

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0222

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Tuesday, 29 March 2011

8 (The hearing starts in open session at 9.31 a.m.)

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

10 Please be seated.

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

12 in open session.

13 PRESIDING JUDGE STEINER: Good morning. Court officer, could you please call

14 the case.

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

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

17 PRESIDING JUDGE STEINER: Good morning, everyone. I would like to welcome

18 Prosecution team, the legal representatives of victims, the Defence team,

19 Mr Jean-Pierre Bemba Gombo. Good morning our interpreters and court reporters.

20 We will continue today with the questioning by the Defence of Witness 222. For that

21 purpose I ask, please, for the court usher to bring the witness in.

22 (The witness enters the courtroom)

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

24 PRESIDING JUDGE STEINER: Good morning, Professor.

25 THE WITNESS: Good morning, your Honour.

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1 PRESIDING JUDGE STEINER: I hope you had a restful night.

2 THE WITNESS: Thank you very much, I did. I spoke with my wife. Everything
3 is fine, thank you.

4 PRESIDING JUDGE STEINER: Are you ready, then, to continue being questioned
5 by the Defence?

6 THE WITNESS: I am ready this morning. Thank you very much. And
7 I remember that I am still under oath and I remember the five-second interval and
8 I remember to speak softly.

9 PRESIDING JUDGE STEINER: Thank you very much, Professor. Maître Liriss,
10 you have the floor.

11 QUESTIONED BY MR LIRISS: (Interpretation) (Continuing)

12 Q. Good morning, Professor.

13 A. Good morning, counsellor.

14 Q. We will continue our conversation and we hope that we'll be able to conclude
15 today. Let us make the same effort in that direction. I will try to ask short
16 questions and that way you can respond briefly, as well, if you could. Please do not
17 forget the five-second rule. Can I count on you, Professor, can I count on you to
18 make this effort and you can count on me, as well.

19 A. I agree to the rules and I commit myself to following them.

20 Q. Professor, I would like to read out a sentence from your report, and I will
21 provide some background, some context. This is page 582 in the French version; the
22 English version CAR-OTP-0064-0308. You said the following: "Foreign observers
23 have always noticed that many Africans speak more than one language, as do several
24 of the witnesses, and even more in the case of ethnic languages than they reported
25 and are quick to learn a language they feel might be useful to them. This, of course,

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1 is not a universal phenomenon but typical in certain contexts of language contact."

2 Now, the phrase that interests me is as follows: "It should also be noted that

3 Africans, based on personal experience, are not immodest about their competence.

4 They tend to be a lot more * deprecating about their competence and stricter in their

5 evaluation than many of us are."

6 My question: What did you base yourself on when you made that statement,

7 Professor?

8 A. I based that statement on a few remarks that had been made in my hearing at

9 conferences from linguists over many years and on my own personal experience.

10 I think --

11 Q. Professor, what are your scientific sources for that statement?

12 A. There are no scientific sources for that statement.

13 Q. When you say that Africans tend to be a lot more deprecating, that's not

14 really the -- what was the exact term? "And stricter in their evaluation than many of

15 us are." When you speak of "many of us," who are you speaking of?

16 A. Well, I was in Ontario, Canada, and I'm sure that I was thinking of -- well,

17 I think in the context, since I was on the one hand talking about Africans, what I must

18 have assumed in writing I must have assumed that "us" was myself and every other

19 or many non-Africans.

20 Q. The other non-Africans, do you mean western people? Do you mean white

21 people?

22 A. Yes.

23 Q. Professor, although I doubt -- appreciate such a statement, which is based not

24 on any scientific basis, you came to the following conclusion: Basing yourself on

25 that statement, you said, "One out of 12, only one out of 12 Central Africans could

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1 speak Lingala." What is the scientific basis for that statement?

2 A. Well, counsellor, if I -- if I understand somebody speaking in Sango for example,
3 or French, I understand that person. There's no scientific base for it. Science has to
4 do with a hypothesis that is tested and that is -- that can be duplicated -- can be
5 duplicated by other researchers, but in most of life we don't -- we don't live as if we
6 are living on scientific facts. We live on the basis of knowledge, whether it's true or
7 not, on what we understand -- what we understand to be true.

8 So with respect to that one person (Redacted)

9 (Redacted) it appeared to

10 me that he had -- that he was fluent in Lingala, and so I come to that conclusion on
11 the basis of everything in his particular testimony.

12 PRESIDING JUDGE STEINER: Maître Liriss, in your question, this reference of
13 yours is in the same page you mentioned before? This conclusion that you asked
14 about, I couldn't find it.

15 MR LIRISS: (Interpretation) "Only a very small percentage, most -- only a very small
16 percentage of the Central Africans, most of whom are probably found in Bangui,
17 would be competent in Lingala," and then the Professor concluded. Yes, this is page
18 CAR-OTP-0064-0308.

19 Q. Professor, so why did you say that "probably"; that "This very small percentage
20 probably is to be found in Bangui"? Why did you use the word "probably"?

21 A. The counsellor yesterday asked a question about language change, or the
22 various kinds of aspects of culture, history and so forth, and that applies to what we
23 have here; that is to say, we take into consideration what kind of a city Bangui is. It
24 is unique in the Central African Republic for many reasons and it would lengthen my
25 response to provide characteristics that lead to the conclusion that Bangui is unique in

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1 the Central African Republic, so I won't do that unless I am asked to. Socially,
2 demographically, economically, it is reasonable to suppose that -- number 1, it is
3 reasonable, it is predictable - predictable - that Lingala be spoken in Bangui, as
4 Lingala is spoken in Brazzaville as well as Kinshasa, as well as Kituba is spoken in
5 Brazzaville as well as in Kinshasa. I think that's my answer, briefly.

6 Q. Professor, now when you said "probably," it's the word -- the use of that word
7 probably that interests me. Doesn't it mean that you had no certainty?

8 A. No, it does not mean certainty. It does not mean uncertainty. In science, we
9 have to hedge. That's the word we use, "hedge." To a certain extent there's a great
10 deal of hedging, and hedging has interested me all of my academic career; categorical
11 statements, but also strong statements that are kind of qualified and so forth. So we
12 deal with these things as part of the rhetoric of scientific discourse, so when I say
13 "probably" I am modestly making a statement.

14 If you had challenged me when I was writing at that moment, over looking my
15 shoulder, and asked me, "Why did you say 'probably'?", I would have said that, well,
16 as a matter of fact I know somebody who speaks Lingala and I attended a church,
17 because I wanted to hear the French service and the Sango service where I expected
18 the same sermon to be preached, and the preacher of this church was a Congolese.
19 I could tell by his accent, but I also knew that he was from the DRC. So there is one
20 person, but I have other evidence which I gained on this recent trip where whole
21 neighbourhoods were occupied -- "occupied" is not a good word, but where resided
22 people from the Democratic Republic and where Sango - pardon me, where Lingala is
23 spoken.

24 So my "probably" -- I'm giving all the reasons why "probably" is not a weak statement,
25 not a weakening statement, but a statement of discourse that suggests that, although I

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1 do not have figures for this topic and a census of 1988 and subsequent ones did not
2 ask about Lingala, this is what I believe.

3 Q. Now, if I've understood what you said, Professor, this figure, this percentage, is
4 based solely -- well, is based on no census, no investigation; that you did not carry out
5 any survey, or census, to come to this figure?

6 A. That's true.

7 Q. However, is there a previous study or a study carried out at the same time, a
8 scientific study, that would corroborate your statement?

9 A. No, there has not even been a scientific study of the number of people who
10 speak Sango in the Central African Republic. Every number - every percentage - is
11 somebody's estimate, and a critical reader - "critical" in the scientific sense -- a critical
12 reader of a figure decides whether there is reason to accept that figure or not.

13 Q. The drawback, Professor, is that we find ourselves before an expert and the
14 Chamber and the parties do not have any way to criticise or be critical of your
15 statement. So my question thus is as follows: Help us, what scientific value should
16 we attribute to your statement that is not corroborated by any other work, or any
17 other scientific advice, or by any survey, and then forms the conclusion of a sentence
18 that is -- well, that is not corroborated either?

19 A. Am I to understand -- do I understand correctly that you would like me to
20 convince you that there are speakers of Lingala in Bangui?

21 Q. No, Professor. All I know -- all I'm trying is to ask you to help me, so that we
22 can attach some sort of scientific value to your statement so the Chamber can come to
23 a determination on the basis of your statement. Now, this statement is based on a
24 premise that has not been corroborated; namely, the tendency of Africans that you
25 mentioned and then this conclusion is not based on any sort of census or any

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1 scientific study carried out in the past. On the basis of that, I would like to ask you
2 whether this statement has a legal -- correction, a scientific value that would allow the
3 Chamber to come to a determination?

4 THE INTERPRETER: Interpreter's correction: The end of the previous question
5 ended with the remark, "The statement that Africans are self-deprecating with regard
6 to their language abilities."

7 THE WITNESS: Would the counsellor help me, because I can't remember the
8 statement that you -- or the affirmation, as you said, as it was translated into English,
9 I think, or maybe I heard it in French, what was that statement that you want to -- for
10 which I need to provide you with scientific basis? What is the statement that you
11 would like me to comment on? What statement that I make?

12 MR LIRISS: (Interpretation)

13 Q. Okay. I'll ask the question differently, and things will be clearer. Professor,
14 the statement according to which Africans tend to be more deprecating of their
15 competence, you remember that? Now, is this based on any scientific observation,
16 yes or no?

17 A. That statement is not based on scientific information and I didn't give that
18 impression in my report. In fact, I gave a reason for believing so.

19 Q. Now, on the basis of this statement, you say that only a very few Central
20 Africans speak Lingala and you say it's one in 12. Now, is this statement valid, is it
21 founded on any scientific basis?

22 A. Counsellor, I don't see the connection at all between these two allegations my
23 part. The statement that Central Africans in my experience are not immodest about
24 their linguistic competence, and a statement about the number of people who speak
25 Lingala, just are not related. I was talking about one thing on the one hand and

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1 something else on the other hand. But, by the way, I spoke about the difference
2 between "hinga," the verb "to know," and "ma" the word "to listen" or "understand"
3 the other day, and that was based on research because when I described that research
4 I said that I have -- I asked people to give their statement of evaluation, and those
5 questionnaires are in my archives and I could provide, by going over those
6 questionnaires, giving you the percentages of the number of people who gave 1 and 2
7 or 3.

8 But the real point here is that unless you show me what the relationship between
9 these two allegations are, I'm puzzled, I'm confused, because I don't follow your
10 argument, shall I say, out of great respect for your ability to present arguments; better
11 than mine, undoubtedly, since I'm not a debater.

12 Q. Professor, now, the end of the sentence or the conclusion of the sentence that I
13 draw from it, and you make this statement in capitals, is only a very small per cent of
14 these Central Africans, most of whom are probably found in Bangui, would be
15 competent in Lingala. So this is the answer to the question asked; in other words, to
16 know what proportion of Central Africans speak Lingala. This is based on your
17 premise, this sentence I've just read, and you draw the conclusion answering the
18 question and that is why I have asked the following question: As the premise has no
19 scientific basis, as you say, can the conclusion be considered to have a sound,
20 scientific basis?

21 PRESIDING JUDGE STEINER: Mr Badibanga -- just one moment. Mr Badibanga?

22 MR BADIBANGA: (Interpretation) Thank you, your Honour. Now, in fact, the
23 whole line of questioning over the last few minutes from my colleague for the
24 Defence is based on information which is not fully presented and this is the source of
25 confusion. I would just like to give a brief presentation, explanation, sorry.

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1 The witness did make the statement my colleague has just quoted, except he added
2 this: I will read it in French, and then if necessary I will read it in English. He
3 added, "So this must be the answer to the question put to me; namely, to what extent
4 does the Central African Republic population speak Lingala?" This is page 582 in
5 French, and, "My answer, I must admit, is not based on any survey or census." He's
6 already said it. Then he says, "The sample of testimony or evidence given to me,
7 however, supports my opinion." And this is where we get to the statement only one
8 out of 12 Central Africans could speak Lingala and he only -- because he had long
9 experience and, in English, (Speaks English) "The sample of testimonial evidence
10 given to me. (Interpretation) So this is the basis for the survey."
11 But the question has been asked in such a way as to give the impression that this has
12 been a general statement and the full context hasn't been read out. Thank you.
13 PRESIDING JUDGE STEINER: Just one moment, Maître Liriss, not only you
14 interrupted, but you did it so fast that the interpreters were not able to follow you
15 which is regrettable, because now we have a big, big gap in the transcript.
16 Maître Liriss.
17 MR LIRISS: (Interpretation) Your Honour, I have noted the statement from the
18 Prosecution, but I haven't reached that yet; I'm not at that point yet. I have the
19 impression that the Prosecution is getting ahead of me in my line of questioning.
20 The witness says, after making the sentence, he says, "Therefore, I must deduce that a
21 large number of Central Africans." This is deduction.
22 Now, the question I have for the witness is this: As he recognises that the prior
23 premise does not have a scientific basis, should we then also admit that the
24 conclusion drawn from that statement cannot have a scientific basis either? That is
25 my question, and we can come to the rest of that afterwards.

