



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: 29 November 2007

Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr Hans Holthuis

Order of: 29 November 2007

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**ORDER ON THE TRANSLATION OF DOCUMENTS TO BE USED BY
THE ACCUSED IN THE CROSS-EXAMINATION OF ANTHONY
OBERSCHALL**

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 Submission number 341 ("Submission 341")¹ presented on 20 November 2007 by Vojislav Šešelj ("Accused"), whereby in Paragraph 1 the Accused expresses his intent to use a number of documents that have not yet been translated into one of the two languages of the Tribunal in the cross-examination of the first Prosecution witness, Anthony Oberschall;

NOTING the Order Concerning Submission Number 315 issued on 24 September 2007, in which the Pre-Trial Judge ordered that one of the documents mentioned by the Accused in Paragraph 1 of Submission 341 should not be translated immediately by the CLSS, the translation services of the Tribunal, but allowed for the possibility of certain parts being translated at a later stage after showing their relevance;²

NOTING the Order Concerning the Translation of Documents the Accused Intends to Tender as Defence Evidence issued on 27 November 2007 ("Order of 27 November") in which the Chamber orders the following

- (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;
- (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;

¹ "Submission 341", 20 November 2007 (filed on 27 November 2007).

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

(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.³

CONSIDERING that the cross-examination of Anthony Oberschall is due to take place on 12 December 2007 and that the Order of 27 November cannot be implemented fully before that date;

CONSIDERING that the Accused continues to maintain that in order to cross-examine Anthony Oberschall he needs a number of documents which still had not been translated by 20 November 2007;

CONSIDERING that the Chamber has a duty to ensure the proper administration of justice and that it therefore appear useful to allow the Accused to request the immediate translation of only the relevant parts of the documents that he intends to use in the cross-examination of Anthony Oberschall that have not yet been translated into either of the working languages of the Tribunal;

CONSIDERING that in the event that these parts cannot be translated before 12 December, for reasons relating to the strain on the CLSS, during the cross-examination of Anthony Oberschall, the Chamber will place in the overhead projector the parts that the Accused cites in his own language in support of his questions;

FOR THE FOREGOING REASONS

PURSUANT TO Articles 20(1) and 21(4)(b) of the Statute and Rule 54 of the Rules of Procedure and Evidence of the Tribunal,

ORDER that:

- i) within two days at the latest of receiving this Order in a language which he understands, the Accused will inform the Registrar of the relevant parts of the documents identified in Paragraph 1 of Submission 341 which he intends to use in the cross-examination of Anthony Oberschall on 12 December 2007 so that they may be translated by the CLSS into one of the two languages of the Tribunal, to the extent possible, before 12 December 2007;
- ii) if so required, the Registrar will inform the Chamber of the reasons why the said parts were not translated before the 12 December 2007 deadline.

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

/signed/

Jean-Claude Antonetti

Pre-Trial Judge

Done this twenty-ninth day of November 2007

At The Hague

The Netherlands

[Seal of the Tribunal]

³ Order Concerning the Translation of Documents the Accused Intends to Tender as Defence Evidence, 27 November 2007 ("Order of 27 November"), pp. 2-3.