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Do they Speak the Same Language? Language Uses in Juba Local Courts

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Language Description and Language Uses: the unavoidable discrepancy

K. Versteegh's book (1984) on Pidginization and Creolization in Arabic was one of the first attempt to link two previously separated domains, i.e. Arabic studies and Pidgin/Creole studies. The controversy which follows the publication of his book participates in the diffusion of information about the main contemporary Arabic based Pidgin-Creole varieties of the South Sudanese basin, namely Ki-Nubi and Juba Arabic (and former Turku). No serious Arabicist can now ignore the three above names and a number of publications have been devoted to the description of these varieties. To recall but a few: B. Heine (1982), X. Luffin (2005), U. Mahmud (1979), C. Miller (1984, 1992), J. Owens (1991, 1997), M. Tosco (1993, 1995), R. Watson (1984), I. Wellens (2005), E. Yokwe (1995).

Most of these studies provide a systemic description of Ki-Nubi or Juba Arabic, and compare them with either other Pidgin-Creole languages or with other Arabic vernaculars or with local African languages in order to establish their specificity and autonomy and to postulate hypotheses about their genesis and development. Although still considered as the 'orphan of the orphans' (Owens 2001) because yet marginalized in both the Creole Studies and the Arabic studies, Juba Arabic and Ki-Nubi start to be rather well described, even if many more need to be done. One of the impacts of all these studies is the acknowledgement that ki-Nubi and Juba-Arabic are indeed autonomous and specific varieties which cannot be confused with any other Arabic vernaculars. They are identified through their specific name, and, as it is well known, to name something is to provide it with a specific identification.

An interesting development of this linguistic achievement is the fact that, since Ki-Nubi and Juba Arabic have been identified as "specific" languages, the local speakers (Nubi people from Uganda or Kenya and all Sudanese Southerners) are expected to speak what the linguists have described as Juba Arabic and Ki-Nubi. This is what is happening for example in the case of language tests applied to

asylum seekers in a number of European countries. If somebody claims to be a Southern Sudanese but speaks an Arabic variety close to Northern Sudanese colloquial varieties instead of the Juba Arabic described by the linguists, he cannot be a “true” Southerner. Asked to provide some counter-expertises, I realized that the way of speaking of these “doubtful Southerners” was sometimes rather similar to some cases I recorded long ago in some local courts of Juba, with well attested Southerners! In many contexts, most Sudanese Southerners constantly shift from a more “Creole” level of Juba Arabic (or basilectal level) to a level more influenced by Northern Sudanese Colloquial Arabic (mesolectal level). The coexistence of different levels of Juba Arabic was first highlighted by U. Mahmud (1979), who applied the Creolistic concepts of continuum and basilectal and mesolectal varieties to describe the variation found in the verbal system. I myself dedicated a number of papers to emphasize the degree of variation and diversity included under the generic label of Juba Arabic (Miller 1984, 1987, 1989).

In the continuum approach, each pole (basilectal/mesolectal) is characterized by a number of specific features (isoglosses), while the intermediate levels of the continuum are characterized by different degrees of occurrence and melting of the various features. It appears, however, that it is extremely difficult to draw an implicational scale, that will be characterized by a regular acquisition of dialectal features along the continuum scale. In fact, each speaker tends to have its own way of mixing the various features, some focusing more on phonological features, others on lexicon or morphological features.

I myself, insisted on the fact that the evolution of Juba Arabic was far to be linear, and was not automatically leading to a process of decreolization. Different trends of change and restructuring were simultaneously recorded in a city like Juba and different influences were operating on the daily language, one leading towards a rapprochement to Khartoum Arabic, the other toward what I have called a process of vernacularization (Miller 1987).

This diversity and variability of Juba-Arabic raise the following questions: where are the boundaries of Juba Arabic? On which criteria can we decide that a person speaks or does not speak Juba Arabic?

Are the speakers conscious that they are mixing different features and variables in their speech? Do the speakers and auditors have the same perception than an outsider linguist?

Languages Uses in Juba local Courts

In order to illustrate the diversity prevailing under the generic label of Juba-Arabic, I choose to present complete samples of interaction, instead of short extracts given as examples. These samples were recorded in 1981 and 1984 in two local Courts of Juba, the capital-city of Southern Sudan. Local Courts were of particular interest, because very different kind of people were coming to present and defend their cases. Taking into account that more than twenty years have passed since the mid 1980s, and that almost nothing is known about the present linguistic reality of Juba, such samples could be considered as a kind of linguistic testimony of what speaking Juba Arabic meant in the 1980s.

The term “local Court” and its Arabic equivalent *maḥkāma ʿahliyya ~ makama ahliya* was applied to Southern Sudanese A and B Courts at the levels of the village, the district or the city. Various languages were used in these local Courts.

- Outside Juba, the A Court was the village’s Court headed by the village’s chief, assisted by two or three elders. The language of communication was, most of the time, the local African vernacular (Bari, Kakwa, Zande, Moro, etc.). The B Court was the district Court headed by the paramount Chief assisted by the village chiefs. It dealt with matters not solved in the A Court. In multilingual districts of Equatoria, such as Yei B Court, the languages spoken were local vernaculars (Kakwa, Moro, Madi, Avokaya), Juba Arabic, Bangala (the local variety of Lingala) and a few English.

- In Juba, the only A Court was the Garawiyya, located in the center of Juba, near the main market, and dealing with low-level criminal cases (robbery, neighbors’ quarrels, etc.) involving any person living in Juba, whatever his ethnic affiliation and period of stay were. The Court was headed by an appointed local Judge (Ramadan, 49 y. old) and two assistants. The main language of communication was Arabic (Juba Arabic up to NSA). A few speakers used an African vernacular and were assisted by a translator. The summary of the case was always pronounced in Arabic but written in English.

The Kator B Court was the Bari local Court (the Bari being the main local group of the Juba-Rejaf area), located in Kator district. It was dealing with personal matters involving at least one Bari participant. The President of Kator B Court was a Bari (Stephen, a retired policeman), assisted by two or three Bari elders. The language of communication were mainly Juba Arabic, Bari and a few English.

The localization and specialization of each Court influenced the language uses. In Juba, the Garawiyya Court was far more exposed to the influence of NSA than the Kator B Court. In the Garawiyya, only 4 speakers, not resident in Juba, spoke in their native vernaculars, while 35 speakers spoke only in Arabic (with 16 speaking a more mesolectal variety and five speaking NSA). In Kator, 10 speakers spoke mainly in Bari against 24 in Arabic (with none speaking NSA and 14 more or less mesolectal):

Figure 1 : Language Uses in Kator and Garawiyya Local Courts

Courts	Speakers*	Non-AR Vernaculars	Juba Arabic	NSA	English
Kator B	34	10 Bari	24	-	-
Garawiyya	39	3 Bari 1 Dinka	30	5	-
Total	73	14	54	5	0

* Number of speakers do not include the Judges

The above figure classifies each speaker according to the use of one dominant language (English, NSA, JA and Non Arabic Vernaculars). In fact, the delimitation between each language was not that clear-cut and there were many cases of language mixing, as will be evident in the Corpus presented in Appendix 1,2 and 3.

Presentation and Brief Analyse of the Corpus

The samples presented in Appendix are taken from three cases, considered to be representative of three types of speaker. The participants involved in Case 1, belong to the important Nilotic Dinka-

speaking group, a non-local Juba ethnic group. They aren't educated, and speak Juba-Arabic as a second language. In Case 2, the participants belong to a small ethnic group from Western Southern Sudan (Bay from Bahr al Ghazal Region), are educated and work in the police or the army and speak a level of Arabic very much influenced by NSA and WSA (Western Sudanic Arabic). In Case 3, speakers are all Bari Juba citizen and speak Bari or a vernacularized Juba Arabic, very much influenced by Bari features.

In both Courts, the procedure was rather similar. The case starts by an oath (on the Bible, the Quran or a spear according to the participant's religion, – see (s.9) in Case 1 and (s.14) in Case 2. Then the plaintiff tells his/her story; after some questions, the Judge summarizes the story and asks the defendant to present his/her own version. Additional questions follow and some time additional testimonies are required. After listening to all parties, the Court deliberates and announces its verdict. Most of the cases took between 30 to 40 mm in Juba while they could take hours in the villages. Cases tended to be shorter in the Garawiyya than in Kator.

Speakers are presented as follow : J.= Judge S.= Court's Secretary. T.= Translator, P. = Plaintiff, D. = Defendant and W.= Witness.

Elements in *italic* are considered to be “average basilectal” Juba Arabic. Elements in **bold** are considered to be more “mesolectal”. Underlined elements are borrowings from the local languages, mainly Bari. Plain words are English borrowings. Many elements are common to both basilectal and mesolectal Juba Arabic. They have been put in both *italic* and **bold**, but the distinction between more basilectal or more mesolectal remains very fluid. The transcription of the Bari sentences have been done in 1987 by a Bari student, who followed the standard Bari written system used in Equatoria. Mesolectal features taken into consideration include a) phonological features (consonants *ʃ*, *x*, *ɣ*, *ʧ*, *ɖ*, *s*, *ʕ*, *h*, long vowels and geminates), b) morphological features (object suffix pronouns, definite article, plural and gender affixes, TMA and person verbal affixes) c) lexical items. It must be noted that the insertion of mesolectal features lead often to mix forms, which are neither Northern Sudanese Arabic (NSA), nor Creole Juba-Arabic.

