



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-02-54-T  
Date: 30 June 2005  
Original: ENGLISH

**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Iain Bonomy

**Registrar:** Mr. Hans Holthuis

**Order:** 30 June 2005

**PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

**ORDER DIRECTING PARTIES TO CLARIFY  
THEIR POSITIONS ON ADMISSION OF TRANSLATIONS OF  
EXHIBITS ADMITTED DURING PROSECUTION CASE  
AND  
DECISION ON PROSECUTION MOTION TO ADMIT TRANSLATIONS  
OF DOCUMENTS CONCERNING EVENTS IN RAČAK**

**Office of the Prosecutor:**

Ms. Carla Del Ponte  
Mr. Geoffrey Nice

**The Accused:**

Mr. Slobodan Milošević

**Court Assigned Counsel:**

Mr. Steven Kay, QC  
Ms. Gillian Higgins

**Amicus Curiae:**

Prof. Timothy McCormack

**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”),

**Admission of translations of exhibits  
admitted during Prosecution case**

*Proprio motu,*

**NOTING** that, during the course of the Prosecution case, the Prosecution tendered as evidence and the Trial Chamber admitted into evidence draft translations of documents,

**NOTING** that, when an official Conference and Language Services Section (“CLSS”) translation has been submitted for an exhibit that already has been admitted, it is necessary for the Trial Chamber to issue an Order regarding the admission of that translation in order for it to be admitted into evidence,

**CONSIDERING** the following:

- (1) where a document has been admitted into evidence with a draft translation or no translation and an official CLSS translation subsequently has been provided, the official CLSS translation should be admitted into evidence on Order of the Trial Chamber;
- (2) the Prosecution is the appropriate party to identify each situation where this is the case in respect of documents admitted during the Prosecution case; and
- (3) where only an English translation of a document has been provided, it is appropriate for the Prosecution to provide the B/C/S version and for that version to be admitted into evidence,

**NOTING** that a similar process has been ordered before in this case,<sup>1</sup>

**NOTING** that the Trial Chamber, in due course, will order the parties to make similar submissions with respect to currently pending translations of exhibits marked for identification during the Defence case,

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<sup>1</sup> “Order Directing the Prosecution to Clarify Its Position on the Admission of Defence Exhibits Tendered During the Kosovo Phase of the Prosecution Case”, issued 8 October 2002 (noting that a number of documents tendered by the Accused in the course of the Kosovo phase of the Prosecution case were marked for identification and not admitted, pending further clarification of their status; and ordering that the Prosecution indicate its position with regard to the admission of several exhibits); “Prosecution’s Report to Clarify Its Position on the Admission of Defence Exhibits Tendered During the Kosovo Phase of the Prosecution Case”, filed 15 October 2002 (clarifying the Prosecution’s positions on the admission of the Defence exhibits tendered during the Kosovo phase of the Prosecution case); “Decision on Defence Exhibits Tendered During the Kosovo Phase of the Prosecution Case”, filed 13 November 2002 (deciding final admission status of the exhibits in question).

**Prosecution motion to admit translations of  
documents concerning events in Račak**

**BEING SEISED** of a “Prosecution Submission of Revised Translations for Documents Concerning Events in Račak”, filed 1 June 2005 (“Motion”), requesting, with respect to two Prosecution exhibits and one Defence exhibit, that the Trial Chamber admit into evidence official CLSS translations in place of draft translations that were admitted into evidence,

**CONSIDERING** that (1) the official CLSS translation of exhibit **156, tab 16** has already been admitted into evidence as exhibit 320, tab 27a; (2) the Prosecution is thus requesting that an exhibit be admitted twice; and (3) the general policy of the Trial Chamber is not to admit a document into evidence that has already been admitted,

**CONSIDERING** that it is appropriate to admit into evidence the official CLSS translation of exhibit **156, tab 17**, but that the original B/C/S version has not been admitted into evidence,

**CONSIDERING** that it is appropriate for the draft translation of exhibit **D4** to be replaced with its official CLSS translation,

**PURSUANT** to Rules 54 and 89 of the Rules of Procedure and Evidence of the Tribunal,

**HEREBY ORDERS** as follows:

- (1) The Prosecution shall, no later than Monday, 5 September 2005, file a written report (“Prosecution Report”)
  - a. identifying each situation wherein a document, during the Prosecution case, has been admitted into evidence with a draft translation or no translation and an official CLSS translation (“translation”) subsequently has been provided;
  - b. identifying the date on which the official CLSS translation was provided to the Registry, parties, and Trial Chamber; and
  - c. identifying and attaching any B/C/S documents corresponding to English translations that already have been admitted (“B/C/S documents”).
- (2) The Defence shall, no later than two weeks after the filing of the Prosecution Report, file in writing any objections to the submissions in the Prosecution Report and any objections to the translations and/or B/C/S documents being admitted into evidence.

- (3) In the absence of any objections from the Defence, the translations and B/C/S documents, as identified in the Prosecution Report, shall be admitted into evidence and the Registry of the Tribunal shall include them in the record of the proceedings.
- (4) With respect to exhibit **156, tab 16**, the Motion is DENIED.
- (5) With respect to exhibit **156, tab 17**,
- a. the Motion is GRANTED;
  - b. the Prosecution shall, no later than seven days from the date of this Order, provide the Registry, parties, and Trial Chamber with the B/C/S version, which will be deemed admitted into evidence upon such provision; and
  - c. the Registry shall include the official CLSS translation (Annex B of the Motion, second document) and B/C/S version in the record of the proceedings.
- (6) With respect to exhibit **D4**,
- a. the Motion is GRANTED; and
  - b. the Registry shall include the official CLSS translation (Annex B of the Motion, third document) in the record of the proceedings.

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



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Judge Robinson  
Presiding

Dated this thirtieth day of June 2005  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**