

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/04-01/15  
Date: 1 September 2015

**PRE-TRIAL CHAMBER II**

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

**SITUATION IN UGANDA**

**IN THE CASE OF *THE PROSECUTOR v. DOMINIC ONGWEN***

**Public**

**Decision on the “Defence Request for an Order to the Registrar to Implement Immediate Procedures to Hire Translators and Interpreters for the Acholi Language”**

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

**The Office of the Prosecutor**

Fatou Bensouda  
James Stewart  
Benjamin Gumpert

**Counsel for the Defence**

Krispus Ayena Odongo

**Legal Representatives of the Victims**

**Legal Representatives of the 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**

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**Registrar**

Herman von Hebel

**Defence Support Section**

Esteban Peralta Losilla

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

Alexandra Tomic (LSS)

**Judge Cuno Tarfusser**, Single Judge exercising the functions of the Chamber in the present case, issues this decision on the “Defence Request for an Order to the Registrar to Implement Immediate Procedures to Hire Translators and Interpreters for the Acholi Language” (ICC-02/04-01/15-281-Conf-Exp-Corr and –Corr-Red), filed on 30 July 2015.

1. The Defence requests that the Single Judge order the Registrar: (i) to hire more Acholi translators; (ii) to release funds to the Language Services Section (LSS) so that the latter can certify more field interpreters; and (iii) to give the Defence an additional 600 EUR per month for the purpose of hiring an outside translator in the interim. This request is based on a vigorous assertion that the Registrar is failing to provide adequate translation and interpretation service to ensure that Dominic Ongwen’s rights are respected. This claim in turn rests on the following incidents described by the Defence: (i) the fact that the article 58 application of the Prosecutor has still not been officially translated into Acholi; (ii) the unavailability, due to health problems, of an interpreter at a meeting of the Defence with Dominic Ongwen at the Court’s Detention Centre; and (iii) the alleged delay by the Registrar in securing the services of a field interpreter during a recent Defence mission.

2. On 17 August 2015, on the instruction of the Single Judge, the Registrar provided observations on the issues raised by the Defence (ICC-02/04-01/15-290-Conf-Exp).

3. The Single Judge has examined the issues raised in the Defence request to determine whether any order to the Registrar is necessary to ensure the respect of Dominic Ongwen’s rights under article 67(1)(a) and (f) of the Rome Statute.

4. The Registrar has informed the Single Judge that the translated article 58 application has been made available to the Defence in part on 13 August 2015,

and that translation work on the priority parts (as identified by the Defence) should be completed by mid-September 2015. The Single Judge also notes that the English version of the document has been available to the Defence since 2 March 2015, and that warrant of arrest in Acholi has been public since 5 February 2007. Therefore, the work of the Defence has not been prejudiced because of the time needed to complete the translation.

5. The Registrar has also reported that the availability of Acholi translation at the seat of the Court is being improved through the assignment of a second staff member to assist with this work and the identification of a third qualified interpreter for whom, according to the Registrar, “funds will be arranged in accordance with operational priorities”.

6. As to interpretation in the field, the Registrar acknowledges that “there has been delay in providing field interpretation services [...] due to the limited availability of interpreters and the length of the security vetting process”, but also informs the Single Judge that the process has been successfully completed with respect to two Acholi interpreters, and is being “pursued urgently” with respect to further two.

7. In these circumstances, the Single Judge is of the view that no judicial order is necessary as the Registrar is clearly aware of and working to resolve the problems with Acholi translation and interpretation. With respect to the specific complaints of the Defence, the Single Judge considers that any problems with translation or interpretation did not cause discernible prejudice to the Defence’s work. The Single Judge will however continue to monitor this issue, and the Registrar is ordered to report on the progress in two weeks’ time.

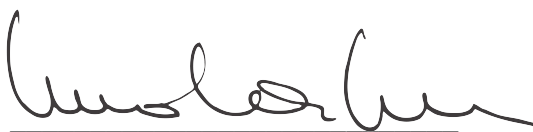
8. Finally, as to the request for an increase of funding as part of legal assistance paid by the Court, such request is inadmissible before the Single Judge by virtue of regulation 83(3) of the Regulations of the Court.

**FOR THESE REASONS, THE SINGLE JUDGE**

**REJECTS** the request;

**ORDERS** the Registrar to file in the record of the case, by 15 September 2015, a report on the progress of activities aimed at improving the availability of Acholi translation and interpretation.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

**Judge Cuno Tarfusser**  
**Single Judge**

Dated this 1 September 2015

At The Hague, The Netherlands