African vernacular features taken into consideration include a) phonological features (p, ŋ, ŋ̄, ɔ, ε, ʌ, ø, j strong palatalization and affrication) b) lexical items and idiomatic expressions. Syntactic features will not be discussed here.

The brief analyse that follows intends to highlight individual level as well as main examples of mixing with focus on mesolectal insertion. But readers are invited to go to Appendix 1, 2 and 3 in order to evaluate the degree of mixing within each individual speech.

Text 1, The Dinka Case, Garawiyya Juba, 1981.

Summary : A Dinka woman coming from a village accuses a Dinka man living in Juba to have rob her a sac of sorghum when she came down from the ferry. She speaks only Dinka and her speech is translated by another Dinka from Juba. The case started the day before but was postponed in order to look for an additional witness who could prove the identity of the defendant. The woman affirms that he is called Maluk while the defendant claims to be called Deng. At the beginning of the second audience, the secretary summarizes the facts (s.1) and then the Judge is looking for the witness (s.2 to s.9) who finally arrives and supports the plaintiff against the defendant that he knows since 1975 (s.10 to s.20); the later is finally recognized culprit by the Court (s.21).

This case illustrates a type of language uses rather common in the Garawiyya Court, that I will define as a *formal basilectal non vernacularized type of Juba-Arabic*. This type of speech is very common among non L1 speakers of JA (rural people, older generation) in formal situations and lead to many mix forms. Although it contains most of JA basilectal features (such as verbal invariable forms), it is characterized by numerous instances of phonological variation (s/f; k/x; j/z; a/ā, etc.) and by the frequent dropping of the verb's final epenthetic vowel (*kelem* vs. JA *kelemu* “speak”, *gal* vs. JA *gale* “say”, *baaref* vs. JA *bi-arifu* “know”, etc.). A number of lexical items are taken from NSA like *der* “want” (NSA *dāyir/ JA aaju*), *bet* “house” (NSA *bēt/JA jua*), particle *aw* “or” (JA *wela*), etc. Some “old” terms inherited from the Ottoman military language remain like *dosoman* “troubles, fight” (cf. s.8) and appear to be part of the Court vocabulary. One notes the irregular insertion of a number of

mesolectal morphological features borrowed from NSA such as definite article *al-* (*əl/el*) “the”, verbal suffixes and prefixes as well as affix pronouns.

In Case 1, all speakers speak this formal non vernacularized JA, with various degree of mesolectal insertions.

The two Dinka participants (the translator and the witness) use independent personal pronouns and invariable verbal stems like Translator (T.) in sentence (s.3) *nina má der māθi* “we don’t want to go” or sentence (s.5) *yaú ána kélem leɔ θede* “I talked to him like this”. The pronunciation shows the influence of the Dinka Mother Tongue, particularly concerning the realization of the phonemes /ʃ/ /s/ and /z/ realized as [θ] (a frequent pronunciation among Nilotic speakers) like in *θenu* “what” (JA *senu* /NSA *fenū*); *θol* “somebody” (NSA *zōl*/ JA *jol*), etc. Vernacular influence is also noticeable in the realization of the vowels, with a tendency to realize /e/ like an open [ɛ] and /o/ like an open [ɔ]: *kɔñɔ* (s.3), *leɔ* (s.5), *bɔlīs* (s.12), *baārfɔ* (s.13), *nugasɛr* (s.12), *bɛθ* and *θɛka* (s.16), etc.

The Dinka witness (W) realizes a number of inflected verbal forms and affix pronouns:

(s.12) *nugasɛr* (JA *ana bigeseru*/NSA *agaşşar*) “to limit, shorten”, (s.20) *axūk* (JA *aku btak*) “your brother”, *gutta lek* (JA *ana gale le-ita*) “I told you”, *negabel* (JA *ana bigabalu*/NSA *agābil*) “I meet”, *nesalem* (JA *ana biwodi salam to*/NSA *asallam*) “I great”, *neddu* (JA *ana wodi leo*/NSA *naddū*) “I gave him”). It may be noted that 1st sg. imperfective form is *n-*+ verb (similar to WSA) and not *a-*+ verb (= NSA).

The secretary (S) has a JA pronunciation : (s.1) *asrin* “twenty” (NSA *ʕafrīn*), *asan* “because” (NSA *ʕafān*), *jól* “person” (NSA *zōl*) but *izebu* “he brings” (JA *jibu*/ NSA *iğib*).

The Judge displays many instances of phonological variation:

zj (s.2) *winú zól el-bārefu jól da* (with dominance of [j] cf. (s.4);

x/k (s.6) *axu* “brother”, (s. 15) *kemsa* “five”, (s.17) *inta bikutu* “you put”

ʃ/s (s.4) *afun/asan* “because”, (s.17) *musu* “isn’t it”

He keeps many invariable verbal forms: cf. (s.4) *nina jil* “we take”, (s.8) *nina balasu* “we stop”, (s.21) *inta bigul sehi* “you say right”, etc. and many independent personal and possessive pronouns: (s.9) *el-mahkāma nadi eta* “the Court call you”; (s.15) *inta baarfo aglaK bitao* “you know his behavior?”, (s. 21) *weled btak suker winu* “where is you small boy?”.

The mesolectal variables include 2cd sg. personal pronoun *inta* “you” (JA *ita*), pl. deictic *del* “this” (JA *de*), definite article *al* (JA *de*) and a number of conjugated verbal forms: (s.9) *tawori* “you show”, (s.21) *kizibta* “you lied”, *sarekta* “you stole”, etc. Conjugation of verbs leads to some cases of malapropism such as (s.9) *nasaltak* “we ask you” with the coexistence of *n-* 1st pers. imperfective and *-t* 1st or 2cd pers. perfective. Another mix form is the verb *gul* in (s.4) *bas iği wóri gūl* “he just come to tell that” (JA *bas bija wori gale/ NSA iği igūl* or *iği iworri ?innu*). The insertion of mesolectal features increases at the end of the case (s.22), when the Judge is enouncing his verdict and is using a number of “technical terms” such as *tazāwir* “falsification”, *ğiza* “faults/penalty”. Note however that the Judge always alternates basilectal and mesolectal realizations like the alternation *sarekta/ita sereG* in (s.22).

A number of mix JA/NSA realizations recorded in Case 1, were almost permanent in the Judges’ speech of the Garawiyya and appear also in Case 2. They seem to indicate that, indeed, this type of mix level was considered as the appropriate level in the Garawiyya Court.

Texte 2, The Bay Case, Garawiyya Juba, 1981.

Summary: a young Bay police-lady (Hawa) from Bahr al Ghazal accuses two Bay guys to have try to attack her the night before. She recalls that she was going back to her home when the two young men started to insult her and beat her. Fortunately she was able to call for help and a soldier came to rescue her and, after many events, managed to bring the two boys to the police office. The two defendants contest the lady’s version and claim to be victims of a confusion, i.e. the soldier took them instead of the real culprit. The lady and the two boys agree that they never met before, in spite of the fact that

they all belong to the same small tribe (Bay). The two Judges argue between them concerning the importance of this common ethnic background. The soldier is called as a witness and makes a very long testimony, which supports the police-woman's story. After many discussions and controversies, the two boys are recognized culprits and have to pay a fine of 36 Sudanese pounds.

This case illustrates a more mesolectal level, mastered by the persons who have been educated in Arabic and particularly those coming from the region of Bahr al-Ghazal. However, each speaker has his specificity, and while the young lady is the most influenced by colloquial features, the men alternate between basilectal and mesolectal features and create many mix forms. A number of lexemes appear to be shared by all the participants such as *der* (JA *auju*) "want", *bet* (JA *jua*) "house", *gul* (JA *gale*) "say", *fat* (JA *futu*) "pass", *darab* (JA *dugu*) "heat", *suf/fuf* (JA *ainu*) "see", *le-raet-ma* (JA *lakadi*) "until", etc.. At the level of the verbal system, one notes many occurrences of participial forms such as *ğay* "coming", *gaad* "staying", *fāyel* "working" and the frequent use of TMA auxiliaries/verbal particles like *kan*, *bikun*, *gam/gum*, *gaad*, *lisa*, *biga/baga*, *ğā*, *aoz*.

Hawa (s.15 & s.17), the young police woman speaks a level very close to NSA or rather to Western Sudanese Arabic (WSA). She pronounces many long vowels, as well as velar fricative /x/ and sibilant /ʃ/ but she realizes few pharyngeal and emphatic consonants : i.e. (s.15) *saa* "watch" (NSA *saʕa*) , *saba* "morning"(NSA *ṣabāḥ*), *talāta* "I came" (NSA *ṭalaʕt*) but end of (s.17) *saʕa fekka* "the watch drop". She conjugates almost all verbal forms: cf. (s.15) *ğit*, *saketta*, *zitta*, *hum zādu* and (s.17) *gumta*, *wageftu*, *gulta*, *tetfahim*, *netfahim*, *maset*, etc.. Personal object and possessive pronouns are systematically suffixed: (s.15) *garas-ni fi-şulb-i* "he pinched me in my buttocks"; (s.17) *daggaf-ni, axwān-i, masak-ni, xafm-ak, bedugg-ək*, etc. She uses a number of TMA auxiliaries, like *gam* and *ğā* to mark inchoative:

(s.15) *ana gumta zitta katwa btay* "I accelerated my walk"

(s.17) *da tawāli masaknī ğā garasni* "He immediately sized me and start to beat me".

waled de ġa gam darabni bunya “The boys started to beat me strongly”

Hawa masters the morphological rules of NSA and shows very few occurrences of malapropism or mix form. Gender and plural agreement however remains irregular: (s.15) *ana ġay* “I came-masc.”, *ana māfyā* “I went-fem.”; (s.17) *arabiya aba yagif* “the car (f.) refuse (masc.) to stop (masc.)”, *awlād der iyamal mayi muḡākel* /boys (pl.) want (sg.) he-makes with me problems/ “the boys want to make me problems” .

