

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

No.: ICC-01/04-02/06  
Date: 05 September 2016

**TRIAL CHAMBER VI**

**Before:** Judge Robert Fremr , Presiding Judge  
Judge Kuniko Ozaki  
Judge Chang-ho Chung

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**IN THE CASE OF  
*THE PROSECUTOR v. BOSCO NTAGANDA***

**Public**

**Registry's Report pursuant to Trial Chamber VI's direction of 24 August 2016**

**Source: Registry**

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

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**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

Ms Alexandra Tomic

Ms Charlotte Dahuron Jacoby

## I) Introduction and Procedural background

1. On 27 May 2016, Trial Chamber VI (“the Chamber”) issued the “Supplemental decision on matters related to the conduct of proceedings” (“the Decision”).<sup>1</sup> In an email dated 22 August 2016 addressed to the Chamber, the Prosecution brought to the attention of the Chamber the existence of a “[...] *significant number of discrepancies [...] between the edited versions of the English and French transcripts*”. The Prosecution cited the example of transcript corrections identified for witness P-0046.
2. In an email dated 24 August 2016, the Chamber, *inter alia*, instructed the Registry to “[...] *file a report by 5 September 2016 on steps which have been taken to ensure the accuracy of edited transcripts in the case*”.

## II) Applicable Law

3. The present submission is filed in accordance with Rules 15 and 137 of the Rules of Procedure and Evidence, Regulation 27 of the Regulations of the Court and Regulation 50 of the Regulations of the Registry.

## III) Classification

4. The present submission contains no confidential information and is thus submitted as public.

## IV) Submission

5. In the Decision, the Chamber recommended the Registry to adopt a procedure whereby:
  - a) The French and English transcripts are checked against the audio recordings;
  - b) The French and English transcripts are checked against each other

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<sup>1</sup> ICC-01/04-02/06-1342.

6. The Registry was further instructed to take all additional measures necessary to ensure the accuracy of transcripts in both languages.

A. Checking of English and French transcripts against the audio recordings

7. In order for transcripts to be converted from the realtime version into the edited version, it is mandatory to check them against the audio recordings, in their respective language. Therefore, this check is always performed.
8. During the evidentiary block lasting from 6 June to 15 July 2016, the court reporting teams of the Registry faced severe resource issues. Therefore, the editing of transcripts was outsourced to an external company.

B. Checking of English and French transcripts against each other

9. The resources limitations referred to above prevented the Registry from performing additional checks in the form of comparing English and French versions before distributing the edited version.
10. The Registry nevertheless commits once the teams are complete, to implement checks between French and English transcripts, in the first instance aiming at verifying names of locations, persons, dates and numbers.

C. Additional measures taken by the Registry

11. In an effort to further improve the quality of the transcripts, the following additional measures have been implemented:
  - a) In order to simplify the process of the requests for correction of transcripts, the Registry devised a method to insert time stamps in the edited versions of the transcripts.

- b) The ALO/Courtroom Officer started implementing a stricter speaking policy to enable both the court reporters and the interpreters to perform their tasks accurately.
- c) The ALO/Courtroom Officer requested from the parties and participants to be provided with the lists containing the correct spelling of the locations and names in advance of each new witness testifying.
- d) The French and English interpretation booths have been reinforced in case of extended hearing hours. Furthermore, where possible, the Registry will endeavour to reduce the rotation of staff, and assign interpreters and court reporters (at least one per language) as focal points for this case.
- e) Finally, the Registry will organise a coordination meeting with representatives of the parties, of interpretation and of court reporting teams so as to address any pending and reoccurring interpretation and transcription issues.

D. Witness P-0046

12. In its email to the Chamber, the Prosecution referred to the transcript corrections identified for witness P-0046. The Registry reviewed those correction requests and established the following errors:

- a) Minor transcription mistakes, mostly related to the omission of “noise words” or the mis-spelling of names and places;
- b) Some passages were not interpreted and were thus missing from the transcript;
- c) No major errors in sense.

13. The Registry notes that the witness, although a native French speaker, testified most of the time in English. Inevitably, when witnesses testify in a language other than their native one, the risk for language errors increases.


Additionally, all courtroom speakers using English caused a higher speed in interventions without pauses and situations of overlapping speakers.

14. It is further noted that a large number of correction requests were aimed at correcting the grammar or syntax of what the witness said. Such requests cannot be implemented as the transcripts are verbatim, i.e. reflect what was said, as it was said and recorded.

V. Registry recommendations

15. The Registry respectfully recalls the following applicable modus operandi, for a multilingual debate to be adequately recorded and interpreted:
- a) Speak at a moderate pace;
  - b) Avoid switching languages suddenly;
  - c) Respect the “five seconds rule” in order to avoid having overlaps in the interventions and to ensure that everything that is said is properly recorded;
  - d) As much as possible provide relevant documents in advance; and
  - e) Witnesses should be encouraged to testify in their native language.

16. The Registry will continue its efforts to deliver full and accurate transcripts of the hearings.



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Marc Dubuisson, Director, Division of Judicial Services  
per delegation of Herman von Hebel, Registrar

Dated this 05 September 2016

At The Hague, The Netherlands