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- 1 THE WITNESS: May I have the floor? Thank you. Just moments before
2 Counsellor Badibanga's intervention, I reached over to pick up my report because it
3 occurred to me, finally, that you may have misunderstood what I said, or how one
4 thing related to the other. Whereas on the one hand I say, and I cannot be denied,
5 nobody can demonstrate that I am wrong in saying that there are speakers of
6 Lingala in certain parts of the Central African Republic, especially on the riverside, or
7 on the right bank.
8 The figure that is given, however, has to do with appendix A in which, as I said on
9 the first day, is my estimation of that person's probable competence in Lingala and so
10 that there are 1, 2, 3, 4 that I would have evaluated as 5, and all the rest are at 1, which
11 is minimal.
12 Now, that is not a -- I cannot use the word "scientific" because I have already given an
13 explanation or what I mean, what I mean, what others mean by "scientific." Let's call
14 it "linguistic." I don't have linguistic evidence to say that these L1 people are not as
15 good as the L5 people, or that the L5 people are better than the L1 people.
16 I don't have -- I have not heard them speak; I have not tested them. But on the basis
17 of their testimonies I come to that evaluation, and this was an attempt to help the
18 Court, as I said on the very first day, to give my impression. This is not a scientific
19 statement about linguistic -- a competence in Lingala in the Central African Republic.
20 MR LIRISS: (Interpretation)
21 Q. Thank you, Professor. Now, what are we going to note? Should we note that
22 this is simply a personal assessment that you have made?
23 A. I suppose that the counsellor, by using the word "this," is referring to appendix
24 A? That's a question.
25 Q. No, Professor. No, leave the annex aside, we have a lot of other questions on

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1 that annex for later. The assessment that 1 out of 12 south -- Central Africans could
2 speak Lingala, isn't this a personal assessment you've made?

3 A. Your Honour, I have to beg a visual -- a hard copy version of that statement.

4 Where did I say -- where in my document did I say "one out of twelve," et cetera?

5 I would like to see it and I would like to see it not only in English, but also in French,
6 because it apparently is very important for the counsellor.

7 PRESIDING JUDGE STEINER: Prosecution, does the Prosecution have a spare
8 copy?

9 MR BADIBANGA: (Interpretation) Yes, your Honour. It's reference

10 CAR-OTP -- sorry, excuse me.

11 (Pause in proceedings)

12 MR LIRISS: (Interpretation) Your Honour, while waiting could we ask the court
13 officer to display the annex CAR-OTP-0064-0595, that's the French version, and in
14 English --

15 PRESIDING JUDGE STEINER: Are you talking about appendix A?

16 MR LIRISS: (Interpretation) Indeed, madam.

17 PRESIDING JUDGE STEINER: 0064-0319, please, court officer. Yes, Maître
18 Badibanga.

19 MR BADIBANGA: (Interpretation) In this case could we ask for the blinds behind
20 the witness to be lowered, because the document contains the names of a number of
21 witnesses.

22 THE COURT OFFICER: Madam President, the document CAR-OTP-0064-0305 at
23 page 0319 is available on your screens by pushing the button "PC1".

24 MR LIRISS: (Interpretation) It was the witness who asked to see the text again; the
25 text I cited.

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1 Q. Can I continue with my questions? Have you seen this sufficiently? Do you
2 have something more to add before we go on to this table?

3 A. Yes, counsellor. I think that - and I should hope that - my next remarks will
4 finish this part, or deal with the questioning that you are raising. I asked for my
5 report, because the counsellor's question is based on it; the text and the appendix, it
6 turns out, which was not clear to me at all in the beginning.

7 We are dealing here with two aspects of language, especially language in text form,
8 written form, namely exegesis and hermeneutics; exegesis being what was said or is
9 said in a certain place and hermeneutics having to do with what does it mean? And
10 I wrote this to the best of my ability. Maybe it wasn't clear enough, but let
11 us -- I think it is clear, so let me -- may I read what I said in English, or I could read it
12 in French and the Chamber can decide whether they want it translated again into
13 French, or have people follow the French text?

14 All right. On -- well, where I am quoted in my page, it's page number 3, "I should
15 think that many Central Africans in Bangui knew more about Lingala than they were
16 too proud to admit. This does not mean that native Central Africans, most of whom
17 acquire an indigenous ethnic language before or along with Sango in their first years
18 know...", in italics, "... Lingala: That is, understand it or both understand it and
19 speak it," in other words, "ma" and "hinga". Then in capital letters, "Only a very
20 small percent of these Central Africans, most of whom are probably found in Bangui,
21 would be competent in Lingala."

22 I provide no reason for that statement, I just make the statement, but this must be the
23 answer to the question put to me; namely, "To what extent does the CAR population
24 speak Lingala?" My answer, I must admit, that answer being only a very small
25 percent -- that answer I must admit is not based on any survey or census.

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1 Now I switch, "The sample testimonial evidence given to me supports my opinion,"
2 supports my opinion, and I should have cited appendix A at this point and I will add
3 it here, "As we see in appendix A, as I conclude from reading the testimonies, only
4 one out of twelve Central Africans could speak Lingala, and he only because he had
5 long experience in working on the Ubangi and Congo rivers."
6 I hope that clarifies or shows light on the path that we are taking, because we've spent
7 a lot of time on this and -- well, there it is. There is my exegesis of my text,
8 counsellor.

9 Q. Now, you need to understand something, Professor. This is the basic question
10 of identifying the attackers in this case and you are not just any old person. You are
11 an expert and that is why the parties and in particular the Defence wish you to give
12 us the basis for your statement but, as you say this figure of one out of twelve is
13 based on appendix II, then I would like you to look at appendix II. Can you see it
14 there? Do you either have it on the screen, or on paper?

15 PRESIDING JUDGE STEINER: Annex II?

16 MR LIRISS: (Interpretation) Annex II.

17 PRESIDING JUDGE STEINER: I think we have annex I.

18 MR LIRISS: (Interpretation) Sorry, appendix I.

19 THE WITNESS: Your Honour, the counsellor just said something that I thought I
20 needed to respond to and it's disappearing. I need to think about what that was.
21 May I just note -- as an aide-mémoire just note what I remembered his saying. He
22 said it was important, this was -- that what we were dealing with was very important
23 in the case, and what was important I understand is whether or not people speak
24 Lingala and not whether or not -- and he did not say -- identify Lingala, or something
25 of that nature. So that's in a fuzzy way something that I need to respond to.

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1 I'm finished now. You could -- counsellor, you're the guide. You want us to
2 look -- you wanted to point something out here in the table.

3 MR LIRISS: (Interpretation)

4 Q. Professor, in connection with this particular appendix, you say on page 54 of
5 the real-time transcript, line 24 and following, you say, in connection with this
6 appendix, that the figures represent the levels of knowledge, levels of exposure,
7 sufficient levels of exposure, in order to become familiar with Lingala and to be able
8 to recognise it.

9 If that is the case, sir, then the following question arises: Let's take on the first
10 column Witness14, first column, Witness 14 and then Witness 15. These two
11 witnesses are Congolese. You ascribe to them the lowest level and 15 even comes
12 from Kinshasa and yet you give him L1, exactly the same level as Witness 19 from
13 Central Africa. Or 9, 9A, 10, 10B. Sorry, 8, 9A, 9B and 10, who are Central African.
14 They are Central African and they said in their testimonies that they were not able to
15 identify Lingala. Now, could you explain that, please?

16 A. My explanation first - or my response first - is that I cannot recall who Witness
17 14 was, or the one to whom I gave. These are my numbers, that they are not the
18 Court's numbers.

19 PRESIDING JUDGE STEINER: Sorry, Professor, so just to remind you that we are in
20 open session; don't mention names.

21 THE WITNESS: No, of course not, your Honour, of course not. So I don't
22 remember the details, number one. If there are apparent anomalies, that is to say
23 somebody coming from Kinshasa to whom I gave L1, then there's something wrong
24 with my data. I got mixed up. That's all I can say. I do not pretend - I should not
25 pretend - that this is an immaculate report. It is like all work, work, with its

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1 imperfections.

2 MR LIRISS: (Interpretation)

3 Q. Professor, I don't think it's just a mistake because Congolese number 8, you
4 have given him level 5, so with perfect knowledge and understanding of Lingala.
5 Now precisely that Congolese only has partial knowledge of Lingala, and yet he has
6 perfect, deep knowledge of Swahili. The Bench can, indeed, really check the
7 testimony made by that witness to the Prosecutor. That witness said that he spoke
8 Swahili perfectly well and the statement was made in Swahili and not in Lingala.
9 So, Professor, could you explain this?

10 A. Counsellor, if this appendix is of the importance that you seem to attribute it,
11 which you seem to attribute, I would suggest in all modesty to the Court, that I be
12 allowed to look at these records and evaluate my own marking. That would be
13 quite unfortunate. Well, for me, it would mean staying here even longer, and I've
14 been here long enough.
15 I learned the other day that my younger brother's wife died in Fiji and will be brought
16 home. I'm willing to stay for as -- out of obligation and loyalty to the Court, but if
17 this is terribly important then the Chamber will have to decide whether my
18 observations are wrong or justified.

19 Q. Sir, I'm sorry over what you have just stated regarding your brother, but you
20 did not need to remain here for that. What you have said on this transcript is
21 enough and I'm sure it will be enough for the Bench to make a determination.
22 However, may I draw your attention to the fact that the importance of this table is
23 that you are ascribing levels 1 to 12. In fact, that is the importance of it. Are we
24 therefore to conclude, sir, would it be accurate to conclude in these proportions that
25 you ascribe, 1 to 12, that you have indicated, is no longer valid?

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1 A. I'm sorry, I cannot agree with that statement, counsellor. I believe that, as I sit
2 here, this table that I prepared out of conscientiousness is valid, until proven invalid.

3 Q. That is precisely what we're trying to do, sir; we're endeavouring to prove the
4 accuracy of this. So this is why I am asking you the question, why one Congolese
5 born in Kinshasa, in the instant case number 11, how can he have the same level of
6 knowledge, an understanding of Lingala, as a Central African, number 5, in whose
7 testimony he, the witness, said he was not able to identify Lingala?

8 PRESIDING JUDGE STEINER: I think the Defence has already made its point more
9 than once, and the witness has already said that without checking again the
10 statements is not in a position to analyse whether the information he provided in this
11 table is correct or not.

12 Are we going to insist again and again on this point? I think for the Chamber it's
13 quite clear. If need be, the expert can be recalled at any time, but without having
14 access to the materials he examined right now, I don't see the value of insisting again
15 and again for explanations he's not in a position to provide.

16 MR LIRISS: (Interpretation) I agree with you, your Honour.

17 Q. Just two final questions on this matter, Professor. You stated, and I think it
18 was in the hearing the day before yesterday, on Friday, that this document, this
19 appendix, was not a scientific tool. Would you be able to confirm that assertion, sir?
20 You may perhaps want the reference.

21 A. May I make my response? I don't need the reference. I will respond to --

22 Q. Very well, sir. Yes, please, sir, go right ahead if you did not need the reference.
23 The Bench may require it but go ahead, please, sir.

24 A. I will respond to your question. The word "tool" was used in what I heard.

25 This is not a tool; this is not a scientific tool. This is the result of an examination; this

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1 is an inventory and classification. It is an observation. These are notes, and so
2 forth and so forth. No director of a PhD thesis would take this as a tool or a
3 conclusion on relating it to the text that goes with it.

4 Q. Thank you, Professor. May we move on? Sir, you, in your research, you
5 resort to a very large extent to social science methods, is that not so?

6 A. That is true.

7 PRESIDING JUDGE STEINER: Maître Liriss, before you go ahead, could we take
8 this table from the screens or are you still going to refer to it?

9 MR LIRISS: (Interpretation) No, madam, it can be removed from the screen and
10 perhaps the blinds also can be moved up. Thank you.

11 Q. Professor, I was referring to the use of social science methods. You resorted to
12 these methods, that's perfectly normal, since linguistics is a social science. Now, if I
13 remember correctly, when I personally studied social science methods in university,
14 an important idea was once given in accordance with which not knowing all of the
15 elements of one particular phenomenon, or only partially knowing them, is of such a
16 nature as the researcher may, in spite of himself and in spite of his good faith, arrive
17 at results that would not be correct. Would you agree with this statement, sir?

