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UNITED NATIONS  
NATIONS UNIES

**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Dennis C. M. Byron, Presiding  
Gberdao Gustave Kam  
Vagn Joensen

**Registrar:** Adama Dieng

**Date:** 20 January 2010

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**THE PROSECUTOR**

v.

**Édouard KAREMERA  
Matthieu NGIRUMPATSE  
Joseph NZIRORERA  
Case No. ICTR-98-44-T**

**DECISION REGARDING TRANSLATION OF EXHIBITS**

*Rule 54 of the Rules of Evidence and Procedure*

**Office of the Prosecution:**  
Don Webster  
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## INTRODUCTION

1. Throughout the trial proceedings in the present case, the Chamber has admitted a significant number of exhibits tendered by the Prosecution and the three Accused persons in English, French and Kinyarwanda. Not all of the exhibits admitted are currently available in the two working languages of the Tribunal.
2. On 22 June 2009, the Chamber directed the Parties to file submissions regarding the need for translation of exhibits or relevant portions thereof, already admitted at that date.<sup>1</sup>
3. On 31 August 2009, the Prosecution filed submissions on the issue.<sup>2</sup> Édouard Karemera also filed submissions but outside the set deadline.<sup>3</sup>

## DELIBERATION

4. Noting that neither Matthieu Ngirumpatse nor Joseph Nzirorera have filed submissions on the issue, the Chamber considers that they do not have any particular translation needs in relation to the exhibits already admitted to the date of the Order of 22 June 2009.
5. In its Order of 22 June 2009, the Chamber considered that the translation of certain of the exhibits admitted in this case or portions thereof<sup>4</sup> would assist the Chamber in the evaluation of the evidence before it<sup>5</sup> as well as assist the Parties in the preparation of their closing briefs and arguments.<sup>6</sup> The Chamber also noted that the translation of portions of

<sup>1</sup> *The Prosecutor v. Édouard Karemera, Matthieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T (“*Karemera et al.*”), Order Directing the Parties to File Submissions Regarding the Translation of Trial Exhibits, 22 June 2009 (“Order of 22 June 2009”).

<sup>2</sup> Prosecutor’s Submissions on the Translation of Admitted Exhibits, filed on 31 August 2009.

<sup>3</sup> Soumission de Édouard Karemera suite à la “Order Directing the Parties to File Submissions Regarding the Translation of Trial Exhibits” – 22 juin 2009, filed on 2 September 2009.

<sup>4</sup> *Aloys Simba v. The Prosecutor*, Case No. ICTR-01-76-A, Order for Translation, 3 July 2007; *The Prosecutor v. Pavle Strugar*, Case No. IT-01-41-A, Order for Translation, 3 October 2007.

<sup>5</sup> *Karemera et al.*, Décision sur la requête du Procureur en admission des traductions officielles de certaines pièces à conviction et à décharge déjà admises, 11 June 2009, para. 3.

<sup>6</sup> Order of 22 June 2009, para. 2.

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these exhibits is not equivalent to the admission of new evidence and that ordering translation would contribute to the Chamber's on-going efforts to expedite the proceedings by limiting the impact of language issues.<sup>7</sup>

6. Where a Party has requested the translation of an exhibit, and a translation does not yet exist, the Chamber will order that a translation of the exhibit be made in its entirety, provided that the whole exhibit is potentially relevant. Once completed, the translation will then be tendered before the Chamber.

7. Taking into account the needs of each Party and the necessity for judicial efficiency, the Chamber will direct that some exhibits need only be partially translated. This will be the case where a partial translation is sufficient to assist the Chamber in the evaluation of the evidence before it and to assist the Parties in the preparation of their closing briefs and arguments.

8. Where a Party has requested the translation of an exhibit for which a translation has already been admitted before the Chamber, the Chamber will refuse to order that another translation be made or tendered before the Chamber save for any error.

9. Where a translation has been requested by a Party, and it is available from the Prosecution, the Chamber will request that the Prosecution file the translation for admission before the Chamber.

10. The Chamber considers that the translation into French of P. 42, P. 44, P. 45, P. 46, P. 47, P. 138, P. 277, P. 300, P. 301, P. 346, D. K. 28, D. K. 81, D. K. 82, D. K. 131, D. Ng. 15, D. Ng. 50, D. Nz. 127, D. Nz. 216, D. Nz. 232, D. Nz. 390, D. Nz. 391, D. Nz. 392, D. Nz. 398, D. Nz. 399, D. Nz. 404, D. Nz. 413 and D. Nz. 500 is necessary.