Defendant 1 (John Gabriel, s.28, s.30, s.34) starts answering both Judges with mesolectal features:

(s.7) J2 *sógol btāk* ? “Your work” D1: *mā fāyel/ūleb* “Not working/student”

(s. 24) *samētu* “I heard-it”

(s.28) *ana kunt ġay min hay kōmerfyal li-l-bēT* “I was coming from district Commercial to the house”.

Then he alternates between few inflected verbal forms and many invariable verbal forms as well as between affix and independent pronouns:

(s.30) : *ú ma bōlis gaadīn isuggū zōl de / uman fāt giddām/ ana ġa wara/ nama ana wosol mōbil/*

/he and police stay-pl they-drive person this/ they pass (sg.) in front/ I came (inv.) behind/ when I arrive (inv.) Mobil./

“He and the police officer were driving this person, they passed in front, I was coming behind when I arrived at the Mobil Station”

(s. 38) *bass darab bitoman ana ġa katal* /only fight of-them I came (inv.) kill (inv.)/

“I just came to stop their fight”.

Defendant 2 (William Peter, s.45, s.47, s.51) realizes many inflected verbal forms and affix pronouns:

(s.52) *gabodūni zamān gale nemfi-l-nukta niḡuf/ min wisolta unak san nera muḡkila bta dʒən kif*

/they-size-me (3rd perf.) time say I-go (1st imp.) the post I-see (1st imp)/from I-arrived (1st perf.) there for I-see ((1st imp) problem of John how/

“They captured me when I went to the police station to see/since I arrived there to assess the problem of John...”.

Like the Dinka witness in Case 1, William uses the WSA *n-* 1st sg. imperfective pers. pronoun instead of NSA *?a-*. Note also the use of verb *gale* “say” to introduce an embedded sentence (*zamān gale* “time that”).

The witness (W. the soldier) starts with a formal mesolectal level: (s.75) *ana kunta fayal fi-l-ğawazāt, ana sāken fi Muluk* “I was working in the passports, I lived in Muluk”.

But very quickly he alternates between basilectal and mesolectal features : *ana ġit ġa wosolu fi medresa/ ana fāt/ fialan fatet..* “I arrive near the school/ I passed/ of course I passed”; *baadin ana ġit ana gul* “when I arrived I say”, *ana gulta tayib ya axwāna matakum sakal bit fi tarīka zede* « I said good oh my brothers, don’t quarrel a girl in this way » (note JA negative imperative marker *matakum* “dont’!”).

He ends up speaking almost only Juba-Arabic, including at the phonological level (ʃ > s, x > k). Unlike the speakers of Case 1, his level of Juba Arabic is more grammaticalized. It includes many verbal TMA markers as well as embedded sentences:

(s.75bis) *dá tawāli gum amol musakīl fo mōbili li raat ma aoz kaser mōrat bta arabiya zatu*

« He immediatly started making problems in the Mobil station until he was almost breaking the mirror of the car »

ana biğa fūt fi ġawazāt ya neselem kelem kabār li ġamaa fi taakir el ana aker line zaman

“I was going to the passeport (office) in order to bring the news to the people about the delay that I delayed before”.

Compared to Case 1, Judge 1 (Ramadan) shows the same level of phonological variation (s/ʃ, x/k, z/j) but uses more lexical and morphological mesolectal features (see s.25, s.37, s.52, s.74, s.79). It may be noted that in (s.25) when Judge1 is summarizing the testimony of the police-woman, he makes more gender agreement than she did and employs the 2nd and 3rd fem. personal pronouns *inti* and *iya*:

(s. 25) *el-bint de gāl iya mafya* “The girl said (masc.) that she was going (fem.)”; *inti ḡāya min wēn* “you (fem.) coming (fem.) from where?/; *saa btao fakkat waga* /watch (fem.) of-him drop (fem) fall (mas.)/

But he also mixes with more basilectal JA and consistently uses the invariable form *gul* “say”:

(s. 25) *intakum gul inti fermuta sakeT* /you-pl say you (fem.) prostitute only/

(s.52) *nāker u gāl woket dak kalam inti gul ma hasal kulu-kulu* /deny and say time-that word you (f.) say not happen all-all/ “He denied and said (that) at that time what you say never happened”.

As in Case 1, conjugation of verbs and auxiliaries lead to cases of malapropism or mix form

(s.52) *asa nafarēn de badi sumit kalamu* /now person-Dual this after I-listened word-his/

“now after I listened the word of these two persons” (*sumit* vs. JA *asuma* and NSA *sami^ʕt*)

fi tarīka gāmo daribtu bi daraba fadid /in way they-stand you-beat with beat strong/ “On the way you started to beat her strongly” (*gāmo* vs. NSA *gumtu*).

Compared to Judge 1, Judge 2 (see s.66, s.70, s.76, s.78), sticks to a more basilectal pronunciation (ʃ > s, x > k, etc) and grammar:

(s. 66) *musu barau rūtan bta bay keda wonosú* /Neg alone language of Bay like-this spoken/

“Isn’t it a specific Bay language which is spoken?” (note impersonal structure rendered by shift of stress to final syllable of *wonosu*).

Case 2 highlights the coexistence of different levels (types?) of (Juba) Arabic and different degrees of mixing. The level of the police-lady and the intermediate level of Judge 1 and D2 could be an indication that the mesolectal level is indeed the prestigious urban formal level, that people speak or

try to speak in formal context like the Court. This hypothesis is however not sustained by the data from Kator B Court, which indicates another type of urban uses.

Appendix 3 Kator B Court, Judge Stephen, 1984

Summary: This case starts in a noisy atmosphere and the Judge Stephen asks for silence from the audience (s.1). The secretary and the police-officer try then to stop a person who wants to talk (s.2 to s.5). The case concerns the non-payment of a dowry. The plaintiff Gabriel (from s.10 to s.30) accuses the defendant (Santino) to have marry his sister during the first civil war and to have never paid the dowry. The sister had died and Santino did not take care of the four children, and one died in an accident. Gabriel now takes care of the children and is asking for the payment of the dowry. From (s.31) to (s.33) there is another interruption from a woman. In (s. 35) the defendant explains why he was in the incapacity of paying the dowry. A number of relatives come to give their testimony (parts not reproduced in the Appendix). At the end, the family of the defendant agree to pay the remaining of the dowry and the Judge Stephen (s. 36) ask everybody to reconcile.

The plaintiff is speaking in Juba Arabic while the Defendant is speaking in Biir. The Judge Stephen, as well as the police and the secretary shift between Juba-Arabic, Bari and a few English (see s. 30 for an example of code mixing Bari-English).

This Case illustrates a type of language uses very common among the Bari population of Juba and surrounding areas, with a deep inter-penetration between Bari and Juba-Arabic, which certainly helped the vernacularization of JA.

When the Judge Stephen and the plaintiff are speaking in JA, one notes the phonological influence of the Bari languages with realizations

f > p *pi* “in” (NSA *fi*); *pogu* “on” (NSA *fōgu*),

z > j *julumin* “spoiled” (NSA *mazlūmīn*)

ā > a’at *bana’at* “girls” (JA *banat*/NSA *banāt*), *ma’at* “die” (JA *mutu*/NSA *māt*)

e > ʌ *gʌdiyat* « case » (JA *gediya*/NSA *gadīya*) (/ʌ/ is noted ö in Bari script and by Bari speakers).

A number of words are common to both JA and Bari like *mali* “dowry” from Arabic *maal* “money” or *kurju* “cultivate” from Bari *kuruju*. Some expressions are idiomatic translations from Bari expressions such as (s.38) *tusu bujak ~tufu buzaK* “spit saliva”, i.e. give benediction”.

When the defendant is speaking in Bari, one notes the presence of a number of Arabic (sometimes from Ottoman military Arabic) words like temporal markers *kan* “was/before”, *badin* “then/at that time”, *asa* “now”, discourse markers *taban* “of course” *kalas* “OK”, numerals (all numbers are in Arabic) and words linked to administration or political event such as *hawadis* “civil war”, *hukum* “judgement”, *korba 'at* “whip”.

Inter-penetration between the two languages goes over phonological and lexical transfers. It includes also syntactic similarities like the use of verb ‘say’ (*gale* in JA, *adi* in Bari) to introduce embedded clauses (Miller 2001).

(s.7) *taban ana sufu zede gal kan uwo ro patisu mal*

/naturally I saw like-this say if him go look dowry.../

« I realized that if he was going to look for the dowry »

(s. 36) kirut adi monye sarji adi ukum nagwon köju monye a ukumbe adi asa man 'dek pitönö kwe

“Then her father sent a message that the judgement passed before was that now I want the remainder of my money”.

Note that almost none of the mesolectal features, so common in the Garawiyya, were recorded in this case. I noticed that the Judge Stephen never tried to imitate a mesolectal level, even if some of the young participants were talking in mesolectal JA . If he had to alternate and adapt to the speaker, it was between JA and Bari and not between JA and mesolectal. Stephen’s way of speaking is still a rather formal and juridical way of speaking and cannot be associated with an informal level of JA. However his speech (particularly s.37), as well as that of Plaintiff Gabriel, was rather similar to the level of JA broadcasted by the radio of the Sudan Council of Churches and is rather similar to what linguists will consider as Juba Arabic (see Watson (1984) in particular).