18 A. I would like the question repeated, or rephrased, on -- the question ended with
19 "wrong results," so it has something to do with can good results follow from bad
20 research method? That seemed to be the question. Finished.

21 Q. Sir, I was actually reading a sentence once uttered Monsieur Ruchon (phon)
22 from the University of Leuven, who was one of my teachers. I will perhaps set forth
23 the premises differently and I shall put it this way: Does partial knowledge or poor
24 knowledge of the events being studied may have an influence on the outcome of the
25 research?

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1 A. My answer is, yes, of course.

2 Q. Professor, yesterday we had reached that point. You had said - and it's
3 perfectly understandable, account taken of the very painful event in your life, sir, the
4 death of your wife, and I'm sorry to have to refer to it and I know of the events
5 surrounding that - you did not find yourself in a position to become acquainted with
6 all of the details surrounding the Central African conflict in 2002/2003. Do you
7 remember these words, sir?

8 A. I remember making the -- I don't remember the words. I remember making
9 such a comment.

10 Q. Professor, let us try and understand each other well. In no case, sir, would I
11 call into question your good faith; in no case whatsoever. Now, however, the
12 question that arises is this study you had been asked to undertake dealt with one
13 aspect of that conflict, is that not so?

14 A. Yes. You didn't name that aspect, but the aspect is language.

15 Q. Yes, sir, that's correct. Now, is it accurate to say, taking into account the
16 premises I mentioned earlier and that we have agreed on, that the fact that you did
17 not have available all of the details surrounding these events may have led you, may
18 have influenced your report, such as drafted and submitted? That is the first part of
19 my question.

20 A. No, I'm not inclined to say "Yes" to that statement. The events were military.
21 The events had to do with the way the foreigners - I don't know what to call them,
22 invaders or whatever, mercenaries or whatever, so let's just call them the MLC
23 forces - and the way they are alleged to have behaved with respect to inhabitants of
24 Bangui. No, I don't see that knowing more -- of course, knowing more means
25 knowing what more? And you're asking me -- it seems to me that I'm being asked to

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1 say "Yes," or "No" of course, to something that is so vague, knowledge. What
2 happened? What happened linguistically in 2003 that is different from what was
3 happening before or after? I don't know.

4 Q. Professor, I'm not asking you obviously to acquiesce and to say "Yes" to what
5 I am saying. Are we speaking about languages? Yesterday, for instance, we spoke
6 about Arabic. Yesterday, we spoke about Mr Bozizé's troops and you did admit that
7 you had not taken into account that particular aspect. So let us remain within the
8 field of languages. The question I put, sir, since you had not taken into account
9 another aspect of the conflict, i.e. that the MLC forces and the Central African forces
10 were fighting a common foe, Mr Bozizé and his troops, the question I put is the fact
11 that this aspect was not taken into account may have had an influence on the results
12 that you arrived at?

13 PRESIDING JUDGE STEINER: Professor, before you answer to Maître Liriss'
14 question, I think Judge Aluoch also has something in relation to this question.

15 JUDGE ALUOCH: I'm sorry, Mr Liriss. I hope you don't mind. I was going back
16 to the Professor's answer yesterday in the transcript. I'll just read it, because I'm sure
17 you remember what you said when you said, "For this, counsellor, I did not need to
18 hear gunshots. I did not need to see women raped. I did not need to. I needed to
19 know something about language and I felt that I knew quite a bit about the
20 sociolinguistic picture of that intersection of longitude and latitude."

21 Maybe the only follow-up question, Mr Liriss, if I may, is: Professor, would you
22 have come to -- do you think you would have come to a different conclusion, or
23 conclusions, if you had known about this incident that had occurred? Because that's
24 a line of questioning that I can see going on, so that's why I'm saying would you have
25 come, do you think, in your field of expertise, if you had known about this incident?

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1 Thank you.

2 THE WITNESS: May I respond? This will be a response, I think, to the counsellor.

3 I am grateful to the counsellor, who suggested a pause yesterday, and I appreciate the

4 Chair closing the session yesterday because I was very tired. At that very point

5 I was in fog, and I don't even understand what the magistrate has just read, so instead

6 of resting yesterday I thought. In other words, I worked. So I tried to remember

7 and tried to get my thoughts together about this.

8 So this morning, as I waited, I just wrote a few notes. "I do not remember ..." -- so

9 this is my response right now, "I do not remember what accounts for my not having

10 in my report discussed the troops fighting for Bozizé. I think that there was little

11 about them in the documents with which I was provided.

12 The impression that I have now is that they had little, if any, direct contact ..." -- these

13 forces, that is, "... had little, if any, direct contact with Central Africans at and

14 immediately north of PK12." This is based of course -- this statement is based on my

15 reading the testimonies.

16 "With respect to language ..." -- and I just have three sentences. "With respect to

17 language, I can only contribute the following remarks:

18 (1) Language is never mentioned by witnesses as a means to identify these armed

19 men; that is, the forces fighting on behalf of -- supposedly fighting on behalf of

20 Mr Bozizé.

21 (2) Since some of the men were or are alleged to have been Central Africans, they

22 would have been recognised as such when speaking Sango.

23 (3) Men from the Chad alleged to have been among the forces would not have

24 spoken Sango, because Sango is not a particularly important lingua-franca in the

25 Southern Chad."

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- 1 That's about all I can give right now, unless questioning might arouse my memory.
- 2 PRESIDING JUDGE STEINER: Maître, do you still have more questions to put
- 3 because, if you have, we are going to the break?
- 4 MR LIRISS: (Interpretation) Indeed, madam.
- 5 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Professor, we are having
- 6 now a half-an-hour break. You can take some rest.
- 7 THE WITNESS: Good.
- 8 PRESIDING JUDGE STEINER: It's 11 o'clock. We'll be back at 11.30. I ask, please,
- 9 the court usher to escort the witness outside the courtroom.
- 10 (The witness stands down)
- 11 THE COURT OFFICER: All rise.
- 12 (Recess taken at 10.59 a.m.)
- 13 (Upon resuming in open session at 11.34 a.m.)
- 14 THE COURT USHER: All rise. Please be seated.
- 15 PRESIDING JUDGE STEINER: Welcome back. We are resuming this hearing and I
- 16 ask, please, the court usher to bring the witness in.
- 17 (The witness enters the courtroom)
- 18 PRESIDING JUDGE STEINER: Professor, welcome back.
- 19 THE WITNESS: Thank you, your Honour.
- 20 PRESIDING JUDGE STEINER: I hope you managed to rest a little bit?
- 21 THE WITNESS: Yes, I did. Thank you.
- 22 PRESIDING JUDGE STEINER: We will continue with your questioning by the
- 23 Defence but, before that, Judge Joyce Aluoch wants to repeat a question that was put
- 24 before the break.
- 25 JUDGE ALUOCH: Welcome back, Professor.

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1 THE WITNESS: Thank you, your Honour.

2 JUDGE ALUOCH: Pardon me, but I'll go back to the question that I posed, and your
3 answer was to the lawyer but not to me. It's transcript page 25, if I may just repeat
4 what the question was. I am reading from -- yes, this is what I said, Professor,
5 because I'm not sure -- if I read the whole thing as it is, I'm sorry, Mr Liriss, if you
6 don't mind, I was going back to the answer of the Professor yesterday.

7 In the transcript, I'll just read it because I'm not sure, because I'm not sure what
8 you -- it's not unedited. So now yesterday, Professor, this is what you said, I'm just
9 reading the transcript: "I did not need to hear gunshots. I did not need to see
10 women raped. I did not need to -- I needed to know something about language, and
11 I felt that I knew quite a bit about the social linguistic picture of that intersection of
12 longitude and latitude."

13 So my follow-up question was, Professor, would you have come to a different
14 conclusion, or conclusions, if you had known about this incident that had occurred,
15 given the fact that you said you had -- you did not go to the field, but you made your
16 report and conclusions from desk (indiscernible)? So I am interested to know,
17 would your conclusions that we have today, would they have been different at all if
18 you had known about this incident? That's really what I'm really interested in.
19 Thank you, Professor.

20 THE WITNESS: I do not think that my conclusions would have been different.
21 There was a certain amount of information in the testimonies and in the description
22 of the events, apart from or in addition to the witness testimonies about the events.
23 So what I was -- what I was presented with linguistically was two groups of people;
24 Central Africans who were fighting on Bozizé's side and some others allegedly from
25 the Chad.

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1 So as I said this morning, or earlier, I must have felt that at that time that there was no
2 difference, that I didn't need to make any statement about those events, and the ones I
3 made this morning are more precise with respect to that impression that I had.

4 JUDGE ALUOCH: Thank you very much. I'm satisfied with that.

5 PRESIDING JUDGE STEINER: Maître Liriss.

6 MR LIRISS: (Interpretation)

7 Q. Good morning once again, Professor. We don't have many more questions left,
8 really. In your report, the English version - and I'll give you the reference,
9 CAR-OTP-0064-0310, and in French, French reference missed - you said that other
10 than the CAR, Sango is spoken only by the diaspora of that country and you stated
11 that it's not probable that the Congolese would feel any need to learn Sango to
12 communicate with Central African people.

13 And my question is: What is the basis for making that statement? What scientific
14 basis do you have to make that statement, when you said that the Congolese people
15 did not really feel any particular need to learn Sango to speak or to communicate
16 with Central African people?

17 A. When the counsellor says "the Congolese," whom is he referring to? What
18 Congolese?

19 Q. Professor, which Congolese people were you referring to in your report? This
20 is your report.

21 A. I was referring to the armed forces, otherwise known as the MLC. So when I
22 said that members of the MLC did not need to speak in Lingala for what they were
23 doing, like killing people, and raping women and robbing people, they did not need
24 to speak in Lingala at all, or very little, indeed.

25 Q. Professor, this may be a mistake. You said that they didn't need to speak in

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1 Sango?

2 A. Did I say "Sango"? I meant Lingala. I don't think I said "Sango."

3 Q. Well, that changes everything. Now, this is what you said, "Others spoke very
4 rudimentary French, only a few in Zongo." I beg your pardon.

5 THE INTERPRETER: Message from the English interpreter: We believe that it's
6 actually page 311.

7 MR LIRISS: (Interpretation)

8 Q. "Since Sango is spoken outside the CAR only by its citizens in diaspora, it is not
9 likely that the Congolese could have found any need to learn Sango to deal with
10 Central Africans." So we're speaking about Sango. My question: What did you
11 base that statement on?

12 A. I'm sorry, the statement puzzles me. I would like to see it. I would like -- I
13 would like to see the words printed, if somebody could provide me, or to find it for
14 me in the copy that I have?

15 Q. Professor, if we look at the English version, please refer to CAR-OTP-0064-0310,
16 the last paragraph.

17 THE INTERPRETER: Message from the English interpreter: We believe that
18 Maître Liriss has given page 310. We believe that it's actually page 311.

19 MR LIRISS: (Interpretation)

20 Q. Actually, please turn to page 311. It's the following page in the English
21 version.

22 A. Yes.

23 PRESIDING JUDGE STEINER: Maître Liriss, could you please repeat which page
24 from the English version you're talking about? It's 310, or 311?

25 MR LIRISS: (Interpretation) I believe that in the English version it actually -- yes,

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1 actually page 311. CAR-OTP-0064-0311.

2 PRESIDING JUDGE STEINER: Maître Liriss, could you repeat your question. I

3 think the witness is waiting.

4 THE WITNESS: Are you waiting for me? Oh, all right. I have the -- apparently I

5 have the document in front of me and I have located it and I notice that what the

6 counsellor read ended in this sentence. There's a paragraph that starts with the

7 words, "Since Sango ..." and then it ends "... such must be the answer to the

8 question ..." in capital letters "... to what extent does the DRC population speak

9 Sango?"

10 So what I was trying to do was to say that, and as I have said here on line 2 of my

11 document in the first sentence of the paragraph, "It is not likely that the Congolese

12 could have found any need to learn Sango to deal with Central Africans." Now, is it

13 that statement that you want me to give evidence for?

14 MR LIRISS: (Interpretation)

15 Q. Yes, Professor, because that is the statement that brings us to the conclusion, "...

16 such must be the answer to the question to what extent does the DRC population

17 speak Sango?"

18 A. I beg to differ somewhat from the counsellor, because there is only -- there is

19 also a sentence, "Only a few, such as some in Zongo and its environs, would have had

20 any opportunity to learn Sango, perhaps at home where one of the parents or kin is

21 Central African or in business transactions." So that is also part of what led me to

22 the conclusion that not many Congolese would have had any need to learn Sango.

23 Q. Very well, Professor. Now, my question is what is the basic -- what is the

24 scientific foundation, or basis, for that statement?

