

ANNEX 26

PUBLIC

From: Trial Chamber V Communications
Sent: 20 August 2021 10:27
To: [REDACTED] Massidda, Paolina; Trial Chamber V Communications
Cc: OTP CAR IIB Managers; OTP CAR IIB Case Management; Trial Chamber V Communications; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Office of the Director DJSS; Chamber Decisions Communication; Dimitri, Mylene; [REDACTED] Vanderpuye, Kweku; [REDACTED]
Subject: RE: Interpretation
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Yekatom and Ngaissona

Dear all,

The Chamber takes note of the participants' concerns and Registry's observations. It further appreciates the proposals made by the participants.

In light of these circumstances and mindful of the impact on the participants' resources, the Chamber suspends the deadline in paragraph 73 of the Initial Directions on the Conduct of the Proceedings (ICC-01/14-01/18-631) until appropriate remedies have been determined. In this regard, the Chamber informs the participants that it will liaise directly with the Registry.

Kind regards, TC V

From: [REDACTED]
Sent: 17 August 2021 14:51
To: Massidda, Paolina [REDACTED] Trial Chamber V Communications
Cc: OTP CAR IIB Managers [REDACTED]; OTP CAR IIB Case Management [REDACTED] Trial Chamber V Communications [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]; Office of the Director DJSS [REDACTED] Chamber Decisions Communication [REDACTED] Dimitri, Mylene [REDACTED] Vanderpuye, Kweku [REDACTED]
Subject: RE: Interpretation

Dear Trial Chamber V,
 Dear All,

The Defence for Mr Yekatom hereby respectfully responds to the Registry's observations regarding real-time interpretation issues in these proceedings, with a view to providing actionable proposals.

First, the Defence notes the Registry's observations regarding the impact of speakers' speeds, and of parties and participants failing to observe sufficient pauses between speakers. The Defence acknowledges its own role in this respect and undertakes to exhibit greater care in future.

In addition however, the Defence suggests that the implementation of a reminder message system may go a long way in ensuring that parties and participants better observe these guidelines during hearings. Such a warning message – for example, a reminder to 'Please Pause/Slow Down for the Interpreters' – would be displayed on the Evidence channel by the Court Officer whenever necessary, so as to catch the attention of the speaker or their colleagues, or indeed that of the Presiding Judge, who could then issue directions as necessary. The Defence is aware of at least one international criminal tribunal that has employed a similar system in the past.

Second, the Defence is aware from prior discussions with LSS that COVID-related restrictions limiting the number of interpreters per booth have negatively impacted interpretation quality, as interpreters have been working without a colleague in support. The Defence respectfully suggests that, in light of current vaccination rates in the Netherlands and the broader movement towards lifting of COVID-related restrictions at the Court, the previous practice of two interpreters per booth be reinstated (if this has not already been done).

Third, the Defence requests that LSS systematically conduct transcript verification – specifically, by comparing the English and French transcripts or by listening to audio recordings of hearings (as it appears that the inaccuracies arise at the level of interpretation as opposed to transcription by the court reporters) and flagging for interpretation inaccuracies.

It is suggested that the resulting transcript corrections could take either of the following two forms:

- i) Interpretation issues would be corrected in the final transcript. The Defence notes however that this approach could unduly impact the integrity of the trial record. For instance, correcting an incorrectly interpreted question at the transcript verification stage would necessarily impact the meaning of the answer that was given at the time, if the answer was initially given on the basis of the mistranslated question.
- ii) Interpretation issues would be flagged in the final transcript (e.g. by way of an asterisk or a footnote) and an annex compiling the flagged interpretation issues and their corresponding corrections would be issued simultaneously with the final transcript. This proposed approach would ensure that the integrity of the hearing record is preserved, while also ensuring that all parties and participants are made aware of any interpretation issues in either the French or the English transcript and do not inadvertently rely on a mistranslation when working on the basis of a preferred language transcript.

The Defence here reiterates that it recognises the difficulties and complexities inherent in real-time interpretation. It notes especially the Registry's observations regarding the difficulty inherent in providing real-time interpretation on the basis of the varying languages, accents, and language abilities heard in these proceedings, and it submits that the proposed latter approach (i.e. the simultaneous issuing of annexes following systematic internal verification of transcripts) is one that recognises and addresses these challenges inherent in the work of the Court.

In addition, the Defence re-emphasises its request that corrected transcripts be issued expeditiously, noting for instance that transcript verification requests issued over two and half months ago remain pending.

Lastly, the Defence reiterates its request that the matter of interpretation issues be resolved urgently. The Defence continues to divert its limited resources towards the systematic review of transcripts of witnesses in English and French, which it is respectfully submitted is both disproportionate and unsustainable.

Should the Trial Chamber not find the above proposals amenable, the Defence respectfully requests that either an in-chambers meeting between the parties and participants including LSS representatives, or a Status Conference, be convened on an expedited basis.

Best regards,

[REDACTED]

Legal Assistant, Yekatom Defence

From: Massidda, Paolina [REDACTED]
Sent: 15 August 2021 14:19
To: Trial Chamber V Communications
Cc: OTP CAR IIB Managers; OTP CAR IIB Case Management; Trial Chamber V Communications; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Office of the Director DJSS; Chamber Decisions Communication; Dimitri, Mylene; [REDACTED]
 [REDACTED] Vanderpuye, Kweku; Ambach, Philipp
Subject: RE: Interpretation

Dear All,

The Common Legal Representatives of the victim of the other crimes concur with the Prosecution that the current deadline is impracticable and respectfully request that the current procedure is revaluated and adjusted accordingly.

