



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-03-67-T
Date: 27 November 2007
Original: ENGLISH
French

BEFORE TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr Hans Holthuis

Order of: 27 November 2007

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**ORDER CONCERNING THE TRANSLATION OF DOCUMENTS THE
ACCUSED INTENDS TO TENDER AS DEFENCE EVIDENCE**

The Office of the Prosecutor

Ms Christine Dahl

The Accused

Mr Vojislav Šešelj

TRIAL CHAMBER III (“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”);

SEIZED of the motion presented by Vojislav Šešelj (“Accused”) on 15 October 2007 requesting a review of the order concerning Submission number 315 rendered by the pre-trial Judge on 24 September 2007 (“Order”);¹

NOTING the Order whereby the pre-trial Judge ordered that a document presented by the Accused would not be translated immediately by CLSS, the translation services of the Tribunal, while leaving open the possibility of a subsequent translation upon a showing of the relevance of parts requiring translation;²

CONSIDERING that the Office of the Prosecutor (“Prosecution”) filed, pursuant to Rule 65 *ter* (E) (iii) of the Rules of Procedure and Evidence (“Rules”), a list of exhibits it intends to offer for admission, containing 6,095 items³ in 118 binders;⁴

CONSIDERING that on several occasions the Accused repeated that he “would have a total of approximately 10,000 pages of relevant documents which needed to be translated;”⁵

CONSIDERING that it is incumbent upon the Chamber to ensure that the rights of the Accused are fully respected and that the Accused has adequate facilities for the preparation of his defence;⁶

CONSIDERING that at this stage of the proceedings, and in light of the inherent translation difficulties in the present case, and considering the limited budgetary resources of the Tribunal,⁷ the Chamber deems it necessary to set a maximum number of pages of documents for which the Accused will be entitled to request translation by

¹ Professor Vojislav Šešelj’s Motion for a Review of the Order Issued by the Pre-Trial Judge on 24 September 2007, presented on 15 October 2007 and filed 18 October 2007.

² Order concerning Submission Number 315, 24 September 2007, p. 2.

³ Although there are 6,095 numbers on the 65 *ter* List, not every number has a document assigned to it.

⁴ Prosecution’s Notice of Filing Exhibit List pursuant to Rule 65 *ter*, confidential and *ex parte*, 25 June 2007, with a confidential and *ex parte* annex of 1,028 pages.

⁵ Status conference of 23 October 2007, Transcript in French (“T(F)”) p. 1627; *see also* status conference of 27 September 2007, T(F) pp. 1552-1555.

⁶ *See* Statute of the Tribunal (“Statute”), Article 20 (1), Article 21 (4) (b).

the Tribunal in order to tender them for admission as defence evidence, through Prosecution and Defence witnesses;⁸

CONSIDERING that the Chamber holds that, in light of the circumstances of this case and in particular the number of documents currently on the Prosecution's 65 *ter* List, which far exceeds the number of 10,000 pages mentioned by the Accused, and the scope of the Indictment against the Accused, as well as what the Accused himself considers as necessary to put forward his defence, it would be reasonable to allow the Accused to submit a maximum of 10,000 pages of documents he wishes to tender for admission through Prosecution or Defence witnesses,

CONSIDERING that in accordance with Rule 65 *ter* (G) of the Rules, at the conclusion of the Prosecution case and prior to the presentation of the Defence case, the Accused shall file a list of exhibits he intends to offer in support of his arguments and, like the Prosecution,⁹ he shall refer to the paragraphs in the Indictment against him to which the said documents refer and to the witnesses through whom the Accused intends to tender the said documents;

FOR THESE REASONS

PURSUANT TO Articles 20 (1) and 22 (4) (b) of the Statute and Rules 54 and 65 *ter* (G) of the Rules,

ORDERS as follows:

- (i) as soon as possible, the Accused shall provide the Registry of the Tribunal, for the purposes of translation into one of the two working languages of the Tribunal, a maximum of 10,000 pages of documents he wishes to tender for admission through Prosecution or Defence witnesses in the present case;

⁷ Report of the Secretary General of the United Nations, Budget of the International Criminal Tribunal for the former Yugoslavia, 1 October 2007, 62nd Session, A/62/374.

⁸ See Order Setting Out the Guidelines for the Presentation of Evidence and the Conduct of the Parties During Trial, 15 November 2007, para. 1: "Unless so required by exceptional circumstances, documents shall be presented by way of witnesses."

⁹ Status conference of 2 May 2007, T(F) p. 1121; Order Regarding the Pre-Trial Brief and the List of Exhibits Offered by the Prosecution in Accordance with Rule 65 *ter* of the Rules of Procedure and Evidence, 31 May 2007.

(ii) in so doing, the Accused shall provide the Registry with a list of priorities giving the order in which these documents will be presented in the cross-examination of Prosecution witnesses or the direct examination of Defence witnesses;

(iii) provided that they fall within the maximum number of pages set out in the present order, all documents identified by the Accused, including books or other voluminous compendia, shall be translated into one of the two working languages of the Tribunal;

(iv) in order for the above-mentioned translations to be completed in a timely fashion, the Registry shall call upon both external and internal Tribunal resources; and

(v) the Registry shall communicate with the Chamber in order to decide which documents will be translated into French as a matter of priority, as the Judgement in this case will be drafted in this language.

Done in English and in French, the French version being authoritative.

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this twenty-seventh day of November 2007
At The Hague
The Netherlands

[Seal of the Tribunal]