

Trial Hearing
Witness: CAR-D04-PPPP-0060

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Wednesday, 12 September 2012
8 (The hearing starts in open session at 9.03 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
15 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
16 ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you very much.
18 I welcome the Prosecution team, legal representatives of victims, the Defence team,
19 Mr Jean-Pierre Bemba Gombo, our interpreters, court reporters.
20 We will continue today with the questioning of Witness D-60. Before I ask court
21 usher to bring the witness in, we have -- the Chamber has a short oral decision to be
22 issued. It is the decision on the applications to question Witness D04-60 by legal
23 representatives of victims.
24 On 4 September 2012, the Chamber received an application from Maître Zarambaud
25 on behalf of the victims that he represents to question Witness 04-60 (Filing

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1 2294-Conf). The application contains a list of four questions.
2 On the same date, the Chamber received an application from Maître Douzima on
3 behalf of the victims that she represents to question Witness D04-60. It's Filing
4 2296-Conf and 2296-Conf-Anx1. In her application Maître Douzima submits that, in
5 the absence of a French translation of the witness's expert report, she was not in a
6 position to examine the report. Accordingly, her application does not contain any
7 list of questions. She however requests leave to ask follow-up questions arising
8 from the witness's testimony.
9 On 10 September 2012, the Defence responded to both requests from the legal
10 representatives (Filing 2303-Conf). In its response, the Defence submits that it has
11 no objection to the proposed questions of Maître Zarambaud.
12 In relation to the application filed by Maître Douzima, the Defence requests that her
13 application to question the witness be denied. To that end, it is submitted inter alia
14 that Maître Douzima benefits from the assistance of support staff, as well as of the
15 OPCV, who are able to work in both working languages of the Court.
16 In addition to its observations on the substance of the legal representatives'
17 applications, the Defence urges the Chamber to reclassify the legal representatives'
18 applications as public.
19 The Chamber notes that Witness D04-60 will likely testify about the languages spoken
20 by MLC troops and therefore provide relevant information on the identification of the
21 perpetrators of the alleged crimes. Therefore, the Chamber is satisfied that both
22 Maître Douzima and Maître Zarambaud have provided sufficient reasons in their
23 respective applications to demonstrate that the personal interests of the victims they
24 represent are affected by Witness D04-60's testimony.
25 In relation to Maître Zarambaud's application, the Chamber further finds that his

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1 proposed questions are relevant and therefore authorises him to put his questions as
2 set out in his filing.

3 As for the application filed by Maître Douzima, the Chamber is not convinced by the
4 argument that, in the absence of a French translation of the expert report, she was not
5 in a position to prepare a specific list of questions. In this regard, the
6 Chamber agrees with the Defence's observations that Maître Douzima would have
7 been able to seek the assistance from her support staff and from the OPCV.

8 As to Maître Douzima's request to ask follow-up questions, the Chamber recalls its
9 decision 1023 on directions for the conduct of the proceedings, in particular
10 paragraph 19 which applies mutatis mutandis to the Defence's presentation of
11 evidence. Paragraph 19 states that requests for follow-up questions by legal
12 representatives should be made on a case-by-case basis.

13 In the present case, the Chamber authorises such questions under the condition that
14 Maître Douzima indicates first an estimate of the questioning time. The
15 Chamber also decides that follow-up questions by Maître Douzima are allowed.
16 However, the Chamber reserves its right to refuse any questions that would be in the
17 view of the Chamber irrelevant or leading, or otherwise inconsistent with the present
18 decision and the previous decision 1023.

19 Finally, the Chamber notes that a number of legal representatives' applications relate
20 to unprotected witnesses and as such do not warrant confidential treatment.

21 Accordingly, and in line with the principle of publicity of the proceedings enshrined
22 in Articles 64(7) and 67(1) of the Rome Statute and pursuant to Regulation 23 bis (3) of
23 the Regulations of the Court, an order on the reclassification of the concerned filings
24 will be issued in due course. Pending such order, the Chamber is of the view that
25 any prejudice to the principle of publicity of proceedings will be minimal since most

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1 of the legal representatives' questions and related decisions of the Chamber are
2 reflected in the public transcript of the hearings.

3 Now I ask, please, court usher to bring our witness in.

4 (The witness enters the courtroom)

5 WITNESS: CAR-D04-PPPP-0060 (On former oath)

6 (The witness speaks English)

7 PRESIDING JUDGE STEINER: Good morning, Professor Bokamba.

8 THE WITNESS: Good morning, Madam President.

9 PRESIDING JUDGE STEINER: We hope you had a very restful night and that you
10 are ready to continue with your testimony?

11 THE WITNESS: Yes, ma'am, I am. I slept very well, thank you.

12 PRESIDING JUDGE STEINER: Professor Bokamba, I need to remind you that you
13 are still under oath. Do you understand that, sir?

14 THE WITNESS: Yes, ma'am.

15 PRESIDING JUDGE STEINER: I also need to remind you on our ground rules in
16 relation to speaking slower than normal and giving the five seconds before you give
17 any answer in order to facilitate the work of our interpreters and court reporters.

18 THE WITNESS: I will do.

19 PRESIDING JUDGE STEINER: Thank you, Professor Bokamba. I will give back
20 the floor to Defence.

21 Mr Haynes.

22 MR HAYNES: Good morning, your Honour.

23 QUESTIONED BY MR HAYNES: (Continuing)

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

25 A. Good morning, Mr Haynes.

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1 Q. You didn't wait five seconds. You will recall, Professor Bokamba, that
2 yesterday afternoon when we finished off, you were talking to us about the spread of
3 Lingala and its status by the turn of this century, do you recall that?

4 A. Yes, Counsel.

5 Q. And I want now just to move beyond the Democratic Republic of Congo, and it
6 might just help us all who may be less familiar with the geography if we put
7 document 7 back on our screens. So would the court officer please do that and, if an
8 ERN number is needed, it is CAR-OTP-0066-0122.

9 A. If I may, Counsel?

10 Q. Of course, Professor.

11 A. I need to make a correction on the map that we marked, that I marked
12 yesterday. I was a little bit inaccurate in terms of placing the locality of the birth of
13 Lingala, and I'm looking at a more detailed map that I have, which is published in
14 Professor Samarin's book. I can now, with a little bit more assurance, indicate more
15 correctly where the locality of the Mankandza is.

16 Q. Okay. Well, the map that's now on your screen, is that sufficiently detailed for
17 you to mark with better particularity the location of Mankandza?

18 A. No, sir, it is not. I did request the staff to make a copy of the much more
19 fine-grained maps of the region and, in fact, a part of the country which would assist
20 us in better locating where Mankandza is, and I don't know if they have had an
21 opportunity to make a copy of that map.

22 Q. All right. Well, let's leave it there for now and we will see what we can do --

23 A. Okay.

24 Q. -- before the end of your testimony --

25 A. Okay.

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1 Q. -- to clear this up. Outside the Democratic Republic of Congo, but by the
2 turn of this century, where were Lingala-speaking populations to be found?

3 A. If I understand you correctly, when you say "by the turn of this century," you
4 mean the 20th Century going into the 21st, or you're talking about the 21st Century?

5 Q. I'm talking about -- we're concerned with 2002, so I'm trying to focus your
6 attention on --

7 A. Okay. Okay. Can you repeat the question again, sir?

8 Q. Yes. And so that I'm clear, let's leave aside Europe and the rest of the world.
9 Within Africa, where would one have found Lingala-speaking populations by the
10 turn of this century?

11 A. Okay. First and foremost, as indicated in my study report, the primary zone of
12 Lingala is the Democratic Republic of the Congo and Congo-Brazzaville, where the
13 language is spoken by wide populations as well as being -- functioning as the
14 national language on both sides of the two Congos; namely, in the DRC and the
15 Republic of the Congo.

16 Beyond that, Lingala is spoken in northwestern Angola, in at least two of the
17 provinces, as well as in parts of Gabon and Central African Republic and
18 south -- southwest Sudan, what is today South Sudan, in the areas co-terminus within
19 the province of Orientale, and then there are speakers in Zambia as well and of course
20 in Rwanda and Burundi.

21 Q. Okay. I don't want to dwell on this too much because it is in your report, but
22 how large is the Lingala-speaking population in Angola, and how briefly did it come
23 to exist there?

24 A. The estimates that we have, and these are certainly estimates because they do
25 not come from what I would consider to be census data, indicate that there are

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1 around 86,000 speakers of Lingala in northwestern Angola in the provinces that are
2 adjoining to Bandundu and Bas-Congo and that these people came perhaps in two
3 ways: In the first most recent sort of group, those were individuals who returned to
4 Angola following their stay in the Congo during the liberation effort in Angola in the
5 '70s and '80s, and those individuals or families were living in Kinshasa, some living
6 elsewhere, but two of the liberation parties, or groups, were in the Congo, Unity in
7 particular and then FAA, which had their headquarters in Kinshasa during the
8 Mobutu's administration. So upon independence, many of them returned home.
9 The second group consists of individuals who were migrant workers, who have gone
10 there for one reason or another, including diamond prospection and/or trade, and
11 others who may have fled there during the civil war, civil wars that occurred in the
12 Congo in recent times.

13 Q. Thank you. Can we now turn perhaps most importantly to the Central African
14 Republic. Was there a Lingala-speaking population there by 2002?

15 A. Frankly, I do not know. That information is not available -- was not available
16 to me or indicated anywhere, other than the estimates which I have given in my
17 report.

18 Q. What about now?

19 A. As of now, the estimates about a number of people who are living in the Central
20 African Republic is provided in my report or have I indicated that the estimates from
21 information on the website, or the internet, indicate there are between 9,000 to over
22 10,000 speakers of Lingala or Congolese who are living there, and with many of them
23 considered to be speakers of Lingala.

24 Q. Professor, have you acquainted yourself with the approximate population
25 figures of the Central African Republic?

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1 A. I forgot to count. I knew it at one time, but I have not committed that to
2 memory and therefore I am not in a position to cite it.

3 Q. Okay. Well, let's not worry about that. To what extent were the population
4 of the Central African Republic exposed to Lingala, if you understand what I mean?

5 A. Yes. They were exposed to Lingala in a number of ways: One is the traders
6 who early on in the 1900 -- from the 1900 onward to recent times have been
7 navigating the Ubangi River and, as you can see from the map, Central African
8 Republic is separated from the Congo via the Ubangi River and this is literally a
9 highway for riverine traders. That's a second sort of approach to the arrival of or the
10 contact between Lingala and languages of Central African Republic.

11 The second one is what I mentioned just a few minutes ago, which has to do with
12 traders who are either residing in Central African Republic to do business there,
13 salespersons and so on, others who are workers in mining companies, particularly a
14 diamond business, and those who travel back and forth because of some other
15 businesses that they may have and they may have their family residing particularly in
16 Bangui. And within that context, it is helpful to look at several of the towns on the
17 map that show the proximity with corresponding towns in either side of the country.
18 So Bangui, for example, is just diagonally opposite of Zongo, which is in the Congo,
19 and Gbadolite this -- the map does not show. Again, if you had a much more fine,
20 fine-grained map, it would show that a number of cities are opposite of Gbadolite
21 and as you proceed northwest or northeastward you will find that this is again an
22 area of potential contact between inhabitants of both countries.

23 Q. Okay. Can we turn to one particular group of people, that's Central African
24 soldiers. Was there any particular exposure that they had to Lingala?

25 A. Part of -- the answer is "yes." The first one would, of course, be the individuals

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1 that I've referenced, who are resident of Bangui, the capital city of the Central African
2 Republic. The second would be exposure to Lingala via Congolese music, which is
3 heard in Central African Republic just as it is heard in several other countries because
4 of the wide spread of that music. The third one, as I have been able to gather from
5 different sources, during the late '70s and '80s, that there were some soldiers from the
6 Central African Republic who were being trained under the Mobutu's army at I think
7 one of their camps called Kotokoli. But whether the current soldiers comprise some
8 of that group, that I'm not prepared to state because I don't have those facts.

9 Q. But the training they received, what language was that in?

10 A. I do not know for certain in what language it was. What I can state without
11 hesitation is that during the Mobutu's administration, just as it was prior to the
12 period of independence, namely during the colonial time, Lingala was the official
13 language of the army and therefore trainees underwent their training in Lingala.
14 I would suspect, therefore, that these individuals at some point or another were
15 exposed to Lingala and, depending on the length of their training, may have acquired
16 Lingala. I do not have information that indicates whether Lingala was required
17 prior to their being admitted into training, which would not be surprising but I'm not
18 prepared to state that.

