

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 November 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

Fifth 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:

The Office of the Prosecutor
Ms. Fatou Bensouda, Prosecutor

Counsel for the Defence
Mr. Karim A.A. Khan QC
Mr. Nicholas Koumjian

Legal Representatives of Victims
Ms. H el ene Ciss e
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

Defence Support Section

Deputy Registrar
Mr. Didier Daniel Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Court Interpretation and Translation
Section**
Ms. Alexandra Tomic

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 2012,⁶ its third report on 20 September 2012⁷ and its fourth report on 22 October 2012.⁸ The Prosecution hereby submits the Fifth Report on Translation Issues.

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

3. As notified in the last report,⁹ the Prosecution has continued 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-

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-02/05-03/09-408.

⁹ *Ibid* at para. 3.

0442's two interviews are currently being translated. Since the last update,¹⁰ the Prosecution has audio-translated four additional parts of the interview transcripts (101 pages)¹¹, now making a total of ten parts completed (298 pages).

4. Although in its last report the Prosecution projected¹² that the audio-translation of witness P-0442's interview transcripts would be completed by the end of December 2012, this time-frame has had to be revised slightly as this category of documents is taking longer than initially anticipated and the expected daily page rate has therefore been reduced accordingly.
5. The Prosecution now estimates that P-0442's interviews will be completed by mid-January 2013. Once Witness P-0442's interviews have been translated, the Prosecution will start translating the transcript of Witness P-0307's interview.¹³ In view of these new circumstances, it is estimated that the audio-translation of Witness P-0307's interview will now be completed by early to mid-February 2013.¹⁴
6. As stated in the last report,¹⁵ 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).
7. The Prosecution also started the audio-translation of the third and last category of items,¹⁶ which consists of the oral testimonies of three witnesses

¹⁰ ICC-02/05-03/09-408, para 3.

¹¹ DAR-OTP-0172-0206, DAR-OTP-0172-0250, DAR-OTP-0181-0365 and DAR-OTP-0181-0489.

¹² ICC-02/05-03/09-408, para 5.

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-02/05-03/09-421-Red, para 6.

¹⁵ ICC-02/05-03/09-408, para 7.

¹⁶ ICC-02/05-03/09-T-17-ENG, page 45 lines 1-5.

(P-0416, P-0445 and P-0446) in *Prosecutor v Bahar Idriss Abu Garda* and of P-0445 in *The Prosecutor v. Jean-Pierre Bemba Gombo*.¹⁷ The oral testimonies of P-0416 and P-0445 in *Prosecutor v Bahar Idriss Abu Garda* have been translated while that of P-0446 is half-way completed and due to be finished by the end of the week commencing 19 November 2012.

8. It is still anticipated that all of this material will be translated within the timeframe provided to the Chamber during the 11 July 2012 Status Conference i.e. end of March 2013.¹⁸ The Prosecution will update the Chamber on its progress in the next monthly report due by 20 December 2012.



Fatou Bensouda

Prosecutor

Dated this 20th day of November 2012

At The Hague, The Netherlands

¹⁷ P-0416: DAR-OTP-0180-0002, P-0446: DAR-OTP-0180-0070, DAR-OTP-0180-0148 and P-0445: DAR-OTP-0180-0200.

¹⁸ ICC-02/05-03/09-T-17-ENG, page 45, lines 17-20.