

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 23 December 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

Prosecution's Response to the « Demande de la Défense aux fins de traduction en kinyarwanda des dépositions écrites des témoins à charge P-0055, P-0315, P-0317, P-0758, P-0761, P-0773, P-0792, P-0804, P-0805 et P-0806 »

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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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

Other

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Procedural Background

1. On 17 June 2013, the Chamber issued a decision to postpone the date of the confirmation hearing.¹ In the Decision, the Chamber instructed the Defence to submit a request for translation into Kinyarwanda no later than two weeks after the disclosure of the core evidence for which redactions or protective measures were sought.
2. On 19 December 2013, the Defence requested the translation into Kinyarwanda (draft translations) of ten witness statements: the entirety of the transcripts of P-0055's interview and parts of the statements of P-0315, P-0317, P-0758, P-0761, P-0773, P-0792, P-0804, P-0805 and P-0806 (the "Defence Request").²
3. Additionally, the Defence requested disclosure of the translations of any other statements currently completed by the Prosecution but not included in the Defence Request.³

Prosecution's Submissions

4. The Prosecution confirms that it has completed draft translations of the statements of P-0761 and P-0773. The translations of the statements of P-0758, P-0792, P-0804, P-0805 and P-0806 will be completed by 24 December 2013. Thereafter, the Prosecution must implement redactions which have already been approved by the Single Judge.⁴ The Prosecution is able to disclose the redacted translations by 10 January 2014.
5. The remaining statements in the Defence Request, namely those of P-0055, P-0315 and P-0317, are outstanding. The Prosecution can complete the translations of the

¹ ICC-01/04-02/06-73.

² ICC-01/04-02/06-187, paras. 6-8.

³ ICC-01/04-02/06-187, para. 9.

⁴ ICC-01/04-02/06-165-Conf-Exp-AnxII.

statements of P-0315 and P-0317, and apply redactions that have already been approved by the Single Judge,⁵ by 10 January 2014.

6. The transcripts of P-0055 will require more time to complete: there are 265 pages of interview to translate. At present, three external translators are available to work on this translation. The Prosecution's internal translation resources are fully engaged in completing the translations described above, applying redactions, and translating the Document Containing the Charges, all required by 10 January 2014. The Prosecution will need to implement identity redactions to P-0055's interview transcripts prior to outsourcing. The redacted information will be translated internally and then re-inserted into P-0055's transcripts.
7. The Prosecution will disclose the audio recording of P-0055's interview by 10 January 2014,⁶ with redactions already approved by the Single Judge.⁷
8. Given the holiday period and the available resources at present, the Prosecution estimates that it can complete the translation of P-0055's transcripts and apply redactions as approved by the Single Judge to both the transcripts and the audio recording by 22 January 2014.
9. In relation to the Defence Request for disclosure of any other translations that have been completed but that have not been specifically requested,⁸ the Prosecution confirms that it has completed the translation of statements of P-0018, P-0019 and P-0108. The Prosecution will need to implement the redactions that have already been approved by the Single Judge.⁹ The Prosecution is able to

⁵ ICC-01/04-02/06-165-Conf-Exp-AnxII.

⁶ The Single Judge approved delayed disclosure of the audio recordings until such time as the final version of the transcripts is complete: ICC-01/04-02/06-165-Conf-Red, para. 41.

⁷ ICC-01/04-02/06-165-Conf-Exp-AnxII, pp.20-50.

⁸ ICC-01/04-02/06-187, para. 9.

⁹ For P-0108, the redactions were approved in ICC-01/04-02/06-165-Conf-Exp-AnxII, pp. 51-60. For P-0018 and P-0019, the redactions were approved in ICC-01/04-02/06-145-Conf-Exp-Anx2, at pages 12-27 and ICC-01/04-02/06-145-Conf-Exp-Anx2, at pages 35-42.

disclose these translations with redactions to the Defence by 10 January 2014, should the Single Judge deem it appropriate to do so.



Fatou Bensouda,
Prosecutor

Dated this 23rd Day of December 2013
At The Hague, the Netherlands