

Annex A

Confidential

Report on the implementation of the Chamber's order referring certain translation matters to the Registry

Background

On 2 June 2015, the Chamber issued the 'Decision on the conduct of proceedings' in which it directed the parties to 'consult to try and resolve any disagreement as to the transcription or translation' of audio-visual material intended to be presented. The Chamber noted that any disagreements which cannot be resolved *inter partes* should be notified to the Chamber, which may then ask the Registry to advise.

On 12 December 2016, the Prosecution submitted a chart identifying all outstanding disagreements on transcripts and translations relating to audio-visual material admitted during the first three evidentiary blocks.

On 28 December 2016, the Chamber issued the 'order referring certain translation matters to the Registry' in which it found it appropriate to refer those outstanding disagreements, as set out in the annex to the Chamber's order to the Language Services Section of the Registry with a view to ensuring the accuracy of the relevant portions of the transcripts and translations, setting a deadline for 17 March 2017.

Challenges encountered

The relevant portions were contained in four large files running into 3 hours 23 minutes and 39 seconds. There were 74 contested passages. 90 % of the references were incorrect. The portions in dispute were included in a table and referred to as lines (in a similar fashion to hearing transcripts), despite being audio/video excerpts. It would have been more appropriate to reference them in the first column under the heading ("reference") using the relevant time stamp. As a result, one of the major challenges encountered was locating the relevant portion in one of the four audio/video items.

In some rare cases, it was possible to see the time stamps, although some of them did not correspond to the right portion. It was therefore necessary to replay the audio/video item while reading the transcript or translation depending on the case. Excerpts 1, 2 and 6 below illustrate this.

The sound quality of all four audio/video items was generally poor. Where the sound quality was reasonable, it was possible to understand what was being said. However, where the sound quality was poor, it was sometimes difficult to reach a conclusive decision. The audio recordings contain radio broadcasts of conversations and/or speeches. Static noise was the primary cause of the poor sound quality.

The poor sound quality also necessitated repeated listening for up to 7 times in order to achieve intelligibility. Two examples illustrate this:

1 - In Excerpt 6, the time stamp reference is incorrect. Also, after repeated listening, it was found that two answers overlapped: "*Bado*" (not yet) and "*hapana*" (no).

2 - In Excerpt 7, the portion in dispute is at line 23. After listening several times, it was found that the keyword is inaudible. This is a word which usually occurs at the beginning of the sentence. A conclusion could not be reached without this keyword.

In some cases, a conclusion could not be reached merely based on the portion in dispute. Rather, the entire conversation/speech had to be listened to in order to understand the sentence, the word or group of words in dispute. An example of such words is "*eeeh/eh-eh*".

Excerpt 1

The relevant audio recording was not on Track 1, as indicated, but rather on Track 2. It took a considerable amount of time to listen and search for the four portions contained in this excerpt. It subsequently transpired, while listening to Track 2, that this was the correct track.

Excerpt 2

The relevant audio recording was not on Track 2, as indicated, but rather on Track 1. It took a considerable amount of time to listen and search for the 16 portions contained in this excerpt

Excerpt 6

The correction requested to line 276 is not to be found at 00:21:41 but rather at 00:21:29.

Methodology

The methodology used involved listening and viewing audio/video portions of the seven excerpts as outlined in the following table:

Excerpt	Track	Duration	Language
1	1 Audio DRC-OTP-0162-0115	00:30:43	- Swahili
	2 Audio DRC-OTP-0162-0115	00:13:14	- Swahili - French
2	1 Audio DRC-OTP-0162-0115	00:30:43	- Swahili
	2 DRC-OTP-0162-0115	00:13:14	- Swahili
3	1 Video DRC-OTP-2058-0251	02:01:47	- Swahili - Lingala - English
4	1 video DRC-OTP-2058-0251	02:01:47	- Swahili - Lingala - English
5	1 video DRC-OTP-2058-0251	02:01:47	- Swahili - Lingala - English
6	1 Video DRC-OTP-0120-0293	00:37:55	- Swahili - Lingala - French - English
7	1	00:30:43	- Swahili
	2	00:13:14	- Swahili - French
Total		03:23:39	

The following staged approach was used:

- Reading all documents in Swahili/Lingala/French, contained in the tables;
- Reading the Parties' observations on the: transcripts and translations;
- Locating the relevant audio portions in each excerpt;
- Locating the time stamps of the portions listed in the tables;
- Listening to the portions in dispute;
- Cross-checking the portions against the transcripts and translations;
- Replaying the relevant portions, often repeatedly, because of the sound quality;
- Discussion and decision-making.

Conclusion

The annex to this memo contains LSS's review of the relevant portions of the transcripts and translations. The review is the result of the meticulous work done by the LSS Swahili and Lingala Court Interpreters.

LSS remains at the Chamber's disposal to provide any further information or clarification that may be required.