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**International
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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

**First Joint Prosecution's and Registry's Monthly Report on Translation and
Interpretation Issues**

Source: Office of the Prosecutor
Registry

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

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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 the first 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 trial.¹

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 ("1 September filing")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

4. On 20 September 2011, the OTP and the Registry filed a Joint Report on a common plan of action with regards to Zaghawa translation and interpretation. (“the 20 September Joint Report”)⁵.
5. By an electronic message dated 22 September 2011, a Legal Officer of the Chamber informed the Prosecution and the Registry that the Chamber approved the Registry and the Prosecution proposal to “embark on a short “trial run” during which one unredacted witness statement will be translated into Zaghawa utilizing each of the two methodologies”. The message also noted that “the result of this “trial run”, the progress made on the translation of witnesses’ statements following the chosen methodology, together with a specific time-line should be included in the next monthly report due on 20 October 2011, as per instruction iii) set out in paragraph 13 of the Chamber’s “Order to the prosecution and the Registry on translation issues” (ICC-02/05-03/09-211 of 8 August 2011)”.
6. Pursuant to the Chamber’s Order, the Registry and the Prosecution have been consulting continuously in order to identify a common plan of action on matters relating to Zaghawa translation and interpretation that could facilitate the expeditious preparation of the trial.

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

A. Update on The Registry’s Trial Run

Methodology regarding the recording of sight translation of witness statements from English or Arabic into Zaghawa

⁵ ICC-02/05-03/09-220

7. The Registry took the view that preparation is paramount to the successful outcome of the trial run and therefore attempted to establish the terminology (which must be consistent throughout) to be used, the methodology and testing beforehand before a sight translation is even attempted. Accordingly, the two Zaghawa interpreter trainees have spent several training sessions on the above and have also been trained and tested in the vocalization of some passages before starting recording.
8. Once the witness statement for the trial run had been prepared, and having finalized the methodology and the checklist of necessary information, the two trainees managed to carry out a recorded sight-translation of **eight pages** of a witness statement in one day (four pages per trainee) and the same amount the next day. The recordings were done in such way so as to combine translation from Arabic and from English into Zaghawa of each and every paragraph, thus cross-checking for accuracy at the recording stage. The entire recording was thereafter "revised", with the Zaghawa being back-checked against each paragraph in Arabic and English. By way of comparison, it is important to note that a regular translator who produces written translations is able to translate five pages per day and they also count as revised translations.
9. Therefore, in the case of the Zaghawa sight translations, having fully prepared the terminology and texts, the trainees will on average be able to complete four pages each per day although they will be working together in order to cross check the work – thus eight pages per pair of unedited recordings. These figures are based on having at least two sight translators working together. However, additional time will also be needed for the audio editing of the recordings, which will require a Zaghawa speaker who is trained to perform such a task. With such a methodology, these sight-translations are effectively revised sight-translations.

10. The Registry proposes that this method be used for carrying out sight-translations of all necessary witness statements to ensure the requisite quality and accuracy. Although this methodology requires a relatively extensive preparation, it produces statements that we can say are reliable to the greatest degree possible in a situation where no written language exists.
11. The Registry proposes to extend its methodology to the language assistants of the OTP as they would benefit from training and preparation prior to recording sight translations.

Progress of the Registry's Training of Zaghawa trainees in the paraprofessional training programme:

12. The training is progressing well and the two trainees have made headway in a number of areas: Arabic terminology, oral delivery in Arabic, English and Zaghawa. They have regular and demanding training sessions with the interpreters, revisers and terminologists of the Court Interpretation and Translation Section. In addition, the trainees are given regular homework which they assiduously complete. All their trainers are optimistic and reporting good results. What has been found particularly encouraging is the great motivation and hard work that the two trainees have demonstrated in their assignments.
13. The main issue that the Registry is dealing with is a lack of other trainees. The response to the vacancy announcement has been poor and only two applicants sent their details. These applications will be considered, but the deadline of the vacancy has been extended for additional two weeks in the meantime. Although this is a very rare language combination that the Court is looking for, it is relevant to note that candidates, even those that are proficient in the

use of information technology, have found the current e-Recruitment system as used by the Court rather difficult to use. The Registry only needs additional two trainees and it would be extremely lucky, if not improbable that the two candidates mentioned have all the requirements and moreover pass the aptitude test.