Conclusion

The three cases illustrate different levels/types of Juba-Arabic. Of particular interest was the attitude of the two Judges, Ramadan in the Garawiyya and Stephen in Kator. Ramadan realized a number of mesolectal features and used some Arabic Juridical terms. However, he was adaptating his speech level to his interlocutors (cf. compared degree of mesolectal insertion between Case 1 and Case 2) and he never tried to assert his Authority through the exclusive use of a high linguistic norm. He also never commented about the language uses of the other participants. As for Stephen, he always spoke a basilectal vernacularized Juba Arabic and was playing between Bari and Juba Arabic. He often made some comments about the Southern identity (*ena fi januub* “here in the South”, *kalam bta januub* “words/languages of the South”, *arabi bitana bta januub* “our Southern Arabic”) and once criticized a young man talking like a Northerner.

The language uses of the Judges indicate that while the Garawiyya Court was influenced by its surrounding Arabized Malekiyya neighborhood, the Kator B Court was influenced by the Bari surrounding, even if most speakers prefer to speak Arabic than Bari. Two types of urban models were present here. On the one hand, the Northern Sudanese Arabized urban model symbolized by the merchant community (both Arabs and non Arabs living near-by), which still had an influence upon part of the Southern population (old settlers as well as new comers). On the other hand, the East African urban model (Nairobi, Kampala) brought back by the returnees and supported by the local Churches and the political Southern activists. In 1984, at the breaking of the second civil war, these two urban models were still coexisting together with more rural traditional ways of life. Language diversity, as well as religious and ethnic diversity, were considered natural components of the city. How far did somebody like Hawa, the young Bay police-woman, and Stephen, the former policeman or Gabriel considered that they were speaking the “same language” (Juba-Arabic?), or considered that they were speaking two different languages? This was a question that I did not ask at the time of recording and that I can’t answer. I later worked with some Bari informants in Khartoum. They could very easily reproduce Creole/basilectal Juba Arabic features, when asked to do so. For those who knew NSA, they were perfectly able to distinguish between the two systems. They had therefore a clear consciousness of what JA was, as a distinctive linguistic system. I noticed, however, that when I

asked some of them (students trained in linguistics) to transcribed some of the tapes recorded in Juba local Courts, they tended to systematically transcribe them in a basilectal Juba Arabic phonology, without reproducing the mesolectal variations. It was as if, for them, people from Juba were speaking one language. I did not discuss with them the reasons of their attitudes and I don't know if they were or not aware of these variations.

The recording of 'natural' corpora help to better grasp the 'natural' diversity. But it makes the linguistic analyses more complex and renders the concept of 'autonomous linguistic system' rather problematic. As it is also the case with Standard and Colloquial Arabic, it is possible to describe the two poles of the continuum as two different systems. But it is hardly impossible to decide where is the boundary between these two languages within the continuum..

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Appendix 1 : the Dinka's case Garawiyya Juba, 1981

(1) S. *ombāre gedīya fī mantār **tultu** míya tnén u asrín/ tabán ombāre azimó asan mára de izébu nás/ jól el ga-āref asán zādu bta jól de/ gal ō yāani deŋ wa ō gāl mālūk/*

“Yesterday the case in the register (was recorded as) three hundred twenty two. Of course it has been reported so as the woman could bring people , somebody who knows him [i.e. the defendant] and could testify. Because the man said he is called Deng and she said he is called Maluk.”

(2) J. *winú suúd/ zól el-bārefu jól da/ inta*

“Where is the witness? The one who knows this person? You?”

(3) T. *aθma θol igúl θenú ya wākotu/ gúl nás tómon fī kǎñ kǎñ / lǎkan maθi lomom/ oman gál zól de arámi / mumkin fī ġeríma tāni nina má der māθi/ umom kāfu bé/ má der māsi/*

“Listen she says what ô Wakotu (??)/she says that their people are in Konyo Konyo/ if she goes to them/ they say this person is a thief/ maybe there are other crimes/we don't want to go/ they are afraid of him, they don't want to come.”

(4) J.: *Nīna bas fil hağ-ef-fenú/ nina **nádin** jól /úwo **biği** **afán** **iğe-wóri** isim ta jól de bəs/ mús kalám táni/ bas **iği** wóri **gūl** ya mahkama ána bárefu jól de/ isim tó filán/ asán úwo indi tnén isim ena/ jól de biwóri yatú el-numero biyāref fōgó/ bes kalám táni mā fī/*

“We take him for what?/ we called the person/ (so that) he comes to show the name of the person only/ Nothing else/ He just comes and tells ô Court I know this person/ his name is so/ because he has two names here/ The person tells which number (name) he knows/ there is nothing else.”

(5) T. *Yau ána kélem leθ θede bΛt nagáfa / gál lé/ lǎkán intákum der kalam/ kelita θol irú wodīna ma bōlīθ fī kǎñ kǎñ*

“Indeed I talked to him like this but he refused/ he says to me/ if you want words/ let’s somebody go take us with the police in Konyo Konyo”

(6) J. *La la/ táyeb húwa indu áxu/ jól bitao fi / rağel bitao wēnú ?*

“No, no/ OK does she have a brother/ does she have somebody/ where is her husband?”

(7) T. *ay fi fi bára*

“Yes he is outside.”

(8) J. *Tāyeb/ kan uwo ra ma axu bitao/ ma rağel bitao/ uwa birūh wəri nas del/ yağeb nas del/ ma fi kalam dosoman /keli nasma bōlis lokan fi bōlis*

“Good/ she should go with her brother/ her husband/ she goes to tell this people/ she brings this people/there will be no troubles/ let’s listen to the police if there is a policeman.”

[interruption] The policeman refuses to go with the woman and says: /you can not approve a sick man/ you cannot approve it a all/ because we *bōlis ma negder/ ..*

(8bis J.) *it’s up to us/ lakin de ya ma besma min kalám tay aja zede/ de fikra ana kelem ta sakeT/ maales/ kan keda kwayis/izakan u ma jebu nas de / jol/ nas el beled el ġa wōri isem/ nina balasu-I-gedīya/*

“It’s up to us/ but this one does not listen to me/ this was a simple idea/ no matter/ if so ok/ if she does not bring the people/ the person/ people of the village who come to show the name/ we will end the case.”

[the case is suspended, the woman goes outside and comes back with a witness]

(9) J. *inta bahalef harba wala būk/ bibəl/ asma el-mahkāma nādi eta ašan hağa / nasaltek ağ/ tawori kalam mosbūt inta baaref/ eta ma taddisu/ mara de gāl aslu inta baarfu jól de/ jól de gabel keda besufō ?*

“You swear on the spear or on the Book?/ the Bible?/ Listen the Court call you for something/ we ask you something/ you tell the right thing you know/ you don’t hide / this woman say that you know this person/ this person did you see her before?”

(10) W. *jol de/ ana baaref yisim bitaɔ/ isem tɔ maluk/ maluk aywen*

“This person/ I know his name/ his name is Maluk / Maluk Aywen”

(11) J. **inta** *arfu da mitin*

“Since when do you know him?”

(12) W. *Ya zɔl taban ana bigul neθiya/_asa gina asa θayəl ma kāsəl yedi/ fa wad de māθa alē u bɔlīs masa alēna/ u wad de taban u barefu zol de taban/ lakin u mubāleK/ badelma ana baref zol de/ ana ma mumken nugaser gediya bitaɔ lō /interruption/*

“O naturally I will say the truth/ actually I work as a cleaner/ and the boy came to me and the police came to me/ and this boy of course he knows this person/ but he is the plaintiff/ since I know him (not clear if it is the plaintiff or the defendant) I cannot shorten(?) his case if ...”

(13) J. **tegriban** *ğo kem sanawāt eta baārfɔ?*

“Approximately, for how many years do you know him?”

(14) W.: *aywa sá/ min kemθa u θabain*

“Yes true/ since 1975”

(15) J. **inta** *mudda de/min kemsá u sabain li haddi nahar de/ jól de min de inta bārfo uwo/ həl inta baarfo aglaK bitao/ u jól kwayis wala kan indu gërima bta nas bifil hağa bta nas*

“You, during this period/ since 1975 until now/ this person since you know him/ do you know his behavior?/ Is he a good person or someone who has crime of people stealing things of people?”

(16) T. *sā kalām ya θayed el-reyīs/ inta tab^yan ta-aref zol wa inta yikun kunta g^yad fi bet wād/ inta ma botaaref tani jol de / bāref beθ u binum wēn/ inta ainu fi θeka/ teselem yēdu u bāref taban/ u lekin inta mā āref baaməl θenu aw baaməl θenu*

“You are right Mr. the President/ Of course you know a person if you are staying with him / you don’t know else/ this person you just know where he sleeps/ you see him on the way/ you great him you I know him of course/ but you don’t know what he is exactly doing.”

(17) J. *mā batāl/ Deng Mayen inta bikutu isomu bitak musu Deng Aywen/ lakin dāk bigul isom btāk Malūk Aywen/ indak sual leᵛ/ ?asal/*

“Not bad/ Deng Mayen didn’t you put your name as Deng Aywen?/ But this one says that your name is Maluk Aywen/ Do you have a question for him?/ Ask!”

