



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 June 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

Decision of: 19 June 2008

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON NOTICES OF BRUNO STOJIĆ, MILIVOJ PETKOVIĆ AND
VALENTIN ĆORIĆ ON THE STATUS OF PENDING TRANSLATIONS OF
RULE 65 *TER* (G) EXHIBITS**

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 Ćorić
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”),

PROPRIO MOTU,

NOTING the “Scheduling Order” rendered by the Chamber on 27 September 2007 in which, pursuant to Rule 65 *ter* (G) of the Rules of Procedure and Evidence (“Rules”), it ordered each Accused to submit a list of exhibits they intend to present in support of their case and to disclose to the Office of the Prosecutor (“Prosecution”) copies of the exhibits in question translated into English as needed,

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

NOTING the “Order on Motion by Bruno Stojić, Milivoj Petković and Valentin Ćorić Concerning Translation of Documents” rendered by the Chamber on 28 March 2008 (“Order of 28 March 2008”), in which it decided to grant the Defence for the Accused Stojić (“Stojić Defence”), the Defence for the Accused Petković (“Petković Defence”) and the Defence for the Accused Ćorić (“Ćorić Defence”) an exception to the obligation to produce translations of the exhibits on their 65 *ter* Lists when they were filed on 31 March 2008 and ordered them to provide all the pending translations no later than 26 May 2008,

NOTING the “Decision Adopting Guidelines for the Presentation of Defence Evidence” rendered by the Chamber on 24 April 2008 (“Decision of 24 April 2008”), in which it established guidelines for the presentation of the Defence case,

NOTING the “Notice of Bruno Stojić on the Status of Pending Translations of Rule 65 *ter* Exhibits”, filed by the Stojić Defence on 26 May 2008 (“Stojić Defence Notice”), in which it informed the Chamber of its inability to provide some of the still pending translations of documents on the 65 *ter* List by 26 May 2008,

NOTING the “Petković Defence Notice on Status of Pending Translations of Rule 65 *ter* Exhibits”, filed by the Petković Defence on 28 May 2008 (“Petković Defence Notice”), in which it informed the Chamber of its inability to provide some of the still pending translations of documents on its 65 *ter* List by 26 May 2008,

NOTING the “Ćorić Notice on Outstanding Translations”, filed by the Ćorić Defence on 13 June 2008 (“Ćorić Defence Notice”), in which it indicated to the Chamber that the entirety of the documents on its 65 *ter* List had not been translated as of 13 June 2008,

CONSIDERING that in the Stojić Defence Notice, it indicated to the Chamber that the Conference and Language Services Section (“CLSS”) had only translated 36 of the 547 pages of documents submitted by the Stojić Defence and that the translation of 253 documents on the 65 *ter* List was still pending,¹

CONSIDERING that in the Petković Defence Notice, it indicated to the Chamber that since the Order of 28 March 2008 was rendered, 199 pages corresponding to 105 documents had been translated but that the translation of 160 pages corresponding to 56 documents was still pending,²

CONSIDERING that in the Ćorić Defence Notice, it indicated to the Chamber that the translation of 14 documents corresponding to 23 pages of documents was still pending,³

CONSIDERING that the other parties have not presented any observations in this regard,

CONSIDERING that the Chamber notes that in an informal letter dated 12 June 2008, (“Letter of 12 June 2008”), CLSS indicated to the Chamber that: (1) 504 standard United Nations pages had been translated for the Stojić Defence and the translation of 237 physical pages of documents was still pending for it, (2) 736 standard United Nations pages had been translated for the Petković Defence and the translation of 120 physical pages of documents was still pending for it, and (3) 1,264

¹ Stojić Defence Notice, p. 2, para. 2.

² Petković Defence Notice, p. 3, para. 2.

³ Ćorić Defence Notice, p. 1, para. 2.

standard United Nations pages had been translated for the Ćorić Defence and that the translation of 61 physical pages of documents was still pending for it,

CONSIDERING that the Chamber notes that in the Letter of 12 June 2008, CLSS also stated that the Stojić, Petković and Ćorić Defences had complied with its requirements and indicated the order of priority for the translation of documents and set reasonable deadlines for these translations in agreement with CLSS,

CONSIDERING that the Chamber notes that, in an informal letter dated 16 June 2008 (“Letter of 16 June 2008”), CLSS indicated to the Chamber that the translations requested by the Petković and Ćorić Defences would be finished before 25 August 2008 and those requested by the Stojić Defence before 18 October 2008,

CONSIDERING that it is incumbent upon the Chamber to ensure that the rights of the Accused and of the Prosecution to a fair trial are fully respected and particularly that they are provided the facilities and necessary time to prepare their case,

CONSIDERING that the Chamber holds that the deadline set for 26 May 2008 by the Order of 28 March 2008 was based both on the need to provide the missing translations of the Stojić, Petković and Ćorić Defences before the commencement of the presentation of their cases so that the Prosecution had the necessary time to prepare their cross-examination and on CLSS indications that it was able to finish the pending translations within two months,⁴

CONSIDERING that the Chamber notes that CLSS indicated to it in the Letter of 16 June 2008 that it would finish the translations requested by the Petković and Ćorić Defences before 25 August 2008 and the translations requested by the Ćorić Defence before 18 October 2008; that with regard to these deadlines, the Chamber considers that the parties will have the documents available in sufficient time to be able to study them and prepare the cross-examination of Defence witnesses,

CONSIDERING as well that in the Decision of 24 April 2008, the Chamber adopted Guideline 8 whereby the party presenting a witness must submit to the other parties and the Chamber a list of all the exhibits it intends to present within the context of this witness’ testimony two weeks before the appearance of the said witness and that these

⁴ Order of 28 March 2008, pp. 4-5.

documents must be translated into one of the official languages of the Tribunal and into the language of the Accused,⁵

CONSIDERING therefore that the Stojić, Petković and Čorić Defences should disclose the documents on their 65 *ter* Lists to the Chamber and the parties as steadily as they are translated, and no later than two weeks before the appearance of the witness through whom they intend to present the document.

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 65 *ter*, 89 and 90 of the Rules,

NOTES the information transmitted by the Stojić Defence Notice, the Petković Defence Notice, the Čorić Defence Notice, the Letter of 12 June 2008 and the Letter of 16 June 2008,

ORDERS the Stojić, Petković and Čorić Defences to disclose to the Chamber and to the parties the documents on their 65 *ter* Lists as they are translated, no later than two weeks before the appearance of the witness through whom they intend to present the document.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this nineteenth day of June 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ Decision of 24 April 2008, p. 8, para. 28.