19 Q. Okay. Well, that's very fair of you, but just to conclude this particular topic,
20 where is Kotokoli?

21 A. I am trying to think. I haven't made an effort to locate it, but with your
22 permission and the Court I can look it up. It is not something that I thought I would
23 be asked to locate.

24 Q. That's okay.

25 A. But it's in the Congo, it's in DRC and my sense is that it's in the Equator

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1 province.

2 Q. Okay, thank you. Now, I want to come to a particular engine in the spread of
3 Lingala and that is music. For approximately how long have the Congolese been
4 producing popular music?

5 A. Congolese have been producing music since the '40s, if not late '30s, so much so
6 that by the 1950s they became much more popular in the sense of becoming a music
7 that was heard beyond the boundaries of the Democratic Republic of the Congo and
8 Congo-Brazzaville. And it was -- I would recall that it was around 1955/'57 where
9 that music was what people felt that was the most entertaining form of -- I mean, the
10 most -- the best form of entertainment that they could access in nightclubs, so much
11 so that at independence you could hear the music vibrating -- independence of the
12 Congo in 1960, vibrating not only in the Congo, but Congo-Brazzaville, which was
13 happy that the big sister on the right side of the river has become independent and
14 that music was infectious. So it's been that long.

15 Q. Forgive me, Professor, there's something I missed a minute ago, so can we leave
16 pop music to one side for a second?

17 A. Sure.

18 Q. You mention in your report that in the Central African Republic there is a
19 Lingala-speaking immigrant population.

20 A. Yes.

21 Q. I'm not sure if you've told us what the principle reasons were for the migration
22 of those people to the Central African Republic from the DRC?

23 A. Yes, I did mention it, Counsel, briefly in my previous response that many of
24 these individuals have gone there for job opportunity that are available, particularly
25 in the mining - diamond mining - sector. Others fled there at times when they felt

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1 that the political system in our country was being harsh, not to say oppressive, and
2 those who could either for political reasons or for need of jobs go elsewhere they did
3 do so, just as musicians, for example, who felt they were not making a decent living
4 in the Congo during the hard times, during Mobutu's administration, went to other
5 states or nations in the continent and where they found that whatever they composed
6 and sang was not taken politically and, therefore, they were not subjected to harsh
7 treatment by the existing administration.

8 So these are all the -- that group in Central African Republic in many ways is no
9 different from -- in some respect different from the one that went to Angola, apart
10 from the returning Angolans. They went there for employment opportunities, and
11 in some cases political freedom that they felt they did not have in their own country.

12 Q. Okay, thank you. Now, let's come back to pop music. To what extent does
13 Congolese music involve song lyrics in Lingala?

14 A. Again, here we do not have what I would characterise as scientific data, or data
15 due to or resulting from census, but estimates by different writers, Congolese as well
16 as non-Congolese, indicate that around 70 per cent of the music - popular music - of
17 Congo is sang in Lingala.

18 Now, admittedly they do include other languages in the form of code mixing, but
19 some of these languages are Congolese languages such as Kiswahili, Tshiluba or
20 Kikongo, and now and then with a more recent group of performers, the young ones,
21 they would include English. In previous cases, such as the outstanding -- the former
22 or the late Franco, or Tabu Ley, or known also as Rochereau, they also mixed Lingala
23 with French, but the predominance of those lyrics are composed and performed in
24 Lingala.

25 Q. Okay. And what have been the media through which it has been broadcast?

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1 A. There are different media. The most popular one, going far back before the
2 existence of television, was the radio. National Radio from Kinshasa, provincial
3 radios from the then six provinces, now 11 provinces, and then with the advent of
4 television some of that is broadcast through TV programmes starting in Kinshasa at
5 the national radio and television broadcasting system.

6 Q. And I suppose more modernly the internet?

7 A. Yes, yes, and of course CDs that are sold everywhere. I can buy in my small
8 town in the United States CDs of Congolese music at local bookstores, or some of the
9 music stores.

10 Q. And what has been the geographical area over which it has been popularised?

11 A. Wow, that is the proverbial 64,000,000 question -- \$64,000,000 question. The
12 truth of the matter is that Congolese music literally has no boundaries.

13 Let me explain. In 1982/'83, I was on sabbatical leave for the academic year at the
14 University of Port Harcourt in Nigeria. Every Wednesday from the city of Port
15 Harcourt they were broadcasting Congolese music for one hour. I have heard from
16 colleagues that something similar was taking place, whether it was on Wednesday or
17 another day I don't know, from Cairo, Egypt. In travelling to South Africa I
18 witnessed, namely heard myself, some Congolese music being broadcast on the radio
19 there, and in my travel to Kenya, Tanzania, in the 1980s, to be specific '87/'88/'89, at
20 one point I was surprised to find a group of musicians performing at a hotel where
21 my students and I were staying for our study abroad, performing in Lingala, and I
22 said, "Oh, there are Congolese performing in Zanzibar," this was in Tanzania, but
23 only Zanzibar, and somebody said, "Well, we don't know if they are Congolese." I
24 said, "But they were singing like Congolese." Sure enough, the minute that they
25 took a break and I approached a couple of them, they said, no, they were Tanzanians

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1 and they were performing Congolese music in Lingala. They may have had one of
2 their colleagues. And this story is repeated in Gabon, Côte d'Ivoire, you name it.
3 It's replicated in many, many places, as well as for example here in Europe where you
4 find those performers who will record some of their music here instead of in the
5 Congo and so on.
6 So the music, any time I have told individuals who talk to me about Congolese music,
7 that any time you attend a party organised by an African, or an Africanist person, and
8 they are playing music, chances are that 51 to 55 per cent at least of that music is
9 going to be Congolese music. It's a music that literally makes Africa dance, as well
10 as a number of other countries where they are Africanist.

11 Q. You've referred in your report to a number of Congolese musicians by name,
12 and we may deduce from your current responses that you're a fan of Congolese
13 music.

14 A. Counsel, you're quite absolutely correct. I have my own library of Congolese
15 music that go back to the time of, you know, Wendo, the earliest - one of the
16 earliest - performers and Kabasele and souvenirs of the '60s.

17 Q. This might be another \$64,000,000 question, but is it possible to categorise
18 definitively what the songs are about?

19 A. In some sense, yes. The songs, Congolese music songs, are about practically
20 every aspect of human life. They sing about love, they sing about lost ones, they
21 sing about issues of death of an individual who may be rich but that that does not
22 select the rich or the poor, it falls on everyone. It is music of protest, about political
23 oppression, exploitation by Congolese Africans, the West. There are numerous
24 themes that are treated there in such a way that one historian by the name of Gondola,
25 in studying about the evolution of the Congolese - Didier Gondola to be exact - who

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1 teaches at Indiana University, in Indianapolis, and a graduate of the University of
2 Paris, wrote that Congolese music encompasses not only all aspects of life but it's
3 perhaps one of the best form of oral literature that exist in a country because you find
4 a variety of genre in that music and different themes that reflect the kind of life that
5 Congolese experience on a daily basis and about which they want the rest of the
6 world to know.

7 Q. Okay. I just wanted to ask you about one particular popular artist named Pepe
8 Kalle. Are you familiar with his work?

9 A. Yes, sir.

10 Q. And what would be his most well-known songs?

11 A. I am thinking of -- at the moment, his most popular song have escaped me.

12 Q. Are you familiar with the song called "Article 15"?

13 A. By Pepe Kalle?

14 PRESIDING JUDGE STEINER: Mr Haynes, you're not cross-examining, so take care
15 with leading questions, please.

16 MR HAYNES: Certainly.

17 Q. Yes, by Pepe Kalle.

18 A. No. I know of Article 15 from a political perspective, but not from his song.
19 That, I'm not specifically aware that that was a song of his.

20 PRESIDING JUDGE STEINER: Let me interrupt you. Sorry, Mr Haynes.

21 Mr Witness, what do you know about Article 15 from a political perspective?

22 THE WITNESS: From a political perspective that was -- it became famous during
23 the rebellions that enveloped the Congo in the early stages of its birth and that it is a
24 statement that came from one of the governors of the province, in particular province
25 of Kasai, who said, "When nothing works débrouillez-vous." That was Article 15.

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1 PRESIDING JUDGE STEINER: Thank you.

2 THE WITNESS: You're welcome, Madam.

3 MR HAYNES:

4 Q. And when you say "at the time of its birth," what period do you mean?

5 A. I'm talking about 1961 when we -- the country had become independent on
6 June 30, 1960. In '61 we were having secessions, beginning with the secession in
7 Katanga, followed by that of Kasai.

8 Q. Okay. Thank you. Now, I want to come now to the section of your report
9 where you analyse the grammatical features of Lingala, and it might just be helpful if
10 we put on to the screen for you document 1, which is CAR-D04-0003-0440, and if you
11 are looking at the hard copy, Professor Bokamba, it's at page 11.

12 A. Okay.

13 Q. And for anybody else looking at a hard copy, they'll need to go over to page 12
14 as well.

15 Now, in paragraph 4.1 of your report, you describe the four recurrent features of
16 Bantu languages, and if you just look at that paragraph and remind yourself. How
17 do those features differentiate Bantu languages from, say, Latin or Germanic
18 languages?

19 A. Okay. First of all, Bantu languages have a rich morphology, that is word
20 structure, that is exemplified perhaps in one of the best ways on nouns and verbs, but
21 we're talking just about nouns. Essentially, that's the table that you're looking at
22 here, or have displayed. Nouns, instead of being marked in terms of masculine and
23 feminine, or marked in terms of prefixes, that is elements that occur before the noun
24 root, and those prefixes, once they are paired in terms of singular and plural, form
25 pairs such as human singular, human plural, et cetera, book singular, books plural

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1 and so on, and this is rather consistent across Bantu languages. So that's one aspect
2 that is critical from the point of view of word constitute a noun, and those elements
3 occur as prefixes rather than suffixes; namely, not markers that occur after a root.
4 Related to this very closely is the agreement system that it triggers in that if you have
5 a subject that is followed by a verb, that verb must agree not only in terms of the
6 number from the perspective of singular or plural but also with respect to the noun
7 class that the subject carries. So what you would get would be the equivalent of,
8 with respect to a language like French, saying that the girl was, okay, small, where
9 the feminine is indicated on the verb -- I mean, the adjective small, petite, as opposed
10 to the boy is small, there is no indication of gender and that is analysed as being
11 representing masculine. But more than that, the agreement that obtains there is
12 similar in some sense to what occurs in a language such as French and other Romance
13 and Germanic languages, where there is recognition of the fact that we are speaking
14 about one person versus many people. So instead of speaking genders, we speak of
15 noun classes. So that's the second most important feature of the Bantu languages,
16 when it comes to noun and the kind of agreement that they trigger.

17 Q. Okay. On your screen, on all our screens at the moment, is page 12 of your
18 report.

19 A. Yes.

20 Q. And I want to see if I've understood that. What you have displayed in that
21 table, if we as it were stay to the left-hand side of the --

22 A. Yes, yes.

23 Q. -- table to keep it simple --

24 A. Right.

25 Q. -- are the noun prefixes which make the noun plural. Have I understood that

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1 correctly?

2 A. Both singular and plural.

3 Q. Right.

4 A. In other words, you would have a root such as "to," under the example, and that
5 does not vary and that's why in linguistic why we call it the root or the core. It does
6 not vary. And when it comes to Bantu languages no changes takes place in it. So if
7 you want to indicate that it is one person, then the appropriate prefix would be "mo."
8 If you want to indicate it is more than one person, then the proper prefix for human
9 class would be "ba." And so on down the line with all the other noun classes.

10 In the typical Bantu language, that has not undergone the kind of changes that you
11 find in urban varieties, you cannot attach a prefix such as "ba" to a book, for example,
12 or to a house. That's uniquely for the human class.

13 Q. Right.

14 A. So that's quite an interesting, you know, way that a language is characterised,
15 these nouns.

16 Q. Just help us with this: In the furthest left-hand column, there are some
17 numbers?

18 A. Yes.

19 Q. Can you help us as to what they indicate?

20 A. Those numbers indicate what I have marked here as "mnc" it should have been
21 on one line, but I think the table was scrambled just a little bit. Morphological noun
22 class. This means that this is simply marking for singular and plural. In contrast to
23 syntactic noun classes, those are the ones that would later on in subsequent tables
24 indicate the agreement system as it operates and showing that sometimes you find
25 differences in spite of the morphology.

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1 So the 1, 2, 3, 4, 5 and so on are numbers that were invented by Bleek in 1850,
2 followed by a student who elaborated them, whom I mentioned yesterday, and that's
3 Carl Meinhof, to show that what you find in these languages is a pairing. One and 2
4 is human class; 3 and 4 is trees and related; 5 and 6 are classes where you get liquid,
5 non-countable, as well as elements that come in twins; such as twins would fall in
6 that category. Lapassa (phon) is one and mapassa (phon) would be two twins.

