

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 29 September 2010

PRE-TRIAL CHAMBER I

Before: **Judge Cuno Tarfusser, Single Judge**

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF *THE PROSECUTOR V. ABDALLAH BANDA ABAKAER
NOURAIN AND SALEH MOHAMMED JERBO JAMUS***

Public

Decision scheduling a hearing on issues relating to interpretation

Document to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Mr Essa Faal, Senior Trial Lawyer

Counsel for the Defence

Mr Karim A.A. Khan

Legal Representatives of Victims

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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I, Judge Cuno Tarfusser, acting as Single Judge of Pre-Trial Chamber I in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*¹;

1. **NOTING** the hearing of first appearance of Mr Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus, held on 17 June 2010 before Pre-Trial Chamber I;
2. **NOTING** that, at the aforementioned hearing, the Chamber scheduled the commencement of the hearing on the confirmation of the charges for Monday 22 November 2010;
3. **NOTING** that the date for the commencement of the hearing on the confirmation of the charges was set *inter alia* in light of the information submitted by the suspects, namely that Zaghawa was the language they both full understood and spoke and, as a consequence, of the timing indicated by the Registry as required for the adequate training of court interpreters from and into the Zaghawa language;
4. **NOTING** the “Report of the Registrar on Zaghawa interpretation to be provided during the Confirmation of Charges Hearing” dated 28 September 2010 (“Report”)², whereby the Registrar submits the following

- (i) in spite of its efforts, the Court Interpretation and Translation Section encountered major obstacles in finding suitable candidates for the necessary training as court interpreters, this due to several reasons including, in particular, Zaghawa being a rare and oral language

¹ ICC-02/05-210.

² ICC-02/05/03/09-73-Conf.

spoken by a population where few people have sufficient knowledge of English, French or Arabic;

- (ii) the training programme for Court interpretation designed for the few suitable candidates identified by the Registrar is expected to commence at the beginning of November 2010 at the earliest and will span for a period of at least 6 months;
- (iii) such training period could be shortened by two months at the most, subject, in this case, to “reservations regarding the quality of interpretation”;
- (iv) due to their general low level of English and/or French, the interpreters selected out of the recruitment may also need intensive training in English or French, in addition to the training for interpretation, prior to being able to effectively discharge their duties;

5. **NOTING** article 67 of the Statute of the Court and regulations 20 and 23-bis of the Regulations of the Court;

6. **NOTING** that the Registrar submits her Report as “confidential” on the basis that it contains information relating “to the identities of the candidates for Zaghawa interpreters who have been interviewed by the STIC”;

7. **CONSIDERING**, however, that the Report only contains information of a general nature;

8. **CONSIDERING** that, accordingly, there is no reason to depart from the paramount principle of the publicity of proceedings and the Report should be reclassified as “public”;

9. **NOTING** article 67(1)(c), enshrining the equally fundamental principle that the suspect has a right to be tried without undue delay;
10. **CONSIDERING** that the Report makes it clear that, if interpretation from and into Zaghawa is to be provided, it is not feasible to hold the confirmation hearing as originally scheduled;
11. **CONSIDERING** it therefore necessary that the parties submit their views on the issues raised by the Report;

FOR THESE REASONS

DECIDE

to convene a hearing to be attended by the Prosecutor, the Defence and the Registrar on Wednesday 6 October 2010, at 10 hours;

DECIDE

that, at the said hearing, the parties and the Registrar shall submit their views on the issues raised by the Report, in particular as regards the timing of the hearing on the confirmation of the charges;

ORDER

that the Report be reclassified as public.

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

Dated this Wednesday, 29 September 2010

At The Hague, The Netherlands



Judge Cuno Tarfusser
Single Judge