14. An additional challenge faced at this stage is the absence of a Zaghawa language expert. Although some contacts have been explored around the world, there has been no definitive person that has been identified as an expert in this language. The presence of at least one expert has been a standard requirement for all other Situation languages, such as Acholi, Swahili, Lingala, Sango, in which the Court Interpretation and Translation Section has had to train interpreters and translators.
15. At present, all terminology work has to be done through Arabic and trainers have to carry out blind trials of a piece of text to make sure that the message gets through. This methodology works when training is carried out by people who do not speak the source language or the target language. The only disadvantage of this methodology is that it takes additional time as there is no expert that can decide what word or expression should be used, but rather all decisions are made by consensus between the two speakers.

B. Update on the OTP's Trial Run

16. The Language Services Unit of the OTP (LSU) conducted its trial run as per the methodology outlined in the filing of the 20 September Joint Report. The Procedure adopted was that of an "audio translation through intermediate transliteration" whereby a written Zaghawa translation using a modified

Arabic alphabet was used first, then peer-reviewed, and then read out on to tape⁶.

17. Based on this methodology, it was calculated that the LSU's language assistants currently work at an average rate of **2 finalised pages each** per day. With 2 language assistants working at this rate, they would be expected to complete four pages per day between them. It is also expected that as the language assistants grow more familiar with the techniques and subject-matter, and with further training, this rate may rise.

Loss of OTP's Two Zaghawa Language Assistants & Efforts at Recruitment

18. The OTP's difficulties in recruiting qualified Zaghawa language assistants - highlighted in its 1 September 2011 filing - remain. The OTP has not been able to secure the employment of any further qualified Zaghawa language assistants since the two recruited on 5 and 7 September 2011.
19. In a further development, the Prosecution informs the Chamber that due to unforeseen personal reasons, both Zaghawa language assistants tendered their letters of resignation to the OTP (on 30 September 2011 and 14 October 2011, respectively), indicating their intention to leave as of 17 October 2011 and 31 October 2011, respectively. Both cited different personal reasons for their resignations, however there remains a possibility that either or both of them may be able to take up employment with the OTP in the near future. Should this be the case, the OTP will inform the Chamber.
20. These resignations notwithstanding, the OTP is continuing to maximize its efforts to identify new suitable candidates. To this end, the OTP relayed a new vacancy announcement for this position to Human Resources on 5 October

⁶ ICC-02/05-03/09-220, paragraph 13.

2011, and it is expected to be published on the ICC website in the next few days. The Prosecution will appraise the Chamber of any developments in this regard.

21. Based on the trial run, the OTP concurs that the methodology now proposed by the Registry seems to result in the translation process proceeding faster. However, the OTP would suggest that other methodologies be retained as fall-back options - to ensure the maximum amount of resources can be brought to bear.
22. The OTP also concurs with the Registry that, as with any such translation project, it is best for issues relating to terminology and training to be first resolved and that, to the extent possible, be performed by one and the same entity to ensure consistency of approach. Considering that the current methodology originated from the Registry, and in light of the OTP's recent spate of resignations, the OTP considers that this responsibility would more appropriately lie with the Registry on this occasion.

Estimated Timeline for Completion of the Translation into Zaghawa of the Relevant Material

23. Based on the current list of material to be translated into Zaghawa for purpose of the current proceedings, the Prosecution estimates a page count of 556 pages⁷. Assuming that each of these two language assistants can translate four pages a day employing the aforementioned sight-translation methodology, the

⁷ Further to the estimate count of 511 pages provided in its 1 September filing, the Prosecution hereby informs the Chamber that an additional 45 pages are to be added in order to include a selected number of paragraphs from the Prosecution's *Document Containing the Charges* pursuant to a Defence's request of 4 October 2011 and the record of the re-interview of DAR-OTP-WWWW-0442. The current 556 page count could be further amended to include any relevant material generated through the current Prosecution's on-going investigation.

translation of the material will require a period of approximately 70 **working days** (excluding weekends, annual leave, etc.) from the date these language assistants can proceed with the translation on a full time schedule.

24. Nevertheless initial arrangements provided that Registry helps out OTP with the sight-translation of witness statements. In light of the recent developments in LSU regarding their resources in Zaghawa, the two STIC Interpretation trainees will be unable to work on a full-time basis on these sight-translations, as their main assignment is to train for simultaneous interpretation with a view to man the Zaghawa booth for the upcoming trial. Therefore, their output of 8 pages per day of unedited recordings is an estimate based on a full-time schedule in sight-translation, which will not be the case as they will keep on training and getting prepared for the trial. Thus they will be able to work at the maximum half-time on this sight-translation project, which would yield 4 pages per day.



Luis Moreno-Ocampo, Prosecutor



Didier Daniel Preira

Deputy Registrar

For Silvana Arbia, Registrar

Dated this 20th day of October 2011

At The Hague, The Netherlands