



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-T  
Date: 19 March 2008  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

**Before:** Judge Jean-Claude Antonetti,  
Judge Árpád Prandler  
Judge Stefan Trechsel  
Reserve Judge Antoine Kesia-Mbe Mindua

**Registrar:** Mr Hans Holthuis

**Order of:** 19 March 2008

**THE PROSECUTOR**

v.

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

***PUBLIC***

**ORDER ON SLOBODAN PRALJAK'S MOTION CONCERNING THE  
TRANSLATION OF DOCUMENTS**

**The Office of the Prosecutor:**

Mr Kenneth Scott  
Mr Douglas Stringer

**Counsel for the Accused:**

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić  
Ms Senka Nožica and Mr Karim A.A. Khan for Bruno Stojić  
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak  
Ms Vesna Alaburić and Mr Nicholas Stewart for Milivoj Petković  
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Čorić  
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

**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 Slobodan Praljak’s Motion Requesting the Trial Chamber to Order the Registrar to Facilitate Translations, filed by the Counsel for the Accused Slobodan Praljak urgently and confidentially on 24 January 2008 (“Motion”), in which the Praljak Defence requested that the Trial Chamber order the Registry to facilitate translations needed for the Accused to mount an adequate defence,

**NOTING** the Scheduling Order issued by the Chamber on 27 September 2007 in which it ordered, pursuant to Rule 65 *ter* (G) of the Rules of Procedure and Evidence (“Rules”), that each of the Accused file a list of exhibits he intends to offer in his case and serve on the Office of the Prosecutor (“Prosecution”) copies of the exhibits so listed, in English translation if necessary,

**NOTING** the Decision on Motion for Extension of Time for the Commencement of the Defence Case and Adopting a New Schedule, issued by the Chamber on 28 January 2008 (“Decision of 28 January 2008”), in which it decided that the Accused should file the lists of exhibits and witnesses as provided in Rule 65 *ter* (G) of the Rules on 31 March 2008,

**NOTING** the Oral Decision issued by the Chamber on 28 January 2008, in which it asked the Registry to file its written submission on the Motion pursuant to Rule 33 (B) of the Rules,<sup>1</sup>

**NOTING** the Registry Submission Pursuant to Rule 33 (B) of the Rules on Slobodan Praljak’s Motion Requesting Translations (“Submission”), filed confidentially by the Registry on 12 February 2008, in which it requests the Chamber to dismiss the Motion and to instruct the Praljak Defence to conform to the procedures set forth in the Registry Policy Governing Translation Services Provided by the Registry, of 16 November 2006 (“Policy”),

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<sup>1</sup> Court Transcript in French (CT(F)) of 28 January 2008, p. 26871.

**NOTING** Slobodan Praljak's Request for Leave to Reply to the Registry's Response to Praljak's Motion requesting the Trial Chamber to Order the Registrar to Facilitate Translations and Praljak's Reply to the Registry's Submission ("Reply"), filed confidentially by the Praljak Defence on 14 February 2008, in which it asked the Chamber to grant its Request,

**NOTING** the meeting held on 27 February 2008 pursuant to Rules 65 *ter* (D) (iv) and (v) of the Rules in the presence of the Senior Legal Officer of the Chamber, representatives of the Conference and Language Services Section ("CLSS"), and members of the Praljak Defence team with a view to bringing together the Parties in order to facilitate a solution to issues concerning document translation,

**NOTING** the Registry Submission Pursuant to Rule 33 (B) Providing Supplemental Information Related to Praljak's Request for Translations ("Supplemental Submission"), filed confidentially by the Registry on 3 March 2008, in which it requests that the Chamber consider CLSS's capacity when determining the number of documents the Praljak Defence may submit for translation and the time-frames of such submissions,

**NOTING** the Notice Regarding Registry's Submission of Supplemental Information on the Motion to Order the Registrar to Facilitate Translations ("Notice"), filed confidentially and *ex parte* by the Praljak Defence on 4 March 2008, in which it indicates that it is unable to prioritize the documents it intends to add to the list filed pursuant to Rule 65 *ter* (G) of the Rules and consequently requests the translation of all the documents submitted to CLSS in order to prepare its defence,

**NOTING** the Prosecution Request for Clarification Concerning Registry Submission Dated 3 March 2008 Concerning Translations ("Request for Clarification"), filed confidentially by the Prosecution on 6 March 2008, in which it asks the Chamber for clarification of procedure for the admission of witness statements filed pursuant to Rules 92 *bis*, 92 *ter* and 92 *quarter* of the Rules followed by the Praljak Defence,

**CONSIDERING** that in the Request, the Praljak Defence asks the Chamber to order the Registry to facilitate translations needed for the Accused to mount an adequate defence,<sup>2</sup>

**CONSIDERING** that the Praljak Defence noted during the meeting held on 27 February 2008 pursuant to Rule 65 *ter* (D) (*iv*) and (*v*) of the Rules the Accused's translation needs amounted to a total of 15,600 pages, including, *inter alia*, about 2,000 pages already translated by CLSS; 1,538 pages of documents already submitted to CLSS pending translation, and 2,600 pages of documents that will also be submitted to CLSS, the translation of which has been requested for 31 March 2008, as well as 5,000 pages of documents for translation corresponding to the translations of witness statements filed pursuant to Rules 92 *bis*, 92 *ter* and 92 *quarter* of the Rules that the Prljak Defence intends to submit to CLSS in the future,<sup>3</sup>