(18) D. *uwa dé/ ana indu sual wae gidamu/ uwᵛ ak^yuT/ ana naīm seta yom/ uwa ma adana akel wala mōya/ de lujal jer/ [laughter in the room]/ mara de d_{er} f_{egri} ana bi bi bə-l-awanta*

“This one/ I have one question for him/Is he a brother?/ I slept six days/ he did not give me food nor water/ He’s a ?! /This woman wants to make me poor by her tricks!”

[The witness and the defendant start to argue between themselves in Dinka]

(19) J. *mutarǵem winu* “where is the translator?”

(20) W. *nerǵa leᵛ kalam de/ uwᵛ gal θenu / izakan ana axūk ita addūni futur aw ita adūni θay/ u gal keda / lakin ya asāsi ana gutta lek ḡebel/ əl-zol de ana baaref u-binum wēn/ wa baamol θenu fi-l-yom u baamol θenu ana ma baaref/negabel fi seka nesalem yeda / fa neddu əl-akel/ má indi akwān rabeto kulu*

“Shall I return to you the words?/ What did he say?/ if I am your brother you give me breakfast or tea/ He said like this/ but I told you before/ this person I know where does he sleep/ and what does he do during the day I don’t know/ I meet him on the way, I great him/ and I would give him food?/ Didn’t I have brothers that I all raised?”

(21) J. to W. *izakan ita kan kazāb/ inta begul sehi lama kan əl-mahkāma sala /lokan gal ana aarfa kalam btau uwa jol batāl/ lakin inta betkelem ez-zīn/ əl-haG/ inta gul ma baaref el aḡa uwo baamol/ bes inta ligo fi seka bes/ de mus kwayis?/ tēb ya mara/ weled btak suker winu/*

“If you were a liar/ you would have say true when the Court ask you/ if you had say I know hos words he is a bad man/ but you speak the right/ the truth/ you say you don’t know what is he doing/ you just meet him on the way/ isn’t it fine?/ Ok ô woman/ where is your small boy?”

(22) J. to D. *delwokti maakama ligak bi galata galatatēn/ alēla inta kizibta/ inta gulta isma bitaki Deng / wa hini akwana btāk igulu lā de mūs isema btak/ da tazāwir/ isem btak Maluku Aywen/ de barau ġiza/ ġiza numero itnin/ sarekta dura bta mara de/ inta sarekta dura li?ana inta gēr isma bitak/ lokan ita ma sereG inta ma mumkin bitager isma btāk/... [the story continues again and again..]/ fa keda/nina binəsuf nas/ daiman muğrimin ketir/ nama gabodú biker isem/ .../ fan keda kalam de nihna gul inta muznīb ala-t-tnin/ fa kalam el-mahkama/ inta biyemsi sita suur fi sijin/ izakan inta ma ġibtu talāta u talātin gine bta mara de/ w ġiza btāk an inta xāin əl-aman/ inta bəmsoku talata suur/ kulu ġuma əs-siğin btak tesa saār/izakan ma dafa grūs/ kan dafa grus inta tāla bara min siğin*

“Now the Court find you with two faults/ today you lied/ you said your name is Deng/ and your brothers say no it’s not your name/ this is falsification/ your name is Maluku Aywen/ this alone is a fault/ the fault number two/ you stole the sorghum of this woman/ you stole the sorghum because you changed your name/ if you did not steal you would not change your name/ [the story continues] and like this/ we see people/ many criminals always / when they are taken they change their names/ because of this we say that you are culprit for two things/ and the decision of the Court/ you go six months in jail/ if you don’t bring the 33 pounds of this woman/ and your fault that you are a perjurer/ you take three months/ the total of the jail is nine months/ if you don’t pay the money/ if you pay you will got out from the jail.”

Appendix 2 : The Bay's case

/.../ indicates a cut.

/../

- | | | | | |
|------|-----|--|------|-------------------------------|
| (4) | J2: | <i>ismu mínu</i> | D1 : | <i>John Gabriel</i> |
| | | “Your name?” | | |
| (5) | J2 | <i>ḡabila ?</i> | D1 | <i>Bay</i> |
| | | “Tribe” | | |
| (6) | J2 | <i>sāken wín</i> | D1 | <i>Hay is-sinema</i> |
| | | “Living where?” | | |
| (7) | J2 | <i>sógol btāk</i> | D1 | <i>ma šāyel/ tāleb</i> |
| | | “Your work?” | | “I’m not working/student” |
| (8) | J2 | <i>omrūk</i> | D1 | <i>tnín u ifrīn</i> |
| | | “Your age?” | | “Twenty two” |
| (9) | J2 | <i>mutalem numero tnín ismu mínu</i> | D2 | <i>welyam piter</i> |
| (10) | J2 | <i>ḡabila</i> | D2 | <i>bay</i> |
| (11) | J2 | <i>sógol btāk</i> | D2 | <i>ma šāyel / tāleb</i> |
| (12) | J2 | <i>styudent/ ah yūr edž</i> | D2 | <i>‘omri/ sabaatáfer sána</i> |
| (13) | J2 | <i>yur edž by ingliz/ eta mus asa tāleb wela kīf</i> | | |
| | | “Your age in English/ aren’t you student or what?” | | |
| (14) | J1 | <i>ya askári inta bitaálfa/ ah afān igúlu al-háG/ kut yidek éna/tabān mesiya muš kēda/</i>
<i>gūl wālā al-azīm / kitāb el-mukaddes/ agúl el-háG /kúl-el-haG /welā šáy gēr el-háG/ kēda wori el-</i>
<i>mōdu li-l-mahkáma/ naferín da ámal lék fénu</i> | | |

“Ô soldier you take an oath/ ah in order to say the truth/ put your hand here/ of course Christian isn’t it ?/ say Ô Lord the Great/ Sacred book/ I say the truth/ all the truth/ nothing else than the truth/ so tell the matter to the Court/ what did these two-persons make to you?”

(15) P. *wellaŷ ombāreh hawāli saa saba fi-l-misa ana ġay bi tarīk bta-l-mádrasa tiġāriyya de/ ana ġīt / fi askāri māfi giddāmi lābes rasmi/ baadin el-awlād bardū kaman fi giddāmi/ ana ġīt talāta bi ġambum/ el-be henāk gāl le ya axi salām mā fi/ el bi-ġay barċu kaman gāl le salām mā fi/ ana saketta/ aslu mā gutta háġal/ ana māšya/ baadin ana gumta zitta katwa btay/ hum bardū zādu katwa waray/ el-be henāk ġa garasnī fi šulbi/ badin el-bi ġay ġa daggašnī*

“By God, yesterday/ around seven o’clock in the evening I was coming by the road of the Commercial School/ I came/ There is a soldier walking before me, wearing his official clothes/ then the boys also are before me/ I came near them/ this one told me ‘of my brother, no greetings?’/ the other also said ‘no greetings?’/ I kept silent/ I did not say any thing/ I was walking/ then I accelerated my walk/ they also accelerated their walk/ this one started to pinch my buttocks/ and then the other started to beat me...”

(16) J1 **b-əl-yedd** *wela bi kurā*

“With the hand or with foot?”

(17) P. **bi-yəddu garasnī fi sulbī bi-yəddū/ baadin el-bi-ġay ġa daggašnī keda bi-ketfa/ ana gumta wagəftu/ gulta mālkum ya axwāni/ gāl le mālkum kēf / ma titfahim maʿanā/ ana gult nitfahim maʿakum agūl maākum šenū/ gāl le inta askut/ inta mā šermūta u bass/ ana gulta lem šukrān/ ana māšfet/ el-bi ġay da tawāli masaknī ġa garasni/ gulta le inta mālek asa/ gāl li axlaK xašmak asa ana beduggək / .../tawāli gumta nadēt askāri/ gutta ya askari taal haġ šūf el-ġamaa del al-aġamūnī minū/ tawāli hu/ waled de ġa gam darabni bunya/ askari ġire ġa/ ġa gāl intum mālkum ya awlād/.. / gulta hum aġomūni/ ašān keda ana korokta lek/ askāri da gāl xlās xlās de mawdua basīt/ ʿarahkum/ woled de lisa der amol maaya mušākel/.../ sukna maanā l-merkez tawāli/ .. / askari da / fi arabiya tāli keda/ askāri tawāli wāgef arabiya/ arabiya aba yagif/ mašfi wāgef musāfa keda/.../ lamm-ú ġere māfi li-l-arabiya henāka/ kullum itnīn tawāli aġāmu foK/ de gām**

baḍraḍ fōK/ gaadīn nesāru / baadin de gām baḍraḍni bi wara kamān/ .../ saʿā fekka min yəddi/ ma āref kán úwa yaú fālu/ wela kan wəgá wēn/ ána ma ārfu/.../ yaú gumna ġīna lahadd-əl-nūkta/ sɔbbo le/ inta fernū/ nahāl ḍīnek wa inta fermūta u bass/ inta māfi fáriya sākeT/.... /

“With his hands he pinched my buttocks with his hand/ then this one slapped me/ I stopped/ I said what’s the matter ô my brother/ he said what the matter how ?/ let you understand us !/ I said I understand you I tell you what ?/ He said to me ‘you shut up’/ you are just a pimp/ I told him thank you/ I went/ this one sized me directly and pinch me/ I told him what’s the matter/ he said close your mouth now I will beat you/ .../ I immediately called the soldier/ I said ô soldier come and see this people who are attacking me/ immediately he/ the boy started beating me badly/ the soldier run/asked what the matter ô boys/ I said they attacked me/ this is why I shout after you/ the soldier said ok ok this is a simple matter/ let’s go !/ the boy still wanted to make me problems/ .../ we brought them to the post directly/ ... / the soldier/ there was a car coming like this/ the soldier stopped the car immediately/ the car refused to stop/ it went stopping at some distance/ when he run after the car there/ both of them immediately attacked me again/ this one beat me again/we were fighting/ then this one hit me from behind/ my watch came off from my arm/ I don’t know if he took it/ or if it fall somewhere/ I don’t know/ .../so we came up to the police-station/ they insulted me/ what are you/ Curse on your religion you are just a pimp/ you go in the street for nothing...”