Kind regards,

Paolina Massidda

From: [REDACTED]
Sent: 13 August 2021 17:27
To: Vanderpuye, Kweku [REDACTED] Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Managers [REDACTED] OTP CAR IIB Case Management [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] V44 LRV Team OPCV [REDACTED] [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED] Office of the Director DJSS [REDACTED] Chamber Decisions Communication [REDACTED] Dimitri, Mylene [REDACTED]
 [REDACTED]
Subject: RE: Interpretation

Dear Trial Chamber V,

Dear All,

The Defence of Mr. Ngaissona first wishes to thank the Prosecution for their follow-up email on the issue of interpretation. Secondly, the Defence concurs with the view that current deadlines for submitting interpretation errors are untenable in light of the resources required to these ends. Most saliently, the fact that the English and French transcripts are not received at the same time significantly hinders the detection of errors. Indeed, without the original transcript, no point of comparison is available to ensure that the translation is as close as possible to the initial intended meaning. As such, substantive errors are often overlooked and only detected after the deadline for corrections has passed.

In light of the above and all the points raised regarding this matter, the Defence also considers that a revaluation of the current transcript correction process is

necessary.

Finally, the Defence wishes to reiterate its appreciation for the interpreters' great work and thank all the parties involved for their cooperation.

Kind regards,

[REDACTED]

Defence of Mr. Ngaissona

From: Vanderpuye, Kweku [REDACTED]
Sent: 12 August 2021 18:08
To: Ambach, Philipp; Trial Chamber V Communications
Cc: OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Office of the Director DJSS; Chamber Decisions Communication; Dimitri, Mylene; [REDACTED]
Subject: RE: Interpretation

Dear Trial Chamber V,

Dear All,

Pending the resolution of this matter and given the necessary resource commitment required to correct transcript errors comprehensively, the Prosecution does not consider that the attendant deadlines remain practicable in the circumstances. As noted below, *"th[e] procedure is unsustainable in terms of the substantial resources that must be expended in reviewing lengthy transcripts of witnesses in English and French, within the TVM deadlines as imposed. Nor, with respect, should it be the responsibility of the Defence or the Prosecution to systematically verify the quality of interpretation and transcription."*

The Prosecution considers that it is important to address this matter at the earliest, such that it can be resolved acceptably to all concerned and the transcript corrections process resumed and effected without overburdening the Parties, as the Chamber clearly intended. As the case is now, the deadlines are infeasible.

The Prosecution very much appreciates everyone's cooperation in resolving this matter, and is available to further discuss it at the Chamber's convenience. Thank you again.

Kind regards,

Kweku Vanderpuye

From: Ambach, Philipp [REDACTED]
Sent: 23 July 2021 14:27
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Managers [REDACTED] OTP CAR IIB Case Management
 [REDACTED] D29 Yekatom Defence Team [REDACTED]
 D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]
 [REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED];
 Associate Legal Officer-Court Officer [REDACTED] Office of the Director DJSS
 [REDACTED]; Chamber Decisions Communication
 <[REDACTED] Dimitri, Mylene [REDACTED]

Subject: RE: Interpretation

Dear Trial Chamber V,

Dear Colleagues,

In reference to the Chamber's email of 16 July 2021, the Registry sections concerned have carefully considered the concerns raised by the Prosecution and the Defence, and is grateful to the Chamber for the opportunity to submit its observations. The matter at issue has already been subject to correspondence in recent weeks - to the Chamber, highlighting the difficulties faced by the interpreters to provide quality interpretation, and also to the Prosecution and Defence inviting them to meet at their earliest convenience in order to discuss matters which the Registry had identified as potential main causes for resulting interpretation inaccuracies. The Registry therefore wishes to bring the following to the attention of the Chamber with a view to finding a manageable solution for all parties to the matter:

1. The Registry is appraised of the interpretation issues identified by the Prosecution and the Defence, and the Language Services Section ("LSS") has previously made recommendations with a view to tackling the problems together. At times interpretation discrepancies may be attributed to simple interpretation errors and the Registry is committed to continuing to improve its services; the parties' help and input is most appreciated in this. However, there are also a number of obstacles which relevant Registry service providers and the parties and participants need to tackle together in order to function properly. To this end, LSS hereby reiterates its invitation to the Prosecution and Defence to meet and discuss.
2. For the information of the Chamber, the Registry respectfully sets out the below examples of challenges that it has encountered during the proceedings – and which would be subject to the aforementioned discussions:
 - a) Speed of interventions: speakers often are still speaking too fast and are not always observing adequate pauses between each other. The record shows the continuing overlap of speakers despite repeated reminders from interpreters and the Presiding Judge. This in particular explains the interpretation errors in the French booth when both questions and answers are in English with no pause in-between.
 - b) Attention to time lapses: the record shows that parties and participants need to be mindful of the time lapses between the end of the main speakers' speech and the time it takes the Sango interpreters to complete their interpretation of said speech. Of note, time lapses are more rigorously observed from the moment a Sango witness stops speaking and the time the interpreter completes interpretation into French, probably as the parties and participants are more dependent on hearing the full translation. If the time lapses are observed more rigorously regarding all languages, the process will be much smoother. In particular the interpretation time lapse from Sango to French could conceivably be used by all parties and participants

as a benchmark of the approximate length of the pauses they need to observe before intervening during interpretation between French and English.

