

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09

Date: 20 April 2012

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Silvia Fernández de Gurmendi
Judge Chile Eboe - Osuji

SITUATION IN DARFUR, SUDAN

IN THE CASE OF THE PROSECUTOR v. ABDALLAH BANDA ABAKAER

NOURAIN AND SALEH MOHAMMED JERBO JAMUS

Public document

**Seventh Joint Prosecution 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:

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

Ms. Hélène Cissé
Mr Jens Dieckmann

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

Deputy Registrar

Didier Daniel Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Court Interpretation and Translation
Section**

Ms. Alexandra Tomic

I. Introduction

On 8 September 2011, the Trial Chamber ("Chamber") ordered the Prosecution and Registry to file monthly reports on the recruitment and training of Zaghawa interpreters and the translation of witness statements into Zaghawa.¹ The Prosecution and Registry filed their first joint report on 20 October 2011², their second on 21 November 2011 ("Second Joint Report")³, their third on 20 December 2011 ("Third Joint Report")⁴, their fourth on 20 January 2012 ("Fourth Joint Report")⁵, their fifth on 20 February 2012 ("Fifth Joint Report")⁶, and their sixth on 20 March 2012 ("Sixth Joint Report")⁷. The Prosecution and Registry hereby submit their seventh monthly report.

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

(i) Update on the Registry's Training and Recruitment of Zaghawa trainees in the paraprofessional training programme

1. The Registry is preparing for the accreditation examination of the two Zaghawa trainees. This examination is a standard evaluation procedure to assess if the trainees have achieved the required level at the end of their training and to provide recommendations for further honing of interpretation skills. Such an examination have been administered by the Registry for all situation languages where there were no interpreters with the required language combinations since 2006 for Acholi, Swahili Congolese variant,

¹ ICC-02/05-03/09-211.

² ICC-02/05-03/09-236. The filing was notified on 21 October 2011.

³ ICC-02/05-03/09-257.

⁴ ICC-02/05-03/09-267.

⁵ ICC-02/05-03/09-282. The filing was notified on 23 January 2012.

⁶ ICC-02/05-03/09-299.

⁷ ICC-02/05-03/09-311.

Lingala, and Sango. For the Zaghawa trainees, the exam consists of simultaneous and consecutive interpretation test from and into Zaghawa and Arabic and sight translation from Arabic into Zaghawa. The exam will be evaluated by Registry, OTP and Chambers Arabic speaking staff as well as by an external examiner from the Special Tribunal for Lebanon. The examination will be recorded and sent for evaluation for the accuracy and quality of Zaghawa by an external examiner. The examination will take place on Monday 23 April 2012 and the results are expected within few days. The Registry will update the Chamber on the outcome of the examination in the next monthly joint report.

2. The trainees will leave the Court on 27 April. As specified in previous filings, if the trial starts within one year, the trainees will be invited to return for an 8-week refresher and would join two other trainees who would have had an earlier start to the training. Such a team of four would be able to provide interpretation from and into Zaghawa and Arabic for the accused. French and English language interpretation would be provided from Arabic.

(ii) Update on the Registry's Translation of Prosecution's Witness Statements into Zaghawa

3. The Registry has recorded the translation of four witness statements related to three witnesses⁸ as agreed with the OTP. The editing, file naming and uploading of the recordings will be finalised before the trainees leave the Court.

⁸ DAR-OTP-WWWW-0445 (DAR-OTP-0170-0196), DAR-OTP-WWWW-0326 (DAR-OTP-0166-0021), and DAR-OTP-WWWW-0355 (DAR-OTP-0165-0352 and DAR-OTP-0174-0306).

(iii) Update on the OTP's Translation of Witness Statements into Zaghawa

4. On 20 March 2012, the OTP disclosed to the Defence the audio translations in Zaghawa of four Prosecution witness statements⁹, and on 2 April and 20 April 2012 it disclosed a fifth¹⁰ and a sixth one respectively. In accordance with the Chamber's prior decisions, all sets of materials were disclosed in redacted form.
5. As of 23 April 2012, the OTP will proceed to quality-control and redact four additional witness statements (relating to three witnesses)¹¹ translated by the Registry and anticipates being able to disclose one of these by the end of the current month. Since the Registry has now indicated that the Zaghawa staff members will leave the Court on 27 April, the OTP will be the only one working on the translation, quality control and redaction of the remaining incriminatory material falling within the scope of Rule 76(1) of the Rules of Procedure and Evidence ("Rules")¹². While the OTP will do its utmost to finalize the process in an expedited manner, the time of its completion will invariably depend on the amount of additional language resources that may become available in the near future¹³.
6. The Prosecution will continue to disclose the Rule 76(1) translated material as it becomes available, on a rolling basis.

⁹ ICC-02/05-03/09-313.

¹⁰ ICC-02/05-03/09-315.

¹¹ See *supra* footnote no. 8.

¹² Following discussions with the Defence, this material now includes the full transcripts of the audio-recorded interviews of Prosecution witnesses DAR-OTP-WWWW-0307 and DAR-OTP-WWWW-0442. It also includes the relevant portions of the oral testimonies of Prosecution witnesses DAR-OTP-WWWW-0446 (DAR-OTP-0180-0070 and DAR-OTP-0180-0148), DAR-OTP-WWWW-0416, (DAR-OTP-0180-0002), and DAR-OTP-WWWW-0445 (DAR-OTP-0180-0200) before the Pre-Trial Chamber I in the case of the *Prosecutor vs. Bahar Idriss Abu Garda* (ICC-02/05-02/09).

¹³ See *infra* paragraphs 6 and 7.

(iv) Update on the OTP's Efforts at Recruitment of Zaghawa Language Assistants

7. With respect to the OTP's recruitment drives mentioned in its previous joint reports, the remaining candidate from the second vacancy announcement has now successfully passed all the pre-employment formalities and it is anticipated that he will be able to join the OTP prior to the next monthly report¹⁴. As with its other language assistant, the OTP will put this second person through an initial training period prior to assigning him to translate and redact the Rule 76(1) material.
8. As for the third and fourth vacancy announcements referred to in the Sixth Report¹⁵, one candidate is still participating in the process and his suitability for the position will be confirmed as soon as certain outstanding administrative matters are resolved. As for the third applicant mentioned in the same report¹⁶, he was interviewed and passed a language test evaluation on 17 April 2012. Provided that all formalities and pre-employment administrative conditions are met, the OTP will make the necessary arrangements to employ this candidate in the shortest delay possible.

¹⁴ See ICC-02/05-03/09-311, paragraph 7.

¹⁵ See ICC-02/05-03/09-311, paragraph 8.

¹⁶ *Ibid.*

9. The Prosecution will update the Chamber on the progress made in the translation and disclosure of the witness statements and on its recruitment drives in the next monthly joint report.



Luis Moreno-Ocampo
Prosecutor



Didier Daniel Pereira, Deputy Registrar
For Silvana Arbia, Registrar

Dated this 20th day of April 2012
At The Hague, The Netherlands