

**Cour
Pénale
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**International
Criminal
Court**

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No.: **ICC-02/05-03/09**
Date: **20 September 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

Third Prosecution Report on Translation Issues

Source: Office of the Prosecutor

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

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Introduction

1. On 8 September 2011, Trial Chamber IV (“the Chamber”) ordered the Prosecution and the Registry to file monthly reports on the recruitment and training of Zaghawa interpreters and the translation of witness statements into Zaghawa.¹ The Prosecution and Registry filed their first joint report on 20 October 2011,² and filed additional reports every month thereafter.
2. On 11 July 2012, the Chamber instructed the Prosecution alone “to continue submitting monthly reports on the translation into Zaghawa by the Prosecution, (...) of the Prosecution witnesses’ statements to be relied on at trial and its disclosure to the Defence”.³ The Prosecution submitted its First Report on Translation and Interpretation Issues (“First Report”) on 20 July 2012⁴ and Second Report (“Second Report”) on 21 August 2012.⁵ The Prosecution hereby submits its Third Report on Translation Issues.

I. Update on the OTP’s Translation of Witness Statements into Zaghawa

3. As anticipated in its Second Report filed on 21 August 2012,⁶ the Prosecution completed the audio-translation of the statements of witnesses P-0486 and P-0439 and disclosed them to the Defence on 21 August 2012⁷ and 6 September 2012, respectively.⁸ This concluded the translation and disclosure to the

¹ ICC-02/05-03/09-211.

² ICC-02/05-03/09-236. The filing was notified on 21 October 2011.

³ ICC-02/05-03/09-T-17-ENG, page 51, lines 19 to 21.

⁴ ICC-02/05-03/09-369.

⁵ ICC-02/05-03/09-382.

⁶ ICC-02/05-03/09-382, para 3, 4.

⁷ Statement DAR-OTP-0181-0204, audio translation DAR-OTP-0184-0198 disclosed in INCRIM package 31, 22 August 2012.

⁸ Statement DAR-OTP-0175-0002, audio translation DAR-OTP-0184-0239, disclosed in INCRIM package 33, 6 September 2012.

Defence of all the witness statements obtained pursuant to Rule 111 that the Prosecution intends to rely upon at trial.⁹

4. As outlined in its oral submissions on 11 July 2012,¹⁰ in the week of 3 September 2012 the Prosecution commenced the audio-translation into Zaghawa of the remaining items of incriminating evidence falling within the scope of Rule 76(1) and (3).¹¹ In this regard, it has now started audio-translating the transcripts of both interviews of Witness P-0442.¹² Both transcripts are quite voluminous and it is therefore estimated that one will be completed by the end of October and the other by mid-November 2012.
5. Once the transcripts of Witness P-0442's interviews have been completed, the Prosecution will move on to the translation of the transcript of Witness P-0307's interview.¹³ The Prosecution anticipates that it will have completed the audio-translation of both Witness P-0442 and Witness P-0307's interview transcripts by the end of November 2012.
6. The Prosecution will then commence the translation of the next category of incriminating evidence falling within the scope of Rule 76(1) and (3).¹⁴ These include the annexes to Prosecution witness statements, such as sketches, pictures, x-rays, medical reports, transcripts of videos provided by Prosecution witnesses and annexed to their statements.

⁹ ICC-02/05-03/09-T-17-ENG, page 44, lines 10 to 13, ICC-02/05-03/09-382, para 5.

¹⁰ ICC-02/05-03/09-T-17-ENG, page 44, lines 15 to 15, page 45 lines 1 to 8.

¹¹ ICC-02/05-03/09-T-17-ENG, page 44, lines 14 to 25, page 45 lines 1 to 8.

¹² The First interview transcript of the witness P-0442 is in twelve parts: DAR-OTP-0172-0165, DAR-OTP-0172-0206, DAR-OTP-0172-0250, DAR-OTP-0172-0265, DAR-OTP-0172-0304, DAR-OTP-0172-0345, DAR-OTP-0172-0382, DAR-OTP-0172-0429, DAR-OTP-0172-0479, DAR-OTP-0172-0524, DAR-OTP-0172-0570, DAR-OTP-0172-0614. The Second interview transcript of the witness P-0442 is in nine parts: DAR-OTP-0181-0309, DAR-OTP-0181-0321, DAR-OTP-0181-0346, DAR-OTP-0181-0365, DAR-OTP-0181-0489, DAR-OTP-0181-0407, DAR-OTP-0181-0509, DAR-OTP-0181-0449 and DAR-OTP-0181-0469.

¹³ DAR-OTP-0158-0026, DAR-OTP-0158-0073, DAR-OTP-0158-0115, DAR-OTP-0158-0150, DAR-OTP-0158-0182, DAR-OTP-0158-0203 and DAR-OTP-0158-0222.

¹⁴ ICC-02/05-03/09-T-17-ENG, page 44, lines 14 to 25, page 45 lines 1 to 8.

7. Finally, the Prosecution informs the Chamber that one of the Zaghawa language assistants has had to take two months off from the end of September for personal reasons. The OTP is using its best efforts to find another language assistant to provide cover during this period in order to ensure that it still meets the timeline provided to the Chamber during the 11 July 2012 Status Conference.¹⁵
8. The Prosecution will update the Chamber on its progress in the next monthly report on 22 October 2012.



Fatou Bensouda

Prosecutor

Dated this 20th day of September 2012

At The Hague, The Netherlands

¹⁵ ICC-02/05-03/09-T-17-ENG, page 45, lines 17-20.