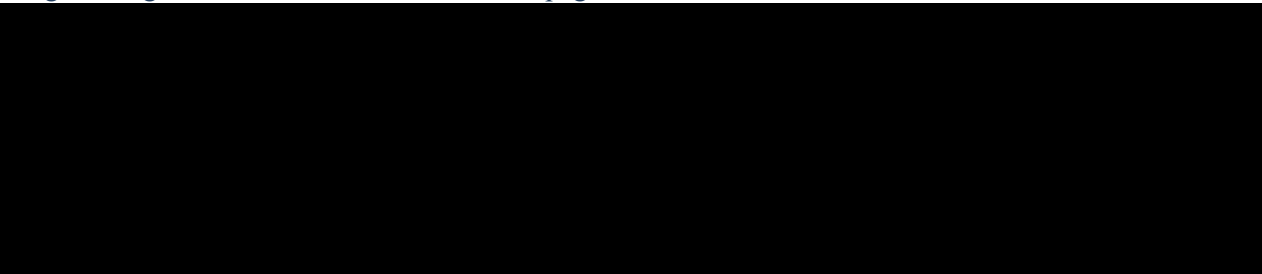
- c) Language of testimony: there were a couple of witnesses with extensive testimonies who insisted on testifying in French despite their poor grammar, elocution and language structure in that language. This is by no means criticism of witnesses, but rather a statement of the inevitable adverse impact that such testimonies have by exacerbating the difficulties already faced by interpreters due to individual speech, different accents and other factors. Tried and tested procedures could be used to assess the true level of prospective witnesses in the French (or English) languages, after which a discussion could be held with the witness regarding the language of testimony. This might be useful in particular for those witnesses who might have any doubts as to the language in which they wish to offer their testimony.
- d) Last minute requests: interpreters are often asked to sight translate documents to be used in court, and sent to their email inboxes at the last minute while they are already busy interpreting (and often alone in the booth). Unfortunately, they have no time for adequate preparation or even for a cursory examination of the documents before they are shown in court.

3. With regard to the specific examples given by the Prosecution and Defence, LSS has looked into the discrepancies and can offer the following elements to explain (some of) the errors:

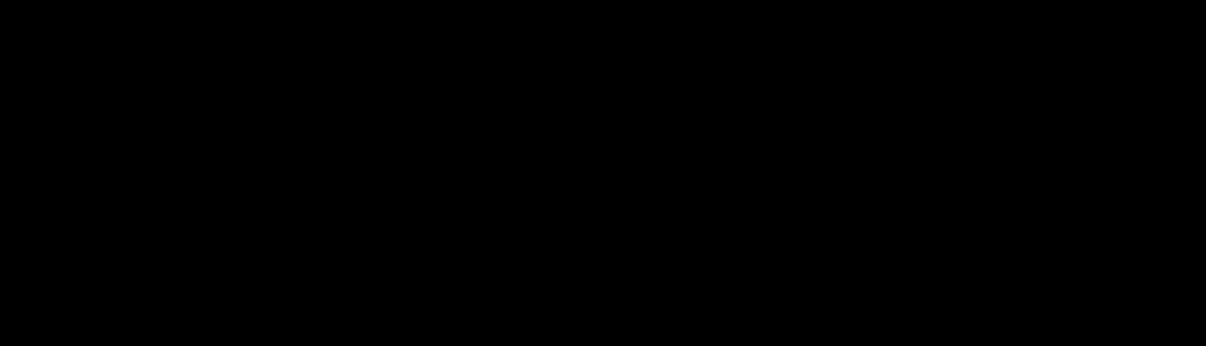
- **P-1847**

Example 1:

Original English version T-023-CONF-ENG, page 34-35:



Mistake in the French version T-023-CONF-ENG, pages 34-35:



(NB: THE FRENCH VERSION IS THE ORIGINAL AND NOT THE ENGLISH VERSION. THE ENGLISH VERSION IS THE INTERPRETRATION OF THE FRENCH BELOW) THE SOUND QUALITY ISSUES MADE HEARING VERY DIFFICULT FOR THE INTERRPETER, AS WELL AS THE WITNESS' STYLE OF DELIVERY.

- **P-2012**

Example 1:Original English version T-025-ENG, page 19:

4 the language and all these things. And there was more looting and also
 5 the resistance was mainly when Séléka took over, which was obviously from
 6 the FACA, which was mainly dominated by the central and western part of the
 7 country, so being non-Muslims, mainly was part of that army, the national army in
 8 CAR. **So there was more, would you say, quote-unquote Christians killed than**
 9 **Muslims killed when Séléka took over.**
 10 Now, again, when the FACA started to organise the resistance against Séléka together
 11 with Anti-Balaka,

Mistake in the French version T-025-FR, page 17:

21 langue. Et il y avait beaucoup de pillages. Et la résistance venait principalement
 22 des... des FACA, qui étaient constituées principalement de... de... de la partie de la
 23 population du centre et de l'ouest du pays. Ça n'était pas forcément des musulmans,
 24 c'était l'armée nationale de la République centrafricaine. Et lorsque les FACA ont
 25 commencé à s'organiser et à organiser la résistance contre la Séléka, avec l'aide des
 26 Anti-balaka,

ENGLISH/ENGLISH, NO PAUSE BETWEEN THE QUESTION AND THE ANSWER.

Example 2:Mistake seems to be in the Original English version T-025-ENG, page 33:

22 atrocities, so I think that was what Séléka was mobilised on, right. And I think **once**
 23 **Bozizé and Séléka came to power**, I think again the population in Central African

The French version T-025-FR, page 31:

8 Donc, les Séléka ont été mobilisés pour trouver une solution à tout cela. Et **une fois**
 9 **que Bozizé est parti, Séléka est arrivé.** La population en République centrafricaine et

INTERPRETATION ERROR

Example 3:Mistake in the English version T-025-FR, page 38:

14 Q. [11:53:37] Given the pressure exercised by Sudan and Chad which we also
 15 discussed and the presence of foreign mercenaries among the Séléka, would you
 16 agree that the local population or even the local organisations in the CAR generally
 17 saw the arrival of the Séléka **as a foreign invasion?**

ENGLISH/ENGLISH, NO PAUSE

Original French version T-025-FR, page 35:

14 Q. [11:53:42] Étant donné la pression exercée par le Soudan et le Tchad, comme nous
 15 en avons discuté il y a quelques instants, pression exercée auprès des... ou sur les...
 16 les mercenaires étrangers qui faisaient partie de la Séléka, seriez-vous d'accord pour
 17 dire que la population locale, ou même les organisations locales en République
 18 centrafricaine, avaient vu, d'une manière générale, l'arrivée de la Séléka — ou perçu
 19 cela — **comme étant une invasion de... du Nord ?**

Example 4:Mistake in the English version T-025-FR, page 65:

3 Q. [14:22:39] And, according to Mokom, Mr Ngaïssona was sidelined, did not have
 4 much power, and was confined to Boy-Rabe area **with no control outside of Bangui;** is

5 that right?