**CONSIDERING** that the Praljak Defence submits in its Notice that it will use all of the documents submitted for translation in the list of documents to be filed pursuant to Rule 65 *ter* (G) of the Rules and that it is not able to prioritize them;<sup>4</sup> in addition, the Praljak Defence recalls that in order for evidence to be considered for admission by the Chamber, it must be translated where necessary into a working language of the Tribunal,<sup>5</sup>

**CONSIDERING** that in support of its Motion, the Praljak Defence submits that the position of the Registry of informing the Accused that CLSS will only be able to translate some of the documents in a timely manner and of asking him to abstain for the moment from submitting further translation requests violates his right to have adequate facilities for the preparation of his defence, as guaranteed under Article 21 (4) (b) of the Statute of the Tribunal, the obligation of the Registry to make any necessary arrangements for the translation of documents, pursuant to Rule 3 (E) of the Rules, and the Policy that the Registry holds responsibility for the translation of all documents whose admission has been requested,<sup>6</sup>

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<sup>2</sup> Request, para. 29.

<sup>3</sup> Supplemental Submission, paras 5 and 6.

<sup>4</sup> Notice, para. 3.

<sup>5</sup> Reply, 14 February 2008, paras 5 and 6.

<sup>6</sup> Motion, paras 9-20.

**CONSIDERING** that in its Submission, the Registry claims that the right of the Accused to adequate facilities as cited in the Motion does not entail translation of all material submitted by the Defence, but only the evidence which forms the basis of the determination by the Trial Chamber of the charges against the Accused and notes that following the established procedure, as set forth in the Policy, in particular co-ordination with the Office of Document Management, will ensure that requested translations for all parties appearing before the Tribunal are provided in a timely and most efficient manner,<sup>7</sup>

**CONSIDERING** that in support of its Reply, the Praljak Defence recalls that in order for evidence to be considered for admission by the Chamber, it must be translated where necessary into a working language of the Tribunal,<sup>8</sup>

**CONSIDERING** that in its Supplemental Submission, the Registry recalls that it has already translated 1,823 pages for the Praljak Defence; that it is in the process of translating an additional 180 pages of material which will be completed shortly; that because it has given high priority to translating the documents submitted by the Accused, it is currently providing him with 200 pages of translations per month, but that in order to ensure that resources available to the Praljak Defence are used efficiently, the Defence is requested to make a detailed, prioritised selection of documents to be translated in the order in which it intends to use them in the proceedings,<sup>9</sup>

**CONSIDERING** that the Chamber notes, firstly, that disagreements still exist between the Praljak Defence and the Registry on the issue of document translation for the preparation of the list of evidence,

**CONSIDERING** that it is to 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,<sup>10</sup>

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<sup>7</sup> Submission, paras 10 and 11.

<sup>8</sup> Reply, paras 5 and 6.

<sup>9</sup> Supplemental Submission, paras 4, 7 and 12.

<sup>10</sup> cf. Tribunal Statute, Article 20 (1), Article 21 (4) (b).

**CONSIDERING** that pursuant to the Decision of 28 January 2008, it is to the Praljak Defence to file its lists of exhibits on 31 March 2008 and to serve on the Prosecution copies of the exhibits so listed, in English translation if necessary,

**CONSIDERING** that to ensure that the procedure does not give rise to any unjustified delay and that the trial continues in a fair and expeditious manner, the Chamber holds that it should grant the Praljak Defence an exception to the requirement to file the English translation of documents on the list of exhibits by 31 March 2008, if it provides a precise summary of the contents of each document translated into one of the official languages of the Tribunal and classifies the documents according to subject,

**CONSIDERING** that the Chamber notes, secondly, that the Praljak Defence mentioned during the meeting held on 27 February 2008 that it had summaries of the witness statements it intended to file pursuant to Rules 92 *bis*, 92 *ter* and 92 *quater* of the Rules translated into one of the official languages of the Tribunal and would submit these translated summaries to the Chamber and the other Parties on 31 March 2008,

**CONSIDERING**, consequently, that the Request for Clarification is moot,

**CONSIDERING** at this stage of the proceedings and in view of the inherent difficulties of translation in the present case and with regard to the budgetary constraints of the Tribunal,<sup>11</sup> that the Chamber is considering the possibility of setting a maximum number of document pages which the Accused will have the right to request the Tribunal to translate in order to seek their admission as defence evidence by means of defence witnesses,

**CONSIDERING** that the Chamber will take its decision on this matter when it has analysed the lists of exhibits and witnesses to be filed on 31 March 2008,

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<sup>11</sup> Report of the Secretary-General, Budget for 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, 1 October 2007, Sixty-second session, A/62/374.

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rule 54 of the Rules,

**DECLARES** the Request for Clarification moot,

**DECIDES** to grant the Praljak Defence an exception to the requirement to produce translations of the documents on the list of exhibits, pursuant to Rule 65 *ter* (G) of the Rules, when it files them on 31 March 2008,

**ORDERS** the Praljak Defence to furnish a precise translated summary of the contents of each document on its list of exhibits and to classify these documents according to subject when it files them on 31 March 2008,

**DEFERS** to rule on the Motion in all other respects.

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

*/signed/*

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Jean-Claude Antonetti  
Presiding Judge

Done this 19 of March 2008  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**