

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06

Date: 8 November 2007

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Thomas Lubanga Dyilo***

Public Document

**Registrar's Submission on the Issue of Provision of Real Time French Transcripts
at Hearings**

The Office of the Prosecutor

Mr. Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial
Lawyer

Legal Representatives of Victims

a/0001/06 to a/0003/06, a/0105/06

Mr. Luc Walley

Mr. Franck Mulenda

Ms. Carine Bapita Buyangandu

Counsel for the Defense

Ms. Catherine Mabilille

Mr. Jean-Marie Biju-Duval

The Registrar of the International Criminal Court (“the Court”);

NOTING that at the hearing held on the 1 October 2007 in open session, the Legal Representative of victims a/0001/06 to a/0003/06 drew the Chamber’s attention to some issues surrounding the provision of real time French transcripts¹;

NOTING that at the hearing held on the 2 October 2007 in open session, the Defense team of Mr. Thomas Lubanga Dyilo (the “Defense”) raised the issue of “the French real-time transcription of hearings” with the Trial Chamber (the “Chamber”)²;

NOTING the “*Requête de la Défense aux fins d’obtention des transcriptions d’audience en simultané en langue française*” filed by the Defense on the 24 October 2007 requesting that the Registry be ordered to enable the provision of real-time French transcripts³;

NOTING the “*Order requesting the Registrar to file submissions on the issue of the simultaneous provision of LiveNote in French*” issued by the Chamber on the 1 November 2007⁴;

NOTING the “*Prosecution’s response to the “Requête de la Défense aux fins d’obtention des transcriptions d’audience en simultané en langue française”*” filed by the Office of the Prosecutor on the 8 November 2007⁵;

NOTING article 64(10) of the Rome Statute, rule 137 of the Rules of Procedure and Evidence, regulations 21 and 27 of the Regulations of the Court;

¹ ICC-01/04-01/06-T-52-ENG, page 7, line 5.

² ICC-01/04-01/06-T-54-ENG, page 51, line 13.

³ ICC-01/04-01/06-999.

⁴ ICC-01/04-01/06-1011.

⁵ ICC-01/04-01/06-1016.

SUBMITS as follows:

To date, and in accordance with regulation 27 (1) of the Regulations of the Court, the real time transcripts of the hearings are provided in at least one working language of the Court and not the language(s) spoken by potential and/or actual defendant(s). To date, real time transcripts have been provided to parties and participants in English.

Since the establishment of the Court the goal of the Registry has been to provide both English and French real time transcripts. To this end various avenues have been explored in the previous three years. The Registry has visited institutions providing French real time transcripts and tested the solutions they used. None of the latter proved to be applicable to the technical infrastructure of the Court.

The software solution chosen by the Registry for the provision of real time transcripts is named LiveNote Web ("LiveNote").

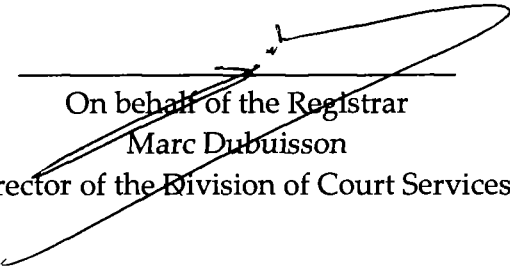
According to the technical services of the Registry, the current setup of LiveNote does not allow for accented characters to appear on the screen. This is rendering the French transcript practically illegible.

This problem has been reported to the manufacturer of LiveNote. As no solution has been proposed to date, the Registry has been exploring alternatives to LiveNote as well, however unsuccessfully yet.

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In relation to the Defense statement⁶ the Registry has contacted relevant staff of the International Criminal Tribunal for Rwanda to explore their solution ("ICTR"). In any event the human resources configuration of the ICTR needed for the provision of French real time transcripts is not comparable to that of the ICC. In this regard, the International Criminal Tribunal for the Former Yugoslavia has turned to outsourcing instead of choosing a solution similar to that of the ICTR, due to recruitment difficulties in The Hague.

Today the Registry intends to provide a draft version of the French transcript no later than two hours following each hearing, using external court reporting services.



On behalf of the Registrar
Marc Dubuisson
Director of the Division of Court Services

Dated this 8 November 2007

At The Hague, The Netherlands

⁶ ICC-01/04-01/06-T-54-ENG, page 51, line 24