7 Q. And the highest number we see there is 14. Can you tell us how many noun
8 classes there are? Is there a definitive number?

9 A. Yes, sir. It depends on the languages, and this is part of what I sort of was
10 alluding to yesterday when I spoke of Bantu central zone, this and that. In many of
11 the central Bantu languages, you find that the classes go up to about 14 and they stop
12 there. Note that not all the classes are there, because we don't have 12 and 13. In
13 contrast to Eastern Bantu languages, such as Kiswahili, you find that it goes to 18. If
14 we went to Zulu, there are 21. And again not all the classes are present in each of
15 these languages, but they are distinguished basically on the structure of the marker,
16 namely the prefix, and eventually on how that prefix controls the agreement and
17 verbs and descriptive adjectives.

18 Q. Thank you. Can we just quickly go over to page 13 and Table II. This is
19 probably perfectly obvious, but what does Table II demonstrate to us?

20 A. Let me walk you through that. The first column is what I just finished talking
21 about, indicating the class number, 1, 2 and through 14. The second column of
22 course the noun prefixes that occur on the noun and for the different types of nouns.
23 The second one, "SVA," is subject verb agreement. That is if we have a subject that is
24 singular and that belongs to the human class, the agreement on the verb would be
25 marked as a prefix on that verbal element, which in turn itself the verbal element will

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1 contain the tense and so on, but the most important part of it is the agreement marker.
2 Agreement in Bantu languages is obligatory and it has to be obvious, so if you have a
3 singular it would be "i," if it is plural for human it would be "ba," et cetera down the
4 line, and as you can sort of see by and large most of the agreement forms - subject
5 verb and agreement forms - represent a copying of the noun prefix, not exact but
6 close to it, and can be so reconstructed.
7 Moving further, you find adjectival agreement. There was for me a sort of
8 mnemonic to indicate how several elements that qualify as adjectives. These can be
9 descriptive adjectives, they can be demonstratives, they can be possessives, such as
10 "my book" versus "my mother" and so on, and they would carry again a prefix
11 indicating that it is agreeing with the noun possessed, it is agreeing with the noun
12 that is being described or modified and so on, and here more than in the case of
13 subject verb agreement the prefixes are much more alliterative.
14 Then "SNC" is the syntactic noun class. This is an idea that I proposed in a paper
15 back in '93, arguing that in some languages the morphological noun class does not
16 necessarily correspond with the syntactic noun class, and the syntactic noun class is
17 construed to represent the agreement that obtains between the noun that is serving as
18 a subject, or as a head for an adjectival phrase. And when we begin to look at some
19 of the languages, including Lingala, you find that in some cases there is no one-to-one
20 correspondence and, therefore, the two notions, morphological noun class versus
21 syntactic noun classes, have to be distinguished to capture that behaviour.
22 And then on the right side of that table, what I present here are the same elements but
23 in what is referred to as "Lingala Literary," or "Mankandza Lingala," and you can see
24 therefore some of the differences in terms of the marking that is given there, but very
25 similar. If you don't pay attention, you might think that Dzámbe and Lingala are

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1 one in the same, but there are small differences and some of them will merge at other
2 points.

3 Q. For the time being --

4 A. Yes.

5 Q. -- to keep matters straightforward, let's stick to Dzámbe.

6 A. Okay.

7 Q. Okay?

8 A. Okay.

9 Q. What you've therefore very helpfully done further down the page at
10 subparagraph 1, if that could be scrolled down please, is that you've given us an
11 example of how the noun prefix, the adjectival agreement and the subject verb
12 agreement work in practice. Have I understood that correctly?

13 A. Yes, sir.

14 Q. And, as you've said, we can see that to change from singular to plural in a
15 phrase which has an adjective and a verb involves a change in the prefixes to the
16 noun, the adjective and the verb. That's what we see in subparagraph 1, isn't it?

17 A. Yes, indeed. Quite correct.

18 Q. What is the phonetic effect of that upon the phrase?

19 A. There is -- there is none, in the sense that this language having been given a
20 Latin alphabet, what you see is practically what you pronounce. So there is no effect
21 here unless - unless - the verb root begins with a vowel, okay, as opposed to a
22 consonant. The examples given here are with a consonant. It was done
23 intentionally to avoid the complications of the phonetic operations, or phonological
24 operations, on those elements. So in some cases you may get an agreement showing
25 in a different form, as opposed to remaining "a" for the singular of human, or "ba" for

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1 the plural of the human. It could be something that is a modified vowel "a" that may
2 become "e" depending on the type of vowel that occurs initially.

3 Q. Professor, that was probably my fault. It was probably because I don't know
4 half as much, or a tenth as much, about this topic as you do.

5 A. That's all right.

6 Q. I'm going to go back to a question that I put to you earlier. In terms of how a
7 noun changes from singular to plural, adjectival agreement and the change in the
8 form of the verb in a sentence, what is the essential difference between a Bantu
9 language and a Latin language?

10 A. Okay. In the case of Latin, what occurs -- and I suspect this is the same with
11 respect to many of the Indo-European languages that have robust agreement system.
12 What takes place is that you have to -- let us stick to French as an illustration, because
13 I think many of you here are familiar with French.
14 The agreement marking on a verb in French is indicated as a suffix, rather than a
15 prefix. Okay? So for something like, you know, "I like" or "I love," "J'aime," there is
16 no marking there, but the absence of the "s", for the human singular first person
17 versus human singular second person, shows that we are talking about "I" versus
18 "you," singular; and as you move on to plural, "nous aimons," you have "ons", that's
19 the agreement, but it doesn't change the root per se nor does it show up as a prefix.
20 In Bantu, what you get is a prefixal agreement, because the suffix or position is
21 reserved to tense marking in many of these, not all of them, but in many of the
22 languages, particularly central Bantu. Eastern Bantu, the tense is a prefix following
23 the subject marking.
24 So the difference, therefore, here is that you get literally in most instances a copying.
25 This is why back in the earliest period of Bantu linguistic discovery they were

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1 called -- these languages were called the alliteral (sic) languages, because it's very
2 alliterative when you see this.

3 "Mw-ana," "mu-nene," for the singular of human, it's not alliterative; but look at (b),
4 11(b), "ba-ana" -- I mean 1(b), "ba-ana," "ba-nene," "ba-kom-él-áki," and
5 "ba-ba-ba-ecos" (phon), because the gamut of anything that has to agree with a noun
6 that is being referenced as a central element controlling the phrase of the sentence.
7 So if you had Latin, then you get again suffixes but, interestingly, very detailed kind
8 of forms that would perhaps mirror some of this.

9 Q. Okay. So I think I've got it. In Bantu languages, the change is at the
10 beginning of the words, whereas Latin or Germanic languages the changes come at
11 the end of the words.

12 A. Correct. But those words, again we have to be specific with respect to nouns,
13 their prefixes; with respect to adjectives, again, prefixes, it's not at the end of the root
14 verb. With the verbs, agreement is at the beginning, but tense marking can be in the
15 middle or at the end.

16 Q. Thank you. And again, the question I asked you earlier, does that affect
17 what -- the sound of the phrase you utter, whether it is singular or plural?

18 A. I'm not sure I understand your question from a technical point of view. Does it
19 affect -- what is coming to my mind is you're looking at or searching for a phonetic
20 change of variation. Do I understand you, or what is it that you are seeking to
21 understand about precisely?

22 Q. Well, the first two phrases you've read to us already in subparagraph 1, perhaps
23 you could just read them to us again.

24 A. Okay. Okay. This one is in Dzámbe. "mw-ana, mu-nene, a-bomban-áki,
25 waabo. Ba-ana, ba-nene, ba-boman-áki, waabo."

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1 Q. It seems to me that they sound rather different; one begins "mw-ana" and the
2 other begins "ba-ana," so is that a phonetic difference or is that -- my
3 misunderstanding of the word "phonetic"?

4 A. It's a phono -- it's a morphological difference.

5 Q. Okay.

6 A. It's a morphological difference in that you have cases of singular versus plural,
7 and that can be repeated ad infinitum to the number of classes that exist in that
8 particular language. But when you were referring to "phonetic," and I began to
9 explain if the verb or adjective begins with a vowel, there may be some changes. So
10 that's not what you were looking for, but rather, yes, they sound different because
11 there are different prefixes attached to them and they have to be so pronounced
12 because otherwise you wouldn't know whether you were talking about, you know,
13 singular or plural.

14 Q. Thank you. I'm now going to open up, as it were, the left -- the right-hand side
15 of the table for you but introduce it with a general question: What, if any,
16 grammatical variance are there in the use of Lingala today?

17 A. There are sort of four main variance or dialects of Lingala. You have what is
18 referred to as Mankandza or literally Lingala, sometimes considered to be standard
19 Lingala or Catholic sort of version of Lingala. That's the primary one, one that's also
20 used in formal broadcasting, be it on the security forces or armed forces, radio or
21 television programme, or in announcing news in general, at least when that was done
22 consistently.

23 The second variety is referred to as spoken Lingala, or Lingala parler, which also
24 sometimes is referred to as a Protestant Lingala because the person who was
25 responsible for organising the aspect of that standardisation was Malcolm Guthrie, a

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1 linguist whom I mentioned yesterday, but who also had served as a missionary
2 educator.

3 Then you have a third variety that is known as Kinshasa-Lingala. Sometimes, or
4 until more recently, it was referred to as corrupted Lingala or street Lingala, and it is
5 a Lingala that contains a great deal of not only French vocabulary items, many of
6 which have been nativised, in other words, adapted to the Lingala, alphabet or
7 phonetic realisation, others that are just raw and they can be embedded inside Bantu
8 morphology but, more importantly, as I saw in a later table, this is a variety that has
9 an eroded version of the grammatical agreement. Instead of recognising the
10 existence of the noun, the morphological noun classes per se as prefixes to verbs and
11 modifying adjectives. Kinshasa-Lingala has reduced all of those to three; human
12 singular, human plural and everything else.

13 So this is a drastic simplification of a rather critical, most important aspect of the
14 Bantu language; namely, the agreement system. I used to tell my students, if I'm
15 permitted, your Honour, a joke that in Lingala, or Bantu languages, you cannot greet
16 anyone without agreeing. Meaning when you greet someone, say "Good morning,"
17 "you," singular, it has to be an agreement marking the verb. And often it is I'm
18 addressing "you" singular, I'm addressing "you" plural, unless I recognise "you"
19 singular as someone with a higher status and, therefore, I can use a form that may
20 sound like the equivalent of "vous" in French. So it is fascinating, when you look at
21 it, compared to other languages. French, you use simply "Bonjour, bonjour,"
22 whether you are one person or many people, but you can't do that easily in Bantu
23 languages.

24 Q. What is the basis of your assessment as to the existence of those variations?

25 A. That is a complex narrative, and from what has been observed generally in

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1 sociolinguistic, when it comes to language variation, is that dialects vary according to
2 a number of social factors. The first one, perhaps not so much social but more
3 psycholinguistics, when children acquire a language they acquire it from a specific
4 community of inhabitants who include the parents but not necessarily imitating the
5 parents but whatever that speech community is the variety of language that is
6 common, that is speak, is going to influence what it is that the child will assimilate
7 because he or she is exposed to that variety and is going to reproduce that.
8 So from the get-go, from the start, the child already encounters a form that exists and
9 forms that exist, and he or she analyses them, deduces the rules, and, boom, you have
10 it. So a child born in Kinshasa will be exposed to the kind of Lingala that I've just
11 described with regard to Kinshasa, that has an eroded grammatical system, and they
12 will reproduce that until you correct them that in more standard form of the language
13 you have to have this agreement, these many agreements.
14 So that's from the point of view of language acquisitions.
15 The second is a question of language contact. When we learn languages, we bring in
16 knowledge from previous languages, and that knowledge of the grammar can be
17 transferred to achieve good results, results that are consistent to a grammatical
18 structure of the language that is being learned, but at times they can also interfere in
19 that one would make false analogies and you end up with forms that do not
20 correspond to the variety that is being learned. And in such cases, what we say is
21 that the person has over-generalised the rules and, as a result, has produced faulty or
22 foreign type of variety and, therefore, if that set of features that the individual
23 produces, or imitated by others, and they spread, then they become accepted.
24 Example in point, because I know this is very abstract to most of you, in American
25 English one says, using the verb to learn, that "I am learning today," or now, as

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1 opposed to "I learned" with a "d" at the end yesterday. But in British English, yes,
2 we say "I am learning now, I am learning today." However, in the past, "I learnt"
3 with a "t." Just that one feature alone makes a distinction and can contribute to a
4 dissension between American variety of English versus British variety of English.
5 Within America, there are varieties among which one or most prominent and talked
6 about is American, African-American vernacular English. Instead of saying, "I'm
7 learning," they say "I'm learnin." The "ng" is omitted. Or, I, you know, "I've been
8 learning for a long time," instead of "I've been learning for a long time," they say "I be
9 learning," and so on.
10 So these are some of the factors that contribute to perhaps not necessarily a question
11 of faulty, but sometimes over-generalisation of (indiscernible) or exposure to a variety
12 that already exist and the person has, you know, learned that.
13 So the case of transfer, in particular, is very important here. Languages that do not
14 have a robust agreement system would tend to simplify what they find in their own
15 language and, as a result, you end up with these different forms.
16 A third factor is that of mixing; in our case here, French, for example, with Lingala.
17 It's quite common in urban centres. It's not just limited to Lingala in French, but you
18 can find it in the other languages, including more sort of ethnic-based languages that
19 are spoken in small communities, as long as you are bilingual. So bilingual,
20 multilinguals contribute to bringing some of the changes that occur in language. In
21 other cases, it is errors committed by or hypo-correction by speakers of languages
22 other than the one that you're learning.
23 Q. Thank you. Now, I'm not going to walk you through the section of your report
24 where you deal with the variations in Lingala and the wealth of its vocabulary as well
25 as its grammatical - essential grammatical - features, but what given the task you

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1 were undertaking is the importance of those grammatical features, the wealth of the
2 vocabulary and the variations in the forms of Lingala?