/.../

(24)	J1	intum samēt kalām da	D1	samētū
		“Did you heard these words?”		“I heard”

(25) J1 **el-bint de gāl iya maṣya w intakum ta-azəmtəlu sākeT / gūl dik ya fermūta/ u de gerres fi şəlbu hene/ w-inta bardu daggestū bi ketf/ u baādin gāl mālkuḥ/intakum gul inti fermuta sākeT/ inti ġāya min wēn/ fi tarīka gāmo daribtu bi daraba şadid/ wa gam korrek l-askāri ġa/ w bardu baad el-asāker/ kamān intu g^wum darəbtu baad/ asnā askāri māfi fan iġib /yemsi kelem lel-l-sowwaK el-kan waggofu/ fat giddām/ enta azəmtolu darəbtu li-raet ma saa btao fakkat waga /wa wahed halaK kamān/ da amīn/ entu gabeltū fi sɛka/ inta/ .../**

“The girl said she was walking and you attack her for nothing/ this one said ô pimp/ and that one pinched her buttock here/ and you also slapped her/ and then she said what’s the matter/ and you say you are just a pimp/ from where are you coming/ on the way you start to beat her badly/ and she cried the soldier came/ and also after the soldier/ you start to beat each other/ during the time the soldier went to bring/ went to talk to the driver who stopped/ he went in front/ you attacked her and beat her until her watch came off/ and a hear-ring also/ this is sure/ you met in the way/ you /.../”

(28) D1. *el-bit-de/ ana kunt ġay min hay kōmerfyal li-l-bēT/ fī waed gidāmi/ ana ma baarfū gābel/ ma bit de wara/ towones mā bit de ké/ umon gam fi fakla/ san āna zeyde/ ana askate umon/*

“The girl/ I was coming from the Commercial District / there is one in front of me/ I don’t know him before/ with the girl behind/ he discuss with the girl/ they start quarreling/ because I’m like this/ I make them silent”

(29) J1 *da awāli sā kem*

“This about what time?”

(30) D1 *awāli sā sábaa/ fi ġay bōlīs/ fi ġay/ bit kórək le bōlīs/ fialán el-bōlīs ġá/ woddit lená muṣkila kúlu/ ana māfi le-beT/ yalla ez-zōl el-daraba-l-bit de/ ú ma bōlīs gaadīn isuggū zōl de li-nukta/ uman fāt giddām/ ana ġa wara/ nama ana wosol mōbil/ uman lisa/ jól el-dagga bit u bōlīs/ ana ġa ligúm lisa fi muṣkila/ dél fi muṣkila unāk/ min kede nama bōlīs ainu āna/ el-bit gāl aywa āna gibel hināk/ ana gāl filūn ana gibel hināk/ fakala hūsel ana fi/ yaú al-amal min ene ana ma ārif/ bōlīs masako jól de u jól de fāt/ yaú ġa bas masakanī wāhed be-reġlan../*

“Around seven o’clock/ a policeman came/ the girl called after the police/ of course the police came/ and brought us the all problem/ I was going home/ Then the person who hit the girl/ he and the police they were driving this person to the police-station/ they went in front/ I was coming behind/ when I arrived to the Mobil station/ they were still, the one who beat the girl and the police/ I found them still quarrelling/ from this when the police saw me the girl said yes I was there before/ I said of course I was there before/ the quarrel happened I was there/ then I don’t know what happened/ the

police sized the person and the person went/ then one took me by the legs /..”

/.../

(34) D1 *aywa/ badalnā talāta/ ána/ bōlis u bit da /sillūna fi nūkta/ amdulla ána ligó waed min aez ma mōbil enāk/ baaref nās bÉT/ ána gál kwayis/ kan keda amfi kélem nās bét/ gál ána fi nūkta/ fil-ana fi nūkta/ minnak axuy de/ nama nəsma kede / rá fi nókta enāk/ nama aīnu axuya ġa/ gāl yaú tāni fi/ kuttú tawāli ġowa/ u badin sabá/ bit de gam ġá lenā/ gāl sa^a woddurú u fenú/ u filan ana ma **suftu** saa kúlu kúlu/*

“Yes/ we stayed three/ me, the police and the girl/ they took us to the police station/ Amdullah I found one I wanted in the Mobil station/ he knows the house/ I said good/ if it’s so go and tell the people of the house that I am in the police-station/ they took me in the station/ from there my brother/ when he heard like this/ he went to the post/ when he saw my brother coming/ he said the other came/ they put him inside immediately/ and then in the morning/ the girl came and told us that her watch was lost and what/ and of course I did not see her watch at all”

(35) J1 *táyib/ lama kān wāled de /el-biyamməl maṣākil maa bit de/ inta ma maṣit / inta ajju/ inta kan barak wela ma waləd da/*

“Good/ when there was this boy/ who was doing the trouble with the girl/ you did not go/ you support/ you were alone or with this boy?”

(36) D1 *ána baray*

“I was alone”

(37) J1 *inta baray/ táyeb baādin hinay de/ lama bōlis gabódu weled dāk māfi bió/ u gamaa ṣākal da/ inta ajjtu maa el-bint-da/ bōlis lamma ġá/ həl giddám el-bōlis eta amoltu maṣākil maa bint da*

“You were alone/ good and then/ when the police captured that boy and went with him/ and the group quarrel/ you supported the girl/ the police when he came/ did you in front of the police make quarrel with this girl?”

(38) D1. *ana ma a^wmol mafūkel/ bass darab bitóman ána ġa katal*

“I did not make quarrels/ I stop their fight”

/.../

(45) D2 *el-zōl de ombare ma biġill nihna/ ana gaad fi-l-bet/ yaú rasel wədd da min el-mōbīl/*

wədd de maġa unāk/ ġāl ya nās el-bet John gabadú/ yaú ma kan nemfi yisúf li-l nókta

“The person of yesterday did not take us/ I was at home/ and he sent the boy from the Mobil station/ the boy went there/ he says ô people of the house John has been captured/ so I had to go and see at the police station.”

/.../

(50) J1 *ínta ma fīs/ u gabodūk mittīn*

“You were not present/ where did they capture you?”

(51) D2 *gabodūni zamān ġale nemfi-l-nukta niġuf/ min wisolta unak ġan nera muġkila bta*

djən kif/ bass waed askāri ġāl yaú lāzem bikūn wahed minhum/ bas ġa fi hene/ tāni ma barġa bēt/ u

ġialan ġabūni fi-l-arāsa/ yaú sabá bit de maġa unāk/ djən gal yaú bit bta ombare enay ġabūni fi arāsa

unāk/ ... /

“They captured me when I went to the police station to see/ when I arrived there in order to assess the problem of John/ one soldier said he must be one of them/ he came here/ I didn’t come back to the house/ and of course they took me in jail/ and in the morning the girl came/ John said this is the girl from yesterday who brought me in jail/.../”

(52) J1 *ya bit/ asa nafarēn de badi sumit kalāmu/ da numero wahed de nāker/ u ġūl woket*

dak kalam inti ġul ma hasal kúlu-kúlu/ġāl uwa māfi liga inta kunta ġakal maa wahed tāni/ w uwo

māfi aġan iyazizkum/ iyazizkum bas inta maa zōl dak/ el-wokT inta nādit askāri ġa/w-el-askāri gam

sōgo/ sōG el-waled maaki/ inta māfi u bardu bi waratum kaman/ kōddam ġiddām henāk intum

wageftu kaman bitkelem kalmūt keda/lama u masa wosolu lekum henāk/ bōlīs ġāl xlās kan izan keda

ta^oali inta kaman maa el-ġamaa del/ gam xala dāk u ġalu uwa

“Ô girl/ these two persons after I heard their words/ number one this one denied/ and said at that time, the story you tell did not happen at all/ he was going and met you quarreling with somebody else/ and he came to support you/ support you against this person/ when you called the soldier came/ and the soldier took the boy with you/ you go and he is behing you also/ in front in front there you stopped you talked/ when he arrived near you/ the police say ok if it is like this come you also with the people/ he let that one and sized him”

/.../

(66) J2 /... / *keda ita indu rōtān/ musu barau rūtan bta bay keda wonosú*

“Do you have a language/ isn’t it a specific Bay language which is spoken?”

(67) D1 *ana borton ndogo lakin ma fi rūtan bay*

“I speak Ndogo but there is no language Bay”

(68) J2 *kulu ndogo **intum tɔrtɔn** ndogo*

“You all speak Ndogo?”

(69) P *ana borton ay/ **norton kalam fenu** lakin*

“Yes I speak/ but what shall I say?”

(70) J2 *de bigūl uman beroton enay de rutān/ de bigul lā/ ma boroton ndogo/ beroton bay/ nina azin ārfu uman sei bay **aw** /... :*

“This one says that they speak their tribal language/ this one says no/ he doesn’t speak Ndogo/ he speaks Bay/ we want to know if there are really Bay!”

