

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 20 March 2013

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

Ninth 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 2012,¹⁰ its seventh report on 21 January 2013¹¹ and its eighth report on 20 February 2013.¹² The Prosecution hereby submits the Ninth Report on Translation Issues.

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

3. As anticipated in its last update,¹³ the Prosecution has completed and disclosed to the Defence the audio-translations of first and second interviews of the witness P-0442.¹⁴ Equally, the Prosecution has now completed the audio-translation of the final three parts of

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.

¹² ICC-02/05-03/09-452.

¹³ ICC-02/05-03/09-452, para 3.

¹⁴ INCRIM package 39 – disclosed on 20 February 2013 – Zaghawa translation of first interview of P-0442; INCRIM package 40 - disclosed on 7 February 2013 – Zaghawa translation of second or re-interview of P-0442.

the witness P-0307 interview transcript¹⁵ thus completing the entire audio-translation of this witness's interview transcript. The translation was disclosed to the Defence on 19 March 2013.¹⁶

4. The Prosecution continues the audio-translation into Zaghawa of the remaining items i.e. the second of the three remaining categories of material falling within the scope of Rule 76(1) and (3): sketches, pictures, x-rays, medical reports annexed to certain witness statements and transcripts of videos. Material remaining for translation also includes the relevant paragraphs of the Document Containing the Charges, selected annexes to witness statements and certain portions of the victims' applications.

5. The Prosecution proposes to retain two of the Zaghawa language assistants for an additional month – beyond the end of March 2013 – to address any possible emerging tasks and to implement the lifting of redactions to translations already disclosed.



Fatou Bensouda

Prosecutor

Dated this 20th day of March 2013

At The Hague, The Netherlands

¹⁵ DAR-OTP-0158-0026; DAR-OTP-0158-0073 and DAR-OTP-0158-0222.

¹⁶ INCRIM package 41.