3 A. Basically, Counsel, what I aimed to do here was to demonstrate several features
4 of language structure; the first one being that any language that is widely spoken will
5 exemplify, will encode, variations of different types resulting from the natural
6 tendency for language to adapt to its environment such that we talk about language
7 variation being environmentally -- being inerrant and environmentally reflective. So
8 that in documenting part of the variations that exist in the three dialects that are
9 referenced here, or discussed here, that was one of my first objectives.

10 A second was to demonstrate that there -- the existence of the dialects is not
11 something that is haphazard or that simply people talk about it in a way that, well, it
12 could be this or that, no. There are indeed formal characteristics that differentiate
13 them and among these, as I've enumerated them, are the types of agreement forms
14 that obtain in the different varieties that I have discussed.

15 So that we can say Kinshasa Lingala, for example, differs from spoken Lingala in a
16 foreign fashion is beyond vocabulary but that's also on the, you know, aspect of the
17 grammar.

18 The third objective was to show that when we speak of someone speaking Lingala,
19 just as we say someone speaks English, the question becomes which type of English
20 are we talking about? Is this, you know, British English? But even British English,
21 is it the received pronunciation type of English or is it Irish English? There's
22 Cockney English. Is it American English versus Australian English, and so on and
23 so on? And what differentiates them all, some of the features are referred to here.

24 Apart from pronunciation, you have vocabulary, you have construction that reflects
25 certain features that are specific to an area and that in this case, therefore, one has to

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1 be very careful as to say, "If I know Lingala, the Lingala that I know, is Kinshasa
2 Lingala."

3 One of the roles that I play, which I may not have presented previously, is that I
4 evaluate or test speakers of the language; namely, in this case, Lingala. As a foreign
5 language, we're working for different companies, including the Federal Government
6 of the United States, and individuals who have learned Lingala in Kinshasa are
7 clearly are distinguished from those who learned Lingala in Kinshasa plus the formal
8 training in the classroom.

9 No matter how I try to get them, for example, to talk about a formal situation, they
10 fall back to what they know, and that is revealing and it is almost as good as, you
11 know, a fingerprint. It can tell me that this person came from Kinshasa, or grew up
12 in Kinshasa, versus someone who grew up in Kisangani or grew up in Mbandaka and
13 may have gone to Kinshasa, and so on.

14 And furthermore, the fourth was to show the extent to which knowledge of
15 language - any language - often sometimes requires that one be fluent in more than
16 one dialect or, if a person knows more than one dialect, we can tell that this person is
17 not just a mono-lingual, mono-dialector, but he's -- he or she is multi-dialector and
18 can make these distinctions.

19 Q. So why is it all important for us here to bear those features of the language in
20 mind?

21 A. This was in -- I didn't count.

22 This was important for the case in point here because of the allegation that speakers
23 of Lingala were involved in the conflict, that is the subject of this case in Court, and
24 that in order for one to say they were speaking Lingala we need to know what type of
25 Lingala were they are speaking and therefore make some sense of assessment as to

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1 whether these individuals were learners of Lingala who could therefore be shown to
2 have features that are of the speakers of Lingala as a foreign language as opposed to
3 speakers of Lingala as a, you know, native language to them and, further, whether
4 these individuals came from what part of the country potentially to ascertain whether
5 they were Congolese as opposed to Congolese from DRC, as opposed to Congolese
6 from the Republic of Congo or Congolese from another country where there are
7 speakers of Lingala.

8 Q. How important is it in your view, in determining the ethnic origins of the
9 speaker, that you can analyse precisely what was said in this case in Lingala?

10 A. I cannot make claims about determination of ethnic origin of the speaker of a
11 language, as a general principle, because it has turned out to be problematic in many
12 cases. You have examples of African-Americans who produce or speak very
13 standard English in America and who on tapes will be judged as being white, and
14 you have whites who have lived in African-American, you know, communities,
15 particularly inner-cities, who produce African-American vernacular English and they
16 are judged to be black.

17 So if you get my point, it's not a good factor to rely on but, rather, what is significant
18 is the determination of one's series of features, some of which are critical in assessing
19 whether they speak a variety that is known to be common in a particular region or
20 subregion, and this was part of my attempt here.

21 I do not think, sir, that we can ascertain clearly from one's speech, without knowing
22 their language, if they are from a particular ethnic group; although sometimes it can
23 be done, but it is again not a certainty.

24 To give you one example, there is a joke that has become sort of -- it's well-known in
25 the Congo, that if you hear someone speaking Lingala in Kinshasa, where by the way

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1 this is one thing I didn't elaborate on yesterday, Lingala is the default language in that
2 city of nearly 9 million people now, which means that you see anybody who is
3 Congolese or black in general, whether they come from Sudan or somewhere else, the
4 first, you know, instinct is to greet them in Lingala and address them as such, even if
5 they may not speak the language but that's the language you have to deal with if you
6 want to be a resident of Kinshasa.

7 The point I want to make is that you have someone speaking and produce something,
8 and you tell them, say, "Leave me alone," if they say, "Tikan gai," (phon), okay, "To
9 leave" is "Kotika," (phon), "Tikan gai," you would not know for sure where they come
10 from in the Congo; but if they say "Tchikan gai," you will know that they come from
11 the Kasai or else they are Tshiluba speakers. It's, you know, made as a joke, but in
12 reality that comes from the phonology of Tshiluba which is transferred into Lingala.
13 In the same way that a French would say, "I've been sinking (sic) of you." "So you've
14 been sinking? What do you mean you've been sinking of me?" Well, they mean to
15 say, "I've been 'thinking' of you," to the extent not produce the "th," so the closest
16 thing phonetically is a "s." So you get the wrong impression, "What do you mean
17 you've been sinking of me?" "No, I have been thinking of you." "Ah, I understand
18 you now." Okay.

19 In that respect, those features -- but if you did not know Tshiluba, you would not be
20 able to make that kind of an observation, and that's part of the point I was trying to
21 drive here.

22 Q. Well, you've led me very nicely into my next question, which is: How useful
23 in determining the ethnic origins of a speaker, for example, would you regard the fact
24 that the words allegedly spoken were "come here" or "give me money"?

25 A. Okay. You are raising a question utilising the term "ethnic." From my

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1 understanding, "ethnic" means a linguistic group in a politically correct terminology
2 or tribal origin. Are we talking about the same thing or are we talking about
3 nationality?

4 Q. Let's simplify it. Where somebody came from.

5 A. Where somebody came from. Okay. With regard to where somebody came
6 from -- please, repeat the question. I want to be correct in terms of responding to it,
7 instead of what I thought that I heard.

8 Q. Yes. Let's suppose you were told that somebody heard the word which in
9 English means "come here" in Lingala. Would that be sufficient for you to determine
10 where the speaker came from?

11 A. No. And why not? The reason is -- there are several reasons, but at least two
12 or three of those are important. First of all, that kind of an expression is heard and
13 included in many of the Congolese songs, so it is a phrase that can be memorised, and
14 its meaning would have become transparent by the time the person is, you know,
15 producing that.

16 Secondly, as I indicated earlier, Lingala being such a popular language in much of
17 Central Africa, that includes the Congos, the Angolas and so on, and beyond, some
18 individuals have learned how to speak the language without their being
19 taught -- they've learned on their own. And this might be surprising to some of you
20 here, but it is not at all surprising in the case of African countries for the simple
21 reason that I stated yesterday; the similarities between Bantu languages are so high
22 that once one knows a particular language, that is a Bantu language, he or she can
23 learn the other or another by simply extending the knowledge that this person has
24 about their first or second or third language.

25 I can give myself as an example. You may have seen both on the Prosecution and

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1 Defence team my biography, in particular with respect to this statement that you
2 have here, that I became the assistant or teaching assistant or lab assistant in my
3 Swahili class at the University of Wisconsin after learning the language formally for
4 one year at the University of Wisconsin. I was not exposed to Swahili before
5 learning it formally at the University of Wisconsin.
6 My classmates were amazed. They said, "How could you just finished this class
7 with us, how come you're the lab assistant teaching us how to pronounce?", and so
8 on and so on. I said, "Well, because I know other Bantu languages." It came to
9 me that fast. And by the time I got to my second year, I was producing better, you
10 know, Swahili, and by -- I never went beyond I think taking the class for two years, I
11 might not beyond the second year, but thereafter I was able to become a teaching
12 assistant at another university, namely Indiana University, teaching Swahili based on
13 what I have learned at the University of Wisconsin, and so much so that many of my
14 students felt in some cases that I was from Tanzania or Kenya where the language is
15 spoken much more, you know, commonly.
16 One might be tempted to say, "Well, but you're an exception." I am not. Many
17 Africans are multilingual precisely because some of the languages are so similar. In
18 other cases the environment forces you to be multilingual. You have no choice.
19 There's the language of the family, there's the language of the marketplace, there's the
20 language of office or work, and you adapt in ways that are not common in
21 pervasively monolingual societies. Therefore, the answer is, "no," saying -- using
22 those expressions alone is not sufficient to determining that someone comes from a
23 particular country or a particular city or ethnic group.
24 Q. Just for the sake of completeness, the other phrase I wanted you to consider was
25 "Give me money." Would that be enough to indicate where somebody came from?

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1 A. Not at all, for the same -- the same reasons that I have advanced previously.

2 Those are phrases that you can find in many of the songs.

3 Q. Thank you. Can we now just go to page 26 of the report.

4 A. Yes, sir.

5 Q. I'm just waiting for it to come up on the screen.

6 A. Yes.

7 Q. And I just wanted to ask you about linguistic profiling, and by all means
8 remind yourself of what the report says and simply is there anything you'd like to
9 add to that section of the report, or clarify, or amplify?

10 A. No, not particularly, other than that it is a complex undertaking for, in part, a
11 variety of reasons that I've given when I was responding with regard to the varieties
12 of Lingala.

13 Q. And further, I'd like if you can for you to comment on this notion; namely, that
14 a Sango speaker can tell the difference between a Central African speaking Lingala
15 and a Congolese speaking Lingala?

