questions that were put to me.

23 Q. Professor, a visit to the field is one thing, among various others, but you weren't
24 aware of the conflict which had ended six years earlier; that is to say, it was six years later
25 when you were given this mandate. So I'm asking you this question, namely, how were

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1 you able to conduct such specific -- such a specific study, since you came to conclusions
2 on a conflict that you were unaware of?

3 A. For this task, counsellor, I didn't need to hear gunshots. I didn't need to see women
4 raped. I didn't need to. I needed to know something about language, and I felt that I
5 knew quite a bit about the socio-linguistic picture of that intersection of longitude and
6 latitude.

7 Q. Thank you, Professor. If I use the same reference, now, you said that it was by
8 using the various documents provided by the OTP, and also from using materials from
9 the internet, you were able to come to a specific conclusion about (inaudible). My
10 question is as follows about the conflict:

11 Now, on the basis of the documents from the Prosecution, with regard to a conflict that
12 you had been unaware of, before you were told of, and I pardon -- I ask you to please
13 forgive me for this question, did you know, were you aware that your analysis might be
14 incomplete? Partial?

15 A. Counsellor, I can only answer by saying, everything is incomplete. And some of us
16 do our best; and some of us, as I have striven to do with interpretations of Sango's origin,
17 of Kituba's origin and Lingala's origin, arriving at the conclusion that they are wrong and
18 I am right, to the moment, to the moment I believe that I am right and they are wrong, but
19 we're not finished.

20 Q. Thank you, Professor. At page 0308 -- and, once again, the same reference number
21 CAR-OTP-0064-0306. Now, if you move to page 308, you said that the citizens of the
22 DRC and the Central African Republic new that a national language was spoken in their
23 country and in the neighbouring country, among which -- I beg your pardon. I beg your
24 pardon, that is not the right passage. Rather, it is CAR-OTP-0588, and the English
25 version 307.

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1 You said that the protagonists in this particular event, from a socio-linguistic point of
2 view, were the speakers of at least one of the following languages, and Lingala and French
3 and Sango were given. And my question -- or my questions are as follows, based on this
4 statement of yours, and I think you have responded in part, but I'll ask this question
5 again: Why didn't you take into account Arabic, in particular, which was a language also
6 spoken by these protagonists; that is to say, the rebels of Mr Bozizé?

7 THE INTERPRETER: Message from the English booth. The specific question is the
8 first -- first sentence after the heading "The Sociolinguistics of Central African Strife," page
9 307.

10 THE WITNESS: Excuse me. Are you finished? Am I -- have you turned the question
11 over to me?

12 MR LIRISS: (Interpretation)

13 Q. Yes, Professor. If you wish, I can repeat the question.

14 A. I understood the question to be why I mentioned just these three languages. I
15 could have qualified that statement by saying, "at least these three languages," and so
16 forth, but I didn't. And why not other languages? And then you mentioned, for
17 example, Arabic. But Arabic is to the north, and the soldiers are coming from the south.
18 So up until now, all of this discussion has been about the Ubangi River and the DRC.
19 There has been no discussion about the Bozizé's forces.

20 As a matter of fact, as a matter of fact, after this report was sent in, and I was thinking,
21 well, how am I going to -- maybe I didn't talk enough about the other. What about
22 Bozizé's forces? Well, I suppose I couldn't talk about it because I didn't know about it,
23 know enough, know enough about the actual contact. From what I read in the reports,
24 the confrontations between Bozizé's forces and -- and Bemba's forces were -- pardon me,
25 yes, were sporadic and not a long duration. I had the impression, from what I read, that

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1 the northern forces were not as involved in the conflict as were the Congolese ones.

2 So my first statement is that I just didn't have enough information, and my impression
3 was that this encounter was not as serious and as of long duration. So I didn't take into
4 account Arabic, or whatever language the soldiers may have spoken, and they could have
5 spoken some other languages.

6 PRESIDING JUDGE STEINER: Maître Liriss, if you would allow me? Professor, in the
7 beginning of your answer, on line 14, you say "I understood the question to be why I
8 mentioned just these three languages. I could have qualified that statement by saying,
9 "At least these three languages," and so forth, but I didn't." Just to refresh your mind,
10 you did it in the same sentence mentioned by Defence. You said, "One or more of the
11 following languages, among others."

12 THE WITNESS: Thank you.

13 PRESIDING JUDGE STEINER: You were quite precise. Maître Liriss, you can proceed.

14 MR LIRISS: (Interpretation)

15 Q. Professor, when you developed your various arguments a few moments ago, now,
16 unless I'm mistaken, you said that you did not have enough information. Page 21, lines
17 26 and 27. You said you did not have enough information about the conflict. So my
18 question is as follows, Professor:

19 Do you know whether your expert report, based on various items of information, but you
20 said you did not have sufficient information -- yes, this is page 70. Now, you did not
21 have enough information, you said. Do you know whether such a report can have
22 scientific, a certain amount of scientific weight?

