



Anand Shah <Redacted>

Re: Reducing translation burden

Nick Koumjian <Redacted>

Thu, Jul 14, 2011 at 5:15 PM

To: "Omofade, Adebawale" <Redacted>

Cc: Anand Shah <Redacted>

Also I should add that we will advise the clients waive their right to a translation of the list of evidence.

Nick

On Thu, Jul 14, 2011 at 4:59 PM, Nick Koumjian <Redacted> wrote:

Dear Mr. Omofade,

During the status conference on 12 July 2011, the Trial Chamber instructed the parties to present practical solutions regarding the translation of incriminatory evidence in a joint filing by 8 August 2011.

As stated during the status conference, in order to expedite the proceedings, we are willing to ask our clients' to waive their right to have all statements of prosecution witnesses translated into a language they fully understand in order to achieve a practical solution to reduce the cost and time needed for these translations. We do this in the interest of cooperating with your office and the court to make these proceedings as succinct and efficient as possible.

The Defence suggests that the Prosecution produce fair, accurate and well-organized statements of all witnesses it intends to call at trial based on all prior interviews, statements and transcripts of the interviews held with these witnesses. It is suggested that, subsequently, the witnesses are given the opportunity to review and agree or amend their statements. Once the witnesses agree to the finalized content of the statements, the statements should be signed by the witnesses with the usual acknowledgment that it is true to the best of the witness's knowledge and recollection, and if an interpreter is used, the usual interpreter certification.

These signed statements should then be orally translated into Zaghawa and recorded on audio tapes.

To ensure that our clients have all the relevant information from the witness transcripts, we ask that the Prosecution provide the Defence with an assurance that you will not rely on any evidence NOT contained in the finalized, signed witness statement when examining the witness in court.

Regarding the audio tapes containing the witness statements in Zaghawa, the Defence further asks that as each new page of the English version of the witness statement is translated onto the audio tape, the page number is read out (to allow us to direct the clients to specific portions of the tapes in our communications).

We believe this procedure will expedite the proceedings and save the OTP and court significant money, while preserving our clients' basic right to understand the evidence against them.

Accordingly, if you agree to the above proposed procedures, we will recommend to our clients that they waive their right to translations of all statements. As soon as you can tell us your position, we will contact the clients. Once we have their agreement, we will inform you so that we can submit the joint agreement by 8 august as ordered by the Trial Chamber.

Regards,

Nick Koumjian
