

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 19 September 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR V. BOSCO NTAGANDA***

Public

Decision Requesting Observations from the Interpretation and Translation Section

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

The Office of the Prosecutor
Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Defence
Marc Desalliers

Legal Representatives of the Victims

Legal Representatives of the 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 & Deputy Registrar
Herman Von Hebel
Didier Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Interpretation and Translation Section
Alexandra Tomic
Aida Camara

Judge Ekaterina Trendafilova, acting as Single Judge on behalf of Pre-Trial Chamber II (the “Chamber”) of the International Criminal Court (the “Court”)¹ hereby issues this decision requesting observations from the Interpretation and Translation Section.

1. On 22 March 2013, the Single Judge issued the “Decision on Setting the Date for the Initial Appearance and Related Issues”, in which she, *inter alia*, noted Bosco Ntaganda’s voluntary surrender to the Court² and decided to convene a hearing for his initial appearance on 26 March 2013.³ During the initial appearance, it was decided that “23 September 2013 is the date for the commencement of the confirmation hearing”.⁴

2. On 12 April 2013, the Single Judge established the regime for evidence disclosure in the present case.⁵

3. On 17 May 2013, the Single Judge issued the “Decision Establishing a Calendar for the Disclosure of Evidence Between the Parties” (the “Calendar Decision”).⁶ With regard to the issue of translation of evidence into Kinyarwanda, and in particular the evidence disclosed from the first batch for which no redactions or protective measures are sought, the Single Judge stated that the Defence of Bosco Ntaganda (“Mr. Ntaganda”) may “request, to the extent necessary, the translation of evidence which is core for the preparation of the defence.”⁷

4. On 17 June 2013, following a request by the Prosecutor and after having considered the submissions of the Defence, the Single Judge issued the “Decision on the

¹ Pre-Trial Chamber II, “Decision Designating a Single Judge”, ICC-01/04-02/06-40, p. 4.

² Pre-Trial Chamber II, ICC-01/04-02/06-41, p. 4.

³ Pre-Trial Chamber II, ICC-01/04-02/06-41, p. 5.

⁴ Pre-Trial Chamber II, Transcript of Hearing, 26 March 2013, ICC-01/04-02/06-T-2-ENG ET, p. 12, lines 2-3.

⁵ Pre-Trial Chamber II, “Decision Setting the Regime for Evidence Disclosure and Other Related Matters”, 12 April 2013, ICC-01/04-02/06-47.

⁶ Pre-Trial Chamber II, ICC-01/04-02/06-64.

⁷ Pre-Trial Chamber II, ICC-01/04-02/06-64, para. 21.

‘Prosecution’s Urgent Request to Postpone the Date of the Confirmation Hearing’”.⁸ In that decision, the Single Judge decided, *inter alia*:

- a) [...] to postpone the initial date set for the commencement of the confirmation hearing;
- b) [...] that the new date for the confirmation of charges hearing is Monday, 10 February 2014;
- c) [...] to retain the principles established in the Calendar Decision and suspend *only* the remaining deadlines set out in that decision;⁹

5. In addition, with regard to the issue of translation of evidence into Kinyarwanda, the Single Judge decided that the Defence:

- (i) should submit, no later than Tuesday, 17 September 2013, a request for translation to the Chamber if it wishes to have translated into Kinyarwanda the core evidence of the first batch, where no redactions or protective measures are sought, and which is essential for the preparation of the defence;¹⁰

6. On 17 September 2013, the Defence filed the “*Demande de la Défense aux fins de traduction en kinyarwanda de certains des principaux éléments de preuve*” (the “Request”),¹¹ in which it requests the translation into Kinyarwanda of the transcripts of the testimonies rendered by certain witnesses before Trial Chamber I in the course of the trial proceedings against Thomas Lubanga Dyilo.¹² In particular, the Defence requests the translation of the following pieces of evidence:

- Concernant le témoin P-0016 : les pièces DRC-OTP-2054-1538 et DRC-OTP-2054-1703;
- Concernant le témoin P-0017 : les pièces DRC-OTP-2054-2007, DRC-OTP-2054-2192, DRC-OTP-2054-2370 et DRC-OTP-2054-2524;
- Concernant le témoin P-0038 : les pièces DRC-OTP-2054-4774 et DRC-OTP-2054-4939;
- Concernant le témoin P-0055 : les pièces DRC-OTP-2054-7372, DRC-OTP-2054-7516, DRC-OTP-2054-7697, DRC-OTP-2054-7855 et DRC-OTP-2054-8008.¹³

⁸ Pre-Trial Chamber II, ICC-01/04-02/06-73.

⁹ Pre-Trial Chamber II, ICC-01/04-02/06-73, p. 19.

¹⁰ Pre-Trial Chamber II, ICC-01/04-02/06-73, pp. 21-22.

¹¹ ICC-01/04-02/06-107.

¹² ICC-01/04-02/06-107, para. 5.

¹³ ICC-01/04-02/06-107, para. 9.

7. The Single Judge notes articles 21(1)(a) and (3), 43(1), 61 and 67 of the Rome Statute (the "Statute"), and rules 20(1) and 76(3) of the Rules of Procedure and Evidence (the "Rules").

8. The Single Judge observes that, in its Request, the Defence submits that a draft translation of the abovementioned pieces of evidence will suffice to put Mr. Ntaganda in a position to understand the evidence that is essential for the preparation of his defence.¹⁴

9. The Single Judge recalls her duty to ensure that proceedings are conducted in a fair and expeditious manner, in accordance with article 67 of the Statute. She is also mindful of the responsibility of the Registrar, pursuant to rule 20 of the Rules, "to organize the staff of the Registry in a manner that promotes the rights of the defence, consistent with the principle of fair trial as defined in the Statute".

10. Accordingly, the Single Judge considers it necessary to request observations from the Registry, in particular from the Interpretation and Translation Section on the Request and more specifically to indicate to the Chamber an estimate of the amount of days required to translate into Kinyarwanda the evidence referred to by the Defence in the Request, as reflected in paragraph 6 of the present decision.

¹⁴ ICC-01/04-02/06-107, para. 7.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

requests the Interpretation and Translation Section to submit to the Chamber a report containing the information outlined in paragraph 10 of the present decision, by no later than **Monday, 23 September 2013**.

Done in both English and French, the English version being authoritative.



Judge Ekaterina Trendafilova
Single Judge

Dated this Thursday, 19 September 2013

At The Hague, The Netherlands