

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 April 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

Tenth 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
Mr. James Stewart
Mr. Ade Omofade

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

Mr. Herman von Hebel

Defence Support Section

Deputy Registrar

Mr. Didier Daniel Preira

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 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, its eighth report on 20 February 2013¹² and ninth report on 20th March 2013.¹³ Hereby the Prosecution submits its tenth report on translation issues.

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

3. Since the last update,¹⁴ the Prosecution has completed the audio-translations of the remaining 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

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-02/05-03/09-456.

¹⁴ ICC-02/05-03/09-456, para 7.

transcripts of videos. The translated material includes the relevant paragraphs of the Document Containing the Charges, selected annexes to witness statements, and the victims' applications.¹⁵

4. The Prosecution has also completed the audio-translation of the transcripts of the three witnesses who testified in *Prosecutor v. Bahar Idriss Abu Garda*.¹⁶ The Prosecution disclosed these transcripts to the Defence on 9 April 2013.¹⁷

5. The Prosecution is now in the process of lifting certain redactions to the Zaghawa audio-translated material already disclosed to the Defence. As related in the last update,¹⁸ two Zaghawa translators were retained for a month beyond March 2013, and are working on the lifting of the relevant redactions. The Prosecution anticipates that it will have completed the lifting of the redactions and re-disclosed all the relevant material to the Defence by 2 May 2013.



Fatou Bensouda

Prosecutor

Dated this 22nd day of April 2013

At The Hague, The Netherlands

¹⁵ 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.

¹⁶ P-0416: DAR-OTP-0180-0002, P-0446: DAR-OTP-0180-0070, DAR-OTP-0180-0148 and P-0445: DAR-OTP-0180-0200.

¹⁷ INCRIM package 42.

¹⁸ ICC-02/05-03/09-456, para 6.