

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/12-01/18**

Date: **14 June 2018**

**PRE-TRIAL CHAMBER I**

**Before: Judge Péter Kovács, Single Judge**

**SITUATION IN THE REPUBLIC OF MALI**

**IN THE CASE OF  
THE PROSECUTOR *v.* AL HASSAN AG ABDOUL AZIZ AG MOHAMED  
AG MAHMOUD**

**Public**

**Prosecution's notice in relation to the implementation of the  
*"Décision relative à la requête de la défense sollicitant la traduction en arabe de la  
requête du Procureur aux fins de délivrance d'un mandat d'arrêt"***

**Source: Office of the Prosecutor**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda  
Mr James Stewart

**Counsel for the Defence**

Mr Yasser Hassan

**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**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section Other**

1. Pursuant to the Single Judge's "*Décision relative à la requête de la défense sollicitant la traduction en arabe de la requête du Procureur aux fins de délivrance d'un mandat d'arrêt*" ("Decision"),<sup>1</sup> the Prosecution is ordered to file as soon as possible an Arabic translation of its application for the issuance of a warrant of arrest against Mr Al Hassan ("Application").<sup>2</sup>
2. At the outset, the Prosecution notes that while it has a statutory obligation to translate witness statements into Arabic pursuant to rule 76(3) of the Rules of Procedure and Evidence, and other items of evidence from Arabic into one of the working languages of the Court pursuant to article 50(2) of the Rome Statute, it has no express statutory obligation to translate its Application for the issuance of a warrant of arrest.
3. Nevertheless, aware of the necessity that Mr Al Hassan be informed of the charges in a language he fully understands and speaks, and pursuant to the Decision, the Prosecution will do its utmost to provide the required translation as soon as practicable.
4. However, it is deemed prudent to draw the Single Judge's attention to the practical and financial difficulties the Prosecution is currently facing with respect to translations.
5. The translation of the Application into Arabic would require the Prosecution to redirect some of its limited translations resources, already overburdened with the tasks referred to in paragraph 2, which would impact on the Prosecution's ability to translate its evidence for the confirmation hearing in a timely manner.
6. Concretely:

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<sup>1</sup> ICC-01/12-01/18-42.

<sup>2</sup> ICC-01/12-01/18-1-Conf-Exp-Red2.

- in consultation with its Language Services Unit (“LSU”), the Prosecution notes that translating the Application will require identifying and commissioning an external translator with specific linguistic expertise<sup>3</sup> in translating legal documents from French into Arabic because the LSU has little resources to that effect;
  - once an available, qualified translator has been identified,<sup>4</sup> a period of around six to eight weeks is estimated to finalise the translation;
  - this will come at an additional cost of around EUR 6000;
  - only the public redacted version of the Application can be communicated to this external translator due to confidentiality constraints;
  - after obtaining the translation of the public redacted version, LSU will have to translate the additional portions contained in the confidential redacted version that will need to be added to the document before it can be finalised, quality checked and filed into the case record.
7. In this context, the Prosecution will prioritise its duty to translate witness statements into Arabic (the language the suspect fully understands and speaks) and its duty to translate other items of evidence from Arabic into one of the working languages of the Court, *i.e.* two significant obligations which the Prosecution is duty-bound to conclude for the evidence it intends to rely on at the confirmation hearing at the latest 30 days prior to that hearing - now set for 24 September 2018.<sup>5</sup> Both these duties require commissioning external translators with specific linguistic expertise, come at an important cost and are time consuming.<sup>6</sup>

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<sup>3</sup> Most tasks have already been assigned to the available qualified translators.

<sup>4</sup> The Prosecution will liaise with the Registry to identify a suitable translator.

<sup>5</sup> ICC-01/12-01/18-T-1-Red, ENG, p. 10, l. 15-19.

<sup>6</sup> Just like the transcription of article 55(2) audios.

8. For these reasons, the Prosecution will most likely be able to provide the Arabic translation of the Application only after the translations of witness statements falling under rule 76(3) of the Rules of Procedure and Evidence, and other items of evidence are completed.



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Fatou Bensouda, Prosecutor

Dated this 14<sup>th</sup> day of June 2018  
At The Hague, The Netherlands