25 A. Counsellor, I don't see any need for -- no, I edit that. Erase that sentence,

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1 or -- and I will say a scientific basis would have been a sociolinguistic research done
2 by interviewing people along the river on the DRC side at various places to find out
3 whether or not they learned Sango, as I did with Sango in the rural areas of the
4 Central African Republic, and then to arrive at percentages and so forth. That
5 would have been sociolinguistic research. Not all sociolinguistic research is good,
6 and I have a damning review of an article on such a research about Sango in the
7 Central African Republic.

8 Here, then, is based an opinion based on the obvious facts; the obvious facts being
9 that the Ubangi River is a political boundary. At some point there is a
10 line - imaginary line, or real - that separates the two political States, and that there
11 might very well have been times when people could not get across the river easily.
12 All kinds of cultural reasons as well would have had to do with economics. In other
13 words, these are matters that one can well imagine to have been factors in -- in the
14 Congolese not having learned Sango.

15 I would like also to remind the counsellor that I did make three -- I did cross the river
16 three times, most recently in 1994, and found that the knowledge of Sango was
17 negligible, if not even nonexistent. So there are reasons that I feel a linguist would
18 accept from me for this statement, although they are not -- although this statement is
19 not based on an interview of 100 or 1,000 people.

20 Q. Thank you, Professor. Would it be accurate to draw from your answer that
21 this statement is not based on scientific research; on a specific piece of scientific
22 research?

23 A. I would say, yes, in the same way that when it is reported that Gaddafi has so
24 many tanks that is not a scientific statement, but it's a pretty good guess.

25 Q. Very well, Professor, but I can see that you have read the statement of Witness

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1 006 and your table takes that into account. She's a Central African person, and if we
2 look at your statement you say, "Many Central Africans speak Lingala."

3 A. Excuse me, counsellor. In the first place, I have -- when you say "006," are you
4 referring to -- and I will not mention the person's name. Do you refer to my number
5 6, or do you have some other person in mind?

6 Q. Your number is 16 -- 16 and 13?

7 A. Now, what is it about 16 again that you asked me to comment on?

8 Q. Professor, we can move over to something else. You answered that question.
9 You said "Yes" and that is sufficient. Let us set that question aside. Forget about it.

10 A. What -- excuse me, what did I say "Yes" to?

11 Q. I will read out, somewhat higher up. Now, I asked you a question - namely,
12 whether it was accurate - if it was correct to say the statement, "according to which
13 very few Congolese people speak Sango," and I asked -- or I said that that statement
14 was not based on any scientific research, and your answer was, "I would say so. I
15 would say, yes." Is that correct, Professor?

16 A. Thank you. Thank you. Yes.

17 Q. Professor, on page 588 in French -- I will give you the English in a minute --

18 A. I didn't hear that.

19 Q. Allow me to give you the references, as you have the text there. You say that
20 you have noted that the investigators from the Office of the Prosecutor -- in the
21 English report, it is 314, or page 9. You say that you noted that the investigators
22 from the Office of the Prosecutor did not ask the witnesses why they thought the
23 language spoken was Lingala, and you concluded that they meant that they were
24 used to hearing Lingala because of personal experience.

25 My question is this: Is this a statement you are making on a personal basis or is it

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1 based on any research, Professor?

2 A. I would like, counsellor, again to see the document. I would like to read what
3 I said in English.

4 PRESIDING JUDGE STEINER: I couldn't find, as well.

5 MR LIRISS: (Interpretation) For the French version, it's the last paragraph; and in
6 English, I think it's the third paragraph, your Honour.

7 THE WITNESS: Am I ready now? Yes, I have it here in front of me, and I read,
8 "Witnesses were not always asked; I learned from the documents why - "why" in
9 italics - they identified the language spoken by the Congolese as Lingala. Why did
10 they not ..." why they, and I must mean the witnesses "... why did the witnesses not
11 identify it as "some other language" or just the Congolese language?" I don't give an
12 answer to those questions.

13 "What they do say suggests that they were familiar with Lingala because of personal
14 experience: They had heard the language in Bangui and on the radio. Lingala by
15 name and association had become a part of the common knowledge of many people
16 in Bangui."

17 I believe that my linguistic colleagues would accept that as a true but provisional
18 statement because everything is provisional.

19 MR LIRISS: (Interpretation)

20 Q. Professor, my question is simple: Why do you link this conclusion to the fact
21 that the investigators did not ask witnesses why they knew or did not know Lingala?

22 A. Well, it must be that in reading the documents I didn't find anything; that's all.
23 If I did find, I would have given the page number and document number and
24 everything; namely, that so-and-so was asked why, how do you know that that
25 language was Lingala, or something to that effect. I just didn't find it; that's all.

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1 Q. Professor, because you didn't find a question asked by the investigators to find
2 out whether witnesses knew, understood or could identify Lingala, why do you draw
3 the conclusion that this means that these people were familiar with Lingala?

4 A. I'm puzzled. I don't see the connection at all. The exegeses, well, we have
5 that, so we go to the hermeneutics. I first observe and, I suppose, in the process of
6 responding pointing out a lack of clarity in my exposition. My first statement says
7 that -- or implies, oh, it would have been wonderful if the -- if the people -- if the
8 interviewers asked this question. Well, they didn't, so what conclusion can we come
9 to since the interviewers didn't. So that's point number A, or 1, or whatever. Then
10 I go on.

11 What they - that is, the witnesses - do say -- so I come now, this we have zero
12 information, here we have some information and on this information I come to a
13 conclusion. Have we made any progress with that response, counsellor?

14 Q. No, and precisely because the premises are invalid. The investigators of the
15 Office of the Prosecutor did ask questions, did ask this question, and a number of
16 times and I can give you the references.

17 PRESIDING JUDGE STEINER: Maître Liriss, sorry to interrupt you, Judge Joyce
18 Aluoch wants to put a follow-up question.

19 JUDGE ALUOCH: Sorry, Mr Liriss. I'm sorry to come in.

20 As far as I understand you, Professor, this to me is the essence of your expertise.

21 The questioners did not say -- the witnesses were not asked this and, therefore, you
22 have come up with your expertise on -- that's the way I understand it. Really, that's
23 the essence of your expertise. That is how you come in. Am I getting anywhere
24 near, Professor?

25 THE WITNESS: Yes, your Honour, that's the point I'm trying to make. With

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1 respect to the document, what I said, yes. Now, that's precisely the point.

2 Now, the counsellor has just said - and we have a record of it undoubtedly - that I'm

3 wrong, that witnesses were asked why they identified. Well, that's a surprise to me;

4 and if it's so important, then I would like to see an example in one or more of the

5 actual documents that I received, but I think that you and I, your Honour, are

6 understanding each other.

7 JUDGE ALUOCH: Yes, I understand you, Professor. The essence of your expertise

8 in this field, yes.

9 PRESIDING JUDGE STEINER: Maître Liriss.

10 MR LIRISS: (Interpretation)

11 Q. Professor, now, let's say that the investigators didn't ask that question. What is

12 the basis for your conclusion that because the question wasn't asked, therefore, the

13 witnesses were familiar with Lingala or could identify Lingala? I'm saying suppose,

14 suppose, and this is not the case.

15 A. Because, the reason is that from -- in linguistics, we call it anecdotal sources;

16 meaning, talking to somebody, hearing it in a conversation or something like that,

17 that one retains. Although, I took -- yes. Let me finish my sentence.

18 That anecdotal information, which is significant, can be significant, as I can illustrate

19 convincingly right now if you wanted me to. That anecdotal information reveals

20 that the Banguiissois, as they call themselves, some of them do, the inhabitants, some

21 of the inhabitants of Bangui. And a lot of inhabitants of Bangui perhaps are familiar

22 with the existence of Lingala by name or, at least as I insist on saying, their language,

23 the Congolese language, by which they mean Lingala. That is my answer, sir.

24 Q. Let's go on to something else. You state on page 0589 and 0590, that's for the

25 French version, I will give you the references in English, you say that, "The

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1 percentage of the Central African population able to recognise Lingala is
2 considerable," and you give two reasons for this. The first is that, "In Bangui, and
3 probably in Mobaye and Bangassou, along the Ubangi ..." -- Professor, the page in
4 English, if you have it, is 0315. If you see the paragraph which is indented, you say,
5 or you explain, why the percentage of the Central African population able to
6 recognise Lingala is "considerable," to use your term, and the first reason given is
7 that:

8 "In Bangui, and probably in Mobaye and Bangassou, along the Ubangi and Mbomu
9 rivers, many people probably ...", "probably" again, "... have neighbours who are
10 Congolese, they have hearsay information about them in the towns and they deal
11 with them personally in commerce."

12 Now, at this first level, my first question, Professor, is: I think it's since 1962, or 1994,
13 is the last time you left the Central African Republic. How do you know this?
14 What are your sources?

15 A. Counsellor, my response has to be similar to what I gave a few minutes ago,
16 when you asked the same or similar question for Bangui. This statement I will
17 repeat. I will -- or I will also say, with respect to this statement, that this is a
18 statement that I believe my colleagues would accept as a reasonable -- much better
19 than 50 per cent reasonable and acceptable. I come to this conclusion not because I
20 have made a research on the topic, nor have I -- and interviewed people, but I have
21 done enough research on language and culture contact on the Ubangi and Congo
22 rivers, all the way down to Mbomu on the coast, to know something about the
23 patterns of relationships between adjoining populations.

24 The contact -- and I am talking about the contact between the speakers. The contact
25 between Lingala and Sango would have been inevitable since Von Halle was there in

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1 1887. Well, the language wasn't -- Sango wasn't quite growing yet. It's just
2 inconceivable - inconceivable - that the Central Africans would not know something
3 about Lingala.
4 I've said it. I don't know what more to say about it, because I've been talking -- I've
5 been saying the same thing again and again. I mean some things are just evident,
6 but if you would like me to expound on this I would ask for a few minutes to gather
7 my thoughts together and write some notes and make an exposition that would be
8 more convincing, but I think that I've given you enough information. I've given the
9 Chamber enough information to make my -- my assessments reasonable and
10 acceptable.

11 Q. Thank you, Professor, for your answer, but why isn't the opposite true? When
12 you have to assess the number of Central Africans able to recognise Lingala you say
13 it's a considerable number because of the close geographical situation, but when you
14 are asked how many, or to assess how many Congolese speak Sango, you say that
15 there are very few of them, whereas the same assessment criteria for knowing Lingala
16 apply. Can you tell me why the close proximity and the contact can only explain
17 why many Central Africans can recognise Lingala, but cannot explain the argument
18 that many Congolese could identify or speak Lingala -- correction, Sango?

19 A. Yes, that's interesting, and I will confess that I never thought about a difference
20 in acquaintance, that is -- or let's put it as a question. On which side do people know
21 more about the other lingua-franca than the other? Do Central Africans
22 know -- recognise more easily Lingala than people in the Democratic Republic
23 recognise Sango? You know, if there's a difference, then that's an interesting
24 sociolinguistic topic. I don't know if you could publish an article on it, but it's an
25 interesting topic to do research on.

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1 But I was just going to say, have I given the impression, or do I give the impression
2 some place, or did I give the impression some place, that there was an imbalance?
3 Not language knowledge, but an imbalance in acquaintance? Did I give that
4 impression? Yes. Would you -- the counsellor nod -- is nodding affirmatively, I
5 point out to the translator. He is nodding affirmatively. Would you kindly show
6 me where that is; where I say that?

7 Q. A number of points. We will come to that. The question I am asking about
8 this first question of geographical proximity is why have you given consideration to
9 the cities of Mobaye and the contact along the Mbomu River when drawing your
10 conclusions, whereas these are not cities which are covered in the present case?
11 Why didn't you take into account others, because you had the relevant documents,
12 Professor, these criteria for Bossangoa, Bossembélé, Bozoum, Sibut, which are in fact
13 the towns concerned in the present case? Professor, I don't know if I've made myself
14 clear?

15 Now, if you want to - if you bear with me, Professor - determine that there is a high
16 percentage of Central African citizens able to recognise and identify Lingala, you say
17 that it's because of the close geographical proximity and you mention the towns of
18 Mobaye and the towns along Mbomu River, but what about the towns we are
19 interested in Bossembélé, Bossangoa, Bozoum, Sibut? Is it still the same criterion of
20 geographical proximity which would allow you to say that even in those towns there
21 would be a considerable percentage of people concerned?

22 A. I think I understand the question. By the way, I inadvertently omitted
23 Mongoumba because Mongoumba is mentioned and Mongoumba is right across
24 from -- Mongoumba is on the Ubangi River, downriver of Bangui, and that's where I
25 was when I left Mongoumba by canoe to cross over to the other side. So -- and in

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1 fact there were some alleged crimes in Mongoumba.

