

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 20 September 2011

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernández de Gurmendi

SITUATION IN DARFUR, SUDAN

***IN THE CASE OF THE PROSECUTOR v. ABDALLAH BANDA ABAKAER
NOURAIN AND SALEH MOHAMMED JERBO JAMUS***

Public document

**Prosecution's and Registry's Joint Report on a Common Plan of Action with
regards to Zaghawa Translation and Interpretation**

Source: Office of the Prosecutor
Registry

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Mr. Karim A.A. Khan QC
Mr. Nicholas Koumjian

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Ms. Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

**Court Interpretation and Translation
Section**

Ms. Alexandra Tomic

Introduction

As instructed by the Trial Chamber IV ("the Chamber") in its order of 8 September 2011, the Prosecution and the Registry provide to the Chamber a joint report on a proposed common plan of action with regard to Zaghawa translation and interpretation in order to facilitate the expeditious preparation of the trial¹.

I. Background

1. On 16 August 2011, the Chamber instructed the Prosecution to immediately start translating into Zaghawa the witness statements intended to be relied upon for the purposes of the trial.²
2. On 1 September 2011, the Prosecution filed an update on language related issues.³
3. On 8 September 2011, the Chamber ordered the Registry and the OTP to *inter alia*: (i) immediately start consultations on the best manner to join their efforts with regard to Zaghawa translation and interpretation in order to facilitate the expeditious preparation of the trial, including the common usage of the current resources available to the Court; and (ii) file a joint report with the Chamber on the common plan of action envisaged no later than 16.00 on 20 September 2011.⁴

¹ ICC-02/05-03/09-211

² ICC-02/05-03/09-199

³ ICC-02/05-03/09-205

⁴ ICC-02/05-03/09-211

II. Submissions of the Registry and the Office of the Prosecutor

4. Pursuant to the Chamber's Order, the Registry and the OTP commenced consultations in order to identify a common plan of action on matters of Zaghawa translation and interpretation that could facilitate the expeditious preparations of the trial.
5. In light of the difficulties highlighted in its 1 September 2011 filing and despite on-going recruitment efforts, to date the OTP has nevertheless been able to secure the employment of two qualified Zaghawa language assistants as of 5 and 7 September 2011 and to start the translation of the witness statements as ordered by the Chamber on 16 August 2011. A third qualified person is currently unreachable and another one is currently unavailable until at least 15 October 2011. The OTP continues to try and source fresh applicants and hopes to bring in at least one further candidate in the near future.
6. Faced with recruitment constraints and a very small number of available qualified staff, the Registry has been able to employ three Zaghawa paraprofessional interpreter trainees as of 8 August 2011, one of whom ended his contract for personal reasons in mid-September 2011 and will be available for occasional sight-translation work of public documents. A new vacancy announcement has been recently circulated and the Registry will conduct rolling tests and interviews as candidates apply until October 6. The objective is to recruit two more paraprofessional interpreter trainees to join the training programme so that they can interpret to and from Zaghawa and Arabic during the trial.

7. Based on the above, there are currently four Zaghawa language staff members available to participate in the Zaghawa translation of witness statements, two of whom are training to become interpreters in the Registry.
8. Due to the scarcity of qualified resources and with the aim of identifying a methodology in which the pre-trial preparation phase could be expedited, the OTP and Registry have drafted a common plan of action that they hereby submit for the consideration of the Chamber.
9. The common plan of action envisages that (i) Registry's language resources, including the current translators and those to be recruited in the near future, will assist the Prosecution in translating some of the statements of the Prosecution witnesses into Zaghawa; and (ii) OTP's language resources will be available to apply for the Registry's paraprofessional training programme, albeit in such a way as to ensure completion of the translations as well if they are selected.

