

**Cour
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**International
Criminal
Court**



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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

Sixth 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:

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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 in the months thereafter.

2. On 11 July 2012 during a Status Conference, the Chamber decided that the joint monthly reports were no longer necessary and could be suspended,³ but instructed the Prosecution alone to continue submitting monthly reports on the translation into Zaghawa of the Prosecution witness statements and related materials to be relied on at trial and their disclosure to the Defence.⁴ The Prosecution submitted its “First Report on Translation and Interpretation Issues” on 20 July 2012,⁵ its second report on 21 August 2012,⁶ its third report on 20 September 2012,⁷ its fourth report on 22 October 2012⁸ and its fifth report on 20 November 2012.⁹ The Prosecution hereby submits the Sixth Report on Translation Issues.

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

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-02/05-03/09-382.

⁷ ICC-02/05-03/09-395.

⁸ ICC-02/05-03/09-408.

⁹ ICC-02/05-03/09-424.

3. As notified in the last report,¹⁰ the Prosecution has continued the audio-translation into Zaghawa of the remaining items of incriminating material falling within the scope of Rule 76(1) and (3). The transcripts of Witness P-0442's two interviews are still being translated. Since the last update¹¹, the Prosecution has audio- translated five additional parts of the interview transcripts - totalling 172 pages.¹² At this time, fifteen parts (totalling 470 pages) of the interviews have now been fully audio-translated into Zaghawa.
4. As anticipated in its last report,¹³ the transcripts of P-0442 interviews will be completed by mid-January 2013, following which the Prosecution will start translating the transcript of Witness P-0307's interview.¹⁴ It is estimated that the audio-translation of Witness P-0307's interview will be completed by mid-February 2013.
5. The Prosecution has now started translating the second of the three remaining categories of material falling within the scope of Rule 76(1) and (3), i.e. sketches, pictures, x-rays, medical reports annexed to certain witness statements, as well as transcripts of videos. In this regard, two annexes, totalling 19 pages, have already been translated.¹⁵
6. Finally, the Prosecution has also started translating the third and last category of items¹⁶ comprising the "prior witness statements" (oral testimonies) of three witnesses (P-0416, P-0445 and P-446) who testified in the *Prosecutor v. Bahar Idriss Abu Garda*; and one witness (P-0455) who testified in *The*

¹⁰ ICC-02/05-03/09-424.

¹¹ ICC-02/05-03/09-424.

¹² DAR-OTP-0172-0265, DAR-OTP-0172-0479 and DAR-OTP-0172-0524.

¹³ ICC-02/05-03/09-424, paras 4-5.

¹⁴ DAR-OTP-0158-0026, DAR-OTP-0158-0073, DAR-OTP-0158-0115, DAR-OTP-0158-0150, DAR-OTP-0158-0182, DAR-OTP-0158-0203 and DAR-OTP-0158-0222.

¹⁵ DAR-OTP-0170-0238 and DAR-OTP-0174-0358.

¹⁶ ICC-02/05-03/09-T-17-ENG, page 45 lines 1-5.

Prosecutor v. Jean-Pierre Bemba Gombo.¹⁷ All of the transcripts relating to witnesses in the *Prosecutor v Bahar Idriss Abu Garda* have now been translated.¹⁸

7. It is still anticipated that all of the remaining material will be translated within the timelines provided to the Chamber during the 11 July 2012 Status Conference, i.e. end of March 2013. ¹⁹ The Prosecution will update the Chamber on its progress in the next monthly report due by 21 January 2013.



Fatou Bensouda

Prosecutor

Dated this 20th day of December 2012

At The Hague, The Netherlands

¹⁷ P-0416: DAR-OTP-0180-0002, P-0446: DAR-OTP-0180-0070, DAR-OTP-0180-0148 and P-0445: DAR-OTP-0180-0200.

¹⁸ P-0416: DAR-OTP-0180-0002, P-0446: DAR-OTP-0180-0070, DAR-OTP-0180-0148 and P-0445: DAR-OTP-0180-0200.

¹⁹ ICC-02/05-03/09-T-17-ENG, page 45, lines 17-20.