Original French version T-025-FR, page 60:

23 Q. [14:22:41] Mais d'après Mokom, M. Ngaïssona était mis sur la touche, il n'avait
24 pas beaucoup de pouvoir. On l'a confiné au quartier de Boy-Rabé, **il n'avait aucun**
25 **contrôle sur le reste de Bangui** ; c'est bien cela ?

ENGLISH/ENGLISH, NO PAUSE

Example 5:

Original English version T-026-ENG, page 4:

17 A.[9:38:42] Well,so there are two -- the two main reports, right? So the first one,
18 Behind the Headlines, which -- which came at a sort of relatively early stage **in the**
19 **conflict where our interest was, as the title says, to go behind the headlines. So**
20 **international headlines very much talked about religious conflict and the idea here**
21 **that our goal and aim was to look behind those headlines and provide policymakers**
22 **and others a bit more depth in understanding what the concept of the conflict was**
23 **about.** And then the -- the second report was exactly looking at, so what continues
24 to drive the violence, you know, a year later into the conflict, so looking at natural
25 resources, enrichment, sort of those issues.

Mistake in the French version T-026-FR, pages 3-4:

25 R. [09:38:44] Il y a deux rapports. Il y en a un qui est arrivé et qui s'appelle Behind the
26 Headlines, en anglais, et qui est au début du conflit. **Comme on le dit, c'est celui qui**
27 **aborde le conflit religieux. Et nos objectifs étaient d'analyser ces... ces grands titres, et**
28 **aller un peu plus en profondeur, et essayer de voir quel était le... le concept en**
1 **question.**
2 Et puis, dans le deuxième rapport, on a plutôt cherché à savoir ce qui continuait à
3 alimenter cette violence. On était un an plus tard. Alors, là, on a voulu voir les
4 ressources naturelles, l'enrichissement, et cetera.

DIFFICULTIES DUE TO THE DANISH WITNESS SPEAKING IN ENGLISH

Example 6:

Original English version T-026-ENG, page 25:

2 Q. [10:31:09] Okay. Now, I have some questions from your "Behind the Headlines,
3 Drivers of Violence" report and May 2014 I think is the date of the report. In your
4 statement at paragraph 44 you refer to the report, and in the first introduction of
5 that report, the last sentence in the paragraph reads, quote, "**The Anti-Balaka ...**
6 **professionalised, acquired powerful armies, and attacked Bangui in December 2013,**
7 **weakening the Séléka, who largely left the capital in January.**"
8 In the report, I see there's no footnote for that statement, right? Is that just because
9 it's the introduction and it's sort of a general summary of what follows?

Mistake in the French version T-026-FR, page 23:

11 Q. [10:31:23] J'ai des questions sur votre rapport Au-delà des gros titres, les moteurs de
12 la violence, 2014 — je crois que c'est la date du rapport, n'est-ce pas, 2014 —, et dans
13 votre déclaration, au paragraphe 44.
14 Dans la première introduction de ce rapport, la dernière phrase est: « Les
15 **Anti-balaka, un groupe professionnel, ont obtenu des armes professionnelles et ont**
16 **attaqué Bangui en 2000... en décembre 2014,** en affaiblissant ainsi la Séléka **qui était**
17 **dans la capitale en janvier. »**
18 Et je vois que, pour cette déclaration, c'est... il n'y a pas de note de bas de page. Est-ce

19 que c'est parce que c'est une introduction ou une déclaration générale de ce qui va
20 suivre ?

INTERPRETATION ERROR

4. Due to the above factors, it is likely that the reviewer may in some cases be unable to properly detect the original language / verify the original in the examples cited.
5. Lastly, with regard to the Transcript Verification Module (TVM) platform ("TVM platform"), the Registry submits that TVMs are verified by staff interpreters who simultaneously work across the various courtrooms, seminars and other events. These interpreters must verify potential errors made by themselves as well as by freelance interpreter colleagues (who are often less familiar with the materials used at trial). The temporary solution found by LSS is to expedite the TVMs is to rotate staff interpreters out of the booths on a weekly basis.

In conclusion, it is submitted that a more rigorous observation of relevant interpretation time lapses and a more inclusive preparation of court sessions between the parties, participants and relevant Registry sections (CMS and LSS in particular) will go a long way in reducing mistakes such as the ones highlighted above. The suggested meeting between the parties involved on the operational level may prove conducive to achieving said improvements. The Registry remains available to the Chamber, the parties and participants to the proceedings for any further explanation of information on the above.

Kind regards,

Philipp Ambach

OiC OD DJS, on behalf of Marc Dubuisson, Director

From: [REDACTED]
Sent: 16 July 2021 17:11
To: [REDACTED] Trial Chamber V Communications [REDACTED]
 [REDACTED]; Dimitri, Mylene [REDACTED]
Cc: OTP CAR IIB Managers [REDACTED] OTP CAR IIB Case Management
 [REDACTED] D29 Yekatom Defence Team [REDACTED]
 D30 Ngaïssona Defence Team [REDACTED] V44 LRV Team OPCV [REDACTED]
 [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]
 Associate Legal Officer-Court Officer [REDACTED] Office of the Director DJSS
 <[REDACTED]> Chamber Decisions Communication
 [REDACTED]
Subject: RE: Interpretation

Dear All,

The Defence for Mr Ngaïssona wishes to thank the Defence for Mr Yekatom and the Prosecution for their email; we fully concur with the observations contained therein.

