



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-PT
Date: 25 January
2006
Original: FRENCH
English

THE PRE-TRIAL JUDGE

Before: Judge Jean Claude Antonetti

Registrar: Mr Hans Holthuis

Decision of: 25 January 2006

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

**ORDER CLARIFYING THE ORDER OF 17 JANUARY 2006 FOR
THE TRANSLATION OF DOCUMENTS**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Daryl Mundis

Defence Counsel:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Mr Tomislav Kuzmanović and Ms Senka Nožica for Bruno Stojić
Ms Vesna Alaburić for Milivoj Petković
Mr Tomislav Jonjić for Valentin Ćorić
Mr Fahrudin Ibrišimović for Berislav Pušić

The Accused:

Mr Slobodan Praljak

I, Jean-Claude Antonetti, Judge at 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 (the Tribunal”),

NOTING the Order for the Translation of Documents dated 17 January 2006,

NOTING the Motion of the Prosecution dated 24 January 2006,

CONSIDERING that the purpose of the Order of 17 January 2006 is to provide to the Accused Praljak, who is conducting his own defence, the translation into his language of the motions of the Prosecution and the responses of Counsel for the co-accused drafted in English and to rule that the time-limit for responding does not begin to run until the translation of the motions into B/C/S has been received,

CONSIDERING also that the Order clearly sets out those documents for which translation into the language the Accused understands may be requested, as provided for in Rules 66(A)(i) and (ii) and 68(i) of the Rules and not those provided for in Rule 66(B) of the Rules,

CONSIDERING that, in respect of the documents provided for in Rule 66(B) of the Rules, the Order states that the documents “*which are written in a language the Accused understands*” must be disclosed to him in his language but does not request translation into B/C/S of the documents referred to in Rule 66(B),

CONSIDERING moreover that the documents for which it may be legitimate to request translation into the language of the Accused pursuant to Rule 68 of the Rules and, as the Order sets out, are, “*evidence made available by the Prosecutor which may suggest the innocence or mitigate the guilt of the Accused*”, that is, the exculpatory evidence provided for in Rule 68(i) of the Rules and not the other documents referred to in Rule 68,

CONSIDERING the need to recall that the Accused, who is conducting his own defence, enjoys guarantees provided by the Statute of this Tribunal and has the right to receive in his language both incriminating and exculpatory evidence which the Prosecution has in its possession,

CONSIDERING finally that the Prosecution may assume that a Decision will be rendered by Trial Chamber II on the Request of the Accused Praljak dated 5 January

2006 which asks that he be assigned counsel but cannot assume that counsel will in fact be assigned to him. Accordingly, the Accused has the right to obtain disclosure in his own language of the motions of the Prosecution and the responses of Counsel for the co-Accused, the documents provided for in Rules 66(A)(i), 66(A)(ii) and 68(i) of the Rules and those already drafted in his language referred to in Rule 66(B) of the Rules,

FOR THE FOREGOING REASONS

CLARIFY and CONFIRM the Order of 17 January 2006.

Done this twenty-fifth day of January 2006

At The Hague
The Netherlands

/Signed/

Jean-Claude Antonetti
Pre-Trial Judge