

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **22 October 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

Fourth 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 in the months thereafter.
2. On 11 July 2012 during a Status Conference, the Chamber decided that the joint monthly reports were no longer necessary and could be suspended,³ but instructed the Prosecution alone to continue submitting monthly reports on the translation into Zaghawa of the Prosecution witness statements and related materials to be relied on at trial and their disclosure to the Defence.⁴ The Prosecution submitted its “First Report on Translation and Interpretation Issues” on 20 July 2012,⁵ its second report on 21 August 2012⁶ and its third report on 20 September 2012.⁷ The Prosecution hereby submits the Fourth Report on Translation Issues.

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

3. As notified in the last report,⁸ the Prosecution has commenced the audio-translation into Zaghawa of the remaining items of incriminating material falling within the scope of Rule 76(1) and (3). The transcripts of Witness P-0442’s two interviews are now being translated. The interview is in nineteen

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 22 to 24.

⁴ ICC-02/05-03/09-T-17-ENG, page 51, lines 19 to 21.

⁵ ICC-02/05-03/09-369.

⁶ ICC-02/05-03/09-382.

⁷ ICC-02/05-03/09-395.

⁸ ICC-02/05-03/09-395, para 4.

parts, of which six parts totalling 197 pages⁹ have now been fully audio-translated.

4. As the Prosecution also informed the Chamber in its last report,¹⁰ starting on 30 September 2012, one of the Zaghawa language assistants had to take two months off for personal reasons. The Prosecution has managed to engage a new language assistant to provide cover during this period. He started on 10 October 2012.
5. Although the Prosecution had previously estimated¹¹ that the translation of Witness P-0442's two interviews would have been complete by the end of November 2012, this time-frame has had to be revised due to the unanticipated departure of the more experienced language assistant referred to above and the fact that his replacement is still familiarising himself with the process and therefore working at a slower pace. It is now anticipated that witness P-0442's interviews will be completed by the end of December 2012.
6. Once Witness P-0442's interviews have been translated, the Prosecution will start translating the transcript of Witness P-0307's interview.¹² It is estimated that the audio-translation of Witness P-0307's interview will be completed by early February 2013.
7. Simultaneously, the Prosecution intends to start translating the second of the three remaining categories of material falling within the scope of Rule 76(1) and (3).¹³ This category includes sketches, pictures, x-rays, medical reports

⁹ DAR-OTP-0172-0165, DAR-OTP-0172-0382, DAR-OTP-0172-0429, DAR-OTP-0181-0309, DAR-OTP-0181-0321, DAR-OTP-0181-0346.

¹⁰ ICC-02/05-03/09-395, para 7.

¹¹ ICC-02/05-03/09-395, para 5.

¹² 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.

¹³ ICC-02/05-03/09-T-17-ENG, page 44, lines 14 to 25, page 45 lines 1 to 8.

annexed to certain witness statements, as well as transcripts of videos. It is still anticipated that all of this material will be translated within the timelines provided to the Chamber during the 11 July 2012 Status Conference.¹⁴

8. The Prosecution will update the Chamber on its progress in the next monthly report due by 20 November 2012.



Fatou Bensouda

Prosecutor

Dated this 22nd day of October 2012

At The Hague, The Netherlands

¹⁴ ICC-02/05-03/09-T-17-ENG, page 45, lines 17-20.