

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/04-02/06
Date: 14 October 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

Public

Prosecution and Registry Joint Report on Translations

Source: Office of the Prosecutor and Registry

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

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Introduction

1. Further to the Single Judge's order dated 24 September 2013, the Prosecution and the Registry hereby file a joint report on the translation into Kinyarwanda of evidence the Defence identified as necessary for its preparation.

Procedural Background

2. On 17 May 2013, the Single Judge decided that the Defence should submit by 17 September 2013 a request for evidence it requests to be translated.¹
3. On 17 September 2013, the Defence filed a request for the translation into Kinyarwanda of the trial transcripts of the testimony of four witnesses in the proceedings against Thomas Lubanga Dyilo.² The Defence submitted that draft translations will suffice to put the suspect in a position to understand the evidence.³
4. On 19 September 2013, the Single Judge instructed the Registry to submit observations on the amount of days required to translate into Kinyarwanda the evidence in the Defence's request for translation.⁴ On 23 September 2013, the Registry filed its observations.⁵
5. On 24 September 2013, the Single Judge instructed the Defence to liaise with the Prosecutor and the Interpretation and Translation Section of the Registry ("STIC") on the exact number of pages to be translated into Kinyarwanda.⁶ In the same decision, the Single Judge instructed the Prosecutor and the Registry to submit to the Chamber a joint report on the translation process by 14 October 2013.

¹ ICC-01/04-02/06-73, para.19.

² ICC-01/04-02/06-107.

³ ICC-01/04-02/06-107, para.7.

⁴ ICC-01/04-02/06-110.

⁵ ICC-01/04-02/06-114.

⁶ ICC-01/04-02/06-115, p.7.

6. On 26 September 2013, the Defence provided the precise pages it requests to be translated into Kinyarwanda from the trial testimony of four witnesses.⁷ The total number of pages for translation from this request is 718 pages.

Prosecution and Registry Joint Report on the Translation Process

7. Once it became clear that Mr. Ntaganda would request translation into Kinyarwanda of certain prior statements of Prosecution witnesses, the Prosecution requested funds on a contingency basis to cover the anticipated costs of these translations.
8. The Prosecution also secured a pool of available Kinyarwanda translators to respond to the Defence's requests (a combination of in-house translators and outsourcing) given the need to have multiple translators assigned to the project to avoid a potential impact on the confirmation hearing date. The Registry is in contact with two additional Kinyarwanda translators who will be made available to assist the Prosecution in translating the relevant evidence. The Registry's translators will be tasked and paid by the Prosecution.
9. Based on the Defence's current request for translations, it will take approximately 30 weeks for one person to translate 718 pages into Kinyarwanda, at the rate of 5 pages per day, 5 days per week (draft translation only and non-urgent rate). With the combined Prosecution and Registry translation resources assigned to the project (8 persons), the current time estimate to finalize the draft translations requested by the Defence is 4 weeks.
10. During the period that the Prosecution is translating the trial transcripts of these four witnesses, it will not be translating any other material. The Registry further notes that by providing the Prosecution with its Kinyarwanda translators, its

⁷ Email from the Defence to the Prosecution and Registry, 26 September 2013 at 16:35.

capacity to provide translations of other materials into Kinyarwanda will be greatly impaired.

11. The Prosecution has inquired with the Registry (Court Management Section) to obtain the WORD versions of the relevant trial transcripts, which will greatly facilitate the translation exercise. The Registry has confirmed that these transcripts are available.
12. Lastly, due to the confidential nature of the trial testimony of these witnesses and the protective measures imposed by Trial Chamber I, the Prosecution will redact the closed session testimony from any materials that are outsourced for translation, with the confidential portion of the testimony thereafter translated by the Prosecution's in-house translation resources. When setting a final completion date for the translations, it will be important to factor in the time taken to make redactions and to lift them in the outsourced material, which will take up to an additional five days.



Fatou Bensouda, Prosecutor



Herman von Hebel, Registrar

Dated this 14th Day of October 2013
At The Hague, the Netherlands