

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09

Date: 24 May 2011

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernandez de Gurmendi

SITUATION IN DARFUR, SUDAN

IN THE CASE OF
THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN
AND SALEH MOHAMMED JERBO JAMUS

PUBLIC

**Report of the Registrar pursuant to regulation 24 *bis* of the Regulations of the
Court concerning on the issue of languages to be used in the proceedings**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

Counsel for the Defence

Mr Karim A.A. Khan

Mr Andrew J. Burrow

Legal Representatives of the Victims

Mr Brahim Koné

Ms Hélène Cissé

Mr Akin Akinbote

Mr Frank Adaka

Sir Geoffrey Nice & Mr Rodney Dixon

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Ms Alexandra Tomic

The Registrar of the International Criminal Court (“the Court”);

NOTING the “*Order scheduling a status conference*” issued by Trial Chamber IV (the “Chamber”) on 30 March 2011;¹

NOTING the “*Agenda of the status conference scheduled for 19 April 2011*” issued by the Chamber on 12 April 2011;²

NOTING the “*Report of the Registrar in response to the questions in the agenda of the status conference scheduled for 19 April 2011*” (the “Registrar’s Report”) submitted on 14 April 2011;³

NOTING the Status Conference held by the Chamber on 19 April 2011;⁴

NOTING articles 64(2) and 67(1)(f) of the Rome Statute; regulations 39 and 40(2) of the Regulations of the Court;

CONSIDERING that in the Registrar’s Report and during the Status Conference on 19 April 2011, the Registry responded to the Chamber’s questions regarding the languages to be used in the proceedings, and in light of new developments in the present case the Registry would like to provide the Chamber with additional information in this regard;

¹ ICC-02/05-03/09-127.

² ICC-02/05-03/09-128.

³ ICC-02/05-03/09-129.

⁴ ICC-02/05-03/09-T-10-ENG.

REPORTS to the Chamber as follows:

Language Requirements at Trial

1. On 16 May 2011, the Office of the Prosecutor and the Defence submitted their *"Joint Submission by the Office of the Prosecutor and the Defence Regarding the Contested Issues at the Trial of the Accused Persons"*⁵ where both parties indicated that *"8. The agreement reached by the Parties will significantly shorten the trial proceedings by focusing the trial only on those issues that are contested between the Parties. This will promote an efficient and cost effective trial whilst preserving the rights of victims to participate in the proceedings and protecting the rights of the Accused persons to a fair and expeditious trial."*⁶
2. Prior to this submission, it appeared that the most efficient course of action for providing interpretation of Zaghawa at trial would be to provide it simultaneously as it is being done in other trials where Swahili, Lingala and Sango are being interpreted simultaneously into French and then into English. The Registry had anticipated training trainee interpreters in Zaghawa who would be able to interpret at trial from and into Arabic – which would then be interpreted into French and English. This training usually takes between 6 to 8 months.
3. However, in light of the statement made by both parties in the abovementioned joint submission that the agreement reached by the parties will significantly shorten the trial proceedings, the Registry submits that there could be another way to provide quality interpretation from and into Zaghawa which would be more efficient and would not require a lengthy training period.

⁵ ICC-02/05-03/09-148.

⁶ *Ibid*, para. 8.

Consecutive *vs.* Simultaneous

4. Although simultaneous mode is considered the most practical form of interpretation in a multilingual courtroom, consecutive interpretation can be used too. To date, consecutive interpretation has been used in the trials in the Lubanga case as well as Katanga and Ngudjolo case for witnesses who spoke the languages from and into which interpretation could not be provided in simultaneous mode such as Lendu and Alur. Zaghawa was used in consecutive fashion at the initial appearance hearing of Mr. Banda and Mr. Jerbo. The main implication of the consecutive interpretation is 30-35% of extension of the duration of hearings.
5. In many respects, for languages such as Zaghawa, which is not written and where the legal terminology is entirely in Arabic – i.e. there is no legal terminology in Zaghawa, the consecutive interpretation may be a better assurance of quality as the accused and/or witnesses would be able to hear the intervention in Arabic, after which they would be listening to the consecutive interpretation into their own language – Zaghawa for the accused, Fur and Arabic Sudanese variant for the relevant witnesses.

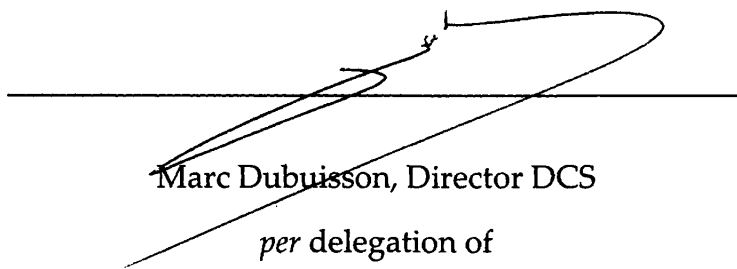
Proposal for Provision of Zaghawa at trial

6. The Registry proposes to ensure the provision of Zaghawa interpretation first by having an Arabic booth. The interpreters would be tried and freelancers who have previously worked at the Court would be tested. The Registry has developed Court-related legal terminology which can be relied upon. Zaghawa operational interpreters that the Registry has on its roster of accredited field and operational interpreters would require one month of training to be able to carry out consecutive interpretation at trial. At trial they would be working from a booth, which would be labelled “ZAGHAWA CONSECUTIVE INTERPRETATION” as this would remind the speakers in Court to make pauses

between interventions. Pauses would have to be longer than the usual 5 seconds, probably more in the region of 15. The interventions would have to be cut into shorter portions and while this may appear daunting at first, the courtroom dynamics would stabilise after a while.

Commencement date of the trial

7. The Registry would like to highlight the importance of the information regarding the commencement date or a tentative commencement date of the trial as well as the probable duration. The absence of such information may cause difficulties to an adequate preparation of the Registry for the trial; most of all, as high-quality Arabic interpreters have to be booked much in advance as Arabic is one of the most sought-after languages in the world. Knowing the commencement date or a tentative commencement date will enable the Registry to plan its activities in relation to training of operational interpreters in Zaghawa, as well as in Fur and Arabic of Sudanese variant.



Marc Dubuisson, Director DCS
per delegation of
Silvana Arbia, Registrar

Dated this 24 May 2011

At The Hague, The Netherlands