

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 18 April 2012

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Silvia Fernández de Gurmendi
Judge Chile Eboe-Osuji

SITUATION IN DARFUR, SUDAN

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

Public Document

Order on the recruitment of Zaghawa language assistants by the prosecution

Order 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 QC

Mr Nicholas Koumjian

Legal Representatives of Victims

Ms Hélène Cissé

Mr Jens Dieckmann

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber IV (“Chamber”) of the International Criminal Court (“ICC” or “Court”) in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, in accordance with Article 64(2) and 64(3)(a) of the Rome Statute issues the following Order on the recruitment of Zaghawa language assistants by the prosecution.

1. On 27 March 2012, the defence filed its “Defence Request for an Order Prohibiting the Recruitment of the Registry Zaghawa Language Assistants by the Prosecution” (“Defence Request”).¹ The defence submits that both language assistants had acted as interpreters during privileged telephone calls with the two accused persons and were privy to sensitive and confidential defence information.² The defence explains that these two language assistants were provided to the defence team by the Registry in order to assist with interpretation on 26 and 27 October 2011 and were present for and interpreted telephone calls in which case strategy and other sensitive witness information was discussed.³ It is submitted that in order to avoid prejudice to the defence and to ensure the fairness of the proceedings, the prosecution should be prohibited from recruiting the two Registry Zaghawa language assistants.
2. On 28 March 2012, the Chamber invited the Registry and prosecution to file submissions on the Defence Request by 16.00 on 3 April 2012.⁴
3. On 3 April 2012, the Registry filed its submissions on the Defence Request.⁵ The Registry highlighted the difficulties with finding, training, and retaining qualified Zaghawa language assistants, and emphasised that the loss of the two trainees at

¹ ICC-02/05-03/09-312.

² ICC-02/05-03/09-312.

³ ICC-02/05-03/09-312, paragraphs 20 – 21.

⁴ Email communication from a Legal Officer of the Trial Chamber to the Registry and the prosecution on 28 March 2012 at 10:02.

⁵ Registry submission on the Defence Request for an Order Prohibiting the Recruitment of the Registry Zaghawa Language Assistants by the Prosecution, 3 April 2012, ICC-02/05-03/09-318.

issue would threaten the Registry's capacity for ensuring Zaghawa interpretation at trial.⁶

4. On 3 April 2012, the Prosecution filed its "Prosecution's Response to the 'Defence Request for an Order Prohibiting the Recruitment of the Registry Zaghawa Language Assistants by the Prosecution' filed on 27 March 2012".⁷ It is submitted that the requested order is unnecessary as the prosecution has decided not to recruit the Registry Zaghawa language assistants at issue.
5. Therefore, the Chamber determines that the Defence Request for an order prohibiting the recruitment of the Registry Zaghawa language assistants by the prosecution is moot.

⁶ ICC-02/05-03/09-318.

⁷ ICC-02/05-03/09-319.

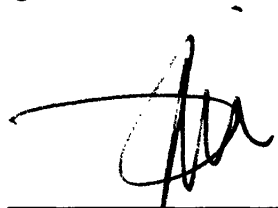
Done in both English and French, the English version being authoritative.



Judge Joyce Aluoch
Presiding Judge



Judge Silvia Fernández de Gurmendi



Judge Chile Eboe-Osuji

Dated this 18 April 2012

At The Hague, The Netherlands