

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-02/06
3 April 2017

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Public

Order concerning certain translation matters referred to the Registry

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
Ms Nicole Samson

Counsel for Bosco Ntaganda

Mr Stéphane Bourgon
Mr Christopher Gosnell

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

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

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 64 of the Rome Statute and Rule 137 of the Rules of Procedure and Evidence, issues this 'Order concerning certain translation matters referred to the Registry'.

1. On 19 October 2016, pursuant to its 'Decision on the conduct of proceedings',¹ the Chamber, *inter alia*, set a deadline for the filing of joint parties' submissions on transcripts and translations marked for identification.²
2. On 12 December 2016, the Office of the Prosecutor ('Prosecution') transmitted to the Chamber a chart identifying outstanding disagreements with the defence team for Mr Ntaganda on the transcripts and translations of audio-visual material admitted during the first three evidentiary blocks.³
3. On 28 December 2016, the Chamber referred these outstanding disagreements to the Language Services Section of the Registry, in order to review the relevant portions, as set out in the annex to its order, ensure their accuracy, and report to the Chamber by 17 March 2017.⁴
4. On 17 March 2017, the Registry filed its report,⁵ informing the Chamber of the challenges encountered, the methodology used and setting out its observations on the contested portions of the material transmitted for review.
5. The Chamber takes note of the difficulties encountered by the Registry in reviewing the material and, in order to ensure the accuracy of these transcripts and translations, finds it necessary to seek further clarification. To facilitate the implementation of the Registry's proposals by the Prosecution, the Registry is

¹ ICC-01/04-02/06-619.

² Order setting certain deadlines related to the end of the presentation of evidence by the Prosecution, ICC-01/04-02/06-1588, para. 15. A corrigendum was filed on 12 December 2016 (ICC-01/04-02/06-1588-Corr).

³ E-mail communication from the Prosecution to the Chamber on 12 December 2016 at 11:48.

⁴ Order referring certain translation matters to the Registry, ICC-01/04-02/06-1705, with one confidential Annex.

⁵ Report on the "Order referring certain translation matters to the Registry", ICC-01/04-02/06-1828, with three confidential Annexes.

directed to submit amended versions of its Annexes B and C, in which, for all contested portions, it provides, between brackets, an expression or direct speech to be included in the relevant parts of the transcripts and translations.⁶

6. Finally, and noting the Registry's observations on this matter,⁷ the Chamber finds it appropriate to reclassify Annex A to the Registry's report as 'public'.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

DIRECTS the Registry to submit complementary observations on the portions of the transcripts and translation already transferred for review, as specified at paragraph 5 of the present order, by no later than 7 April 2017.

ORDERS the Prosecution to upload and release on Ringtail by 13 April 2017, amended versions of the abovementioned documents, implementing the Registry's observations;

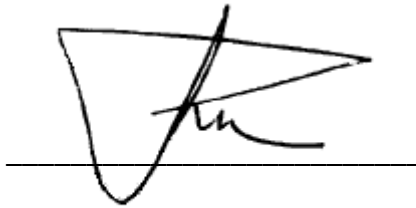
DIRECTS the Registry to update the E-Court metadata thereafter to reflect the amended documents' admitted status as Prosecution exhibits; and

DIRECTS the Registry to reclassify ICC-01/04-02/06-1828-Conf-AnxA as public.

⁶ In this regard, the Chamber notes the observations provided at Annex B, p. 16, l. 2 (or Annex C, p. 15, l. 3); Annex B, p. 17, l. 1 (or Annex C, p. 16, l. 1); Annex B, p. 26, l. 2 (or Annex C, p. 23, l. 2); Annex B, p. 28, l. 2 (or Annex C, p. 25, l. 1); Annex B, p. 31, l. 2 (or Annex C, p. 28, l. 2); Annex B, p. 37, l. 1 (or Annex C, p. 34, l. 1); Annex B, p. 38, l. 2 (or Annex C, p. 36, l. 1). In light of the poor sound quality of the audio/visual material referred to the Registry, the Chamber is of the understanding that the Registry proposal, for some portions, may simply be that the expression '[inaudible]' be included in the relevant part of the transcripts or translation. Where possible, the audible words before and after the inaudible portion should be specified to assist in the implementation of the Registry's observations.

⁷ ICC-01/04-02/06-1828, para. 3.

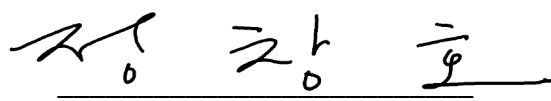
Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a large, stylized 'F' followed by a cursive 'm', written over a horizontal line.

Judge Robert Fremr, Presiding Judge

A handwritten signature in black ink, appearing to be 'Kuniko Ozaki' in a cursive script, written over a horizontal line.

Judge Kuniko Ozaki

A handwritten signature in black ink, consisting of stylized Korean characters, written over a horizontal line.

Judge Chang-ho Chung

Dated 3 April 2017

At The Hague, The Netherlands