



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: 19 October 2005
Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order: 19 October 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**SECOND ORDER WITH REGARD TO THE 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”);

NOTING the “First Order Directing Parties to Clarify their Positions on Admission of Defence Documents Marked for Identification Pending Translation and Further Order”, issued on 15 September 2005 (“First Order”), in which the Chamber ordered, *inter alia*:

- (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”)[;]

NOTING that the First Order stated that “the Trial Chamber has postponed its decisions on the admission of such documents pending their translation”;

NOTING the “Assigned Counsel Submissions in Response to the Trial Chamber’s ‘First Order Directing Parties to Clarify their Positions on Admission of Defence Documents Marked for Identification Pending Translation and Further Order’ and Attachment A”, filed on 29 September 2005 (“Assigned Counsel Submissions”);

NOTING the “Prosecution Response to Assigned Counsel Submissions on Defence Documents Marked for Identification” and an accompanying Annex, filed on 13 October 2005 (“Response” and “Annex 2”, respectively), in which the Prosecution requests, *inter alia*, (1) leave to file another annex to the Response (“Annex 1”) out of time; and (2) an order for the Defence to make “submissions on how each identified document satisfies the admissibility criteria under the Rule, to include submissions on the further documents [to be] identified by the Prosecution in Annex 1”;¹

CONSIDERING that the Prosecution has shown good cause for a variation of the time limit with regard to the filing of responses;²

¹ Response, p. 9.

² Response, para. 2 (noting that a number of documents marked for identification and officially translated do not appear in the Assigned Counsel Submissions, and informing the Chamber of the Prosecution’s efforts to produce a comprehensive list of such omitted documents, as well as other documents marked for identification).

CONSIDERING that, while the Prosecution has already made submissions in Annex 2 with regard to the admissibility of the items identified in the Assigned Counsel Submissions, the Defence has not yet made written submissions on the admissibility of those documents or on the documents yet to be identified in the forthcoming Annex 1;

PURSUANT to Rules 54, 89, 126 *bis*, and 127 of the Rules of Procedure and Evidence of the Tribunal (“Rules”),

HEREBY ORDERS as follows:

- (1) The Prosecution shall file Annex 1 no later than 21 October 2005;
- (2) The Defence shall, no later than two weeks from the date on which Annex 1 to the Prosecution Response is filed, file submissions with regard to the admissibility of the items in Annexes 1 and 2 to the Prosecution Response, noting where relevant any discussion of admissibility that took place during court sessions;
- (3) Such Defence submissions shall be considered a Reply to the Response under Rules 126 *bis* and 127 of the Rules, and no further written submissions from the parties are necessary.

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



Judge Robinson
Presiding

Dated this nineteenth day of October 2005
At The Hague
The Netherlands

[Seal of the Tribunal]