(71) J1 *tayyāb /izakan bay/ **el-fakka bikun fi fenu/ lokān ma bay bikun fi fenu/ nesma el-ğarīma** bass*

“Ok/ if Bay/ the difference would be in what?/ If not Bay what would happen?/ we listen to the crime only!”

(72) J1. *hata kan ḡabīla tāni barau ma tam/ jol el-aārfu jol amel maō aḡam/ biwori gul yaú de/ kan gabāil wela ma bay biwori/ bas el muhim **inta ḡeb el-bōlis el-kān ahall al-mawdu**/ ..*

“Even if it is another tribe it doesn’t matter/ the person who knows the person who attacked him/ he shows that it is him/ if from the Bay or not he shows/ the important you bring the policeman who

solved the matter!”

/.../

(74) J1 asma/ *al-sakya da ixtarrat gāl inta sāhid/ lama kan hāsel beinakum maa nafarēn del masākal/ eta keda gul sī el eta bitaarefi bi zabti/ eta ġit kif/ eta legīt maamal fenu keda/ gul lenā/ le-l-mahkāma*

“Listen the lady (?) decided that you are the witness/ when the problems happened between you and this two persons/ say what you know exactly/ how did you come/ what did you find?/ tell us/ the Court!”

(75) W.: *taban siyātu/ ana kunta sayal fi kart/ fi-l-ġawazāt/ maāl el-ġensiyat/ baādin ana sāken fi muluk/ lama ana ġit ġa wosolu fi medresa Komerfiyol/ ana fūt/ taban al-bit de askāri ana ma baaref/ lābis maleki/ ana ma biyaref askari aw ma askāri/ faalān fātēt/ giddām swiya/ baad-ma fatēt/ al-bit de gum bikore bi-isma-l-bōlis/ gal ya bōlis ya bōlis taāl agaod/ fialan fi ganūn btatna/ bta al-bōlis/ ay jol bikōrek bi-isim el-bōlis ma mafrūd tafōgo/ lajem ita-aġri suf fi senu fi senu/ tekusu/ fialan ana ġay/ ana ġay legītum del itnīn kulu biaġem el-bit de/ baadin ana ġit/ ana gul ya ġamaa mālukum fi senū/ gal el-bit de sottemuni u fāt keda/ ana gulta tayib ya axwāna matakum sakal bit fi tarīka/ bi tarika zede/ keda tosūf el-jisim btāna w-el jisim bitākum wa jisim el-bit/ taaġem el-bit fi tarīka bi-l-lēl zede mā sāh/ wa lisa bikōroko/ lisa bikōroko/ fa ana asala-l-bit/ hasala fenu maak/ gul nas del yau fat keda/ nās del aġemu fi tarik/ agru sulbu bitao/ u nama kelem umon setemu/fialan uman setemu/.../ baād-ma ana rajo enāka/ ana raja/ ana ġa legitum lisa bisakal ala bit/ nama ana raġa min mahal taban ana fūt keda/ baad-ma ana asma korokoro waray b-ism el-bōlis/ ana ġire tawāli ġa wara w ana ġa legitum l-itnin del kullu/ uman yau/ fa filan kelementum liw/ ana gul ya akwānna nina ġanūbiyin ma mafrūd nesākel maa badna/ hajāt zede ma kwayis/ el-muskila de besīt təkewokT/... / el bit de ġe gum kelem gāl ya askāri ilā tawasolūna fi nukta /.. /*

“Of course Sir/ I was working in the cards/ in the passports/ the place of nationalities / then I

am living in Muluk/ when I arrived at the Commercial school/ I passed/ of course I don't know that the girl is a soldier/ she wore normal clothes/ I don't know if she is a soldier or not/ of course I passed/ a little bit in front/ after I passed/ the girl started to call by the name of the police/ she said ô police ô police come in/ of course in our laws/ of the police/ anyone who call after the police you can't let him/ you must run see what is happening/ you search/ of course I came/ I came and found them both attacking the girl/ I came/ I said ô people what's the matter/ the girl said they insulted me and went/ I said, good ô my brothers don't quarrel a girl in this way/by this way/ you see my body and your body and the body of the girl/ you attack the girl by night like this it's not correct/ and they still shout/ they still shout/ and I asked the girl/ what happened with you/ she said this people passed like this/ this people attacked her on the way/ they pinched her buttock/ and when she spoke they insulted her/ of course they insulted her/ .../ when I came back/ I came back/ I found that they still quarrel on the girl/ when I came back from the place I went there/ after I listened the cries behind by the name of the police/ I run directly back and found them both/ there they are/ and I spoke to them/ I told them ô brother we are southerners no need to quarrel between us/ things like this are not good/ the problem is small until now /.../ the girl spoke and said ô soldier you must bring us to the police office /.../”

(75bis) W. *ma fi maal hukuma keda gerīb fogo/ ..fi arabiya **gaad** ġā/.../ ana gum ġire bi-wara arabiya de bi-zātu /.../ min ana ġire henak /ana asma бага el-bit de biga bikore /uman tāni keda bidugu el-bit bi-wara /.../ filan ana jere kede kede kede/ ana ġa **gabodtu** da/ xalas ‘amdullah/ fi fi **muġra** waga fi jua **muġra** /.../ negedem kede kede kede likaat nina wosolu mobīli /... / dá tawāli gum amol musakīl fo mōbili **li-raat-ma** aoz kaser mōrat bta arabiya zatu/ aoz amol musākil fi jua arabiya zātu/ baadu **sīd el-arabiya** suf kede mā fi/ da gum **maragu** bara/ ana bardu gum **maragu** /.. .../ tāni arabiya ġa/ **rakebna** fogō **le-raat** wosoluna fi nokta/ **baad-ma** wosoluna fi nokta/ ana gul jol da ġere kalās lakin axu da biyaref mahal de/ dé **nāker** gul mā biyaref da/ dé maal btao barao u dé barao/ u ma biyaref kúlu kúlu/ ana gul kīf/ lajem de aku btao **li’anu** uman **hader al-musākel giddāmi** ana /.. / el-hamdulilay lam **fatāna** baláK/ mowdu negla askāri de masi mustaffa/ ana biga fūt fi-ġawazāt ya neselem kelem kabār li ġamaa fi taakir el ana aker lina zaman/ ana māsi wodi kabar li-hum enay/*

*lama fi roġu bitay/ el-hamdullay dé kamān gum wasal/ ana gal yaú de bes yaú de bes/ uman l-itnīn el aġam **ala** bit yaú de bes/*

“There is no governmental place nearby/.../ a car came/ I run after the car../when I run there/ I heard the girl shouting/ they were again beating her from behind/.../ of course I run like this like this../ I captured this one/ ok thanks to God/ there is a sewer canal/ he fall in the sewer/.../ we accompany like this like this until we arrived at the Mobil station/ ../ this one started to make problem in the station until he was near to break the mirror of the car/ he almost make problem inside the car/ then the owner of the car see it’s not possible/ this one went out/ I also went out/ ../ another car came/ we went in until we arrived at the police station/ after we arrived in the station/ I said this one run away but his brother must know the place/ he denied he said he doesn’t know him/ this one has his own place and this one also/ and he doesn’t know him at all/ I said how?/ It must be his brother because they attended the troubles in front of me../ Thanks to God when we opened the case/ the matter of the transport of the soldier to the hospital/ I went to the passports to bring the news to the people there about my delay before/ I was going to bring the news to them there/ when I was coming back/ Praise God this one also arrived/ I said this is him this is him/ the two who attacked the girl, this is him /.../”

/ story continues.../

(76) J2 *Tayib intakum āref nefsu kalatānin*

“Good do you recognize that you are faulty?”

(77) D1 *la la la kalām ke ana wosol dak ana **baray**/ kalam de **kadāb**/ ana ma **ġay** maa jol/ ana **ġay baray***

“No no this words I arrived there I was alone/ these words are lie/ I didn’t come with somebody/ I came alone”

(78) J2 *yaú de suhud kelem kalam btaō/ keda wonosu ma suhud/ asalo/ **indak** sual yesālo*

“But the witness spoke/ so discuss with the witness/ ask/ do you have a question for him?”

[Discussion between the defendant and the soldier/.../]

(79) J1 *intum kalatanin/ mahkama gul ‘annu intu aẓẓemtu bit da fi-t-terīk bidun ay munasaba/ u fatemtu u gul fermuta/ u into garestu-ha li-raet-ma sa’a bitwōdda/ tamenu xemsa u arbain gine/ w indu wahed fardeK halla wodurī/ tomon sabaa gine u nus/ de kulu bi kusūs masākel btakūm ma’ao fi-t-teriK/ ... continue/../*

“You are faulty/ the Court says that you attacked this girl on the way without any reason/ and you insulted her and said pimp/ and you pinch her until her watch got lost/ its price was 45 pounds/ and she had ear-rings which got lost/ their price seven pounds and half/ all because of your quarrel with her on the way/..../”

Appendix 3. Kator B Court 1984, Record 3/ 1984

Juge Stephen to the public

1 J .../ *numero tnin koreraK/ izakan nasi bikore bi-ataku katir ma bikali makama yamsi/ izakan nas biasma kalam de bamsi bi-rā/ u gadiyat bemsu bi sūra/ gowám/ mumkin nihina baamolu isrin gediya pi yom /izakan ma pi pogu ija'at/ aja'at bi sikil de/ .../arjuk sabab wa intum nas mutaimin mutamain/ el ja asan asma makama/ intum ma bija ena sakiT/ eta **jet** asan **testepiT** fi makama/ asan kul wae baadin bukura bisala kalam pi bet/ **aw** mara kaman bana'at kan ja asma asan ma baamalu kalaT pi **biyutum** / sukran/ **istamir** gediya tāni/*

« Number one, shoutings/ if people shout laugh a lot it does not let the Court going/ if people listen the words go quietly/ and the case goes quickly/fast/ we can do twenty cases in one day/ if there is no troubles/ things like this /.../ I praise young people and you the defendants/ those who came to listen the Court/ you didn't come here for nothing/ you came to benefit in the Court/ because each one later tomorrow solve his problem at home/ or women, also girls they come to listen in order not to make mistake in their house/ thank you/ continue next case!”

