

**UNITED
NATIONS**



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No. IT-04-75-PT
Date: 18 September 2012
Original: English

IN THE TRIAL CHAMBER

Before: Judge Guy Delvoie, Presiding
Judge Burton Hall
Judge Antoine Kesia-Mbe Mindua

Registrar: Mr. John Hocking

Order: 18 September 2012

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

ORDER ON TRANSLATIONS

The Office of the Prosecutor:
Mr. Douglas Stringer

Counsel for Goran Hadžić:
Mr. Zoran Živanović
Mr. Christopher Gosnell

1. **THIS TRIAL CHAMBER** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) hereby issues this order in relation to the translation of exhibits that the Prosecution intends to tender as evidence during its case in chief.

2. At the Rule 65 *ter* conference held on 6 September 2012, the Prosecution informed the Trial Chamber that all of the documents on its Rule 65 *ter* exhibit list had not been translated yet.¹ On 7 September 2012, the Prosecution sent a letter to the Pre-Trial Judge, stating that the large majority of its exhibits had been translated and were being uploaded to eCourt, but that approximately 670 of these documents were currently missing English translations.² At the status conference held on 13 September 2012, the Prosecution informed the Trial Chamber that the substantial majority of the documentation had been translated and stated that it is prioritising documents for translation so that they are available for use in court as the trial progresses.³ The Prosecution explained that it began to send translation requests to the Tribunal’s Conference and Language Services Section (“CLSS”) in early 2012, but that there were resource constraints upon the work of CLSS impacting the rate of translation.⁴

3. At the 13 September status conference, the Defence took the position that the Prosecution should submit English translations of documents in Bosnian/Croatian/Serbian (“B/C/S”) that are included on the Prosecution’s Rule 65 *ter* exhibit list.⁵

4. Rule 65 *ter* (E)(iii) of the Rules of Procedure and Evidence of the Tribunal (“Rules”) requires the Prosecution, within a time limit set by the Pre-Trial Judge, to file a list of exhibits it intends to tender as evidence and to serve on the Defence copies of these exhibits. The deadline for the list of exhibits and the service of these documents was 19 June and 26 June 2012, respectively.⁶ The Prosecution is reminded that, pursuant to Rule 3(A) of the Rules, the working languages of the Tribunal are English and French. In order for a B/C/S document to be properly analysed and considered, it generally must be translated into one of the two languages of the Tribunal and, for this trial, specifically into English. The Trial Chamber therefore considers that—in the exercise of its inherent authority to manage the trial proceedings and keeping in mind the significant resource constraints placed upon the Tribunal in respect of translation services—it is appropriate to order the Prosecution to provide the Defence and the Trial Chamber with an English translation of any B/C/S document at least one month prior to the date upon which it is tendered as evidence.

¹ Rule 65 *ter* Conference of 6 September 2012, T. 79-81 (confidential).

² Letter from Prosecution to Pre-Trial Judge, 7 September 2012.

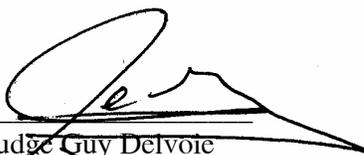
³ Status Conference of 13 September 2012, T. 49, 51-52.

⁴ Status Conference of 13 September 2012, T. 48-49.

5. Accordingly, pursuant to Rules 3, 54, and 65 *ter* of the Rules, the Trial Chamber *ex proprio motu* hereby ORDERS that the Prosecution shall upload to eCourt the English translation of any B/C/S document on its Rule 65 *ter* exhibit list at least one month prior to tendering it as evidence in the trial proceedings.

Done in English and French, the English text being authoritative.

Done this eighteenth day of September 2012,
At The Hague,
The Netherlands.



Judge Guy Delvoic
Présiding

[Seal of the Tribunal]

⁵ Status Conference of 13 September 2012, T. 51.

⁶ Order on Pre-Trial Work Plan, 16 December 2011, Annex, p. 1.