16 A. Can a Central African ascertain the difference between a speaker of Lingala
17 from the Democratic Republic of the Congo versus one that comes from Central
18 Africa or Central African Republic? The answer -- there are two answers to that:
19 The first one is if this individual, who's making the assessment, is a trained linguist,
20 who knows Congolese varieties of Lingala, and knows the way that a Central African
21 speaks Lingala so as to state almost categorically that that person is from Central
22 Africa, as opposed to from the Democratic Republic of the Congo, he or she can do
23 that. I emphasise that that person would have to be not only trained but aware of
24 the existence -- training in linguists does not guarantee the ability to make that
25 prediction or, you know, assessment but, rather, the person has to know the

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1 pronunciation of speakers of Lingala in part, it's only one factor, from Central African
2 Republic versus from the Democratic Republic of the Congo.
3 The reason I state this is that for the same reasons I gave earlier, knowledge of what
4 type of variety of language that one produces requires not only that you detect what
5 is commonly known as "accent," but also to go beyond accent and make the
6 assessment at the level of the phonology, which underlies so-called accent, at the level
7 of syntax or sentence structure and at the level of the vocabulary.
8 I have an example to give you. One of the well-known famous top linguists in the
9 United States is Morris Halle, spelt H-A-L-L-E, who taught for a long time at MIT and
10 Harvard. Morris Halle came from Russia and has been a citizen of the United States
11 perhaps longer than I've been alive. When he opens his mouth to speak, you can
12 easily detect his foreign accent that is much more sort of Russian than is English.
13 When he writes, you have no way. He writes so perfectly, you have no way of
14 telling that this is a former foreigner. So, yes, accent plays a role, but when -- if you
15 were to simply look at the vocabulary and the structure that this individual uses,
16 there's no way to tell. So accent is only one -- one factor.
17 So a trained linguist, with that kind of background that I've just described to you,
18 would be able to make that kind of an assessment, but even then such an individual
19 would have to get enough of a sample to be able to make the assessment much more
20 definitive. It's never 100 per cent, but if it can be 70 or 80 or even 65 per cent, it's
21 better than to simply say, "Oh, that person has an accent and therefore comes from
22 such-and-such," because accent is something that is enduring, does not easily change.
23 If a person has learned the language after puberty, specifically after the age of 13, so
24 often in the United States I'm asked, "Where are you from?" I tell them "I'm from
25 Urbana." They say, "No, but you have an accent." I said, "Oh, I have an accent?"

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1 How about you?" "No, I don't have an accent." I say, "Well, that's news to me."

2 As a linguist, everyone has an accent, and we don't hear the accent is because we're

3 used to our own accent or in our environment but we can detect somebody's else,

4 okay, but that's only a beginning. It's not sufficient, as I indicated, to conclude that

5 such a person comes from such-and-such, unless you have additional evidence, but at

6 least it's a first indicator.

7 I also stated --

8 PRESIDING JUDGE STEINER: Mr Witness, I'm really, really sorry to interrupt you.

9 THE WITNESS: Yes, ma'am.

10 PRESIDING JUDGE STEINER: We have a problem with the tape, that we have only

11 one minute left.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE STEINER: So if you don't mind, we will suspend and you can

14 conclude your line of thoughts after our break. I do apologise, but we have also

15 technical problems here that we need to cope with.

16 THE WITNESS: That's all right, Madam President. I was just getting hot.

17 PRESIDING JUDGE STEINER: We will then suspend now. It's 11. We'll be back

18 at 11.30. I apologise to the Defence, as well, but we do need to do it right now.

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

20 (The witness stands down)

21 THE COURT OFFICER: All rise.

22 (Recess taken at 11.00 a.m.)

23 (Upon resuming in open session at 11.32 a.m.)

24 THE COURT USHER: All rise.

25 Please be seated.

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1 PRESIDING JUDGE STEINER: Welcome back.

2 We will continue with the testimony of Witness D-60, and I ask, please, court usher to
3 bring the witness in.

4 (The witness enters the courtroom)

5 PRESIDING JUDGE STEINER: Professor Bokamba, welcome back.

6 THE WITNESS: Thank you, Madam President.

7 PRESIDING JUDGE STEINER: Mr Haynes, if you could help Professor to continue?

8 MR HAYNES: I'll do my best.

9 Q. Have you managed to retain your train of thought during the half-hour break,
10 Professor?

11 A. No, you have to remind me.

12 Q. Of course. You were answering my question, which was whether you thought
13 a Central African Sango speaker could discern whether somebody speaking Lingala
14 came from the Democratic Republic of Congo, rather than Central Africa, and you
15 gave us rather a long discourse about understanding accent, and just before we ran
16 out of tape you said "I also stated," which indicated I think to all of us that you were
17 about to go on to another element in answering that question.

18 A. Yes.

19 Q. Has that helped you sufficiently?

20 A. Yes. Thank you, Counsel. So the accent was the first feature which is often
21 easy to detect and, as I stated, anyone who has knowledge of the language involved,
22 or the languages involved in a discourse, can make that assessment. It is
23 not a -- knowing one language is not sufficient, but you may have to know both
24 languages, and it is in this regard that I referenced the joke about Tshiluba speakers
25 saying, "Tchikan gai." Somehow you have to know Lingala and know some of the

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1 features of, you know, Tshiluba or else be in a position to have heard that from
2 somebody else and you can say it, but you won't be able to do the analysis per se
3 conclusively.
4 The second feature is one of recognising the key characteristics that distinguish a
5 speaker of a language who comes from one variety versus another or others, and it is
6 in this respect, your Honour, that I went into the detail that I did in my report with
7 respect to the varieties that you find in Lingala, which is no different from varieties
8 you find in other languages and simply different circumstances, but the point here is
9 that there are characteristics and those somehow have to be known to the person who
10 can make that assessment. And the layman, the layperson, would not be in a
11 position to do that, okay?
12 Therefore, this, my second answer, apart from saying "Yes," which I explained, no,
13 because that person can hazard a guess as to what that language is, especially if they
14 have heard it on a radio, or in a music or CD that they have, or music that they have
15 been listening to, and they can say "Well, that's Lingala," but which Lingala is it?
16 They cannot make that assessment unless they knew the structural features that I
17 have been referencing here. So anyone who says that, yes, you can tell and so on,
18 anybody can, I think that they are underestimating, to put it kindly, the difficulties
19 that are involved and if the Court wishes I can recommend three well-known forensic
20 linguist who have been doing this job of determining people's accents, voices and so
21 on, and who are involved in testifying in courts in the United States. The first one is
22 Professor William Labov, who is the -- more or less the father of sociolinguistics,
23 particularly the aspect of linguistic variation. He teaches at the University of
24 Pennsylvania and Philadelphia. The second, not necessarily in this order but Labov
25 is known for doing this work, forensic linguistics. The second is Professor John

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1 Rickford, a socialist linguist at Stanford University, who has done research on African
2 American vernacular English and testing of individuals with respect to linguistic
3 profiling. The third one is Professor Roger Shuy. Shuy is spelt "S" as in "Susan"
4 H-U-Y. He used to teach at Carnegie Mellon University in Pittsburgh Pennsylvania
5 but was also associated with Georgetown University in Washington DC. I have
6 several more, but the point I am making here is that if it is not simply that I, sitting
7 here, am saying it, but I am saying it based on some work that has been done by
8 colleagues who have been involved in this work and the perils that they have shown
9 demonstrated in cases where individuals make the kind of judgments that you are
10 just referencing.

11 Q. Thank you. And you've mentioned during that last section of the answer
12 various disciplines that exist within the wider field of linguistics. When you began
13 your evidence yesterday, you told the Court of your respect, admiration and
14 friendship with Professor William Samarin, the Prosecution or the linguistic expert
15 that was called by the Prosecution. Do you and he operate within the same
16 discipline, so that we understand that?

17 A. Generally speaking, yes, in the sense that we are both linguists, but as I
18 attempted to do yesterday, I come from the formal linguistic, theoretical linguistic
19 and otherwise side of linguistics. He comes from the anthropological linguistics
20 which is more interested in language and culture and, depending on what kind of
21 training his university required for his graduate studies, for his Masters and PhD, he
22 may have taken just the minimum number of type of theoretical courses that were
23 required then, as opposed to in my case -- because that was my field I had to take all
24 the required theoretical courses that involved this kind of dissecting of data and
25 attempting to find what often turns out to be more or less sort of mathematical, you

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1 know, answers to some of them.

2 We also have to bear in mind that a kind of practice or publication that Professor
3 Samarin has, and has produced, is consistent with his area of interest, which one can
4 call basically the sociology of language. I have not seen any publication of his where
5 he discusses language variation from a formal perspective and therefore in contrast,
6 in a narrow sense, I am not in the same kind of disciplinary and research interest as
7 he is. I am more in critical sociolinguistics versus the sociology of language, or
8 language and culture, and secondly, as I indicated yesterday, I am a syntactician and I
9 come from the point of view of more formality in analysing structure, language
10 structure, than he does.

11 Q. Thank you very much and I just wonder whether we can go over the page to
12 page 27 of the report, please? Professor, this is my last question and it is, really,
13 would you care to amplify or further explain the conclusion to your expert report in
14 this case?

15 A. Apart from what is written here in this last paragraph, what I had attempted to
16 do in this particular report, which combines independently published material that
17 had nothing to do with this case, but coincidentally it occurred that this is one of the
18 questions raised, and therefore I provided this without having to -- and those sections
19 are clear, I indicated them, basically section 3, was to demonstrate in a number of
20 ways (1) that language, particularly a language of wider communication, meaning a
21 language that is spoken widely for specific or various purposes, or has different
22 functions across a society or several societies, is not only complex with regard to what
23 we normally assume or know about each language, but also will take on features that
24 are somewhat influenced, not to say dictated, by social factors and one of the most
25 amazing factor, set of factors about Lingala, is the extent to which it began in a

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1 humble rural community and over a series of circumstances during its history has
2 emerged to be perhaps unquestionably what might be characterised as the
3 pan-Congolese language, both in the Democratic Republic of the Congo and
4 Congo-Brazzaville. Its expansion is phenomenal and I can only think of one other
5 African language that has experienced a similar kind of expansion, perhaps three.
6 One is Arabic. Having entered Africa in the 7th Century, it penetrated a great deal
7 of many of the African countries beyond North Africa, apart from having come from
8 the Arabian peninsula at that time, and you find it in different dialects and varieties
9 all over the continent and beyond. The other that I can think of but it is often
10 confused, because it is known by different names, is Bamana, or Bambara. In
11 Senegal you hear people talk of Adjula (phon). In Burkina Faso they may call it
12 Djula (phon). In Côte d'Ivoire a similar sort of Diula (phon), but elsewhere
13 different names, but overall it's the same language but different varieties, and the
14 circumstances of Bamana somehow are similar to those of Lingala in the sense that it
15 was trade combined with or cross-borders trade combined with the use of that
16 language in some aspects of music, and others it was the case of religion and
17 amplified by more recent times the sort of the sense of migration due to job
18 opportunities and so on and so on. But the circumstances of Lingala that I
19 enumerated for the Court, about ten of them, cannot be replicated easily in many
20 other languages and it is just a matter of coincidence.
21 As a result, this language has spread beyond its initial boundaries but in, namely, the
22 two Congos, because of those -- some of those factors. As which speak today, and
23 this is one of my reasons for concluding, subject to, you know, falsification, that the
24 community of Congolese in the Central African Republic, just like those in Belgium,
25 France and elsewhere where I cited numbers in the United States, would very likely

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1 be using Lingala, because it is the language of the diaspora, as opposed to for
2 example Swahili.
3 Yes, you find some communities, but that is what you, you know, find when they
4 speak among themselves. True, they speak French too, but it is not perhaps the
5 language of everyone because French is learned formally in school. Lingala is
6 learned on the street just like Kiswahili in the Congo and in eastern Africa is learned
7 on the street and people can therefore use it when needed. What degree of
8 proficiency nobody knows and this is another issue. So I hope that these
9 conclusions are reasonable based on the data available to us or to me.

10 Q. As succinctly as you can, is it your opinion that the fact that a man speaks
11 Lingala is sufficient to identify him as being Congolese, or from the Democratic
12 Republic of Congo, I should say?

13 A. As stated previously, no. Apart from the reasons I presented earlier, there are
14 individuals who have been learning Lingala at their universities, so who can predict,
15 you know, where they come from?

16 If I can give myself as an example, I have been studying in the United States because I
17 learned the English initially in my Humanites Modernes when I was in the Congo. I
18 never dreamt that I will one day end up studying in the United States, so initially,
19 until I became an American, was I English, American? The answer is "No" just
20 because I spoke the language.

21 Q. And what particular factors apply in the Central African Republic and, as it
22 were, the context of this conflict as you know it?

23 A. Could you, Counsel, rephrase the question? I'm not sure that I'm getting
24 the -- your objective here. What are you seeking to -- me to respond to, or to
25 articulate?

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1 Q. It's really that the central question that you were asked to examine; namely,
2 whether the fact that a soldier in the Central African Republic in 2002 did or may
3 have spoken some Lingala indicated he was from the Democratic Republic of Congo?

4 A. No, I repeat my answer. It is not a sufficient criterion for making that
5 determination for the various reasons I have advanced, and that is the person could
6 have been a resident or a citizen of that country who knows somehow or has learned
7 the language. The person or the persons could have been ones who participated in
8 military training, just as military or trained elsewhere and they trained in the
9 language of the host country, and in that case when they returned they would know
10 that language and can use it for specific purposes, or the individuals could have been
11 Congolese. You cannot exclude that possibility until again one examines the kind of
12 details that I referenced previously with respect to the varieties as well as, you know,
13 the accent of the individual.