We wish to thank the Chamber and the Registry for looking into the matter, as well as the interpreters for their great work.

Kind regards,

Legal Assistant, Defence for Mr Ngaissona

From: [REDACTED]
Sent: 16 July 2021 12:13
To: Trial Chamber V Communications; Dimitri, Mylene
Cc: OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Office of the Director DJSS; Chamber Decisions Communication; [REDACTED]
Subject: RE: Interpretation

Dear Colleagues in Chamber,
 On behalf of the Registry, thank you kindly for your email; the Registry will proceed accordingly.
 I kindly copy Kelly Mannix, Officer in Charge in Marc Dubuisson's absence.
 With my best,

[REDACTED]
 Office of the Director, Division of Judicial Services

From: Trial Chamber V Communications [REDACTED]
Sent: 16 July 2021 12:08
To: Dimitri, Mylene [REDACTED] Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Managers <[REDACTED]> OTP CAR IIB Case Management [REDACTED]
 [REDACTED] D29 Yekatom Defence Team [REDACTED]
 D30 Ngaissona Defence Team [REDACTED] V44 LRV Team OPCV [REDACTED]
 [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]
 Associate Legal Officer-Court Officer [REDACTED] Office of the Director DJSS
 [REDACTED] Chamber Decisions Communication
 [REDACTED]
Subject: RE: Interpretation

Dear Counsel, dear colleagues from the Registry,
 The Chamber takes note of the problems with the interpretation and transcripts in this case and appreciates the examples provided by the Prosecution and Yekatom Defence below.
 Before raising the matter with the Registrar, the Chamber invites the relevant sections of the Registry to make any observations by 23 July 2021.
 Kind regards, TC V

From: Dimitri, Mylene [REDACTED]
Sent: 15 July 2021 17:08
To: Trial Chamber V Communications
Cc: OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Office of the Director DJSS
Subject: Interpretation

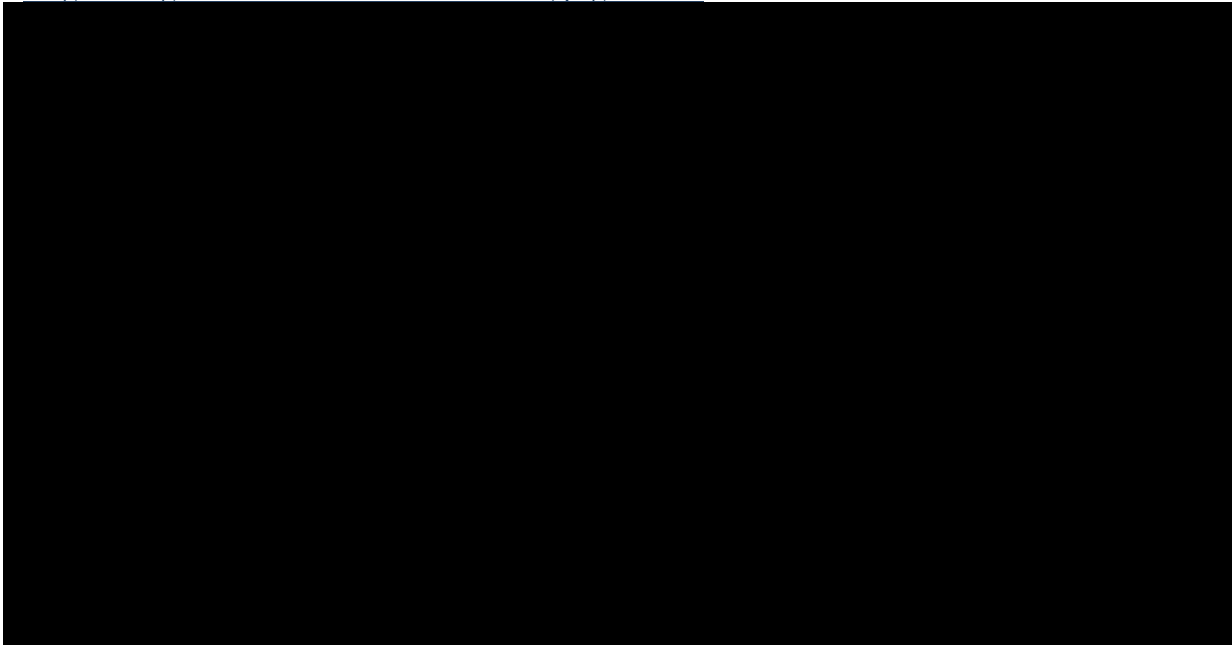
Dear Trial Chamber V,
 The Yekatom Defence and the Prosecution, with the greatest respect to the difficult work of the Court Interpreters, would like to raise [their](#) concerns regarding the real-time interpretation in these proceedings. Specifically, the Yekatom Defence and the Prosecution respectfully draw the attention of the Chamber to a relatively high proportion of English and French interpretation errors.
 The accurate interpretation of what is said by Parties, Participants and of course, witnesses during hearings, has a significant impact on the proceedings. For one, errors regarding witnesses' evidence could result in miscommunications and, by extension, ineffective and unnecessarily laborious questioning. For example, during the evidence of P-1577, the LRV sought to question the witness in relation to a photograph depicting a group of individuals, and specifically, in relation to an individual wearing a red t-shirt. In the question, the interpreter translated "red t-shirt" as "red shorts". In the event, the witness happened to speak sufficient French to understand the original question posed by the LRV and raised the error directly with the Chamber; nonetheless, the Yekatom Defence submits that this example clearly illustrates the potential for fundamental miscommunication posed by erroneous interpretation.