2 Now, as I look at my statement here, I am -- I feel that I was focusing on -- well, and
3 in particular I do say -- I start out the first statement, "In Bangui, and probably ...",
4 and then I go on to the other. So because the document -- the witness testimonies
5 that I read had to do with Bangui, and of course Greater Bangui and not the other
6 places, I didn't comment on them. So that's the first reason. The first reason is that
7 the documents themselves deal with Bangui and I was thinking about Bangui.

8 Now, it is true, and I will come to my defence here, it is true -- or, it is true that I say,
9 that I'm answering the question to what extent does the CAR population recognise
10 Lingala, and then I focus on the river. So there is a disjuncture here, going from one
11 statement that applies to the whole country and the other that applies to these
12 riverines. All right.

13 So you go to -- for -- you go to points number 2 and 3 for an explanation, not just
14 paragraph 1 or sub-paragraph 1. Central Africans hear Lingala songs on the radio;
15 Central Africans listen to radio broadcasts in French from the DRC which they come
16 to identify Congolese, and so forth. So --

17 Q. S'il vous plaît, Professor.

18 A. Yes, sorry.

19 Q. Excuse me, Professor. Now, this is the second point. I haven't got onto that
20 second explanation yet.

21 A. Okay. Have we made some progress? I mean, have I satisfied you with
22 respect to the first point, then, because I should have numbered these? So these
23 sub-paragraphs have to do with answering the question that is posed there. And
24 then -- all right. You lead the way. I'll follow.

25 Q. The question I had put to you was this, Professor: Why is it that you use that

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1 criterion applying to towns that are not involved in this case? Wouldn't that
2 criterion of geographical proximity also apply to the towns that we're interested in,
3 Bozoum, Sibut? Wouldn't the criterion of geographical proximity also apply there,
4 for one to be able to assert that the number of Central Africans there is considerable,
5 who could have familiarity with Lingala?

6 A. I'd like to answer that question. With respect to the sub-paragraph that we are
7 talking about, that starts with the words, "In Bangui," the point (A) is a reason. I
8 don't call it a reason but, as you understand structure, the grammar of this sentence,
9 you find that it's a reason because many probably have neighbours who are
10 Congolese, that would apply to Bangui and probably Mobaye, Bangassou and
11 Mongoumba.

12 (B). Now "B," even though it's here with respect to Bangui, they have hearsay
13 information, they deal with them personally. Well, that's true. Well, let's see. If
14 they have hearsay information, then possibly, possibly in the rural areas. They deal
15 with them personally in commerce. No, that would not apply to Bangui. And so I
16 see from our discussion this morning, now, that I could have been more precise with
17 respect to these sub-points. So that's -- so I should have been more precise with
18 respect to inland and riverine, but I wasn't.

19 Q. Agreed, sir. So the conclusion still holds?

20 A. The conclusion that the Central African population recognise it as Lingala, my
21 conclusion is, yes.

22 Q. No, the number is considerable. Taking into account the fact that they are
23 neighbours, the number of Central Africans being able to recognise Lingala is
24 considerable, in the light of the criteria mentioned. Does that conclusion still hold?
25 Since you did not take into account other towns further inland that are relevant,

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1 would your conclusion still hold?

2 A. I heard the counsellor say "since I did not take into consideration the towns
3 inland." Well, not by name, but certainly when I say in the second point, "Central
4 Africans," and I am not locating them geographically; and in the third point, "Central
5 Africans," and I am not locating them personally. So, my conclusion, despite the
6 counsellor's insistence that I should have mentioned these inland towns, my
7 conclusion is "considerable" is a very good evaluation of the number of people who
8 recognise the Congolese language that we call Lingala.

9 Q. Thank you very much, Professor. It is that neighbouring criterion, sir, that I
10 wanted to focus on. However, you also said that you had to take into account
11 Mongoumba.

12 THE INTERPRETER: I believe that's what Mr Liriss has said.

13 MR LIRISS: (Interpretation)

14 Q. Even if you took into account that town, sir. Mongoumba, yes, sir. You said
15 earlier, sir, that taking into account this criterion of proximity and commerce, the city
16 or town of Mongoumba also had to be taken into account. Did you not say that, sir?

17 A. Yes, I did say that.

18 Q. Among the documents you had, there was the testimony of the witness you
19 numbered as "Witness 12." You must have noticed that that witness said the name
20 Mongoumba, Lingala was spoken; and in Libenge also Lingala was spoken; and at
21 Mongoumba, Sango is spoken; and in Libenge - that is to say, in the Democratic
22 Republic of Congo - Sango is also spoken.
23 You must have read that statement, sir, that testimony. This is CAR-OTP-0010-0048;
24 it is the self same document that the witness must have had in his possession. So my
25 question is, sir: Did you take into account the testimony of that witness, which you

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1 must have had in your possession; and, if so, sir, why is it that you stick with your
2 conclusion, according to which it is only the Central African Republics who can
3 recognise Lingala more easily than the Congolese the other way around in the light of
4 the criterion of commerce and close physical proximity?

5 A. I am sorry, counsellor. I have never said that the Congolese do not -- that the
6 Congolese recognise Sango less accurately, or less accurately or less frequently than
7 the Central Africans recognise Lingala. If -- in any comparison, I was talking about
8 speaking and understanding. Now, that was -- that's point number 1.

9 Point number 2 is that yes, indeed, I do recall this testimony, and that's because I
10 visited Mongoumba and I had a wonderful fish dinner at the chef's du district's office
11 there on the river, where I learned the phrase "c'est la sauce qui fait le poisson." And
12 I obviously missed that statement of hers about Sango at Libenge. I'll have to check
13 that, but I just missed it. I didn't ignore it purposely. I have finished. Sorry.

14 Q. The second part of your criterion which would warrant you in saying that
15 there's a considerable number of Central Africans that are able to understand and
16 identify Lingala, that's number 1; and the second aspect is that you state that Central
17 Africans can hear on the radio songs in Lingala, and they listen to French radio
18 programmes on Congolese radio which they identify as such because of the accent of
19 the speakers on the radio. So three questions: What particular Congolese radio
20 stations are you referring to, sir?

21 A. I did not listen to radio broadcasts from the DRC. My friends, my Central
22 African friends, who tell me about these broadcasts did not tell me what broadcasts
23 they listened to. They just said "radio broadcasts." I have no information about
24 what broadcasts in particular they were.

25 Q. Are we to maintain that criterion, therefore, of radio broadcast? Do you

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1 believe, sir, that it is pertinent still to keep that criterion in?

2 A. I interpret that question to imply the question -- the question seems to mean are
3 there broadcasts in Lingala from the DRC? The answer to that must surely be "Yes."

4 Q. The reason I'm asking that question is because Radio Kinshasa cannot even be
5 heard 300 kilometres away, so I'm really very astonished that Central Africans should
6 be able to hear Radio Kinshasa. Since you said that you yourself did not have
7 personal access to those radio broadcasts, my question therefore is quite simply can
8 that still be held as a criterion to determine the degree of knowledge, mastery,
9 familiarity of Central Africans with Lingala?

10 A. I understood the counsellor to say that broadcasts - radio broadcasts - from
11 Kinshasa are heard only a short distance away. Is that what the counsellor is
12 saying?

13 Q. This is so, sir, and this can be verified. If I need a witness, I would for instance
14 appeal to my colleague Badibanga, who is across the room.

15 A. I have two answers -- two responses. First, my Central African friends would
16 have made an error in identifying the locale from which the broadcast was coming.
17 It was their error, not mine. My second response is that they may have been hearing
18 broadcasts in a different way from elsewhere in Central Africa. I can hear -- I can
19 hear broadcasts from Bangui in Toronto and, if I can hear broadcasts from
20 Toronto -- in Toronto from Bangui, why can't I hear broadcasts from Kinshasa in
21 Toronto? So that puzzles me. So -- yes, all right, that's my answer. I will add
22 simply I will -- I will stick to my guns.

23 Q. Professor, I will read out what you stated at the hearing on 24 March, real-time
24 transcript. Question: "You state that you have been told that people listen to
25 Congolese radio a great deal. Can you simply tell us what your source of

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1 information is? Who tells you that? Who is the source telling you that people
2 listen to Congolese radio a lot?" This is the answer you gave: "Well, the first thing
3 is I took taxis and the radio was on and I myself heard songs in Lingala, and then
4 later I did a great deal of research with the various radios so as to try to determine the
5 quantity and the quality of the programmes broadcast in Sango. It is at that time
6 that I learned a certain number of things on the programming, and during my last
7 visit I had a conversation with a lady who was in charge of programming." And so
8 as to be complete you go on saying: "I therefore had several opportunities to know
9 more about the languages used. As to percentages, I never had a percentage for
10 Lingala. However, I would say that in the course of years and in informal
11 conversations I would hear Lingala."

12 Now, Professor --

13 A. I am ready to answer.

14 Q. Could we agree then, sir, to say that the criterion according to which
15 radios - and I don't know whether we are talking about a Kinshasa radio, or where it
16 is from - is transmitting in Lingala, that particular criterion, sir, is not determining as
17 it is not based on any form of scientific research?

18 A. Am I ready to respond? I am grateful to the counsellor for having made a
19 distinction in my understanding of information. On the one hand -- so this is point
20 number one. On the one hand I can remember distinctly - and maybe I have it in
21 writing, I don't know, I don't remember - one of my persons saying hearing
22 broadcasts in French from the Congo, or from Kinshasa, so he may have been making
23 a mistake and it is possible that that kind of statement influenced me.

24 As a matter of fact, when I refer to music and other things like that, those are
25 broadcasts from Radio Bangui, as it was called. So these popular songs are not

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1 coming directly from the DRC, but from the radio station in Bangui which -- and I
2 have -- a large part of my chapter on the spread of Sango deals with the media, and so
3 I have a history in that chapter on the radio and when it was founded and when the
4 broadcast to the rural areas began and so forth. So I hope that that distinction
5 is -- helps in my understanding here, and if that had been clear to me when I was
6 writing then I would have made that distinction.

7 Q. When you say that, "They hear Congolese radio broadcasts in French and they
8 understand that the accent is different," you have said that, sir, haven't you? Well, in
9 that connection, since you do acknowledge that this is a radio station from the Central
10 African Republic, would that criterion still be held; i.e. listening to a radio
11 broadcast - a Congolese radio broadcast in French - so that you were therefore able to
12 ascertain differences to the accent, and then second, sir, you have heard Maître
13 Douzima and Maître Zarambaud and you have heard me and you have heard my
14 colleague Badibanga. Sir, we have all been using here in this courtroom French and
15 you have been listening to us. What is the difference in our accents in French? You
16 being a linguist, I would imagine that you are in a capacity to ascertain such a
17 difference?

18 A. I do not think that my testimony has been challenged with respect to broadcasts
19 in French and the interpretation given by -- the interpretation given by a friend of
20 mine. This is not my conclusion, this is his statement, and if he -- we have to
21 backtrack and remember that he might be crazy and just has no intelligent
22 understanding at all, or he came to this conclusion erroneously, but this was his
23 statement and whether he can recognise a Congolese accent in French, that's up to
24 him. I -- he said it and I am reporting it, and if you find it incredible then you can
25 ignore it.

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1 Q. Professor, it's not that easy, because in fact you are referring to that French
2 statement. However, it becomes your own statement the minute you include it in
3 your report. Otherwise it would be too easy, sir, simply to neglect it saying that it
4 was your friend's statement. If it is in your report, it therefore becomes part of your
5 statement. So please do answer my question and, if you cannot, sir, I have another
6 question for you.

7 Professor, please. The two criteria you identified, physical proximity, radio
8 broadcasts and trade and commerce, why in your opinion are these criteria to be used
9 only to recognise and identify Lingala, but not to learn? Why are these criteria only
10 used in order for you to say that there are many Central Africans capable of
11 recognising Lingala? Why is it not a criterion that would also enable you to say that
12 many Central African Republics, on the basis of the self-same criterion, are in a
13 position to speak Lingala?

14 A. The counsellor seems to assume that people can, in this case, that Africans can
15 learn a foreign language by listening to broadcasts on the radio. I do not share that
16 the -- if that is the counsellor's assumption I cannot agree to it, and I don't think that
17 there is considerable evidence that they can. I'm finished.

18 MR LIRISS: (Interpretation) Thank you, sir.

19 PRESIDING JUDGE STEINER: Maître Liriss, are you still continuing to asking,
20 because we need to go into the break?

21 MR LIRISS: (Interpretation) Yes, madam, yes, your Honour, for some further
22 20 minutes this afternoon, your Honour.

23 PRESIDING JUDGE STEINER: Professor -- thank you, Maître Liriss. Professor, we
24 are going to suspend our hearing now for the lunch break. You have the
25 opportunity not only to have lunch but to take some rest. It's 1 o'clock. We'll be

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1 back at 2.30 in the afternoon. Court officer, please, escort the witness outside the
2 courtroom.

