

**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-04-74-A

Date: 4 February 2015

Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Carmel Agius
Judge Fausto Pocar
Judge Liu Daqun
Judge Bakone Justice Moloto

Registrar: Mr. John Hocking

Order of: 4 February 2015

PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ČORIĆ
BERISLAV PUŠIĆ**

PUBLIC

**ORDER FOR CLARIFICATION CONCERNING
TRANSLATION OF EXHIBITS 3D03065 AND 4D00348**

The Office of the Prosecutor:

Mr. Douglas Stringer
Mr. Mathias Marcussen

Counsel for the Accused:

Mr. Michael G. Karnavas and Ms. Suzana Tomanović for Mr. Jadranko Prlić
Ms. Senka Nožica and Mr. Karim A. A. Khan for Mr. Bruno Stojić
Ms. Nika Pinter and Ms. Natacha Fauveau-Ivanović for Mr. Slobodan Praljak
Ms. Vesna Alaburić and Mr. Guénaël Mettraux for Mr. Milivoj Petković
Ms. Dijana Tomašegović-Tomić and Mr. Dražen Plavec for Mr. Valentin Čorić
Mr. Fahrudin Ibrišimović and Mr. Roger Sahota for Mr. Berislav Pušić

THE APPEALS 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 (“Appeals Chamber” and “Tribunal”, respectively);

BEING SEISED of “Jadranko Prlić’s Motion to Replace Translation of Exhibits 4D00348 and 3D03065 with Annexes I and II”, filed by Jadranko Prlić (“Prlić”) on 1 December 2014 (“Motion”), in which Prlić requests the Appeals Chamber to instruct the Registry of the Tribunal to replace the English language translation, originally provided by the Conference and Languages Services Section of the Tribunal (“CLSS”), of identical exhibits 3D03065 and 4D00348 (collectively, “Exhibits”) with a revised English language translation of the Exhibits issued by the CLSS;¹

NOTING that Prlić submits that a relevant phrase in the original English translation of the Exhibits stated that “following *an order from our superiors*”,² while the revised translation of this sentence states that “following *a higher order*”;³

NOTING Prlić’s submission that the Trial Judgement in this case includes findings entered against him on the basis of the original, incorrect English translation of the Exhibits and that the revised, correct translation of the Exhibits should be relied upon to ensure a fair determination of any facts based on the Exhibits;⁴

NOTING the response to the Motion filed by the Office of the Prosecutor (“Prosecution”), in which the Prosecution states that it “takes no position” on the Motion, but advises the Appeals Chamber to directly verify with the CLSS the correct translation of the phrase in question on the basis that, on 10 and 11 December 2014 respectively, the CLSS provided the Prosecution with two different revised translations of the relevant sentence in the Exhibits, the first of which states “following an order from higher-up” and the second of which states “following a higher order”;⁵

CONSIDERING that, in light of the Prosecution’s submission, it seems that the CLSS has issued two different revised translations of the original English translation of the Exhibits and that there is uncertainty as to which of the two revised versions is correct;

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence;

¹ Motion, p. 1. *See also* Motion, Annexes I-II; Bruno Stojić’s Joinder to Prlić Motion to Replace Translation of Exhibits 4D00348 and 3D03065 With Annexes I and II.

² Motion, para. 1 (emphasis in the Motion).

³ Motion, para. 3 (emphasis in the Motion).

⁴ Motion, paras 2, 4, *referring to Prosecutor v. Jadranko Prlić et al*, Case No. IT-04-74-T, Judgement, 6 June 2014 (French original filed on 29 May 2013) (“Trial Judgement”), paras 126, 133.

⁵ Prosecution Response to Jadranko Prlić’s Motion to Replace Translation of Exhibits 4D00348 and 3D03065 with Annexes I and II, 11 December 2014, paras 1-2.

INSTRUCTS the CLSS to clarify for the Appeals Chamber the reason for there being two different revised English language translations of the Exhibits and indicate which of the two is correct within seven days of the filing of this order.

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

Done this 4th day of February 2015,
At The Hague,
The Netherlands.



Judge Theodor Meron
Presiding

[Seal of the Tribunal]