The following examples comprise a number of the more significant interpretation errors that have occurred during the evidence of witnesses who have appeared in these proceedings:

P-1847

Example 1:

Original English version T-023-CONF-ENG, page 34-35:



P-2012

Example 1:

Original English version T-025-ENG, page 19:

4 the language and all these things. And there was more looting and also
5 the resistance was mainly when Séléka took over, which was obviously from
6 the FACA, which was mainly dominated by the central and western part of the
7 country, so being non-Muslims, mainly was part of that army, the national army in
8 CAR. **So there was more, would you say, quote-unquote Christians killed than**
9 **Muslims killed when Séléka took over.**
10 Now, again, when the FACA started to organise the resistance against Séléka together
11 with Anti-Balaka,

Mistake in the French version T-025-FR, page 17:

21 langue. Et il y avait beaucoup de pillages. Et la résistance venait principalement
22 des... des FACA, qui étaient constituées principalement de... de... de la partie de la
23 population du centre et de l'ouest du pays. Ça n'était pas forcément des musulmans,
24 c'était l'armée nationale de la République centrafricaine. Et lorsque les FACA ont
25 commencé à s'organiser et à organiser la résistance contre la Séléka, avec l'aide des
26 Anti-balaka,

Example 2:

Mistake seems to be in the Original English version T-025-ENG, page 33:

22 atrocities, so I think that was what Séléka was mobilised on, right. And I think **once**
23 **Bozizé and Séléka came to power**, I think again the population in Central African

The French version T-025-FR, page 31:

8 Donc, les Séléka ont été mobilisés pour trouver une solution à tout cela. Et **une fois**
9 **que Bozizé est parti, Séléka est arrivé.** La population en République centrafricaine et

Example 3:

Mistake in the English version T-025-FR, page 38:

14 Q. [11:53:37] Given the pressure exercised by Sudan and Chad which we also
15 discussed and the presence of foreign mercenaries among the Séléka, would you
16 agree that the local population or even the local organisations in the CAR generally
17 saw the arrival of the Séléka **as a foreign invasion**?

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14 Q. [11:53:42] Étant donné la pression exercée par le Soudan et le Tchad, comme nous
 15 en avons discuté il y a quelques instants, pression exercée auprès des... ou sur les...
 16 les mercenaires étrangers qui faisaient partie de la Séléka, seriez-vous d'accord pour
 17 dire que la population locale, ou même les organisations locales en République
 18 centrafricaine, avaient vu, d'une manière générale, l'arrivée de la Séléka — ou perçu
 19 cela — **comme étant une invasion de... du Nord ?**

*Example 4:*Mistake in the English version T-025-FR, page 65:

3 Q. [14:22:39] And, according to Mokom, Mr Ngaïssona was sidelined, did not have
 4 much power, and was confined to Boy-Rabe area **with no control outside of Bangui**; is
 5 that right?

Original French version T-025-FR, page 60:

23 Q. [14:22:41] Mais d'après Mokom, M. Ngaïssona était mis sur la touche, il n'avait
 24 pas beaucoup de pouvoir. On l'a confiné au quartier de Boy-Rabé, **il n'avait aucun**
 25 **contrôle sur le reste de Bangui** ; c'est bien cela ?

*Example 5:*Original English version T-026-ENG, page 4:

17 A. [9:38:42] Well, so there are two -- the two main reports, right? So the first one,
 18 Behind the Headlines, which -- which came at a sort of relatively early stage **in the**
 19 **conflict where our interest was, as the title says, to go behind the headlines. So**
 20 **international headlines very much talked about religious conflict and the idea here**
 21 **that our goal and aim was to look behind those headlines and provide policymakers**
 22 **and others a bit more depth in understanding what the concept of the conflict was**
 23 **about.** And then the -- the second report was exactly looking at, so what continues
 24 to drive the violence, you know, a year later into the conflict, so looking at natural
 25 resources, enrichment, sort of those issues.

Mistake in the French version T-026-FR, pages 3-4:

25 R. [09:38:44] Il y a deux rapports. Il y en a un qui est arrivé et qui s'appelle Behind the
 26 Headlines, en anglais, et qui est au début du conflit. **Comme on le dit, c'est celui qui**
 27 **aborde le conflit religieux. Et nos objectifs étaient d'analyser ces... ces grands titres, et**
 28 **aller un peu plus en profondeur, et essayer de voir quel était le... le concept en**
 1 **question.**
 2 Et puis, dans le deuxième rapport, on a plutôt cherché à savoir ce qui continuait à
 3 alimenter cette violence. On était un an plus tard. Alors, là, on a voulu voir les
 4 ressources naturelles, l'enrichissement, et cetera.

*Example 6:*Original English version T-026-ENG, page 25:

2 Q. [10:31:09] Okay. Now, I have some questions from your "Behind the Headlines,
 3 Drivers of Violence" report and May 2014 I think is the date of the report. In your
 4 statement at paragraph 44 you refer to the report, and in the first introduction of
 5 that report, the last sentence in the paragraph reads, quote, "**The Anti-Balaka ...**
 6 **professionalised, acquired powerful armies, and attacked Bangui in December 2013,**
 7 **weakening the Séléka, who largely left the capital in January.**"
 8 In the report, I see there's no footnote for that statement, right? Is that just because
 9 it's the introduction and it's sort of a general summary of what follows?

Mistake in the French version T-026-FR, page 23:

11 Q. [10:31:23] J'ai des questions sur votre rapport Au-delà des gros titres, les moteurs de
 12 la violence, 2014 — je crois que c'est la date du rapport, n'est-ce pas, 2014 —, et dans
 13 votre déclaration, au paragraphe 44.
 14 Dans la première introduction de ce rapport, la dernière phrase est: « Les
 15 **Anti-balaka, un groupe professionnel, ont obtenu des armes professionnelles** et ont
 16 **attaqué Bangui en 2000... en décembre 2014, en affaiblissant ainsi la Séléka qui était**
 17 **dans la capitale en janvier.** »
 18 Et je vois que, pour cette déclaration, c'est... il n'y a pas de note de bas de page. Est-ce
 19 que c'est parce que c'est une introduction ou une déclaration générale de ce qui va
 20 suivre ?