14 MR HAYNES: And I just want to finish, please, by having document 3 placed on the
15 screen. That's CAR-D -- I'm sorry, document 2, CAR-D04-0003-0509.

16 Q. Professor, do you recognise that document?

17 A. Yes, sir.

18 Q. And what does that list entail?

19 A. This list is what we call references, namely studies that I have cited in my study
20 narrative, or study report, so that the Court can see that the information provided
21 here came indeed from specific sources, rather than simply from my "experience" or
22 work.

23 Q. And have you also read the report of Professor William Samarin?

24 A. Yes, I have read it and I have made specific references to it in disagreeing with
25 some of his assertions or claims, and I have returned to it to make sure that what I

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1 wrote then, subsequent to reading it and reading it a second time, was indeed
2 consistent and it is.

3 Q. And have you also read the transcripts of all of his testimony before this Trial
4 Chamber?

5 A. I read them twice. The second time I did not read the last part, or re-read the
6 last part, of his transcript, namely that dated, if I can quickly locate that one here,
7 the -- where is it? Well, it so happens that the one I have here on my desk, I mean
8 on my binder, is that of Tuesday, 29 March, and I think that there is another one
9 which is on my laptop.

10 MR HAYNES: Okay. Well, I think we've got the picture. Professor, thank you
11 very much. I'm going to leave you in the capable hands of Mr Badibanga now. I'd
12 like to say it's been a great pleasure talking to you these last two days.

13 THE WITNESS: Thank you, sir.

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

15 Now, I'll give the floor to the Prosecution. Maître Badibanga, you have the floor.

16 MR BADIBANGA: (Interpretation) Thank you, Madam President. Thank you,
17 your Honours.

18 QUESTIONED BY MR BADIBANGA: (Interpretation)

19 Q. Good afternoon, Professor.

20 A. Good afternoon, Maître Badibanga.

21 Q. I believe that our exchange, or questions and answers, will be easier for the
22 interpreters because we speak two different languages and even though you
23 understand French you will first of all listen to the translation before answering my
24 question. This will make it possible for us to observe the five-second rule, and of
25 course both of us will try to speak slowly as usual. Is that okay with you?

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1 PRESIDING JUDGE STEINER: Yes, Professor?

2 THE WITNESS: Madam President, I'm getting the input in English, but his French
3 fades away. I don't know whether that is a problem in the sense that there may be
4 nuances in French that are not necessarily translated, so what do I respond to? To
5 the English translation, or to the French which is from time to time because of the
6 layover that I am missing?

7 PRESIDING JUDGE STEINER: Professor Bokamba, after all hearings there is a
8 revision of the transcripts and a comparison between the French and English
9 transcript, so for the purpose of facilitating your work I would suggest that you
10 follow the translation in English because this is the language in which you are going
11 to give your answer.

12 THE WITNESS: Thank you, your Honour.

13 MR BADIBANGA: (Interpretation) Your Honour, I believe that the expert is
14 referring to the exchange we had during the familiarisation meeting and, as you must
15 have noticed in his CV, he has perfect mastery of French. The expert told me that he
16 will testify in English and I told him that I would be questioning him in French.

17 Q. And as the Presiding Judge has said it may be easier for you to listen in English,
18 but if you believe that there are differences in nuance between the two languages I
19 believe you should point it out so that we can clarify. We want all questions to be
20 very clear to you. Do we agree on that?

21 A. Yes, Counsel.

22 Q. Professor, when was the first time that you had contact with the Defence team;
23 that is for the purpose of your testifying here as an expert?

24 A. I'm trying to remember the date, but it was last year. It must have been either
25 in January of 2011, when I received the request to see whether I would be interested

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1 in serving as an analyst for the Defence, but I -- my memory is vague mainly because
2 there was correspondence in part from a colleague of mine, Professor Mufwene
3 Salikoko, or Salikoko Mufwene, whom they had initially contacted and he referred
4 them to me and I think it took a little while before I received a response from them, or
5 rather a direct request from them, as to whether I'll be willing and available to serve
6 in this role.

7 I -- we can tomorrow give you a specific date, because I still keep my -- I've
8 maintained the email message that was sent to me.

9 Q. Apart from that first contact, which was followed by emails as you say, did you
10 have the opportunity to meet the Defence team physically, or face-to-face?

11 A. No, Counsel, I never met any of the members of the Defence team and did not
12 know about them.

13 Q. The exercise that I'm going to ask could be difficult, so please approximate if
14 you have to. Now, between that first contact in January 2011, as you can remember,
15 and your appearance here in the courtroom, can you say that you had four or five
16 exchanges with the Defence, or maybe more like 20 to 30, or even more? I'm simply
17 trying to assess the frequency of contacts that you had with the Defence team.

18 A. I would say that there has been more than 20 contacts with the Defence team via
19 email. The first series, apart from getting me to agree on coming on board, involved
20 my -- their request for me to construct questions to be asked to Professor Samarin,
21 and then subsequent to that has been the issue -- came the issue of the report that I
22 was to write and submit to them.

23 So we exchanged emails with respect to that, in particular their providing me the
24 topics or the subject matters that I was to address and providing me the material,
25 including Professor Samarin's report for me to read and thereby construct mine, and

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1 my raising questions sometimes about the extent to which I might be expected to
2 elaborate on what I regard as technical matters and then submitting the report and
3 following it up with the submission of the bibliography that came later, and then after
4 that of course it's the question of when it is that I was going to happen here, et cetera,
5 et cetera.

6 So I've had a number of exchanges with them via email. In a few cases via, you
7 know, telephone when they needed to have materials, you know, right away.

8 Q. Now, let us begin by what you described as "the first series of exchanges." Am
9 I to understand that at that time the request that was made to you was to suggest
10 questions to be put to Professor Samarin?

11 A. The first I think request was for me to examine or review Professor Samarin's
12 report and read his transcripts and then to -- while he was undergoing the interview
13 or, I should say, testimony here to present to them, to the Defence team, questions
14 that would be appropriate or at least a draft of questions from which they can
15 elaborate on their own as they see suitable.

16 Q. And this is the exchanges that you believe took place in January 2011, or did
17 this happen later on?

18 A. This happened later on when, as you can very well imagine, when these
19 documents became available. What documents? I'm referring to Professor
20 Samarin's report and subsequently the testimony that he underwent. So in my mind
21 the chronology is not that clear-cut. I would have to review my emails in order to
22 establish, you know, clearly, but it is a fact that it was in connection with -- once I had
23 agreed that I would serve in this role and that there were, you know, questions
24 involving Lingala, then I simply waited to receive the materials and once they were,
25 you know, sent to me, I began therefore to do my work in terms of the relevant

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1 research to be able to address the questions that I was tasked to do.

2 Q. If I tell you that Professor Samarin testified in this courtroom in March 2011,
3 does that correspond approximately to the period you're referring to as far as you can
4 remember?

5 A. Counsel, by period that I am referring to, which part of my sentence, which part
6 of my conjunct, are you addressing here? Are you talking about the time when I
7 began to receive the transcripts, or the time that I received the report followed by the
8 transcripts?

9 Q. You are quite correct. I do apologise. I believe that on the record what you
10 have said is quite clear. There was no specific time mentioned, but I simply wanted
11 to ask that you received Professor Samarin's report more or less around the time that
12 he was testifying here. Maybe a little bit before, maybe a little bit afterwards, but
13 around the time he was testifying. Would you agree with that?

14 A. Yes, sir.

15 Q. Ever since then, let us say since March 2011, which other documents related to
16 this case did you receive for the purpose of preparing your report?

17 A. Counsel, I received a document titled "Trial Chamber III, Situation in Central
18 African Republic, In the case of The Prosecutor versus Jean-Pierre Bemba Gombo,"
19 which is dated 26 February 2010. I also did receive from the Defence team a copy of
20 Professor Samarin's CV just to make sure that the CV of his that I had was consistent
21 or similar to the one that the Court had and therefore reliable and I could draw from
22 there whatever I needed in preparation for my work. And I think -- I think those are
23 all the documents that -- all the documents that I have received, sir.

24 Q. You have just mentioned a document entitled "Trial Chamber III" and dated
25 26 February 2010. Is there another title on that document that would enable us

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1 maybe to identify its contents?

2 A. Counsel, I do not see another title here. If it is helpful, this is document
3 number ICC-01/05-01/08, dated February -- 26 February 2010, with other inscriptions
4 here that states "Defence for Mr Jean-Pierre Bemba Gombo."

5 Q. The general practice, sir, is that on these type of documents there is a rectangle
6 I think at the bottom half of the document that includes the title or subject matter of
7 this document, on the very first page. Is that the case with that document? Can
8 you see it?

9 A. Yes, Counsel. It says, "Defence observations on the experts proposed by the
10 Prosecution." That is written in a rectangle, "Public document, Defence observations
11 on the experts proposed by the Prosecution."

12 Q. Thank you, sir. That is very helpful. That is what we were looking for.
13 Now, apart from those Defence observations on the experts proposed, there was also
14 the CV of Professor Samarin, as well as Professor Samarin's report. Now, did you
15 receive any further documents relating to this case to help you in the preparation of
16 your report?

17 A. As far as I recall, no, unless I have forgotten or left out a document. I say that
18 because my way of organising myself in this case, as I do with my courses, is to put
19 specific documents in a binder. As you can see, I'm carrying my binder just like a
20 teacher has to, and what I have here represents the documents that I received. It's
21 entirely possible that there was one other and that in the rush of preparing for my
22 travel here immediately following -- especially in packing, immediately following my
23 teaching that very day I could have left something on my desk, but I can't recall what
24 that would be.

25 Q. I'm very sure that your method has proven to be effective.

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1 Now, your answer was very clear but, for purposes of the record and for the
2 clarification of the Chamber and all the parties, I will persist a little bit more by
3 making suggestions to you. Did you receive, or have the opportunity to read, a
4 document known as "Document Containing the Charges" which in fact contains the
5 theory of the Prosecution against Mr Jean-Pierre Bemba? Do you remember any
6 such document?

7 A. No, I don't remember any document and I can state almost categorically, I say
8 "almost" because I'm human so I could have forgotten, that I didn't receive such
9 because it would have been one of the documents that I would have poured over
10 without having to do a search myself with respect to what the accusations are, and in
11 fact I ended up looking for the information online.
12 Even though I had been aware of the fact that Mr Bemba was arrested and brought to
13 the Court, I became aware of this information in the same way that I did with many
14 other -- or I do with other developments in Africa by reading. I may have indicated,
15 if I'm not mistaken, in my personal experience or career development that I am an
16 avid reader of issues involving Africa, its politics and so on, and it is something that
17 keeps me aware of what is occurring there.
18 I spend time not only reading internationally-based type of news, but I also have the
19 habit of watching the news in three different -- from three different channels, the BBC
20 that comes -- is broadcast in my hometown at 5 o'clock, at 5.30 I watch either CNN or
21 ABC, and then at 6 I watch the public radio -- I mean Public Broadcasting System,
22 which is called PBS, to get a full range.
23 Beyond that it is seldom that you find me in front of the TV and it is because of that
24 kind of an interest that I became aware of Mr Bemba's arrestation.

25 Q. Thank you, sir. My questions right now concern the materials that you

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1 received within the framework of your terms of reference when you were asked to
2 serve as an expert. I simply want to know which materials were made available to
3 you. Of course I have no doubt about the scope of your personal knowledge, but I
4 was simply referring to your terms of reference.

5 Now, did you receive any testimonies either in the form of transcripts - hearing
6 transcripts - or reports, that is relating to testimonies provided by witnesses in this
7 court and relating to the subject matter that you are dealing with, that is the use of
8 languages in this conflict?

9 A. No, sir. The only transcripts I have are the transcripts involving the expert
10 testimony of Professor Samarin, and I did not make any attempt to obtain other
11 information from the Defence and they did not offer any.

12 Q. In order to answer, that is the second request in your terms of reference, that is
13 to carry out a critique of Professor Samarin's report, and even before since you had
14 the report in early 2011, did you receive or did you have the opportunity to examine
15 the materials or documents that Professor Samarin had examined himself, that is to
16 prepare his own report, that is the material on which his own report was based?

