



Anand Shah <Redacted>

Re: Reducing translation burden

Zago, Alice <Redacted>

Fri, Aug 5, 2011 at 3:15 PM

To: Leigh Lawrie <Redacted>

Cc: "Omofade, Adebawale" <Redacted>

"Popova, Biljana" <Redacted>

"Baiesu, Victor" <Redacted>

Nick Koumjian <Redacted>

karim khan

<Redacted>

Ibrahim Yillah <Redacted>

Aidan Ellis <Redacted>

Anna Katulu <Redacted>

Anand Shah <Redacted>

Dear Counsel,

In paragraphs 9 & 10 of the Prosecution filing made on 14 April 2011, we outlined an approximate page-count of the documents that would need to be translated into Zaghawa in fulfilment of the R76 obligation, in the absence of any concession or waiver from the Defence. We also highlighted the difficulties that this would involve.

At the subsequent status conference on 19 April, in response to the President's question as to why such translation would take approximately 30 months, we again alluded to these difficulties, and suggested that the same pragmatic manner in which this was dealt with at the pre-trial stage where the Defence was kind enough to agree that only summaries of **all** the witnesses statements be translated into Zaghawa would reduce the translation burden considerably.

You may recall that at the pre-trial stage, following this waiver by the Defence, we summarised **all** of the 22 statements (including both transcripts and those of the AMIS witnesses, third-party witnesses and 439) before translating them into Zaghawa. These summaries and their corresponding Zaghawa audio translations were then disclosed to the Defence in fulfilment of R76.

By way of example, witness 439's statement (which is was not in transcript form and was only 56 pages long) was reduced to a summary of 11 pages, and so on. This is the procedure that the Prosecution has been referring to all along when we suggested adopting the procedure that was adopted at the pre-trial stage. The Defence may also recall that at the pre-trial stage, the prosecution opted to rely on summaries of those of its witnesses that had provided statements in transcript form. Even these summaries were then further reduced and reworded to enable their efficient translation into Zaghawa. For instance, the summary of witness 307 was reduced from its original 26 pages to 12 pages, and so on.

Based on the email of this morning, it appears that the Defence is proposing that this procedure cannot be agreed to at the trial stage, and that only in the case of witnesses 442 and 307 would the Defence accept summarized statements. The Prosecution sees no difficulty in reformatting the summaries of these two witnesses as suggested, and obtaining their signatures thereto, however it will not significantly reduce the translation burden if full statements as opposed to summaries for the remaining 10 Prosecution witnesses are required.

While a solution that could be agreeable to the Defence was still being reached, we could not have commenced the translation of any of the witnesses' full statements in full into Zaghawa until we had clarity on the manner in which the R76 obligation would be resolved. Indeed, this is also what the Chamber had in mind when they suggested that we

propose practical solutions as to how this translation burden could be reduced.

In the current Prosecution's list of 12 witnesses, there are 2 statements in transcript form (442 and 307) while the remaining 10 are in the usual statement form. [Please be informed that the Prosecution has just filed with the CMS an updated - public - list of trial witnesses adding 3 further witnesses to the list of 12].

If, as the Defence now confirms, even those statements that were obtained in the usual manner (as well as the DCC and pre-trial brief) should be translated **in full**, the Prosecution would need to revert to the Chamber with a revised page-count, as this will certainly have a different bearing on the time it will take to conclude the translation – different from the estimate that we provided to the chamber at the last status conference (see pages 10-12 of transcript of 12 July hearing).

Conversely, should the Defence be agreeable to the Prosecution's proposal on how to address the translation of the 10 witnesses' statements (in summary form), we propose that both Parties inform the Chamber accordingly in a joint filing. This proposal could also include that the Prosecution will obtain signed versions of the summarised statements of witnesses 442 and 307.

Please do not hesitate to further contact us should you require any further clarifications.

Kind regards,

Alice Zago

From: Anand Shah [mailto:**Redacted**]

Sent: 05 August 2011 11:46

To: Zago, Alice

Cc: Omofade, Adebowale; Popova, Biljana; Baiesu, Victor; Nick Koumjian; karim khan; Ibrahim Yillah; Leigh Lawrie; Aidan Ellis; Anna Katulu

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]