Example 7:Original English version T-026-ENG, page 34:

7 "Senior FACA commanders like Captain Joachim Kokaté, Lieutenant Maxime Mokom
 8 and Corporal Alfred Yekatom from the" quote "Presidential Guard" close quote, "have
 9 used their military experience to take control of some Anti-Balaka groups."
 10 And your source is footnote 129 which we'll talk about in a minute.
 11 **I suggest to the witness that there will be evidence in this case that Mr Yekatom was**
 12 **not a member of the presidential guard.**
 13 You personally don't have any information to disagree with that, right?

Mistake in the French version T-026-FR, page 31:

12 Et le capitaine Joachim Kokaté, par exemple, et Maxime
 13 Mokom et Alfred Yekatom de la Garde présidentielle ont pu utiliser leur expérience
 14 militaire pour prendre le contrôle de ces groupes anti-balaka. Et c'est ce que nous
 15 retrouvons à la note en bas de page n° 129.
 16 Et je suppose... **Je vous propose l'idée suivante: c'est qu'il n'y a aucune preuve ici**
 17 **que M. Yekatom n'était pas membre de la Garde présidentielle.** Vous n'avez aucune
 18 information qui permette de contredire ou confirmer ceci ?

P-1577**Example 1:**Original English version T-28-CONF-ENG, page 19:

2 A. [10:24:43] I have in my statement in paragraph 5, a paragraph there that states
 3 that I'm comfortable responding to issues surrounding the Anti-Balaka but not to
 4 **discuss any issues around the crimes of the Séléka**, for security purposes for people
 5 that are on the ground.

Mistake in the French version T-028-CONF-FR, page 18:

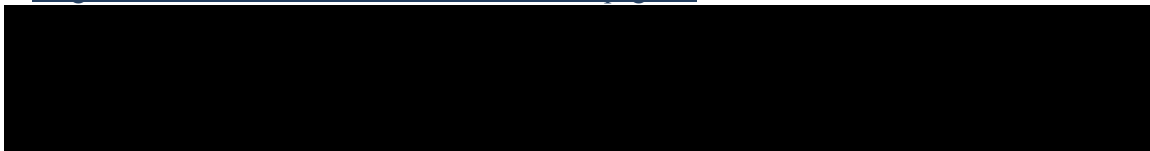
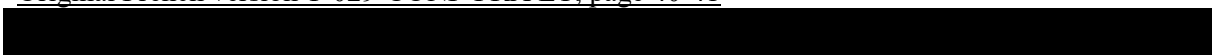
14 R. [10:24:42] Dans mon... ma déclaration, au paragraphe 5, il y a un paragraphe qui
 15 indique que cela ne me pose pas de problème de répondre aux questions concernant
 16 les Anti-balaka, **mais non pas pour discuter des crimes concernant les Anti-balaka**,
 17 pour des raisons de sécurité sur le terrain.

Example 2:Original English version T-28-CONF-ENG, page 67:

20 A. [14:35:06] **It's -- we travelled to Boda. So it's on 4 February**, I believe, when we
 21 travelled to Boda and we made an unscheduled stop in Mbaïki because of the
 22 late -- lateness of the evening. So we got to Mbaïki quite late that -- that evening.
 23 So you're -- you're quite right that it's not on that list, but we did stop overnight in
 24 Mbaïki with the French contingent.

Mistake in the French version T-028-CONF-FR, page 70:

5 R. [14:35:11] **Nous sommes allés vers la frontière, donc je pense que c'était le**
 6 **1er février**, et nous nous sommes arrêtés à Mbaïki, ce qui n'était pas prévu, en raison
 7 de.. de l'heure tardive dans la soirée ; nous sommes arrivés assez tard à Mbaïki ce
 8 soir-là. Et vous avez tout à fait raison, cela ne figurait pas sur cette liste, mais nous
 9 nous sommes arrêtés pour la nuit à Mbaïki avec le contingent français.

P-2841**Example 1:**Original French version T-029-CONF-FRA ET, page 16Mistake in the English version T-029-CONF-ENG ET, page 15**Example 2:**Original French version T-029-CONF-FRA ET, page 40-41

Mistake in the English version T-029-CONF-ENG ET, page 38

Example 3:

Original French version T-30-CONF-FRA ET, page 16

24 R. [10:22:58] Oui. C'est exact. Parce que, comme je dis, **ces deux-là jouaient, à un**
25 moment donné, un double jeu, parce que c'est des militaires qui étaient en fonction
26 et, à cette époque, on commençait à distribuer des galons. On commençait à
27 distribuer des galons, donc je comprends aisément pourquoi les... ils sont devenus
28 très instables au niveau de... des communications qu'ils faisaient et tout.

Mistake in the English version T-030-CONF-ENG ET, page 15

3 A. [10:23:02] Yes, that's correct because, as I said, **this was a double game because it**
4 was military and at that time they started to distribute various items, so it became
5 very unstable as regards the communications he made.

Example 4:

Original French version T-30-CONF-FRA ET, page 54:

12 Q. [12:49:46] Mais là, vous parlez, donc, d'habitants des quartiers, de locaux par
 13 rapport aux Anti-balaka, n'est-ce pas ?
 14 R. [12:49:59] Oui, oui, ça c'est un jeune du quartier qui a été pris à partie par un
 15 élément séléka, et puis après, il y a eu réaction du quartier et les éléments séléka,
 16 aussi, sont venus en représailles.

Mistake in the English version T-030-CONF-ENG ET, page 51:

19 Q. [12:49:43] But here you're talking about locals as opposed to the Anti-Balaka; is
 20 that correct?
 21 A. [12:50:01] Yes, yes, **this was done by -- happened with the Séléka element and**
22 then the reaction to that as reprisals.

