

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/05-03/09
Date: 21 August 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

Second Prosecution Report on Translation Issues

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Ms. Fatou Bensouda, 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

Defence Support Section

Deputy Registrar

Mr. Didier Daniel Pereira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Court Interpretation and Translation
Section**

Ms. Alexandra Tomic

Introduction

1. On 8 September 2011, Trial Chamber IV (“The Chamber”) ordered the Prosecution and the 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 2011,² and filed additional reports every month thereafter.
2. On 11 July 2012 during a Status Conference, the Chamber decided that the monthly joint reports were no longer necessary and could be suspended,³ but instructed the Prosecution “to continue submitting monthly reports on the translation into Zaghawa by the Prosecution, (...) of the Prosecution witnesses’ statements to be relied on at trial and its disclosure to the Defence”.⁴ The Prosecution submitted its First Report on Translation and Interpretation Issues (“First Report”) on 20 July 2012.⁵ The Prosecution hereby submits its Second Report on Translation Issues.

I. Update on the OTP’s Translation of Witness Statements into Zaghawa

3. As anticipated in its First Report filed on 20 July 2012,⁶ the Prosecution completed the audio-translation of four statements shortly after 20 July and disclosed them to the Defence by 30 July 2012.⁷ Of the four remaining

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-T-17-ENG, page 51, lines 22 to 24.

⁴ ICC-02/05-03/09-T-17-ENG, page 51, lines 19 to 21.

⁵ ICC-02/05-03/09-369.

⁶ ICC-02/05-03/09-369, para 3.

⁷ Statement of Witness P-0420 (DAR-OTP-0165-0521), second statement of Witness P-0446 (DAR-OTP-0176-0018) and of Witness P-0315 (second statement DAR-OTP-0174-0334) in INCRIM package 27 disclosed on 27th of July 2012; First statement of Witness P-0315 (DAR-OTP-0164-1159) in INCRIM package 28 disclosed on 30th of July 2012.

statements pending for translation,⁸ the Prosecution has completed the audio-translation of two further statements.⁹ The first completed statement was disclosed to the Defence on 9 August 2012.¹⁰ The second statement was completed on 10 August 2012.¹¹ The Prosecution disclosed the audio-translation of the second statement to the Defence on 17 August 2012.¹² The Prosecution expects to complete the translation of the third statement¹³ early during the week commencing 20 August 2012 and disclose it to the Defence as soon as it is finalized.

4. It is expected that the final witness statement¹⁴ will be completed by 31 August 2012. Accordingly, the Prosecution anticipates that it will be able to disclose to the Defence the audio-translation of this statement during the week commencing 3 September 2012.
5. The Prosecution therefore anticipates that by its next update on 20 September 2012, it will have completed and disclosed the Zaghawa audio translations of all the statements that the OTP collected from witnesses it intends to rely upon at trial pursuant to Rule 111.¹⁵
6. In the week commencing 3 September 2012 the Prosecution will start audio-translating the remaining items of incriminating evidence falling within the scope of Rule 76(1) and (3)¹⁶ (including those statements obtained in transcript form pursuant to Rule 112) as outlined in its oral submissions before the

⁸ ICC-02/05-03/09-369, para 4.

⁹ Statement of Witness P-0487 (DAR-OTP-0181-0158), Statement of Witness P-0485 (DAR-OTP-0181-0177).

¹⁰ Statement of P-0487 (DAR-OTP-0181-0158) in INCRIM package 29.

¹¹ Statement of Witness P-0485 (DAR-OTP-0181-0177).

¹² INCRIM package 30.

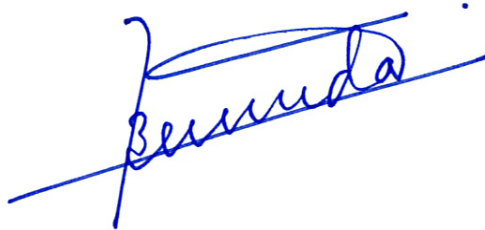
¹³ Statement of Witness P-0486 (DAR-OTP-0181-0204).

¹⁴ Statement of Witness P-0439 (DAR-OTP-0175-0002).

¹⁵ ICC-02/05-03/09-T-17-ENG, page 44, lines 10 to 13.

¹⁶ ICC-02/05-03/09-T-17-ENG, page 44, lines 14 to 25, page 45 lines 1 to 8.

Chamber on 11 July 2012.¹⁷ The Prosecution will inform the Chamber of its progress in the next monthly report on 20 September 2012.



Fatou Bensouda

Prosecutor

Dated this 21st day of August 2012

At The Hague, The Netherlands

¹⁷ ICC-02/05-03/09-T-17-ENG, page 44, lines 15 to 15, page 45 lines 1 to 8.