



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: 15 September 2005
Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order: 15 September 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**FIRST ORDER DIRECTING PARTIES TO CLARIFY
THEIR POSITIONS ON ADMISSION OF DEFENCE DOCUMENTS
MARKED FOR IDENTIFICATION
PENDING TRANSLATION AND FURTHER ORDER**

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”),

Proprio motu,

NOTING that (1) the Defence has tendered as evidence and the Trial Chamber marked for identification untranslated documents and (2) the Trial Chamber has postponed its decisions on the admission of such documents pending their translation,

NOTING that, when an official Conference and Language Services Section (“CLSS”) translation has been submitted for a document that has been marked for identification in accordance with the above practice, it is necessary for the Trial Chamber to issue an Order regarding the admission of that document and its translation in order for them to be admitted into evidence,

CONSIDERING, with respect to documents tendered by the Defence, that (1) where a document has been marked for identification pending translation and further Order and an official CLSS translation subsequently has been provided, the document and its official CLSS translation should be admitted into evidence on Order of the Trial Chamber; (2) the Defence is the appropriate party to identify each situation where this is the case; and (3) where only an English translation of a document has been provided, it is appropriate for the Defence 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,¹

NOTING the Trial Chamber’s “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”, issued 30 June 2005, wherein the Trial Chamber made similar orders with respect to Prosecution documents and noted that, in due course, it would order the parties to make similar submissions with respect to currently pending translations of exhibits marked for identification during the Defence case,

¹ “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).

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

HEREBY ORDERS as follows:

- (1) The Defence shall, no later than two weeks from the date of this Decision, file a written report (“Report”)
 - a. identifying each situation wherein a Defence document has been marked for identification pending translation and further Order (“document”), and an official CLSS translation (“translation”) subsequently has been provided;
 - b. identifying the date on which the 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 Prosecution shall, no later than two weeks after the filing of the Report, file in writing any objections to the submissions in the Report and any objections to the documents and their translations and/or the B/C/S documents being admitted into evidence.
- (3) In the absence of any objections from the Prosecution, the documents and their translations and the B/C/S documents, as identified in the Report, shall be admitted into evidence and the Registry shall include them in the record of the proceedings.

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



Judge Robinson
Presiding

Dated this fifteenth day of September 2005
At The Hague
The Netherlands

[Seal of the Tribunal]