

Annex

Lawrie, Leigh

From: Zago, Alice
Sent: 20 September 2011 15:31
To: Lawrie, Leigh
Cc: Omofade, Adebawale; Sachdeva, Manoj; Baiesu, Victor; Popova, Biljana; Nick Koumjian; Khan, Karim; Shah, Anand Ajay
Subject: RE: Consultation on proposed "Common Plan of Action" (TC IV order # 211)

Dear Leigh,

The Prosecution reiterates its appreciation for receiving the Defence's views on the "common plan of action". Due to the nature of the filing required by the Chamber, i.e.: Prosecution *and* Registry joint filing, it was deemed more appropriate to not reflect the views expressed by the Defence, however the Defence may deem it appropriate to formally express its views in response.

Best regards,

Alice

From: Zago, Alice
Sent: 16 September 2011 17:26
To: 'Lawrie, Leigh'
Cc: Omofade, Adebawale; Sachdeva, Manoj; Baiesu, Victor; Popova, Biljana; Shah, Anand Ajay; Khan, Karim; Nick Koumjian
Subject: RE: Consultation on proposed "Common Plan of Action" (TC IV order # 211)

Thank you, Leigh, your cooperation is appreciated.

Best,

Alice

From: Lawrie, Leigh
Sent: 16 September 2011 15:40
To: Zago, Alice
Cc: Omofade, Adebawale; Sachdeva, Manoj; Baiesu, Victor; Popova, Biljana; Shah, Anand Ajay; Khan, Karim; Nick Koumjian
Subject: RE: Consultation on proposed "Common Plan of Action" (TC IV order # 211)

Dear Alice

The Defence views may be shared with the Registry.

Kind regards

Leigh

From: Zago, Alice
Sent: 16 September 2011 15:28
To: Lawrie, Leigh
Cc: Omofade, Adebawale; Sachdeva, Manoj; Baiesu, Victor; Popova, Biljana; Shah, Anand Ajay;

; Khan, Karim; Nick Koumjian

Subject: RE: Consultation on proposed "Common Plan of Action" (TC IV order # 211)

Dear Leigh,

On behalf of the Prosecution let me thank the Defence for the prompt response on this matter.

As you are aware, the Prosecution and the Registry are ordered by the Chamber to submit a 'common plan of action' and file it jointly (on 20 September). To that end, in order to assist the Prosecution in its further discussions with the Registry, we would be grateful if you could let us know if the Defence will have any inconvenience in the Prosecution sharing the information contained in your email below with the Registry.

Looking forward to your reply.

Best,

Alice

From: Lawrie, Leigh

Sent: 16 September 2011 15:08

To: Zago, Alice

Cc: Omofade, Adebawale; Sachdeva, Manoj; Baiesu, Victor; Popova, Biljana; Shah, Anand Ajay;
Khan, Karim; Nick Koumjian

Subject: FW: Consultation on proposed "Common Plan of Action" (TC IV order # 211)

Dear Alice,

Thank you for your email below and for providing an outline of the proposed "Common Plan of Action" which is currently being agreed between the OTP and Registry. This is an important issue and one which the Defence appreciates being involved in, especially at this planning stage.

Obviously, it is regrettable that the *Banda & Jerbo* case cannot proceed in accordance with the normal procedures which apply in other ICC cases and involve the separation of Registry and OTP language resources. However, the Defence are aware that the Prosecution and Registry have experienced technical difficulties with regard to the identification and recruitment of qualified Zaghawa translators and interpreters.

In this context, the Defence agree to the proposal set out below. However, in view of the scarcity of Zaghawa language resources, the Defence must request that **two** Registry language assistants be compartmentalised for the Defence. The Defence understands that this "compartmentalisation" means that the relevant Defence ring fenced language assistants would not be involved in part (i) of the project below, i.e. translation of OTP witness statements.

The Defence believe that reserving two Registry language assistants is the prudent course to take in order to be able to deal with routine matters such as annual leave, sickness, etc and other unexpected situations. In addition to normal in-court interpretation, these two Defence ring fenced Registry language assistants would be available for *ex parte* court proceedings involving the defence only and defence-client related matters.

The Defence agreement is also provided on the basis that, during part (ii) below, the former OTP language assistants would be Registry employees.

The Defence trusts in the professionalism of OTP and OTR staff in this matter of shared language resources.

We look forward to hearing from you.

Kind regards,

Leigh

Leigh Lawrie
Legal Assistant for the Defence
Prosecutor v. Abdallah Banda & Saleh Jerbo
International Criminal Court

Mobile: +31

From: Zago, Alice
Sent: 14 September 2011 13:20
To: Lawrie, Leigh
Cc: Omofade, Adebawale; Sachdeva, Manoj; Baiesu, Victor; Popova, Biljana; Shah, Anand Ajay
Subject: Consultation on proposed "Common Plan of Action" (TC IV order # 211)

Dear Leigh,

Further to our phone conversation earlier this morning, the Prosecution would be grateful to receive the Defence's views on certain aspects of a "Common Plan of Action" that the Prosecution and the Registry are devising pursuant to the Chamber's order # 211 of 7 September 2011 (below). While consulting with the Defence on this plan is not required by the Order, the Prosecution is nevertheless of the view that input from the Defence would streamline the process and assist the Chamber in making its decision.

