

ANNEX 41
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 24 October 2023 13:14
To: Translation; [REDACTED]
Cc: D30 Ngaïssona Defence Team; OTR Counsel Support Section; Trial Chamber V Communications; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Email Order concerning D30 Request for Judicial Order for the Interpretation of CAR-OTP-2126-2529

[ICC] RESTRICTED

Dear colleagues from the Registry,

The Single Judge takes note of the Ngaïssona Defence's request below concerning the translation of item CAR-OTP-2126-2529 from French to English (the 'Request' and the 'Item', respectively).

He instructs the Language Support Section (the 'LSS') to provide its observations on the Request latest by today COB, Tuesday, 24 October 2023.

These observations must address (i) whether the Item can be translated by the LSS by 1 November, as requested; (ii) if not, what is the expected timeline for providing a draft and a revised version of the translation of the Item; and (iii) what are the expected timelines and considerations, if any, for revising a 'courtesy translation' of the Item, if provided by the Ngaïssona Defence to the LSS.

Kind regards,

TC V

From: [REDACTED]
Sent: 23 October 2023 14:14
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaïssona Defence Team <[REDACTED]>; OTR Counsel Support Section [REDACTED]
Subject: D30 Request for Judicial Order for the Interpretation of CAR-OTP-2126-2529

Dear Trial Chamber V,

The Defence for Mr Ngaïssona (the "Defence") hereby respectfully requests *ex parte* that Trial Chamber V (the "Chamber") orders the Language Service Section ("LSS") to translate CAR-OTP-2126-2529 from French to English (the "Request").

The Request is sent *ex parte* available only to the Defence and the Registry as it concerns the work of a Defence witness, evidence the Defence has not yet disclosed and on which it intends to rely.

As the Chamber is aware from the Defence Notice of intent to present a case (ICC-01/14-01/18-2055-Conf), the Defence intends to call Defence Witness [REDACTED] (ICC-01/14-01/18-2055-Conf-Anx1, row 3). As a non-native French speaker, the witness requires an official translation of the [REDACTED] [REDACTED] for the purpose of his report.


The technical nature of the report as well as the specific vocabulary used therein prevent the Defence from meaningfully and accurately translate the document for its witness. Additionally, should the Defence be required to translate the document itself, it would put its witness's work – and reliability of which – in jeopardy. Although the expert's level in French is sufficient to understand and read French, the Defence anticipates that the Prosecution will nonetheless challenge the credibility and reliability of his work either by raising the witness's misunderstanding of CAR-OTP-2126-2529 or on the basis of the Defence's interpretation.

As such, and to exclude unnecessary litigation that could be easily solved by a service offered by the Court, the Defence requested Counsel Support Section (CSS) to request LSS to translate the document. After informing the Defence that LSS does not normally translate documents for the Defence or from one working language of the Court to another, CSS further relayed that "LSS will facilitate the translation only following the judicial order" (the email exchanges are attached to the present request).

The Defence submits that LSS is best placed to provide such interpretation. As a department of the Court, LSS is not novice to the translations of expert reports and technical vocabulary.

The Defence therefore respectfully requests the Chamber to order LSS to translate CAR-OTP-2126-2529 from French to English. Given that the Defence has to disclose all items it intends to rely during its evidence presentation on 17 November 2023, it additionally requests the Chamber to order LSS to provide the sought translation by 1 November 2023.

Kind regards,


On behalf of the Defence Team for Mr Ngaïssona

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