

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original. English

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

Date: 31 August 2009

TRIAL CHAMBER I

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
v. THOMAS LUBANGA DYILO**

Confidential

Registry request in relation to the review of the transcripts of witness evidence

Source: Registrar

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

The Office of the Prosecutor

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

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Victims**

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Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Ms Charlotte Dahuron, Chief Court
Management Section
Ms Alexandra Tomic, Chief Court
Interpretation and Translation Section

THE REGISTRAR of the International Criminal Court (the "Court"),

NOTING the information provided to Trial Chamber I (the "Chamber") by the Office of the Prosecutor on 3 March 2009 related to interpretation and transcription matters,¹

NOTING the *"Information to the Chamber in relation to the interpretation and transcription matters related to trial proceedings"* (the "Registrar's Submission") submitted by the Registrar on 18 March 2009,²

NOTING the *"Prosecution's Response to the 'Information to the Chamber in relation to interpretation and transcription matters related to trial proceedings' filed by the Registry on 18 March 2009"* (the "Prosecution's Response") submitted by the Office of the Prosecutor on 2 April 2009,³

NOTING the *"Decision on discrepancies between the English and the French Transcripts and related issues"* (the "Decision") issued by the Chamber on 18 June 2009;⁴

NOTING the *"Further information to the Chamber on the matter of the confidentiality level of the Registry's 'Information to the Chamber in relation to the interpretation and transcription matters related to trial proceedings' submitted on 18 March 2009"* submitted by the Registry on 19 June 2009;⁵

¹ ICC-01/04-01/06-T-139-CONF-ENG FT 03-03-2009 1-100 NB T p 97 line 17 – p 99 line 10

² ICC-01/04-01/06-1788-Conf

³ ICC-01/04-01/06-1808-Conf

⁴ ICC-01/04-01/06-1974-Conf

⁵ ICC-01/04-01/06-1976-Conf

NOTING the "*Registry report on interpretation matters*" filed on 16 July 2009;⁶

NOTING article 67 of the Rome Statute, Rule 42 of the Rules of Procedure and Evidence, Regulations 23*bis*, 24*bis*, 27, 35 and 40(2) of the Regulations of the Court, Regulations 50, 57, 61, 62, 64, 65, 67 of the Regulations of the Registry;

CONSIDERING that in the Decision, the Registry is instructed to review the entirety of the witnesses' evidence in order to ensure the accuracy of each relevant transcript against the recording as well as consistency between the French and English transcripts at the latest by the end of August 2009;⁷

RESPECTFULLY SUBMITS to the Chamber as follows.

Witnesses' evidence review

- 1 The Registry informs the Chamber that the evidence review exercise requires the revision of a total of 114 transcripts the equivalent of 57 hearings days-, in both English and French. The procedure put in place by the Court Management Section (CMS) and the Court Interpretation and Translation Section (STIC) for the review of the specific transcripts is set out as follows:

- a) Stage 1 CMS court reporters (English and French) and a STIC consultant (English) listen to the recording of each hearing and make any necessary correction to the corresponding transcripts. Furthermore, another STIC consultant (French) reviews the French transcripts of hearings where witness testimony was in French. Stage 1 transcripts

⁶ ICC-01/04-01/06-2053-Conf

⁷ ICC-01/04-01/06-1974-Conf p. 28, para. 56(a)

completed by CMS and by STIC consultants are then coordinated by STIC for Stage 2,

- b) Stage 2: STIC compares the English and French versions of each transcript corrected in Stage 1. All final corrections are made to the transcript and indicated in track changes,
- c) Stage 3: The corrected transcript pairs (English and French) are sent to CMS,
- d) Stage 4: The corrected transcript is distributed through CMS

2. The Registry further informs the Chamber of the following update concerning witness evidence review

- a) A total of 7 transcripts have been fully reviewed (T-113, T-119, T-125, T-135, T-137, T-139, and T-169) and 4 transcripts are in the process of being finalized (T-114, T-126, T-145 and T-164). This entails completion of stages 1, 2 and 3,
- b) 70 transcripts (including those referred to in paragraph 2(a) above) have been corrected by CMS (Stage 1) but have yet to undergo further corrections as outlined in Stage 2,
- c) 37 transcripts (French testimony only), are yet to be corrected by STIC in their totality (Stages 1, 2 and 3);

d) 7 transcripts are to be corrected by CMS and STIC in their totality (Stages 1, 2 and 3);

e) The above transcripts are yet to be distributed (Stage 4)

Request for extension

3 The Registry notes the deadline set by the Chamber for the transcript review (end of August 2009 at the latest) In this regard, and whereas the Registry has tried to conduct the witness evidence review exercise as expeditiously as possible, the Registry regretfully and respectfully informs the Chamber that the end of August 2009 deadline is, unfortunately, not attainable

4 In this respect, the Registry informs the Chamber that in conducting the review exercise, the Registry has encountered a number of difficulties These are outlined as follows

a) No transcript revision exercise could be commenced by CMS or STIC until trial hearings were finished on 14 July 2009,

b) There was only one English court reporter in CMS, three additional English court reporters arrived in the last week of July and were operational as of the first week of August,

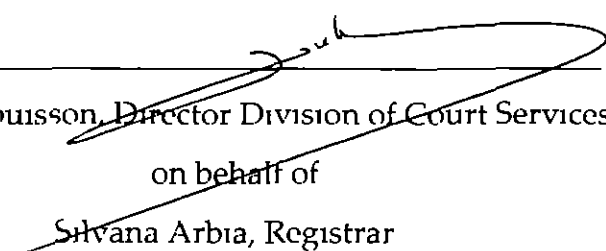
c) The French court reporting team was strengthened in August. However, the team was not fully operational due to organizational issues;

- d) Taking the above into consideration, CMS contacted an external court reporting company to carry out the review. Whereas initially the company indicated they could undertake to complete the review, on 27 July, it informed the Registry that the company would not be in a position to perform this task until the end of August or beginning of September,
- e) Stage 2 could not start before completion of Stage 1,
- f) Unavailability of interpreters due to the various interpretation assignments and due to the fact that in consideration for the well-being of staff and in order to maintain good performance and high quality level of duty, some interpreters who are not normally in a position to leave the Court during trial proceedings were on a vacation period. The latter is a policy which has been applicable at the Court for the recess period, as this is the only time that interpreters are able to take a rest from their assignments. During court recess, the only in-house interpreter, who was on duty, started coordinating Stage 2 of the project.
- g) Unavailability of interpreters from external companies. These were, regrettably, not available for Court assignments due to the holiday period.

5. The Registry regrets to have encountered the above obstacles in its attempt to comply with the Chamber's instruction of 18 June, and would respectfully request the Chamber, pursuant to Regulation 35 of the Regulations of the Court, to consider granting the Registry an extension of time for the completion of this exercise. At this point in time, and considering all of the above factors, the Registry estimates that an additional 8 weeks will be required to finalize the review. In this regard, the Registry will do its utmost to try to complete the review within a shorter time frame.
6. Lastly, the Registry wishes to apologize to the Chamber for not being able to cope with the deadline set by the Chamber and is grateful for the Chamber's consideration of this request.

The present submission is filed *Confidential* as it relates to matters before the Chamber that are currently labelled as *Confidential*.

Respectfully submitted,



Marc Dubuisson, Director Division of Court Services
on behalf of
Silvana Arbia, Registrar

Dated this 31 August 2009

At The Hague, The Netherlands