III. Proposed Common Plan of Action

10. The common plan of action proposed by the Registry and the OTP envisages that for the purpose of translation the Prosecution will provide the relevant witness statements to the Registry in unredacted form. Upon finalisation of the translation, the Registry will transmit the audio-files of the translated witnesses' statements together with the witness statements themselves without making or retaining any copies thereof. The Registry will however keep a record of the translation regarding the statement evidence number, the number of pages as well as the number of hours contained in the resulting audio-file. The OTP will then process the audio-files and the witness statements for disclosure to the Defence after having applied the necessary

approved redactions, if any, to the audio-files and the statements. This proposal will have the added benefit of assisting in the preparation of the future booth interpreters for the trial.

11. As the language staff from both the Registry and the OTP will be involved in the translation of the Prosecution's witness' statements, in order to ensure consistency of the translations as much as possible, the Zaghawa language staff will be provided with the same training on terminology and will employ the same methodology.

IV. Proposed Methodology

12. As a result of discussions between the Registry and the OTP, two methodologies by which the Zaghawa translation process could take place have emerged.
13. The first methodology, proposed by the OTP, involves an "Audio Translation through Intermediate Transliteration" whereby a "written Zaghawa translation" using a modified Arabic alphabet is produced first, then peer-reviewed and then read out onto a tape. This phased approach was employed by the OTP when translating witness statements for the purpose of the Confirmation Hearing in the *Banda and Jerbo* case as it was deemed the most prudent linguistic and technical methodology at the time for providing the best quality given the various human resources, linguistic and quality assurance issues around the production of Zaghawa translations.
14. An alternative methodology suggested by the Registry involves the "sight-translation" whereby a "spoken translation" is recorded as a digital recording in Zaghawa directly from the original witness statement in English. This

methodology was used for the Sango witness statements for the familiarization of witnesses in the *Bemba* case and has had excellent results. It also has the advantage of being almost immediately operational with the added proposal that corresponding audio files of witness statements can be embedded in witness statements in English and thus be accessible and transparent. The Registry maintains that it would take shorter time to use this methodology and the quality assurance can be maintained through peer review by repeat listening and 'overwriting' if necessary.

15. The OTP's and the Registry's respective language services will examine the two methodologies jointly and agree upon a common process that ensures the best possible quality and expediency in producing translation of statements. To that end and subject to the Chamber's approval, the Registry and the OTP propose to embark on a short "trial run" during which one unredacted witness statement will be translated into Zaghawa utilizing each of the two methodologies. Upon the completion of this "trial run", the Registry and the OTP will inform the Chamber of the result of the "trial run" and provide the Chamber with an estimated period of time expected for the translation.

16. The Registry and the OTP further agreed to join forces in order to develop a common glossary of Zaghawa terminology which will be consistently applied by all Zaghawa language staff involved in the translation exercise and subsequently in the booth. This glossary could be made available in a public filing for purposes of transparency and would include English, Arabic and Zaghawa as an audio file.

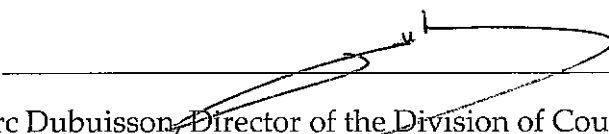
17. With regard to the courtroom interpretation from and into Zaghawa, the Registry and the OTP agreed that under the proposed common plan of action the OTP Language Assistants would be able to apply for the Registry's

paraprofessional training programme which trains booth interpreters for trials, provided that this is done in a such a manner as to ensure the completion of the translations as well if they are selected.

18. Bearing in mind the current limited resources, the Registry and the OTP have also determined to continue their efforts in identifying, training and recruiting additional qualified Zaghawa language staff. If this occurs, and depending on the number of booth interpreters required, the common plan of action would be accordingly amended.



Luis Moreno-Ocampo, Prosecutor



Marc Dubuisson, Director of the Division of Court Services
Per delegation of
Silvana Arbia, Registrar

Dated this 20th day of September 2011

At The Hague, The Netherlands