23 A. I'm sorry. I don't understand the question. Is the question about the report, or is
24 it about the fighting? I don't know what the question's about.

25 Q. Professor, we have 15 minutes remaining and if you feel tired you can ask the

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1 Chamber for postponement of the cross-examination, but if you think you're still in good
2 form allow me to ask you the question again, but before that would you prefer us to keep
3 on going?

4 A. I think I would like to try to answer that question, but as a matter of fact I was going
5 to ask the Judge if we could have a pause, but I think I would -- let me try again with your
6 question.

7 MR LIRISS: (Interpretation) No, to be fair I can't ask you such an important question
8 when you are tired. I'd prefer to ask you the question after the break that you've just
9 asked for.

10 PRESIDING JUDGE STEINER: Maître Liriss, we are not having a pause. We are not
11 having a break. We are going to adjourn and resume tomorrow. Is that what you want,
12 to continue tomorrow?

13 Professor, we are going then to adjourn today's hearing and resume tomorrow. It's not
14 even tomorrow morning. It's tomorrow afternoon at 2.30. No? Tomorrow morning,
15 I'm sorry. We are going to resume tomorrow morning at 9.30 in this courtroom.

16 THE WITNESS: Thank you, your Honour. I'm sorry if I exhibited any fatigue, because
17 yesterday I flexed my muscles. I don't think I can flex my muscles today.

18 PRESIDING JUDGE STEINER: Professor, you don't have to apologise. It's for quite a
19 long time that you've been giving your testimony and the Chamber has to go at your pace.
20 So you are more than welcome. We are going then to ask the court officer to take the
21 witness outside the courtroom, and we wish you, Professor, a very, very restful night.

22 THE WITNESS: Thank you. Thank you.

23 (The witness stands down)

24 PRESIDING JUDGE STEINER: We will continue tomorrow with the testimony of
25 Witness 222, but before we adjourn and in order to provide VWU with information

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1 sufficiently in advance in relation to the next witness, which is Witness 75, the Chamber
2 will issue an oral decision on protective measures for Witness 75 and this decision needs
3 to be issued in private session. Court officer, please let's turn into private session.

4 *(Private session at 3.50 p.m.) Reclassified as Open session

5 THE COURT OFFICER: We are in private session, Madam President.

6 (Redacted)

7 (Redacted)

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1 (Redacted)

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3 (Redacted)

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5 (Open session at 4.00 p.m.)

6 THE COURT OFFICER: We are in open session, Madam President.

7 PRESIDING JUDGE STEINER: I ask for the indulgence of our interpreters and court
8 reporters. It will take no more than two minutes, I hope.

9 On 21 February 2011, the Chamber received an application from Maître Zarambaud on
10 behalf of the victims that he represents to question Witness 75 (Filing 1278). The
11 application contains a list of 11 questions. The justification given as to why the personal
12 interests of the victims Maître Zarambaud represents are affected is that Witness 75 is a
13 dual status victim/witness; however, this is not the case since this witness is not a victim
14 participant.

15 The Chamber also received an application from Maître Douzima on the same date on
16 behalf of the victims that she represents (Filing 1279). A subsequent corrigendum to this
17 application was filed on 2 March 2011 providing a more thorough submission on why the
18 personal interests of the victims represented by Maître Douzima are affected. The
19 application contains a list of four questions.

20 Having considered the reasons given by Maître Douzima as to why the personal interests
21 of the victims that she represents are affected, the Chamber allows her application to
22 question Witness 75 as set out in the aforementioned filings.

23 Given that the reasons submitted by Maître Zarambaud as to why the personal interests of
24 the victims that he represents are affected is incorrect since this witness is not a dual status
25 individual and given that no corrigendum has been filed, despite the Chamber having

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1 pointed out a similar error in relation to a previous application by Maître Zarambaud to
2 question an earlier witness in the case, the Chamber denies Maître Zarambaud the right to
3 question the witness as his application is without justification.

4 Thank you very much to the Prosecution team, the legal representatives of victims, for the
5 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters and
6 our court reporters. We are now adjourning the present hearing and we'll resume
7 tomorrow morning at 9.30 in this courtroom.

8 THE COURT USHER: All rise.

9 (The hearing ends at 4.05 p.m.)

10 CORRECTIONS REPORT

11 The Court Interpretation and Translation Section has made the following corrections in
12 the transcript:

13 * Page 10 line 13:

14 "page 53 " is corrected by "page 33".

15 * Page 26 line 19:

16 "DRC " is corrected by "CAR".

17 RECLASSIFICATION REPORT

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