2 S. *Taban Sabastian../ Alexi Lado*

S. to the J : *lisa ma ja* “ Not yet arrived!”

(to a man nearby) *kede belay atla awal haja /ihina fi g*adiya/ wa mata lakbat/ ita yau ga-asma kalam ini/ ita ja bikelem / istena lakad bad *g*adiya /'amsi

“Please go away from here first thing/ we are in a Case/ don't interfere/ you have heard the words here/ you will speak/ wait until after the case/ go!”

3 J to policeman *k*ali jol de yeji hina/ korba'aT btak winú ?/

“Let's this person going here/ where is your whip?”

4 Police *yau le Wani* “It's with Wany”

5. J. *filu min Wany/ u de jatu barfu furkali ?/ masi tow gene-gene bita enay /*

“Take it from Wani/ and this one does he know the Court's police?/ go and sit there!”

6 J. *mubālek minu/ Mogga lo munu* D.: *ana*

“Who is the Plaintiff?/ Who’s Mogga?” “I”

7. J. *a isim bitak* D. Gabriel Morbe

“Ah, your name?”

8 J. *Barinit wen* D. *lo’bunuk*

“Bari from where?”

9 J. *u eta majlum konyo fu konyo.*

“From what are you victim?”

10 P. *:de taban kan pi ukti keda/ kan juju ukti fi jaman hawadis/ badin ana ruwa nadi māl/ gal mal ma’ap/ taban jaman de hawadis/ taban ana sufu zede gal kan uwo ro patisu mal/ mumkin boro ligo harib/ taban pi jaman de pi aja de...!*

“Of course there was my sister/ he married my sister during the civil war/ then I went to ask for the dowry/ he said there is no dowry/ of course it was during the civil war/ I realized that if he was going to look for the dowry he would maybe find the war/ of course at that time there were such things...”

11 J. *hawādis pi sanatu kam* 9. P. *tamanya u sitin*

“Troubles of which years? »

“Sixty height”

12 J. *badin ada ta awadis mitin*

“Then the end of the troubles when?”

13 P. *tnen u sabain/ badin kida pi itnin sebeyin/ taban ina kaman nadi mal/ gal mal ma’ap/ ila nina amul aja de/ dAgit mArisa/ anina aju wodi le uwo/ gali kasara ita jibu/ ana ma indu haja tani/ badin uwo amulu karama/ badin dAgig mArisa de nina wodi le aja de/ le uwo/ ma amul lena haja tani/ badi swiya yaba ja mat/anina amulu karama ta yaba wAkut ma’at/ wa asa ukti de/ ukti de mat/ wokan ma wAdi le ana māl/ bes teletin jine eli kan wödi le nina*

«Seventy-two/ then in seventy-two/ we asked again for the dowry/ he said that there is no dowry/ only we do this thing/ beer flour/ we want to bring it to him/ he said you bring it for nothing/ I have nothing else/ then he made a ceremony/ then this beer-flour we brought it to him/ he did not do anything else

for us/ later on our father died/ we made a ceremony for our father when he died/ and now my sister/
my sister died/ and he did not give us the dowry/ only 30 pounds that he gave us.”

14 J. *māt mitin* “When did (s)he died?”

15 P. *mat aja de fi tnin u tamanin/ saar idaser*

“(S)he died in seventy-two/ in November”

16 J. *indu iyal* “Does (s)he have children?” P. *indi iyāl* “He has children”

17. J. *kam* “How many?”

18 P. : *fi tegriban arba/ wa 'iT kan ge dowru ma rokuba/ uwo ma wōdi ba'al pogo/ ja waga fi
nār/ gam ja mat*

“Approximately four/ one was walking on his knees/ he did not take care/ he fall in the fire/ he died”

19 J. *pi taláta* P. *pi taláta ay*

“There is three?”

“Yes there is three.”

20 J. *taláta de fi banát fogo* P. *fi wae bit u badin tnin iyāl/ tnin woled*

“Among the three there are girls?”

“There is a girl and two boys/two boy.”

21 J. *eli mutu de woled* “The one who died was a boy?”

22 P. *la/ bineya/ wa asa itnin iyal de uwo ma biwōdi ba'al fogo/ asa itnin de ge geni le ana*

“No/ a girl/ and now the two boys he does not take care of them/ now these two are staying
with me.”

23 J. *ge gene le eta/ kalam kwes/ a'ah/*

“They stay with you, good, aah?”

24 P. *wa min de taban ina julumin/ bineya tanina ma mijawaz/ bes ina akudu teletin jine fakat/ u
bineya kaman ma'at/ iyal kaman ana lisa yau ge akilu*

“And from there of course we have been spoliated/ our daughter is not married/ we just took
30 pounds only/ and the girl died/ and the children I am still feeding them.”

25 J. *itakum yau ge raba*

“You (pl.) are the ones who raise them”

26 P. *nina yau ge raba/ yau ana majlum ma kalam de*

“We are the one who raises them/ I am spoliated by this story”

27 J. *ita masi leo pi bet/ le bet btomon gale malu ita keli iyal de kede...*

“Did you went to him in the house/ to their house to ask why you left the children like this”

28 P. *walay insala ana masi aslu ma bijibu kabar*

“By god, even if I go he will never inform me”

29 J. *ma ja kurju*

“He did not cultivate (for you)?”

30 P. *bikurju lakin oslu ma bowodi le iyal de*

“He cultivates, but he never gives to the children”

/...../ Interruption with another case

31 a woman : nan kan a tu i dijit na kora na toro’bo na a njilu nutu ti möröri möröri yi ko wate

“I went at the time of the distribution of the furniture and then he fought with me and his wives”

32 J. nina köju ködyo kiyang baligga/kede kiyang sina / maybe nan kan a mistake/ ado yine gwo’dam nyo Wani ? ma tini wuni njilo korobat/ ti ko yege no kunen ko ‘doggu kito kadi/ bonggwat ‘ban le

“She had reported the case earlier/ wait first of all like this / I might have been mistaken/ why do you stand still Wani ? you go receive that whip/ let him carry these, carry these furniture/ are there no clothes? ”

33 Woman: bonggwat ma a kekeren “Clothes! He torn them”

34 J. Santino makme ko “ Santino there it is”

35 D. *Walayi/ a hal ‘diri bijab i yemba nio nagwon nan yembi kiyasir nanyit na i dijit na hawadis/ a de i ninu dijit ni kan ukum a itinasar jine badin kayayu a saba jine/ badin köjulu anan medde sona anan di min ta’ab kulu anan kan lunggi lunaser baba Juba a ko doggi male kwe kunu Juba nyu/ kirut ni a kine mali kirut taban jur kaman kötir ‘bayn a nan/ kalas nutu adi kalas lo nutu taban bubulô yemba makune mali lepeng aje dipa salet / lonutu gwe a komonit ti poki i’bang/ nyena ‘diri i gwe i di’da ko njina nuro/ taban ko yaba ko atu a nan bubulô tindu no nagwon kata/ wu hal kajelu ni a baba lo*

twane/badin ne a monye lo twane/ kirut adi monye sarji adi ukum nagwon kôju monye a ukumbe adi asa man 'dek pitönö kwe ti gurut kune ko na ñutu nan 'dek sitin jine/

« By God/ really during the time of my marriage when I married his sister during the civil war/ by then the Judgement here was twelve pounds and ours was seven pounds/ At that time, on seeing this, and in order to avoid these troubles, I decided to call my father's brother from Juba so that he could go to collect my dowry from Juba there/ Then from there this dowry, of course the village is large, not me alone/ ok, people said ok, this man can marry, here is the dowry, he has prepared a cooking place/ He has become an in-law, let him be in the house/ at this point I started to stay with this woman/ of course, if her father comes, I can give him what ever possible/ and at that time my father died/ then her father died too/ then her father (i.e. an uncle) sent a message that the judgement passed before was that now I want the remainder of my money of this woman I want sixty pound //

[The case continues in Bari and JA with many different participants. At the end the Defendant and his family agree to pay the remaining of the dowry)

Conclusion from Judge Stephen:

37 S. *dɔgiga/ dɔgiga/ ah bagi mal el kede eta bi silu lau pi bet le nasibat inak/ ah/ u wɔdium kabar gal nina jain/ asan bisilu iyāl de kali ruwa tusu bujak/ uman kaman bipatisu karuP kwes kida / u jama biji yesrub/ wa nas umu yani makasutin/ nas kálu/ kulu jene beji intum bestenu/ jebu gɔdiya tani*

“Minute/minute/ ah the rest of the dowry you take it to them at home to your in-law there/ and give them news that we are coming/ so that they take the children for spitting saliva (benediction)/ they also look for a good sheep like this/ and the people come to drink/ and the mother's people are happy/ the maternal uncle's people/ every child you wait for (??)/ bring another case!”.