17 A. No, Counsel, I did not, and in fact in looking at Professor Samarin's report, I
18 noted in one footnote that he obtained some materials from the Prosecution regarding
19 the testimony of some witnesses and I did make a request to Maître Kilolo if this was
20 prior to the submission of my report, before its completion, if I
21 could have access to the same material, and he referred my message to his colleague,
22 Mr Kabongo, who responded that Professor Samarin obtained his material from the
23 Prosecution and that they don't know how to get it, or something to that effect.
24 Essentially that they did not have the material to send to me, which left the matter
25 right there, but I felt that it could have been useful to me to have this material, but

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1 since they did not pursue the matter I determined that it may not have been necessary
2 for me to have it.

3 Q. You have answered my question, but I will put it to you all the same. My
4 follow-up question is as follows: If one were to imagine, for example, that those
5 documents or part of those documents were provided to you, would that have had an
6 impact on the report that you have produced?

7 A. My answer, Counsel, would be "No." It would have informed me, but it
8 would not have had any impact. Why? Because, as I stated yesterday in my
9 opening remarks, I am first and foremost a syntactician and what we commonly do is
10 we dissect not just any data, but the data that is relevant in an attempt to produce
11 answers, or to approximate some type of answers that are consistent with what we
12 know.

13 The testimony of other witnesses would not have had any serious bearing, I'm not
14 denying that it would have had some bearing, but serious bearing on my report
15 because I was responding to the work specifically of another expert and as such it
16 behoved me to be consistent to and address in particular that report rather than any
17 other matters, some of which I happened to know because again there are very few
18 secrets in this world and much of what is done here is broadcast and is placed on
19 internet and I have access to that.

20 So I -- that was what you may call some chatter on a periphery, but not the core of
21 what I was to address, because my questions were very specific. "What do you say
22 about X, Y and Z?", and that's what I addressed referring myself to my colleague's
23 report.

24 Q. Thank you, Professor. We will revisit that point later on, but now that you
25 have mentioned the questions that were put to you, do you know at what time more

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1 or less you received the terms of reference, the letter which gave you the mandate to
2 prepare your expert report?

3 A. It's interesting that you ask that question. The letter is the one that I was
4 attempting to remember exactly when it was sent to me asking me to address the
5 questions which I have highlighted as my term of reference and it was following my
6 agreement to undertake this work that a general, not a formal, letter was, you know,
7 sent to me as to what it is that the Defence team would like me to respond to, and
8 then the provision of the documents that I have referenced.

9 At a later point, I believe there was a more specific letter in terms of -- before I
10 submitted my report in terms of making sure that I remembered that what I was to
11 address, but I can't remember at what date that letter was sent to me.

12 Q. Do you have in your folder any copies of those letters that might jog your
13 memory?

14 A. No, Counsel, I don't, but I do have that in my email. If that is necessary, we
15 can -- I can seek them out and attempt to produce them, or else to give you the exact
16 date.

17 MR BADIBANGA: (Interpretation) With the leave of the Chamber, I would like to
18 refer to the terms of reference that we have here, a letter, and I seek authorisation
19 from the Chamber to do so. I did not think that this might be an issue, but I don't
20 have the reference. I'm referring to a letter to the Professor in 2012. I hope that we
21 can proceed without any difficulty. I want to speak from that document, with your
22 leave.

23 MR HAYNES: What's the level of confidentiality of the document? Ordinarily,
24 letters between two persons would be confidential.

25 MR BADIBANGA: (Interpretation) Madam President, this is the reference of the

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1 document, CAR-D04-0003-0511. It is a letter providing instructions to the professor
2 relating to the questions that would be dealt with in his report, so I do not know
3 whether Defence thinks that this is a confidential document. The matter dealt with
4 is "Would you like to deal with such-and-such a question?" And I have no
5 indication as to whether this may be confidential, or not. If Defence has any
6 objections, we could proceed in private session.

7 PRESIDING JUDGE STEINER: Mr Haynes, I remember the same kind of
8 communication was discussed in public session in relation to the previous -- the
9 previous expert.

10 MR HAYNES: I'm not sure you're right about that. I think in relation to General
11 Seara, when we investigated the level of confidentiality of the document as uploaded,
12 we discovered it was confidential. We dealt with initial questions in private session
13 and the screen was brought down and further questions did not relate to the content
14 of the document. That's my recollection, that -- but I mean Mr Badibanga hasn't
15 really answered the question. What is the level of confidentiality of the document as
16 currently uploaded?

17 PRESIDING JUDGE STEINER: Let's play it the safest side. You are not asking
18 Mr Badibanga to display the document, so we can go into private session and you can
19 put the questions you wish to the witness in relation to such document.
20 Court officer, please turn into private session.

21 *(Private session at 12.40 p.m.) Reclassified as Open session

22 THE COURT OFFICER: We are in private session, your Honours.

23 MR BADIBANGA: (Interpretation)

24 Q. Sir, Professor, this is the first time we are in private session since you started
25 testifying and I would like to explain the procedure to you.

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1 When in private session the public outside of this courtroom cannot hear what is
2 being discussed here, and so we could also stop the public from seeing any
3 documents that are displayed on the screen, and we use the private session whenever
4 necessary to deal with such matters.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Is this the letter you referred to as being the first letter, or is it the second letter, the
14 second official letter you have referred to?

15 A. Technically, Counsel, this is the second -- rather this is the first official letter.

16 By "official" I understand that the one has -- oh, first of all it is -- it was in hard -- I'm
17 trying to be accurate here. It was sent to me in an email and appears to have been a
18 scanned copy of the original and bears the signature of Maître Kilolo. Previous
19 messages had been informal in the sense that they were email messages, which of
20 course I can tell came from whoever, et cetera, but did not have a signature and
21 therefore I don't qualify those as being official.

22 So this would be the first official, following the more informal initial request that was
23 sent to me, and this is distinct in part to me not only because of what I've just
24 characterised or described, but also because in the very initial contact that I received
25 involving the possibility of my participating here. It was from my colleague

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1 Salikoko Mufwene, a professor of linguistics at the University of Chicago, who
2 happened to have been in Europe at a time it seems that he was contacted and he
3 referred the team to me after he told them that he was not going to be able to do this
4 kind of work and that the person best perhaps qualified for this work would be my
5 colleague and following that, when I received their letter -- because I did not respond.
6 When I received their email then I responded and that was again something I would
7 refer to as "unofficial" as opposed to this one here that bears the signature of the
8 individual and the letterhead.

9 Q. Now, Professor, when we return to open session and we need to refer to this
10 document, let us simply say "the official letter". Is that fine by you?

11 PRESIDING JUDGE STEINER: Court officer, please turn into open session.

12 THE WITNESS: Yes, sir.

13 MR BADIBANGA: (Interpretation) Madam President, can we return now to open
14 session?

15 (Open session at 12.45 p.m.)

16 THE COURT OFFICER: We are in open session, your Honours.

17 MR BADIBANGA: (Interpretation)

18 Q. Professor, according to your understanding, when according to you did you
19 deem yourself to be an expert working for this Court?

20 A. Counsel, I'm not certain how to answer that question, in the sense that I have
21 never deemed myself to be an expert in any court at any time, except that I am an
22 expert linguist and that if my knowledge can be utilised by the court I think that it
23 would be up to the courts to decide whether or not, based on my profile, whether I
24 am an expert or not an expert.

25 Q. Professor, maybe I did not express myself clearly. Please do forgive me. This

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1 is the specific question I want to put to you, and I'll get straight to the point and we
2 might gain time that way. You received an official letter on 14 June 2012, three
3 months ago?

4 A. Correct. I lost my -- okay, it's back. Correct. Correct; that is I did receive
5 that letter as you indicated.

6 Q. People who have appeared before this Court as expert witnesses must comply
7 with a procedure. They receive a mandate and they are registered. The thrust of
8 my question is, well, we agree that an official letter was received on 14 June 2012, but
9 you talked to us about services which you provided for the Defence since March 2011.
10 My question then is what was your status, to the best of your knowledge, at that time?
11 Were you in March 2012 an expert already? Did you provide opinions in that
12 capacity as an expert, or in any other capacity? That is the thrust of my question.

13 A. When the request - the initial request - came to me and I agreed to provide the
14 analysis with the understanding that eventually I would have to come to Court in
15 order to testify, I understood that my expertise was being requested and it is from
16 that moment when I said "Yes" that I engaged myself in carrying out the work that I
17 was asked without the formal or official letter in question, because my understanding
18 was that (1) this is a duly mandated team and the request put to me was coming after
19 presumably appropriate consultation, et cetera, and that's in part why yesterday I
20 stated from the start, Counsel, that without the -- what I assumed to be the approval
21 of this Court that I would not be here, because I know as an administrator that in
22 circumstances of this sort there must be some kind of an agreement.
23 So basically, your Honour, and Mr Counsel, to get back to your question, I considered
24 myself to be an expert to address the matter under consideration when the team - the
25 Defence team - asked me to do so and I agreed.

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1 Q. Thank you, Professor. That is very clear. In order to perform your duties, we
2 have referred to the documents that you received. I do not need to repeat, the
3 document from the Defence, Professor Samarin's report and Professor Samarin's CV.
4 Did you meet any people, did you travel to Congo or to the Central African Republic,
5 for the purpose of preparing this report, or updating any information that may have
6 already been in your possession?

7 A. No, Counsel, I didn't. I wish somebody had paid a ticket for me to travel. I
8 would have loved to.

9 Q. I will not ask you to repeat what you said yesterday, but you answered
10 questions from Mr Haynes and talked about your trips to the Congo and the last one
11 being in 2009; is that correct?

12 A. Yes, sir.

13 Q. Your last trip to Congo, or to the Congo, was in 2009, but you did not make
14 mention of any travel to the Central African Republic. Have you ever travelled to
15 the Central African Republic at any time?

16 A. No, sir, I have not.

17 Q. When one reads your report and your CV, one notes the vast expertise that you
18 have in this area and we do not question your expertise at all. What I would like to
19 get from you as a clarification is whether Sango is one of the languages that you
20 studied throughout your career?

21 A. With respect to studying Sango as part of my research, the answer is "No", a
22 categoric "No". However, as Professor of not just linguistics, but also African
23 linguistics, I teach a course on African linguistics which addresses several aspects of
24 issues beginning with the classification of African languages, the evolution of African
25 linguistics, that's in part why I am able to cite to you verbatim, not perhaps verbatim

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1 but rather without consulting my notes, that's what I mean, when terms such as
2 Bantu or research on comparative Bantu and so on and so on began and by whom,
3 and in that context of knowing the history and the classification of African languages,
4 I am familiar or I know the various families of the African languages that there are,
5 the major languages or phyla, and subfamilies and some of -- or some of the major
6 subfamilies and the relationships that exist between these various languages. So
7 I can therefore speak of let's say Niger-Congo and within Niger-Congo you find not
8 only what is clearly known as Bantu languages at large, but also Ubangian languages
9 as well as West African languages because of a series of characteristic or features,
10 structural features, that they share. So it is in that context that I know about Sango
11 or of Sango, but having studied the structure of Sango as I have done Lingala or other
12 languages, the answer is "No".

13 Q. Professor, I seem to have heard you say that the Sango language is in a different
14 language family from the Lingala. Can you clarify that point, please? Which
15 family does it belong to, from a linguistic point of view?

16 A. Yes, you may have missed my answer, Counsel, and I stated that Sango is a
17 Ubangian language, whereas Lingala is a Bantu language, which means that there are
18 a series of structural features that do not exist in Sango, just as they don't exist Mbaka,
19 a related language, or Mbandi, but that are part of core Bantu languages such as
20 Lingala, or Swahili or Kinande. So to make this clear, what we are talking about
21 here is a case that involves the analysis of major features as well as minor structural
22 features in a language to ascertain to what family they belong, and let me illustrate if I
23 may?

24 When we talk about Niger-Congo versus another branch of languages among -- or
25 family of languages among languages of Africa, such as Semitic, okay, or Afro-Asiatic

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1 languages, we are saying that when we examine various aspects of the structure we
2 find not only at a level of vocabulary a high level of resemblances that are referred to
3 as technically as cognates, in other words you can reconstruct words and determine
4 on a basis of the meaning that it is the same in spite of minor differences in some
5 features within that structure, and if you find that there is a high level of vocabulary
6 that is shared, 51 to 65 if not higher, you would on a first blush consider those
7 languages, whether two or three, to have come from the same family.
8 But that would not be enough. One has to go to the level of the sound system to
9 ascertain whether the consonants and vowels that can be reconstructed do in fact bear
10 close resemblances, and on that basis we can conclude for example that Latin and
11 Sanskrit and Greek come from Indo-European languages and that within the
12 Indo-European languages you find subfamilies, Germanic languages, Romance
13 languages, and it is that kind of principle that lead us to the kind, or led the
14 classification of African languages into four major phyla. These are clusters, huge,
15 because of resemblances.
16 What is it that characterises Niger-Congo? The occurrence of noun classes, some of
17 which are remnant in the sense that they are not as widespread as you would find in
18 some other languages. There is -- Sango, Mbaka or Mbandi have some relic of noun
19 classes, but they are not as prevalent -- I use my word here advisedly, prevalent or
20 common or widespread, as they are in what is referred to as "wide Bantu languages."
21 There are Bantu languages also that do not have as many noun classes, and most of
22 those are found in the Cameroon and are referred to as "Grassfield Bantu languages,"
23 but notice the spread of the noun classes across. That is what categorises
24 Niger-Congo versus non-Niger-Congo, such as the Kwa languages of Ghana, such as
25 Twi, Ashanti, Aqkuapem, okay?

