



Anand Shah <Redacted>

Re: Reducing translation burden

Zago, Alice <Redacted>

Thu, Aug 4, 2011 at 6:28 PM

To: Anand Shah <Redacted>

Cc: "Omofade, Adebowale" <Redacted>

"Popova, Biljana" <Redacted>

"Baiesu, Victor" <Redacted>

Nick Koumjian <Redacted>

karim khan

<Redacted>

Ibrahim Yillah <Redacted>

Leigh Lawrie

<Redacted>

Aidan Ellis <Redacted>

Anna Katulu <Redacted>

Dear Anand,

The Prosecution is agreeable to the suggestion contained in the second paragraph of Mr Koumjian's 14 July email, *i.e.* 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.

However, we suggest that rather than the witnesses review and agree or amend their original statements, the Defence considers the summaries that we produce to determine what if any further parts of the original statements should be added to these summaries. The final summarised version (incorporating any suggested further areas suggested by the Defence) would then be the version that should then be orally translated into Zaghawa and recorded on audio tapes.

This procedure was adopted at the pre-trial stage in the *Abu Garda* case.

The Prosecution has difficulty with the suggestion that the Prosecution should not rely on any evidence not contained in the finalized, signed summarised version of the witness statement when examining the witness. Effectively, this would amount to obtaining a fresh statement from the witness, albeit a shorter one. Because the Prosecution has an obligation to prove its case to the requisite standard, it is only once a witnesses commences their testimony that it will become clear what areas need to be explored further with them as long as these are areas that have indicated that they are able to shed light on. Even the witnesses statements that are not in transcript form (only two statements are currently in transcript form) are in the region of 20-30 pages in length. To have any impact on the length of time that it would take to complete oral translation into Zaghawa these statements would have to be summarised into approximately 8-10 pages. While it would be virtually impossible to capture all the relevant evidence that needs to be before the Chamber in such a summarised version, it may still be possible for the salient parts of the evidence that the Defence considers necessary to enable it obtain full instructions from the accused persons can be captured. Equally, the Trial Chamber is entitled to have presented before it all the relevant information/evidence that would enable it to determine the truth.

A further difficulty is that in addition to summarising the witness's statements, our previous experience in this process has been that we have to reduce some of the complex English words and terms into English in order that they can be properly translated into Zaghawa. Because Zaghawa has a very limited vocabulary, many such words and terms have to be summarised very lucidly, or where possible avoided. While this will make the summary very easy to translate into Zaghawa, it may not be as helpful for the judges or counsel – particularly if this is the version that ends up being the authentic version of the witness's statement. Finally, the process that we have suggested above would remove the need to go out into and conduct what would effectively amount to fresh interviews of all the witnesses. Logistically, there are many difficulties in arranging these interviews, many of which the Defence would also have experienced. In fact it

would only be after such signed summaries have been obtained that the translation exercise could feasibly commence. This means that it could take even longer than originally estimated for the translation process to commence.

In view of the above, the Prosecution agrees to the suggestion that we produce fair, accurate and well-organized summarized statements of all witnesses we intend to call at trial based on all prior interviews, statements and transcripts of the interviews held with these witnesses. Once these have been produced, we propose that we share them with you so that you can compare them with the witnesses' statements/transcripts, and suggest what further information, if any, needs to be added. The final agreed version would then be the summary that is provided to the translators for oral translation into Zaghawa. Should the Defence agree to this proposal and to further expedite the translation process the Prosecution intends to provide the Defence with the proposed summaries of the witnesses' statements as they are compiled, on a rolling basis. The Prosecution envisages being able to communicate to the Defence a first set of said summaries by 12 August.

If the proposal as set out above agrees with you, the Prosecution is willing to circulate a draft joint-filing.

On behalf of the Prosecution, let me thank you for the kind consideration.

Best,

Alice Zago

From: Anand Shah [mailto:Redacted]
Sent: 04 August 2011 12:45
To: Nick Koumjian
Cc: Zago, Alice; Omofade, Adebawale; Popova, Biljana; Baiesu, Victor

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