P-2926

Example 1:

Original French version T-031-CONF-FRA, page 12:

Mistake in the English version T-031-CONF-ENG, page 12:

Example 2:

Original French version T-031-CONF-FRA, page 30:

Mistake in the English version T-031-CONF-ENG, page 130:

Example 3:

Original French version T-031-CONF-FRA, page 36:

Mistake in the English version T-031-CONF-ENG, page 37:

Example 4:

Original French version T-031-CONF-FRA, pages 36-37:

Mistake in the English version T-031-CONF-ENG, page 37:

Example 5:

Original French version T-031-CONF-FRA, page 40:

3 R. [12:17:14] Les régimes centrafricains ont l'habitude d'utiliser les organisations de...
4 de jeunes, à la fois pour chanter et pour participer à des... à des célébrations
5 publiques, mais aussi pour soutenir leur... **leur allié politique**, et parfois pour faire
6 aussi de l'agitation.

Mistake in the English version T-031-CONF-ENG, page 40:

8 A. [12:17:17] The Central African government uses organisation of young people,
9 both to participate in celebrations of a public nature, but also **to support political**
10 **rallies** and sometimes to cause a bit of agitation.

Example 6:

Original French version T-031-CONF-FRA, pages 66:

8 R. [15:04:54] Non, je n'ai pas connaissance d'un lien entre M. Demafouth et
9 Révolution et Justice, mais en effet, Révolution et Justice était une réinvention de
10 l'APRD puisque la plupart des commandants de Révolution et Justice étaient
11 d'anciens commandants de l'APRD. **Révolution et Justice, à ma connaissance, était**
12 **dirigé par Armel Sayo**, qui était aussi à la conférence de Brazzaville en 2014.

Mistake in the English version T-031-CONF-ENG, pages 66-67:

22 A. [15:04:57] I am not aware of a link between Mr Demafouth and Revolution and
23 Justice, but the point is that Revolution and Justice was a reinvention of the APRD,
24 given that most of the commanders of Revolution and Justice were former APRD
25 commanders.
1 **I think it's Armel Sayo who was the head of APRD**, who also attended the Brazzaville
2 conference in 2014.

P-0801

Example 1:

Original French real-time version T-036-FRA, page 17:

7 il y a des contacts, il y
8 a des contacts qui étaient venus, **il y a des collègues qui**
9 **étaient venus me voir pour dire que le Premier Ministre**
10 **Nzapayéké souhaite avoir le soutien des Anti-balaka**, pour rester
11 à son poste et que le Premier Ministre Nzapayéké souhaite avoir
12 aussi le soutien des... de ces... enfin des Anti-balaka et des
13 Séléka pour rester à son poste parce que son poste était
14 menacé.

Mistake in the English real-time version T-036-ENG, page 16:

13 There were contacts, contacts game, came, **colleagues came who came to see**
14 **me and said either you have the support of the Anti-Balaka in**
15 **order to remain in your position**, or you get the support,
16 the prime minister should get the support of the Anti-Balaka and

17 the Séléka ^so that can remain in his position because his
18 position was being threatened.

Example 2:

No transcript for the original French version for T-039:

The witness said he was in his car and heard at the radio.

Mistake in the English real-time version T-039-ENG, page 21:

15 During that, they said that Kokaté was the deputy general
16 coordinator. **I was walking around in my area** and there were
17 friends in Bangui who said -- who were following on the radio
18 what was being announced, that there is a new coordination for
19 the Anti-Balaka, coordinator general is Mokom is you are
20 the deputy.

Example 3:

No transcript for the original French version for T-039:

The witness said that when Ngaïssona called him, he went to his house.

Mistake in the English realtime version T-039-ENG, page 22:

21 way. When I left for Nairobi I think I said to the president,
22 when I go to Nairobi it's Mr Ngaïssona who called me **and I**
23 followed him.

The Yekatom Defence has raised interpretation errors with CMS in a joint meeting with LSS in the past, and has been informed that the only manner in which such issues can be raised is via the Transcript Verification Module (TVM) platform. The Yekatom Defence and the Prosecution have duly examined the transcripts of witnesses heard to date and have submitted a number of verification requests. However, this procedure is unsustainable in terms of the substantial resources that must be expended in reviewing lengthy transcripts of witnesses in English and French, within the TVM deadlines as imposed. Nor, with respect, should it be the responsibility of the Defence or the Prosecution to systematically verify the quality of interpretation and transcription.

The Yekatom Defence and the Prosecution further note that the procedure for TVM verification requests – from the submission of requests, their processing, the implementation of any corrections, to the notification of a corrected version of a transcript – can sometimes take over one and a half months. The Yekatom Defence and the Prosecution are dependent on finalised transcript references in internal work product and as such, such delays negatively impact the efficiency of ongoing trial preparations.

More fundamentally, it is our understanding that transcripts are reviewed by CMS on the basis of the audio version of the language of the transcription. In other words, there is no verification as regards whether the original speech was correctly interpreted in the first place. Further, amending transcripts on the basis of corrections of erroneous interpretation raises a host of problems as regards the integrity of the trial record. In this respect, it does not appear that the issue of erroneous interpretation can be resolved through after the fact verification requests via the TVM platform. The Yekatom Defence and the Prosecution appreciate that real-time interpretation is an extremely difficult process; and further, it is mindful of and sympathetic to COVID-19-related conditions under which the real-time interpreters are currently operating. Moreover, the Yekatom Defence and the Prosecution wish to emphasise that they in no way expect error-free interpretation or a perfect transcript. Yet the fact remains that interpretation errors are currently occurring at a rate that is prejudicial for the efficient proceeding of the Trial.

As such, the Yekatom Defence and the Prosecution respectfully request the urgent intervention of the Trial Chamber, the specific contours of which they will defer to the Chamber.

Kweku Vanderpuye, Senior Trial Lawyer for the Office of the Prosecution and Mylène Dimitri, Counsel for Mr Yekatom

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