As the Defence is aware, the Chamber has ordered the OTP and OTR "join efforts with regard to Zaghawa translation and interpretation in order to facilitate the expeditious preparation of the trial, including the common usage of the current resources available to the Court" [see para 13(i), p.7 of the decision].

As the proposal currently stands, the OTP and the OTR would create a pool of common Zaghawa language assistants to undertake the following:

1. translate the [Prosecution's incriminatory] witness statements as per Chamber's order of 16 August 2011; and
2. provide courtroom interpretation. Subject to advice by the Court Human Resources Section, when in phase (ii) all language assistants would be contractually Registry's employees.

It is envisaged that the pool of language assistants would apply the same methodology to translate the witness statements and would receive the same training for booth-interpretation.

All language assistants have signed confidentiality undertakings and are professional employees of the Court. Part of the common training is to include a specific session on deontological conduct focusing on the confidentiality obligations and handling of information.

One Registry language assistant from the pool would be compartmentalized should the Defence require language assistance from the Registry. The OTR dedicated language assistant would be also provided further training on the confidentiality of privileged communications. A similar arrangement - a dedicated OTP

language assistant -would be put in place to respond to OTP requirements and, subject to needs, could remain with the OTP and not proceed on to phase (ii) above.

Please note that the pool currently comprises a limited number of language assistants but that there are on-going efforts on both the sides of the OTP and OTR to increase the number. If this happens, and depending on the number of booth interpreters required, the Common Plan of Action” could be amended.

The Prosecution would be grateful for a response as soon as practicable

Best regards

Alice Zago

Trial Lawyer

From: Court Management-Court Records

Sent: 08 September 2011 09:31

To: Adeboyejo, Adesola; Ba, Amady; Baiesu, Victor; Bakker, Vincent; Batohi, Shamila; Bensouda, Fatou; Bevers, Hans; Ndiaye, Bousso; Corrie, Karen; Criscitelli, Sara; Devidal, Pierrick; Eikel, Markus; Fletcher, Nicola; Freimann, Dirk; Garcia Ramos, Carmen; Guariglia, Fabricio; Hayaux Du Tilly, Danielle; Ivanovitch, Anna; Kikalishvili, Ekaterine; Kiprotich, Lynette; Kneuer, Petra; Lurf, Desiree; Macdonald, Eric; Mohamedhosein, Jenny; Moreno Ocampo, Luis; Nana, Chavi; Olara, Florence; Omofade, Adebawale; Pam, Ibrahim; Pereira DeSousa, Antonia; Popova, Biljana; Price, Margaret; Rastan, Rod; Regue Blasi, Meritxell; Rossi, Fabio; Sachdeva, Manoj; Sachithanandan, Pubudu; Samson, Nicole; Schense, Jennifer; Shalabi, Islam; Spittler, Miriam; Tiholaz, Mariana; Velasco, Sofia; Wakim, Larissa; Walker, Helen; Weiss, Regina; Whiting, Alex; Wilson, Maria; Yamaguchi, Yayoi; Yirgou, Selamawit; Zago, Alice; Ashraph, Sareta; Bousquet, Fabrice; Danhoui, Geraldine; Fourcans, Claire; Keïta, Xavier-Jean; Obhof, Thomas; Office of Public Counsel for Defence; Residovic, Vedrana; Taylor, Melinda; Abdou, Mohamed Samy Hamed; Gosnell, Christopher; Margitic, Tamara; Massidda, Paolina; Narantsetseg, Orchlon; Pellet, Sarah; Suprun, Dmytro; Tchidimbo, Patrick; Walter, Caroline; Aidan Ellis; Anand Shah - EPN; Andrew Burrow - EPN ; Anna Katulu; Ibrahim Yillah - Perso; Josephine Uwineza; K. Khan EPN; Leigh Lawrie; Leigh Lawrie - Perso; Nick Koumjian; Priyanka Dahiya; Aidan Ellis; Anand Shah; Andrew Burrow; Anna Katulu; Josephine Uwineza; Karim Khan - EPN; Leigh Lawrie; Nick Koumjian; Priyanka Dahiya; Akin Akinbote – EPN ; B Koné ; Colonel Franck Adaka – EPN ; Hélène Cissé - EPN; Geoffrey Nice; Haydee Dijkstal; Rodney Dixon

Cc: Court Management-Court Records

Subject: ICC-02/05-03/09-211 : Order to the prosecution and the Registry on translation issues

<http://edms.icc.int/webdrawer/webdrawer.dll/webdrawer/rec/1228229/>

Notification Mail:

Please, find attached the TRIM deeplink of:

Order to the prosecution and the Registry on translation issues

Issued by the Trial Chamber IV on the 07th September 2011 / Rendue par la Chambre de première instance IV le 7 septembre 2011

Reception Date/hour / Reçu le date/heure: 07/09/2011 ; 17:45

Registration Date / Enregistré le: 08/09/2011

Notification Date / Notifié le: 08/09/2011

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