3 (The witness stands down)

4 THE COURT OFFICER: All rise.

5 (Luncheon recess taken at 1.02 p.m.)

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

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

8 PRESIDING JUDGE STEINER: Good afternoon. Welcome back to the courtroom.

9 We are going to proceed with the questioning by the Defence of Witness 222, and for
10 that purpose I ask, please, the court usher to bring the witness in.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE STEINER: Good afternoon, Professor.

13 THE WITNESS: Good afternoon, your Honour.

14 PRESIDING JUDGE STEINER: Did you have lunch and manage to rest a little bit?

15 THE WITNESS: I feel good now, thank you. I hope you do too, all of us.

16 PRESIDING JUDGE STEINER: I am sure we are a little bit tired maybe, but apart
17 from that everything is fine.

18 THE WITNESS: Good.

19 PRESIDING JUDGE STEINER: Maître Liriss, you have the floor.

20 MR LIRISS: (Interpretation) Your Honours, thank you.

21 Q. Good afternoon, Professor.

22 A. Good afternoon, counsellor.

23 Q. I won't be taking much more of your time. We shall continue our efforts to be
24 succinct. Now, before that, I would like to ask you whether the culture --

25 THE INTERPRETER: Inaudible.

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1 MR LIRISS: (Interpretation)

2 Q. -- doesn't broadcasting contribute to the learning of a language?

3 A. My answer is that a radio broadcast, like a television programme or like a movie,
4 is helpful, can be helpful in learning a language, or certain parts of a language, certain
5 aspects of a language, depending on the person's preparation for using that sample of
6 language. So the answer is, yes, but it is a very qualified - very qualified - "yes".

7 Q. Thank you, Professor. A few moments ago, you told us that you listened to
8 Central African programmes from Canada, and how did you do that? I suppose the
9 internet?

10 A. Yes, I did that on the internet, as suggested to me by a Central African
11 Republic -- a Central African in Ontario, yes.

12 Q. In any event, I think we will conclude with this question about radio, but could
13 you confirm this one point: At one point you were asked, and I'm referring to the
14 real-time transcript of 24 March 2011, page 46, line 17 and on. Question -- no, line 9
15 and 10, "You said in your report, at page 10, that a considerable percentage of Central
16 African people are able to recognise Lingala as spoken by Congolese people" and you
17 gave some reasons why. Now, in the French version of the report, page 12, "You
18 quote or you mention the fact that there are radio programmes and you also spoke of
19 trade with those peoples and you speak about the fact that people have many -- most
20 likely people have many Congolese neighbours. So my question is: Were you able
21 to confirm that assumption the last time that you were in the Central African
22 Republic?", and your answer was, "No, I was not able to confirm that during
23 conversations," and then your answer continued.

24 Professor, since this assumption was not confirmed, the premise upon which you
25 based your statement that the vast majority, or a great majority of Central African

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1 people can identify Lingala, is that conclusion still valid?

2 A. I would like to begin my response by going -- returning to the previous question,
3 which had to do with listening to radio broadcasts in Ontario. I was reminded that
4 apropos of my source for that information about radio broadcasts, the person has a
5 computer and uses the internet. So he has access. If it is possible for anybody in
6 Paris or here to hear a broadcast from Kinshasa, then it would be possible for my
7 friend to hear also.

8 With respect to your present -- excuse me, go ahead.

9 Q. Professor, now you thought that the majority of the Central African population
10 that you referred to, do you think that they have a computer or access to the internet?

11 A. On this recent visit to Bangui, I was surprised at how many people at the grand
12 café, where I had my coffee and ice-cream and meals, how many had computers.
13 And, in fact, the café was -- had access to the internet there as you sat.

14 Q. Professor, we are speaking about October 2002 and March -- up until March of
15 2003. Are you convinced that the majority of the Central African Republic, whom
16 you identified as being able to identify Lingala, had access to the internet or were able
17 to master the internet? Did they have the necessary tool; that is to say, a computer?

18 A. No; that is to say, it is doubtful that at that time as many persons had a
19 computer as have today. Just a minute. There was another thought. Excuse me.
20 Yes, it had to do -- I think you used the word "assumption" and it slipped. Yes, I
21 don't -- excuse me, I don't like the word "assumption." My observations are
22 conclusions; they are not assumptions, at least not all of them.

23 Q. No, Professor, I didn't speak about suggestions or suppositions. In actual fact,
24 if you wish, I will repeat my question.

25 A. Please.

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1 Q. I read out the transcript to you, the transcript of your statements made in court,
2 and you acknowledged that the conclusions that you came to, the premises upon
3 which you based yourself - namely, radio and commerce - those premises or
4 assumptions that you used to come to the conclusion that a considerable proportion
5 of the Central African Republic population could identify Lingala was you said that
6 you did not verify that during your last visit to the CAR.

7 My question is as follows: Since those assumptions were not verified, do you still
8 stand by your conclusion; namely, that on the basis of those premises, or assumptions,
9 a considerable proportion of the Central African Republic population can identify
10 Lingala?

11 A. I believe that, taken together or minutely separated, my observations here
12 support my conclusion that a considerable number of Central Africans recognise
13 Lingala, yes.

14 Q. Professor, you also said in your report, and also in the French real-time
15 transcript of that same date, page 44, lines 3 to 5, you said that it was possible to
16 understand another language that one does not know because of personal experience,
17 or travels, reading or by listening to the radio, generally speaking. Do you
18 remember that, Professor? Do you remember saying that?

19 A. No, and I doubt -- I doubt that I said that, or I can't believe that I said that,
20 because what was given to me in English is "could understand." Anyway, I am
21 puzzled by the word "understand," so since you are -- counsellor, since you are
22 reading from the document, could I have that statement in writing before me?

23 Q. Perhaps in English. I was working from the French transcript.

24 PRESIDING JUDGE STEINER: You are talking about today's transcript, Maître?

25 MR LIRISS: (Interpretation) No, ma'am. I'm speaking about transcript -- the

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1 transcript of 24 March hearing.

2 PRESIDING JUDGE STEINER: Is that possible for the Court to display on the screen
3 this part of the transcript?

4 MR LIRISS: (Interpretation) Page 44, lines 3 to 5, in the French version.

5 THE COURT OFFICER: Counsel, are you referring to the edited version or the
6 real-time version?

7 MR LIRISS: (Interpretation) The real-time version.

8 THE COURT OFFICER: I'm sorry, counsel. I realise that on 24 March 2011 there
9 are two transcripts, T-87 and T-88. Could you specify which is the one?

10 MR LIRISS: (Interpretation) In any event, it is T-89.

11 THE COURT OFFICER: T-89 is from 25 March.

12 (Pause in proceedings)

13 MR LIRISS: (Interpretation) It is page 44 in the English version, starting at line 3.

14 THE COURT OFFICER: The document is available on your screens. It's transcript
15 89 from 25 March 2011 at page 44, and you can see it by pushing the button "PC1".

16 THE WITNESS: Counsellor, I have something on the screen here. What is it that
17 you are pointing out? What statement is it that you are pointing out?

18 MR LIRISS: (Interpretation)

19 Q. Professor, this is the question that was asked of you - in the French version, it
20 was at page 43, line 22 - "My question had to do more with the ordinary people, with
21 laymen, such as myself, not for a person like you. You're an expert. If perhaps we
22 could take an example from outside of the Central African Republic, when you talk
23 about personal experience which makes it possible to identify a language, can this
24 help us understand why a citizen of the Congo, such as me living in The Netherlands,
25 can distinguish German or Italian, but I don't speak a single word of those

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1 languages?"

2 And your answer was: "Yes, one can understand that. One can understand that
3 because of your personal experience, because of travelling or reading or because you
4 have listened to the radio, in general."

5 A. Excuse me, I was having difficulty finding the place. I read here, "My question
6 for the layperson like myself and not an expert" et cetera, "when you talk -- when you
7 talk about which makes it -- which makes it possible to identify a language, can this
8 help us understand why a citizen of the Congo such as me living in The Netherlands
9 can distinguish German or Italian, but I don't speak a single word of these
10 languages?"

11 I think that's a clear question, how can a person not knowing, that is having any
12 competence in speaking a language, identify it? Yes, and of course what I'm saying
13 is, yes, one can. Yes, that is understandable, and that is understandable because of
14 what I say here that this depends on one's personal experience and then there's a bar
15 there which -- can we go on from 25? So I will go to that sentence, "So people,
16 depending on their experience can, I believe, identify something as different and
17 putting or compartmentalising those languages in some kind of group, that is to say
18 like German and Italian" and so forth.
19 So I have read what the transcription has recorded and I would repeat that today. It
20 is not difficult for me to understand how somebody recognises a language without
21 being able to speak it.

22 Q. Now, my question is as follows: Is this valid for a Central African such as we
23 have had here, people who do not travel, do not read, but who may have heard the
24 radio from Kinshasa. Now, I would like to repeat this. You have been talking
25 about people who have had the opportunity to travel, people who read and people

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1 who often listen to the radio. My question is this: When you are dealing with an
2 average person who is not a cultivated person, who does not read and who can't
3 listen to programmes from Congolese radio, which is the case of most of the people
4 we have heard here, would this argument also be valid in such cases?

5 A. A Mwen Central African would probably not recognise -- well, Russian they
6 might, German, yes, some of them, but let's say Icelandic, no, they would not. But
7 let us -- but I will say I will stand by my statement, that a person, a Mwen, and just an
8 ordinary poorly educated citizen of the Central African Republic living in Bangui has
9 an awareness of his or her linguistic environment.

10 I was surprised how frequently, when I spoke to somebody in Gbeya and we carried
11 on a little conversation and then realising or taking into recognition the fact that there
12 were people around me who might not know, I would say "so yanga ti beya" (phon)
13 in Sango I would say, and they would say "Be hinga," "I know." He didn't say
14 "I know the language." He said, "Yes, I know that's Gbeya." I don't know how he
15 knew, but how do they come to know? Because in Bangui you become familiar in
16 different circumstances what languages are spoken by people. And I said on one
17 occasion here in this Court that the children, like that, whom I interviewed in school,
18 in primary school, were remarkably aware of their linguistic environment. I will
19 close -- no, I would like to add that is my response to your -- this question, counsellor,
20 but I would like to point out with respect to things that have been talked here,
21 because my report happens to be open to a section entitled "Lingala in the testimonies
22 of witnesses," and I see that Witness 5 is reported to have said, "Soldiers had a
23 Congolese accent when they spoke in French."

24 So when I was using only my friend as the source I was forgetting this particular
25 precious piece of evidence, and in that paragraph I cite other statements that I think

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1 support -- not I think, that support my generalisation about a considerable number of
2 Central Africans recognising Lingala.

3 Q. Thank you, Professor. You had documents on no fewer than 19 witnesses, and
4 you are making this assertion on the basis of statement by one of your friends and on
5 one of the witnesses that you have just cited, and you didn't have the opportunity to
6 read the statements of all the other Central African witnesses; is that the case?

7 A. No, my conclusion is not based on these. This is a sample. Now, what per
8 cent the sample represents I cannot say. This is a sample. It's only a part of what I
9 assume to be a larger sample, and that's the implication of this -- of my conclusion.

10 Q. Professor, could you tell us what this larger sample is, because we can't see
11 what it is in the report? What is this broader sample which you consulted, or
12 questioned, so that you could draw up this report?

13 A. No, I do not have a larger sample. What I'm saying is that, if you have two
14 people making such a statement which is reasonable, then there must be others who
15 hold that; that these are not unique individuals in the Central African Republic.
16 These suggest the existence of others.

17 Q. Professor, would it be right to say that this speculation and not a conclusion
18 based on a sound proven scientific study?

19 A. In my field, this would not be called speculation. I have never had any reader
20 of a manuscript say of anything I wrote, "This is speculation".

21 Q. Thank you, Professor. Looking at the question of Sango/Lingala bilingualism,
22 you recognise that there has been no study on this, but you suppose that it would be
23 easier for a Lingala speaker to learn Sango, rather than the other way round. You
24 remember that, don't you, Professor?

25 A. Yes, I do, and I will also add in doing so that that is an assumption, because I

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1 made that and I think in that context I explained why that Sango is simple -- simpler
2 than Lingala is, but linguists among themselves have a great deal of difficulty in
3 defining what simplicity is. So, although I make that statement, I recognise that it
4 is -- that is an assumption or you might say a hypothesis.

5 Q. Thank you, Professor. We shall soon reach the end. I'd like to come back to a
6 question which was asked by Justice Ozaki. The question was: "Which regions
7 around the Central African Republic which speak Bantu languages?" Do you
8 remember that, Professor?