11. The Chamber considers that the translation into English of P. 49, P. 211, P. 212, P. 215, P. 216, P. 217, P. 218, P. 219, P. 270, P. 271, P. 273, P. 284, P. 294, P. 295,<sup>8</sup> P. 296, P. 297, P. 298, P. 300, P. 301, P. 310, P. 315, P. 321, P. 322, P. 340, P. 342, P. 343, P. 347, D. K. 4, D. K. 5, D. K. 10, D. K. 28, D. K. 45, D. K. 54, D. K. 56, D. K. 59, D. K. 64, D. K. 66, D. K. 69, D. K. 70, D. K. 81, D. K. 82, D. K. 98, D. K. 99, D. K. 128, D. Ng. 4, D. Ng. 9, D. Ng. 47, D. Ng. 50, D. Ng. 84, D. Nz. 5, D. Nz. 29, D. Nz. 68 and D. Nz. 500 is necessary. Partial translation into English of the article at pages 12 and 13 of Exhibit P. 312 is also necessary

<sup>7</sup> *Idem.*

<sup>8</sup> The Chamber notes that contrary to the Prosecution's submissions, Exhibit P. 295 has only been admitted into French.

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12. Upon the information provided by the Prosecution regarding the availability of translations for some exhibits, the Chamber considers that the Prosecution should tender for admission the following documents:

13. The English translation of the following exhibits: P. 27, P. 65, P. 138, P. 259, P. 282, P. 285, P. 314, P. 318, D. K. 1, D. K. 3, D. K. 29, D. K. 33, D. K. 38, D. K. 46, D. K. 57, D. K. 61, D. K. 67, D. K. 75, D. K. 84, D. K. 85, D. K. 124, D. K. 132, D. Ng. 6, D. Ng. 11, D. Ng. 13, D. Ng. 14, D. Ng. 16, D. Ng. 29, D. Ng. 38, D. Ng. 73, D. Ng. 75, D. Ng. 78, D. Nz. 10 and D Nz. 14.

14. The French translation of the following exhibits: D. K. 60, D. Nz. 10, D. Nz. 14, D. Nz. 38 and D. Nz. 50.

15. However, the Chamber does not consider that all exhibits require translation as members of the Trial Chamber and the Parties, if not all fluent in both English and French, are at least fluent in one of them and have a working knowledge of the other. Indeed, the Chamber considers that the Language Services Section should not be burdened unnecessarily. Consequently, the Chamber considers that the following exhibits do not require translation: P. 50, P. 74, P. 127, P. 139, P. 205, P. 256, D. K. 2, D. K. 51, D. K. 55, D. K. 65, D. K. 72, D. Ng. 35, D Ng. 36, D Ng. 69D Ng. 72 and D. Nz. 36.

16. Regarding P. 189, the Chamber notes that, contrary to the Prosecution's submissions, the only available version of this document is in Kinyarwanda. The Prosecution submits that a translation into English is available. However, the Chamber, considering the length of the document, does not believe that ordering further translation into French would serve the interest of justice.

17. In its Order of 22 June 2009, the Chamber explicitly directed the Parties to file submissions regarding the need for translation of relevant portions of exhibits. However, referring to exhibits P. 222 and P. 223, the Prosecution did not indicate which portion(s) in its view would require translation. Consequently, the Chamber considers that the Prosecution should file specific submissions on which portions of these documents it finds it necessary to have translated within 7 days of this decision.

18. The Chamber considers that there is no need to require translation of Exhibit P. 224, P. 291, D. Ng. 39, D. Nz. 58, D. Nz. 84 as they already include French and English translations. A translation of P. 290, P. 311, D. K. 11, D. K. 100, D. Ng. 5, D. Ng. 23, D. 3, Nz. 6, D. Nz. 8, D. Nz. 9, D. Nz. 13, D. Nz. 15, D. Nz. 20 and D. Nz. 35 already exists.

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19. The Prosecution submits that translation of Exhibit P. 225 into English is available for filing. However, the Chamber notes that the document admitted into evidence, which is in French for the original, is already accompanied by an English translation. Consequently, there is no need for further translation. The Chamber notes that there has been confusion in the filing of Exhibit P. 302. Exhibit P. 302B contains the same documents minus one page as Exhibit P. 302A. Exhibit P. 302A is a translation into French of the first page of Exhibit P. 302B. Consequently, the Chamber finds that the documents admitted as exhibit P. 302B are a translation into French of the first page contained in Exhibit P. 302B. The Chamber considers that the full translation of Exhibit P302 is required in both French and English and that, when available, the English version of this document should be admitted as P. 302B.

20. P. 329 was admitted by a decision of the Chamber dated 10 November 2008. The Chamber agrees with the Prosecution that the document marked as Exhibit P. 329 does not correspond to the one admitted. Consequently, the Chamber orders the Registry to substitute the correct document<sup>9</sup> with the one actually marked as exhibit P. 329. The Chamber also requests that a translation be tendered within 7 days by the Prosecution, if available. If there is no translation available, the Chamber requests translation of the document in the working languages of the Tribunal.

