

**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

Eighth 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 updating 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 2012,⁸ its fifth report on 20 November 2012,⁹ its sixth on 20 December 2012¹⁰ and its seventh report on 21 January 2013.¹¹ The Prosecution hereby submits the Eighth Report on Translation Issues.

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.

¹⁰ ICC-02/05-03/09-432.

¹¹ ICC-02/05-03/09-440.

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

3. Since the last update,¹² the Prosecution has audio-translated the final transcript¹³ of Witness P-0442's second interview, thus completing the audio-translation of that witness' interviews. As anticipated,¹⁴ the Prosecution expects to have disclosed the audio-translations of Witness P-0442's first and second interviews by 28 February 2013.
4. As notified in the last report,¹⁵ 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), and since the last update,¹⁶ audio-translated four¹⁷ out of seven parts of the Witness P-0307's interview transcripts. It is expected that the remaining three parts of the interview transcript¹⁸ will be completed within the week commencing 18 February 2013.
5. The Prosecution also continues audio-translation of 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. Beside the two annexes already translated,¹⁹ the Prosecution also completed audio-translation of the templates (totalling 20 pages) for the victims' applications relating to the dual status witnesses.²⁰

¹² ICC-02/05-03/09-440, para 3.

¹³ DAR-OTP-0181-0469.

¹⁴ ICC-02/05-03/09-440, para 3.

¹⁵ ICC-02/05-03/09-440, para 3.

¹⁶ ICC-02/05-03/09-440.

¹⁷ DAR-OTP-0158-0115, DAR-OTP-0158-0150, DAR-OTP-0158-0182, DAR-OTP-0158-0203.

¹⁸ DAR-OTP-0158-0026, DAR-OTP-0158-0073 and DAR-OTP-0158-0222.

¹⁹ DAR-OTP-0170-0238 and DAR-OTP-0174-0358.

²⁰ ICC-02/05-03/09-50-Conf-Exp-Anx26; ICC-02/05-03/09-50-Conf-Exp-Anx27; ICC-02/05-03/09-50-Conf-Exp-Anx68; ICC-02/05-03/09-50-Conf-Exp-Anx76; ICC-02/05-03/09-50-Conf-Exp-Anx80; ICC-02/05-03/09-50-Conf-Exp-Anx81.

6. In the last report, the Prosecution informed the Chamber that it had completed the audio-translation of the transcripts relating to witnesses who testified in the *Prosecutor v. Bahar Idriss Abu Garda*,²¹ but that the audio-translation of the prior testimony of witness P-0445 (who testified in *The Prosecutor v. Jean-Pierre Bemba Gombo*) remained outstanding. However, following *inter partes* discussions, the Defence has now indicated that it does not require this material to be audio-translated.
7. It is still anticipated that all of the remaining material will be translated by the end of March 2013.²² The Prosecution will update the Chamber on its progress in the next monthly report due by 20 March 2013.



Fatou Bensouda

Prosecutor

Dated this 20th day of February 2013

At The Hague, The Netherlands

²¹ P-0416: DAR-OTP-0180-0002, P-0446: DAR-OTP-0180-0070, DAR-OTP-0180-0148 and P-0445: DAR-OTP-0180-0200.

²² ICC-02/05-03/09-T-17-ENG, page 45, lines 17-20.