9 A. I nod in the affirmative, so the answer is yes. Would you like me to go on and
10 describe where that area is, counsellor?

11 Q. No, Professor. I would rather like to ask why you said that Bantu was not
12 spoken in Sudan and in particular in Southern Sudan? And, Professor, I know that
13 your knowledge will react to this and recognise the Zambian (phon) language which
14 goes from the Congo to Southern Sudan and which is a Bantu language?

15 A. Well, Zande is not found in the Chad, so it's another matter, but if citing Zande
16 as a correction, or as you might say a supplement to my description of the
17 distribution of Bantu languages, then I would say that I would have to disagree with
18 the counsellor because, according to the group of scholars and specialists at CNRS in
19 France, in the Paris area, Zande belongs to the Ubangian family and not to Bantu.
20 Now, with respect -- so, we have to ignore Zande. With respect to the Chad, I base
21 my -- excuse me.

22 Q. Professor, you answered my question for the Southern Sudan -- you haven't
23 answered the question concerning Southern Sudan. I didn't ask any question about
24 Chad, only about Southern Sudan.

25 A. I'm sorry. Yes, I'm sorry. Well, yes, I know something about the distribution

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1 of Zande, because I've seen it on maps. It occurs in northeastern DRC and in the
2 eastern part of the Central African Republic. And I can't recall visually
3 seeing -- having seen it for the Southern Sudan, but it's quite probable that it is there
4 also, but the important thing is that it is not a Bantu language.

5 Q. Well, Professor, with that question other specialists will decide in this Court
6 whether it is a Bantu language or not, but you didn't mention the Bantu languages
7 which are spoken for example in Brazzaville on the border with Central African
8 Republic, you didn't answer Justice Ozaki on the Bantu language on the border with
9 the Central African Republic and which is part spoken in Brazzaville Congo,
10 Professor. Could you correct those points, please?

11 A. Yes. I feel that I have to correct the counsellor, because in answering
12 somebody's question on some occasion I specifically said that Bantu languages were
13 spoken on the northern side of the Lobaye River - that is, between the Lobaye River
14 and Mbaiki - and that was where Bantu languages began going southward. And
15 from the Lobaye River into the Congo along Nfondo, and so forth, you would find
16 Bantu languages. And I happen to know a linguist who has studied a Bantu
17 language; I mean, he's a personal friend of mine in precisely that area. So I do
18 recognise that there are Bantu languages in that area.

19 Q. Well, Professor, if you had answered the Judge that way there would not have
20 been any misunderstanding. One more question, Professor. Do you know which
21 African countries speak Lingala?

22 A. I have a map, I have seen a map and I have a copy of that map produced
23 by -- yes, of course. Yes. Okay. I forget his last name right now, showing the
24 distribution of languages in Congo Brazzaville and, you know, in using stripes and
25 things like that, and he shows that Lingala is spoken according to him - and this is

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1 according to research - according to him, along the Congo River for some distance just
2 north of Brazzaville.

3 Kituba, of course, or mono-Kituba - it has several names, "KiKoongo leta" (phon),
4 and so forth - that is the widespread language.

5 Well, although, what surprises me that there apparently are more speakers in DRC
6 than there are in -- or are said to have been more speakers in the DRC than in the
7 other Congo. So I can't -- it would not be -- I mean, I would find it very surprising if
8 Lingala is not spoken by people who are residents of some part of the Congo on its
9 right bank, away from Brazzaville. In other words, you would expect it of course in
10 Brazzaville, but some place in the south, also.

11 Q. How about Angola, do you know if it's spoken there?

12 A. It is more likely that Lingala is spoken in the northern part of Angola
13 than -- what was I going to say, make a comparison here? So I will abbreviate my
14 statement. Yes, it is quite possible, quite possible that it's spoken on the other side of
15 the border in Angola.

16 PRESIDING JUDGE STEINER: Maître Liriss, I'm sorry to interrupt you. Maybe I'm
17 wrong, but as far as I know the witness is an expert in Sango, not in Lingala. So
18 could you please justify the relevance of so many questions in relation to the witness's
19 knowledge of Lingala?

20 MR LIRISS: (Interpretation) Your Honour, if you remember correctly, yesterday I
21 asked the witness if it was true that his knowledge of Lingala or his studies and
22 research into Lingala were restricted only to the origins of the language and that he
23 hadn't studied the structure and morphology, the phonology and grammar of the
24 language. And the witness said that he had studied all the structure of Lingala,
25 including the origins of the language. And, therefore, it is quite appropriate that as

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1 he has studied the entire structure of Lingala, its origin, its morphology, its syntax,
2 that he is a specialist in Lingala.

3 And it seems to me that the questions asked here are comparing Lingala and Sango,
4 and they are being asked to see if the knowledge he claims to have of Lingala is
5 indeed there, at least concerning the spread of the language; but if you wish me to do
6 so, I can go on the other questions. In any case, this was my last question, your
7 Honour.

8 PRESIDING JUDGE STEINER: If you go back to the transcript of yesterday, I'm sure
9 we can find two or three times when the witness said he was not a specialist in
10 Lingala. In any case, I am still waiting for your justification on the relevance of this
11 question about the use of Lingala in Angola, in Sudan, et cetera, et cetera, et cetera.

12 MR LIRISS: (Interpretation) Your Honour, I didn't say that Lingala was spoken in
13 Sudan. The justification is simple: The question is relevant for a simple reason,
14 your Honour, and I shall repeat myself and the witness can confirm this.

15 He stated quite clearly yesterday when I started my questioning that he had studied
16 the structure of Lingala, its morphology, its phonology, its syntax and its grammar.
17 This means that he has scientific knowledge of Lingala in addition to his knowledge
18 of the origins of the language. Am I not entitled to check the level of knowledge of
19 the expert? What's more, surely Lingala is the most relevant language used for
20 identification in this case. This is the justification for my questions, your Honour.

21 THE WITNESS: Am I going to be able to make a response?

22 PRESIDING JUDGE STEINER: I would like very much, Professor.

23 THE WITNESS: I am pausing here, because I don't know the rules about the Court.

24 I mean, I don't understand -- I understand that I'm supposed to answer, obliged to
25 answer questions and then the Court decides whether the questions are relevant, and

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1 so forth. When I believe that the Defence, or anybody, is making -- is drawing a
2 wrong, an erroneous conclusion from statements that I have made, I feel entitled to
3 defend myself. Thank you for nodding in the affirmative.

4 PRESIDING JUDGE STEINER: And you are. You are entitled to make any
5 corrections you deem necessary.

6 THE WITNESS: Thank you. Surely everyone in this Court recognises that in any
7 field of science there are levels of competence, degrees of understanding anything,
8 and we in linguistics have to be knowledgeable first about all languages in
9 general - at least a little bit - and then a certain family of languages a little more and
10 then finally to a very small number in great detail; or, in recent linguistics, you don't
11 even know any language, but you are thinking only about the theory of language.
12 There are many linguists who don't know a foreign language, who cannot speak
13 anything but English, but they are powerful linguists because they are working on the
14 theory of linguistic structure.

15 So when I say that I familiarised myself, and the counsellor said I "studied," I
16 familiarised myself with Lingala by reading a grammar carefully, and that was some
17 time ago. I've looked at that same book off and on since then, and quite recently, but
18 that's acquainting myself to a degree and that does not allow me, nor do I claim that it
19 allows me, to be considered a specialist on Lingala, on the language itself.

20 And if I happen to be knowledgeable about its distribution any place in Africa, that's
21 probably because I'm more interested at the moment in the distribution of Kituba and
22 Lingala, and so forth. In other words, there are other aspects. I'm not studying the
23 distribution geographically of Lingala itself.

24 In any case, the point I'm making is that -- and your Honour has already pointed it
25 out that I have several times said that I am not a specialist on Lingala. What I'm

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1 doing right now is reaffirming that statement and giving a reason for it; a reason that
2 contradicts the conclusion that the counsellor would like the rest of us to believe.

3 PRESIDING JUDGE STEINER: Thank you, Professor. Maître Liriss.

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

5 Q. Professor, my second last question: Do you have your document there, page
6 0309 and 0310? Do you have it in front of you? I'm reading the last paragraph,
7 Professor.

8 A. I have a page with the heading "Sango and Lingala" in bold face and it starts out
9 with something in capital letters.

10 Q. Professor, can you see the page with the reference at the bottom right
11 "CAR-OTP" and the page reference ends with 0309?

12 A. Counsellor, my page 5 has a bar code which ends in "0310".

13 Q. It's page 5 for you -- sorry, page 4. Before we go on to that, Professor, the
14 Ngbaka-Manza, it's a tribe or a language in Central Africa, isn't it?

15 A. No, there is a related language called Manza, but these are two different
16 languages. How different, I don't know. Just a minute. Excuse me, yes, I just
17 recalled something I want to think about. Yes, a missionary who was apparently
18 among the Ngbaka-Manza, and had to leave the Congo because of the strife there,
19 came to the Central African Republic and because there was nobody, no missionary at
20 Bossangoa, he began to live there and he said that Ngbaka-Manza helped. He
21 noticed a few words, but they were very different languages. I think I've answered
22 your question.

23 Q. And the Ngbaka-Mambo (phon), Professor? Why do you have some Ngbaka
24 who are Mandja and others who are Mambo? What is the distinguishing feature
25 between the two?

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1 A. Perhaps the counsellor is referring to the Ngbaka-Ma'bo Ma'bo, which was
2 coined by a linguist in CNRS. Oh, yes, it was one of the first French linguists to
3 work on a Central African language.

4 Q. Professor, please.

5 A. Yes, okay. In any case, can I go to your question. The Ngbaka-Ma'bo
6 language is a language that is spoken predominantly in the -- on the right bank of the
7 Ubangi River, although it is found to some degree on the left bank as well. And why
8 the word "Ngbaka" is used there, I don't know. I know that in the Gbeya language
9 the word also occurs, and that was a long time ago, but I think that it meant people
10 who live along the river. So, the word is used by different people, like the word
11 Ngombe. You find the word Ngombe all over Central Africa in maps. Central
12 Africa, I mean Central Africa, not the Central African Republic.

13 Q. Whatever that, however that may be, sir, I wanted to ask that question before I
14 ask another one referring to the page to which I remitted you earlier. I will read out
15 what you said. 0309, sir. In French, it is the last paragraph. "When they were
16 ordered to kill Central Africans" and in brackets "(because they had no kinship with
17 anyone in that country) this is probably something that they knew more about than
18 they would let on," and then in brackets you say that "(Bemba himself belonged to the
19 Ngbaka ethnicity)"?

20 THE INTERPRETER: Interpreter's note: This is the paragraph in the middle of
21 page 4 of Mr Samarin's report, the end of that paragraph.

22 MR LIRISS: (Interpretation)

23 Q. Mr Samarin, "When they were told to kill Central Africans 'because they had no
24 family in the CAR', this was an untruth that many could presumably have recognised
25 as such. According to at least one of the documents that were supplied to me Bemba

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1 was himself of Ngbaka ethnicity. Having lived abroad so much he may not have
2 known traditional village life and had not even learned the ethnic language." Now,
3 sir, I have a question for you, sir. Mr Bemba would like to know, since he is Ngbaka
4 himself, and as he never has lived abroad, and since at the end of his studies he went
5 back to his country, and since starting in 1998 he lived in the forest surrounded by his
6 own people, Mr Bemba would like you to answer this question: Do you think still
7 that he could have given the order to have some of his own brethren murdered?

8 PRESIDING JUDGE STEINER: Maître Badibanga.

9 MR BADIBANGA: (Interpretation) Thank you, madam. Thank you, your
10 Honour. Obviously we object to this question, because it is not relevant and it does
11 not fall within the competence of the expert.

12 MR LIRISS: (Interpretation) Fine.

13 Q. My final question, Professor. You draw the following conclusion: "Lingala is
14 an identifier of the military force to which were imputed the crimes committed in the
15 course of the events that took place in Central Africa in 2002/2003." During the last
16 hearing on Friday, to a question by the Prosecutor you answered in the French -- in
17 the real-time French transcript, "I confirm that," and these are my two questions, sir,
18 on that point: Professor, do you have any legal training over and beyond the solid
19 linguistic training you have received?

20 A. The question is, have I had legal training? The answer is no.

21 Q. Professor, in order to be able to formulate such a conclusion, is it not true that
22 you only had available the tools that we mentioned earlier; that is to say your own
23 chart and the documents made available to you by the Prosecutor pertaining to eight
24 witnesses, as well as your own linguistic knowledge? Professor, sir, I have put a
25 question to you. May I rephrase it. In order to draw your conclusion, was it not

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1 true, sir, that the only elements you had available were (1) your very deep training in
2 linguistics; (2) the summary documentation made available to you by the Prosecutor
3 and the Appendix A or B chart which you presented to us earlier? Is that not so, sir?