21. All versions of Exhibit D Nz. 6 are barely legible due to flaws during the printing process. Consequently the Chamber request Joseph Nzirorera to tender legible copies of the documents admitted as D Nz. 6 so they can be substituted with the current copies in the custody of the Registry. No further translation of this exhibit is required.

22. The Chamber notes that Exhibit D. Nz. 395 is composed of two different documents, one in English (Report of the meeting of the SRSG with RPF in Mulindi on 1.3.94) and one in French (*communiqué de presse*). The Chamber considers that the Report should be translated into French and the *communiqué* into English.

23. Finally, the Chamber considers that the Parties in this case should assist the Registry in this process.

#### **FOR THESE REASONS, THE CHAMBER**

<sup>9</sup> The document admitted as P. 329 should be: "copy of the original commission of enquiry, in French, conducted by the FAR into the murder of ten Belgian peacekeepers, which records TXL's own statement that nothing could be done to help them although he had seen them attacked, and that nobody could be identified for punishment".

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**DIRECTS** that a French translation of the following exhibits be made: P. 42, P. 44, P. 45, P. 46, P. 47, P. 127 (Page 31437 only), P. 138, P. 277, P. 300, P. 301, P. 346, D. K. 10, D. K. 28, D. K. 81, D. K. 82, D. K. 131, D. Ng. 15, D. Ng. 50, D. Nz. 127, D. Nz. 216, D. Nz. 232, D. Nz. 390, D. Nz. 391, D. Nz. 392, D. Nz. 395 (Report of the meeting of the SRSR with RPF in Mulindi on 1.3.94 only), D. Nz. 398, D. Nz. 399, D. Nz. 404, D. Nz. 413 and D. Nz. 500;

**DIRECTS** that an English translation of the following exhibits be made: P. 49, P. 138, P. 211, P. 212, P. 215, P. 216, P. 217, P. 218, P. 219, P. 256, P. 270, P. 271, P. 273, P. 284, P. 294, P. 296, P. 297, P. 298, P. 300, P. 301, P. 302, P. 310, P. 312 (article at pages 12-13), P. 315, P. 321, P. 322, P. 340, P. 342, P. 343, P. 346, P. 347, D. K. 2, D. K. 4, D. K. 5, D. K. 10, D. K. 28, D. K. 45, D. K. 51, D. K. 54, D. K. 56, D. K. 59, D. K. 64, D. K. 65, D. K. 66, D. K. 69, D. K. 70, D. K. 72, D. K. 81, D. K. 82, D. K. 98, D. K. 99, D. K. 128, D. Ng. 4, D. Ng. 9, D. Ng. 47, D. Ng. 50, D. Ng. 72, D. Ng. 84, D. Nz. 5, D. Nz. 29 and D. Nz. 68, DNZ-395 (*communiqué de presse* only) and D. Nz. 500;

**ORDERS** the Prosecution to tender the following exhibits for admission before the Chamber: P. 27 (English), P. 65 (English), P. 138 (English and French), P. 189 (English and French), P. 225, P. 259 (English), P. 282 (English), P. 285 (English), P. 295 (English), P. 314 (English), P. 318 (English), D. K. 1 (English), D. K. 3 (English), D. K. 29 (English), D. K. 33 (English), D. K. 38 (English), D. K. 46 (English), D. K. 55 (English), D. K. 57 (English), D. K. 60 (French), D. K. 61 (English), D. K. 67 (English), D. K. 75 (English), D. K. 84 (English), D. K. 85 (English), D. K. 124 (English), D. K. 132 (English), D. Ng. 4, D. Ng. 6 (English), D. Ng. 11 (English), D. Ng. 13 (English), D. Ng. 14 (English), D. Ng. 16 (English), D. Ng. 29 (English), D. Ng. 38 (English), D. Ng. 73 (English), D. Ng. 75 (English), D. Ng. 78 (English), D. Nz. 10 (French and English), D. Nz. 14 (French and English), D. Nz. 38 (French) and D. Nz. 50 (French) within 7 days of this decision;

**ORDERS** the Prosecution to file the correct document admitted as P. 329 as well as any translation it has in its custody with seven days following this decision and, in case no translation is available, **DIRECTS** the Registry to make translation of this document in the working languages of the Tribunal;

**DIRECTS** the Prosecution to file submissions regarding which sections of exhibits P. 222, P. 223, and P. 273 need to be translated within seven days of this decision; and

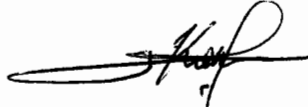
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**DIRECTS** Joseph Nzirorera to file legible copies of documents admitted as D. Nz. 6 in French and in English within seven days of this decision.

Arusha, 20 January 2009, done in English.



Dennis C. M. Byron  
Presiding Judge



Gberdao Gustave Kam  
Judge



Vagn Joensen  
Judge