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1 So it is these kinds of relationship that we are talking about. Therefore, for a
2 layperson it is difficult to sort of visualise what it is we are talking about, but we are
3 talking about in some cases broad common categories that would lead to that kind of
4 classification and then subclassifications based on more fine grained details that
5 include the sound system and the way the morphology works.

6 I hope I made myself clear, sir?

7 Q. It's certainly clear, but I'm a layman. I'm a layman just trying to follow your
8 explanations, so pardon me if some of my questions are much more simple than the
9 questions from my learned friend opposite.

10 Professor, did you study Ubangian languages? You have told us that you did study
11 Bantu languages and you specified that Sango was -- well, I just would like to know
12 whether you had an opportunity to study Ubangian languages?

13 A. Not in the sense that I have studied the Bantu languages, by which I mean that
14 in the case of the Bantu languages I have examined for many of them the structures at
15 the levels that I referred to previously, you know, syntax, morphology and in some
16 cases a sound system, or phonetics.

17 With regard to Ubangian languages, just as with let's say West African languages that
18 are part of Niger-Congo, my knowledge of them is limited to broad features that have
19 gone into the classification of those languages as per the kind of books that I've used
20 in teaching the general course on African linguistics.

21 Q. My simple question in this regard is as follows: Professor, is it possible to
22 confuse Lingala with Sango? More specifically, when a person hears those two
23 languages spoken, is it possible to confuse them? You've said that they are from
24 different language families and have different structures?

25 A. No, I don't think that one would confuse them unless the speaker is involved in

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1 code mixing, in other words using words from Lingala in Sango and vice-versa,
2 especially if the person were to hear a complete sentence or a dialogue - a
3 conversation - involving the two languages.

4 Q. Professor, without going back to the entire presentation, a very comprehensive
5 one that you've given us, could it be said that according to your report Lingala was a
6 language that was born in the Équateur region of the DRC?

7 A. Yes, Counsel.

8 Q. And once again, now if we look at your report, for all the very good reasons
9 that you have provided, can it be said that Lingala is the dominant language in the
10 Équateur region of the DRC these days?

11 A. Yes, sir.

12 Q. I see that we still have a little bit of time, so I will speak to you about --

13 THE INTERPRETER: (Laughter)

14 MR BADIBANGA: (Interpretation)

15 Q. Now, Professor, you said that you were born in the Équateur region; is that
16 correct?

17 A. Yes, sir, I was.

18 Q. Now, you mentioned that you speak a number of Congolese languages.

19 Which one of those languages is your main language as a person who hails from that
20 area, from the Équateur region of the DRC?

21 A. Counsel, that depends on what you define as "main language." Given my
22 rather international living circumstances, if I am in the Congo I feel that among the
23 Congolese languages, excluding French, if I am in Kinshasa I feel that Lingala is
24 the -- my main language, given the demographics of Kinshasa and the sociolinguistics
25 of Lingala there. If I am in Mbandaka in the Equator province, I would still see

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1 Lingala as the main language because it is the default in the same way that it is in
2 Kinshasa, but if I am further in the interior, near where Lingala was born, or in that
3 area encompassed by the Ubangi and the Congo River, where the different languages
4 that constitute the sources for Lingala, I would say that Dzámbe would be my main
5 language, because there I would have to communicate with those people in Dzámbe
6 as opposed to communicating with them in Likila or Lingala.
7 Part of this is principally dictated by the context which we refer to technically in
8 sociolinguistics as "the context of situation." I explain. When a person speaks, they
9 make determination of -- determinations of three types: The first one is who is the
10 addressee; the second what is the topic of the discussion; and (3) what is the context
11 in which the discussion is taking place?
12 Thus, while we are here, I am expected given this context to either speak French or
13 English, and I feel at ease in any of these languages, but if I were to meet with a
14 Congolese, my first sort of sentiment, knowing that this person is a Congolese, would
15 be to address them in Lingala, and if I find that they don't know Lingala we move to
16 French. So when you asked, "What is your main language?", it is difficult for me
17 because I adjust based on the theory of accommodation given the environment.
18 In 2009/2010 I spent time in Belgium conducting research, part of which is indirectly
19 reported here, or included in my analysis here of Lingala, and there I was at the
20 Tervuren museum, which you know to be the Museum of Central Africa. My
21 colleagues in the office spoke both French and Lingala, but knowing that I was in
22 Belgium my first tendency was always to speak French. I may take that back. That
23 they know French and English and if they addressed me they would have wanted to
24 address me in English, but if I started the conversation I would address them in
25 French. That's how I, you know, react.

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1 So it is difficult for me to say which is my dominant language, unless you say, "Which
2 language do you use most when you are in the Congo?", as opposed to, "Which is
3 your dominant language?"

4 Is that okay, sir?

5 Q. Your answer is perfect and complete and I find it entirely suitable, particularly
6 when it comes to the choice that you make according to the circumstances and we'll
7 return to that topic, and for the same reasons I decided to put my questions to you in
8 French and I made that decision to speak French at this Court because I'm most at
9 ease in that language.

10 Now, sir, the part of the Équateur province that you're from, and please don't
11 get -- go into ample details, could you just tell us approximately how many languages
12 are spoken in that region? Could you just give us an approximate idea?

13 A. I grew up largely in Mbandaka, the capital city of the province of Équateur, and
14 frankly I cannot tell you that there is documentation of the number of languages
15 spoken even in that sub-region without going further west. The reason is that those
16 kinds of statistics, even for the whole country, do not exist. The last until
17 perhaps -- unless someone has done that research recently. So what we have are
18 estimates.

19 For example, in the work of Van De Boeck, I believe 1954, he indicated that there were
20 250 languages spoken in the Congo. As a result many people think that there are
21 250 tribes. If you were to look up the encyclopaedic inventory of languages known
22 as ethnologue, they will tell you that there are 214 languages spoken in the Congo.
23 There is no subdivision in terms of the provinces with respect to how many of these
24 languages are spoken in which of the provinces, so I am not in a position to tell you
25 that, but I can tell you it's a very stable multilingual environment with several

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1 languages, at least it's perceived by the speakers, but when perceived or analysed by
2 linguists it will turn out and they can turn out as I have done partially that many of
3 these so-called languages are actually dialects of the same language.

4 Q. I have taken note of your point regarding the lack of statistics. I suppose that I
5 wouldn't be going too far if I were to say that the entire province of Équateur includes
6 at least ten languages or dialects. I don't think that would be making a risky
7 statement, now would it?

8 A. No, Counsel, it would not, but I wish to politely remind you that I am a
9 syntactician and I stated that I will speak when the facts speak. If they are not there,
10 I will not hazard a response that is going to be documented as my having said this or
11 that.

12 What I can tell you for sure, for example, is that within the zone or territory of
13 Bomongo, as you know the subdivisions within provinces in the Congo where I was
14 born but didn't grow up at, I can cite you probably 20 different languages, ten of
15 which I'm, you know, familiar with in terms of not only speaking some of them, but
16 also understanding a number of them, and as I sort of implied a few minutes ago
17 some of these languages are given names that sounds like they are actually a
18 language, but in reality they are dialects of some other languages, but the
19 nomenclature therefore is confusing and it's not unique to the Congo. It's true in
20 many parts of Africa and this is a work that needs to be done.

21 MR BADIBANGA: (Interpretation) Your Honour, could the court officer bring up
22 the map of the DRC up on the screen for us and this is CAR-OTP-0066-0122 and this
23 is a public document, 7th document on the Prosecution's list of documents? Thank
24 you.

25 Q. Professor, I'm not going to ask you to draw anything on this --

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1 PRESIDING JUDGE STEINER: Maître Badibanga, sorry. Just for a correction of
2 the transcript, it's document 7th on the Defence list of documents, if I'm not wrong.

3 MR BADIBANGA: (Interpretation) It is also to be found on our list and it is also
4 the 7th document on that list. Perhaps you received an initial draft or version, but
5 last Thursday I believe, or Wednesday, we sent a corrected version, so there is a
6 second version of that list from the Prosecution with --

7 PRESIDING JUDGE STEINER: I apologise. I have the list with six documents,
8 that's why I mentioned the possibility of being the 7th of the Defence list, but I have
9 the document here. You can proceed.

10 MR BADIBANGA: (Interpretation) Thank you, your Honour. Indeed, it is on the
11 Defence list of documents as well.

12 Q. Professor, I was saying that I wasn't going to ask you to draw anything on this
13 map, but here we see the Équateur province, so my last questions are intended for a
14 particular purpose. If we look at this map, we see the province of Équateur on the
15 upper left corner to the northwest. Do you agree with me? Is that correct?

16 A. Yes, sir.

17 Q. On this map we see the boundaries of the province and to the extreme right we
18 see a line that begins from the town of Bolobo? Can you see that? Is that indeed
19 the boundary - the southern boundary - of that province right to the left beside --

20 THE INTERPRETER: Overlapping speakers.

21 THE WITNESS: Yes, sir.

22 MR BADIBANGA: (Interpretation)

23 Q. And if we follow that particular line we go to the very top, somewhat to the
24 right of Gbadolite and slightly below Bangassou.

25 A. I see Gbadolite, but I don't see Bangassou.

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1 Q. Because Banga -- because that is in the CAR. Above the word "Republic" I
2 think you'll see that, Bangassou.

3 A. Oui, oui.

4 THE INTERPRETER: "Yes, yes," says the witness.

5 THE WITNESS: I'm code mixing. My apology, your Honour.

6 MR BADIBANGA: (Interpretation)

7 Q. Well, one code that we all need to respect is the five-second rule. Now, this
8 province, the province of Équateur, when someone from Gbadolite for example, I am
9 taking an example, let us imagine someone from Gbadolite very -- to the very top, to
10 the very north, meets someone from Mbandaka which is to the south and to the west,
11 let us say someone from Boende joins them and that it -- that is to the right and I
12 could add another town and someone from Bumba. If we took the inhabitants of all
13 these various places, what language would they use as a common language? What
14 local language would they use, not French?

15 A. Assuming that they take the default language, namely the language that is
16 assumed to be one that each of them knows without their knowing that someone
17 comes from Boende who would be a speaker of Lomongo, someone from Bumba who
18 could be a speaker of Mbaka or Mbandi (phon), and the same thing would be true of
19 Gbadolite, that they would speak Lingala.

20 If they are -- they feel they have a sense of national identification, such as what I
21 expressed earlier, that when I see a Congolese, some other Congolese when they see
22 me including my nieces and nephew they identify themselves with respect to the
23 language not so much with the fact that I'm Congolese but, that I'm an educated
24 person, they will address me in French, but since you have excluded French the
25 default language would be Lingala.

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1 But why did I make that qualification? I made it because you could have someone
2 coming from hypothetically Boende, another from Gbadolite, another from Bumba,
3 who happened to be speakers of the same language, and if they were to determine
4 that this is the case because of certain ways that are able to tell whether it is marking
5 on a face or whatever, they could you know use that language for again the same
6 reason that we referred to as you know accommodation, but the default by no means
7 would be Lingala.

8 MR BADIBANGA: (Interpretation) Professor, I think that with the leave of the
9 Court we will leave it at that and we will continue questioning tomorrow.

10 Thank you, your Honour.

11 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

12 Professor, we will adjourn for today and we thank you very much for being available
13 to continue tomorrow with your testimony.

14 I thank very much Prosecution team, legal representatives of victims, the Defence
15 team, Mr Jean-Pierre Bemba Gombo. I thank very much to our interpreters, court
16 reporters, court officer, court usher.

17 We will adjourn and resume tomorrow morning at 9.30.

18 I ask, please, court officer to accompany the witness outside the courtroom.

19 I'm sorry. At 9, not 9.30. At 9 in the morning. Thank you, Judge Aluoch, for
20 calling my attention to my mistake

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (The hearing ends in open session at 1.29 p.m.)

24 RECLASSIFICATION REPORT

25 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and

Trial Hearing

(Open Session)

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- 1 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.