4 A. No. No, it is not. The translator used the phrase "linguistic knowledge."
5 Now, I don't know what you mean by that. For me, that --

6 Q. Sir, can you hear me?

7 A. Yes.

8 Q. You can hear me, sir? You can hear me, Professor? Thank you, because I
9 believe I have a problem with my microphone. So if you can hear me well, then I
10 was speaking -- actually I was referring to linguistic expertise?

11 A. Well, to take that first point, which is linguistic expertise, to us in linguistics the
12 phrase can mean many things. First of all, linguists are interested in how competent
13 you are in theoretical linguistics. That means the linguistics of the brain. That's
14 called formal theoretical linguistics and a person nowadays in North America cannot
15 get a job in a university without having that kind of expertise. Yes, I will stop.

16 Q. Professor, please. If the word is not the exact word, it doesn't really matter for
17 me. What is really at issue here is whether in formulating this conclusion you
18 actually had available to you the three elements I mentioned; i.e., your own science,
19 your science of linguistics, your mastery of that linguistic science, your field
20 knowledge, call that as you will, your expertise, that's number (1); number (2), such
21 documents as were submitted to you by the Prosecutor; and (3), sir, the various
22 elements that you were able to draw up from this -- draw from this? I wonder, sir,
23 whether it is on these three elements that you drew your conclusions and, when you
24 drew your conclusions, sir, did you have in your possession only these three elements
25 or did you have any other elements also in your possession?

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1 A. I heard the word "elements" in English, and I do not know what the counsellor
2 is referring to by "elements? With respect to linguistic expertise and documents and
3 a chart, which one is an element? I don't see the element.

4 Q. Professor, when you drew that conclusion, what did you base yourself upon?

5 A. An outline of what I -- or a summary of what I based my conclusion on is my
6 document in its entirety, and that document reveals that number (1) it does have to do
7 with linguistic expertise with respect to structure and language acquisition, language
8 origin of vehicular languages, the nature of pidginisation, et cetera, et cetera, things
9 that have appeared in my articles and that permit me to be considered a linguist in
10 the modern sense and perhaps not in some parts of the world, but certainly in the
11 western Europe.

12 This linguistic expertise, no, here we have to include something else besides linguistic
13 expertise. It has to do with my competence and I will -- I will humbly say that, with
14 respect to the history of colonisation and language change, I am the most
15 knowledgeable person in existence, and that can be demonstrated in my book "The
16 Black Man's Burden" and in other publications. I have had nobody challenge me
17 successfully in talking about language and colonisation.

18 So, number (1), whatever it is called, and if we agree that there is something big and
19 comprehensive in number (1), it has just been described.

20 Number (2), there's no doubt about that, we are referring to the documents that were
21 sent to me, a big stack of them. And I didn't know why so many were sent to me or I
22 didn't know why many more could have been sent to me; they were sent to me.

23 Okay.

24 The third point that the counsellor mentioned was appendix number II. Now, I
25 really think that -- oh, just a minute. I want to gather my thoughts here. "Appendix

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1 A, Data," notice the heading, notice the heading which has not been mentioned at all,
2 as we have talked about Appendix A. That's interesting. It says, "Data about 18
3 witnesses providing evidence to the ICC." This is a table of the witnesses.
4 I thought that nobody here or in -- or associated with this case would prepare a table
5 like this, so I was doing you all a favour of making an inventory and giving what
6 information might be useful if you were going through this particular set of data.
7 This appendix was not intended to be evidence, to constitute as evidence of the
8 statement that is made in the conclusion to my paper. It is a table about 18
9 witnesses.

10 Q. Thank you, Professor. We have reached the end of our examination. After
11 this very lengthy discussion, after our having ascertained it together, the way in
12 which you have drawn up your report, you did not have all the data pertaining to the
13 protagonists or the various characteristics of the conflict; you were not able to
14 interrogate those witnesses, you were not actually in the field when this was
15 happening, only afterwards.

16 Now, in spite of all of these obvious things that I have just stated, sir, do you stand by
17 your conclusions as you have portrayed them to us?

18 A. I address the Chamber in saying that the counsellor has just expressed his
19 opinion, and I count on the Chamber to evaluate the truthfulness of the allegations. I,
20 to the best of my knowledge, as conscientiously and seriously as I work as anybody
21 who knows me in my lifetime of linguistics, ever since I was an undergraduate at the
22 University California, Berkeley, will know what kind of a scholar I am.
23 Finally, I offer myself, despite its costs and risks to me, to help you in any way I can
24 by, for example, looking at these other documents to see if I need to change my
25 conclusion.

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1 MR LIRISS: (Interpretation) Professor, I would really hope that you do realise fully,
2 sir, that I am in no way impugning your intellectual integrity, your competence and
3 your good faith. This is a matter of human science, sir, and human sciences, as you
4 well know, sir, are far from accurate. Asking a person whether that person could
5 have made a mistake in good faith is not tantamount to challenging that person's
6 integrity, good faith or competence. And please believe me, sir, in no way have I
7 intended to do so. Thank you, Professor.

8 THE WITNESS: Thank you for -- counsellor, for the way you have proceeded in
9 cross-examining me and I accept as true your -- the statement you just made about
10 respecting my own competence and the integrity of what I have been doing. Thank
11 you.

12 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. I ask whether the
13 Prosecution wants to redirect?

14 MR BADIBANGA: (Interpretation) Thank you, your Honour. We are quite
15 aware of the time, so we do not wish to abuse the hospitality of the Professor. I'm
16 aware of the fact we have some five minutes left. Maybe two questions?

17 PRESIDING JUDGE STEINER: Be aware that, after your redirect, the Defence will
18 be entitled to have the last word. So bearing that in mind --

19 QUESTIONED BY MR BADIBANGA: (Interpretation)

20 Q. Professor, as it is, sir, thank you very much indeed for this long testimony that
21 you have been kind enough to share with us. I shall be very brief to try and release
22 you as swiftly as possible. My questions I think will only require a short answer.

23 You had a lengthy discussion with the Defence counsel as regards possible
24 demographic, economic, migratory changes that may have taken place in Central
25 Africa since your last stay there in 1994. My question quite simply is, do you believe

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1 or do you feel that any one of these changes occurring within Central African society
2 could have led you to alter any of the conclusions that you have submitted to this
3 Chamber as part of your testimony?

4 A. No. And I think, as a matter of fact, I answered that question somehow in
5 some way earlier during the cross-examination.

6 Q. Your question on the transcript, sir, was in reference to the military conflict and
7 I wanted to cover the other aspects. Now, I have a second question just as brief.
8 You had a lengthy discussion also with the Defence counsel on the concept of the
9 languages used by the MLC soldiers; you may remember, sir, some were perhaps of
10 Swahili origin or other areas in the Congo they may have used other languages.
11 In the witnesses' statements that you have received from the Prosecutor, did you find
12 in these statements one single expression that the victims would have imputed to the
13 MLC soldiers as belonging to a language other than Lingala, for instance Swahili? If
14 I could simply refresh your memory, sir, I could mention a few of the expressions
15 with the authorisation of the Bench, "yaka," et cetera?

16 A. I'll start with the last. A president, when he's interviewed, he frequently starts
17 with the last question or statement. With respect to "yaka," that was something that
18 people identified as Lingala, and it meant "Come on, give me your money." It was a
19 demand. That's the way money was demanded.

20 And to the substance of your question, counsellor, I would say that no other
21 language -- to my recollection, no other language was mentioned. Now, of
22 course -- not that the -- not the witness -- well, excuse me. Not the -- yes, there was
23 one mention that a certain person spoke Swahili.

24 (Redacted) no, that couldn't be his name. Well, anyway, it

25 is there, but these were not soldiers. That's the point I want to make. So, let me say

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1 it simply. To my recollection, witnesses did not attribute another -- a different
2 language than Lingala to any of the soldiers.

3 MR BADIBANGA: (Interpretation) Thank you, Professor. I have no further
4 questions for you. Once again, thank you for the time that you have spent with us.
5 Your Honour, we have no further questions.

6 PRESIDING JUDGE STEINER: Maître Liriss, you are entitled to have the last word.

7 MR LIRISS: (Interpretation) Well, honestly, I can see that Mr Zarambaud is asking
8 if he can address the Court.

9 PRESIDING JUDGE STEINER: I haven't seen you asking for the floor.

10 MR ZARAMBAUD: (Interpretation) Your Honour, your Honours. As you have
11 noted, after the statement -- well, after the end of cross-examination by the Defence
12 we do not intervene, but I did want to say something about the request that you
13 received from the Defence because the Defence was saying that people cannot hear
14 any Congolese radio stations in Bangui, and the Court I think should check that point,
15 because there are Congolese radio stations that are heard in Bangui, including Radio
16 Liberté which is Mr Bemba's radio station. I thank you, your Honour.

17 PRESIDING JUDGE STEINER: Maître Zarambaud, in principle you are not here to
18 give testimony. Maître Liriss.

19 MR LIRISS: (Interpretation)

20 Q. Professor, I will give you the references in a few moments.

21 PRESIDING JUDGE STEINER: Sorry, if you are really going to put some more
22 questions, I need to ask the interpreters and court reporters whether they are able to
23 stay for how long, Maître Liriss?

24 MR LIRISS: (Interpretation) Three minutes.

25 PRESIDING JUDGE STEINER: Three minutes. You can proceed, Maître.

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1 THE INTERPRETER: Certainly, your Honour, says the English interpreter.

2 MR LIRISS: (Interpretation)

3 Q. Professor, could you confirm what you said yesterday, and we will leave it at

4 that, namely, that it would appear that the assailants, in the final analysis, spoke in

5 several languages, transcript -- French transcript real-time version page 42, lines 3 to 7.

6 That is all.

7 A. When you say "They spoke several languages," yes, but that does not mean that

8 I said that they spoke that many languages in the Central African Republic, and

9 certainly they - excuse me for adding - and certainly they were not speaking several

10 different languages to the victims of the warfare.

11 Q. And what is your source, Professor?

12 A. Common sense.

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

14 PRESIDING JUDGE STEINER: Professor, we came to the end of your questioning

15 before this Chamber. We are very, very grateful to you for having travelled to The

16 Hague to give assistance to us, the Judges. Your evidence will for sure contribute to

17 our assessment of the entire material in this case in our overall search for the truth.

18 Whatever our ultimate conclusions on these issues, you have undoubtedly made an

19 important contribution to our understanding of the issue of languages, which is very

20 important in this case. You, therefore, leave the Court with our profound thanks for

21 your contribution over the past days. Thank you very much indeed, sir.

22 Would you like to add something before I ask the court usher to escort you outside

23 the courtroom?

24 THE WITNESS: Yes, your Honour. It is of course a great honour to appear in this

25 Chamber, to be recognised as somebody knowledgeable enough about Central Africa

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1 to contribute to the deliberations. It is also with a sense of responsibility and
2 appreciation that I can use my professional experience, my professional knowledge,
3 to something other than myself, that I am serving others, something that I started my
4 life with and I hope I will end my life with.

5 Finally, and -- I am moved by being able to help the people whom I love. Thank
6 you.

7 PRESIDING JUDGE STEINER: Thank you very much, Professor. Again, with the
8 thanks of the Court, you may leave the courtroom.

9 (The witness is excused)

10 PRESIDING JUDGE STEINER: I don't want to abuse the interpreters' and court
11 reporters' patience, but since we don't have a session in the morning the Chamber
12 would need to issue a very short decision on protective measures -- special measures
13 to Witness 75. Could the interpreters give us two minutes - two more minutes,
14 please? Thank you very much. Court officer, please go into private session.

15 (Private session at 4.10 p.m.) * Reclassified as Open session

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

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Could, please, the court officer turn into open session.

10 (Open session at 4.12 p.m.)

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

12 PRESIDING JUDGE STEINER: Thank you very much. I thank very much the

13 Prosecution team, the legal representatives of victims, the Defence team,

14 Mr Jean-Pierre Bemba Gombo, and special thanks to our interpreters and court

15 reporters for being so indulgent with the Chamber. We are going to adjourn and to

16 resume tomorrow in this courtroom at 2.30 in the afternoon. This hearing is

17 adjourned.

18 THE COURT USHER: All rise.

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

20 CORRECTION REPORT

21 The Court Interpretation and Translation Section has made the following correction in the
22 transcript:

23 *Page 3 line 4 :

24 "depreciating of" is corrected by "deprecating about"

25 RECLASSIFICATION REPORT

Trial Hearing

(Private Session)

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- 1 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
- 2 2012, and the instructions in the email dated 6 February 2014, the version of the
- 3 transcript with its redactions becomes Public.