

**UNITED
NATIONS**



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-04-75-T
	Date:	17 January 2014
	Original:	English

IN THE TRIAL CHAMBER

Before: Judge Guy Delvoie, Presiding
Judge Burton Hall

Judge Antoine Kesia-Mbe Mindua

Registrar: Mr. John Hocking

Decision: 17 January 2014

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**DECISION ON DEFENCE SUBMISSION
REGARDING STATUS OF EXHIBIT P322**

The Office of the Prosecutor:
Mr. Douglas Stringer

Counsel for Goran Hadžić:
Mr. Zoran Živanović
Mr. Christopher Gosnell

1. **THIS TRIAL 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”) is seised of the “Defence Submission Regarding the Status of P322”, filed publicly with confidential annexes on 20 December 2013 (“Motion”). The Prosecution did not file a response to the Motion.

2. In the Motion, the Defence submits that the *viva voce* interpretation of a video played in court (exhibit P322) should be disregarded.¹ The Defence submits that, in order to maintain the consistency of the trial record, the revised translation of P322 should be authoritative, should have been used by the interpreters during the 18 December 2013 hearing, and should be the interpretation that appears in the transcript of that hearing.²

3. The English translation of P322 was revised by the Conference and Language Services Section (“CLSS”) following a request made by the Defence on 3 June 2013.³ The Trial Chamber recalls that the Defence filed a motion requesting that the original translation be replaced with the CLSS revision.⁴ The Prosecution did not object.⁵ The Trial Chamber granted the Defence request on 13 June 2013.⁶

4. The Trial Chamber, having granted the replacement of the English translation on 13 June 2013, recognises the revised CLSS translation of P322, with Doc ID 1D03-0140, as authoritative and will not rely on the in-court translation of P322 that was provided during the hearing of 18 December 2013.⁷

¹ Motion, para. 1.

² Motion, para. 3.

³ Motion, para. 2, confidential Annex A.

⁴ Motion to Substitute Translation of Prosecution Exhibit P00322, 12 June 2013.

⁵ Hearing of 13 June 2013, T. 5756.

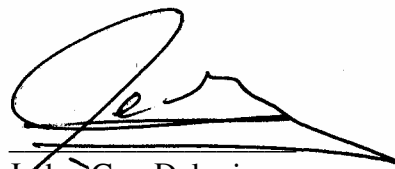
⁶ Hearing of 13 June 2013, T. 5756.

⁷ Hearing of 18 December 2013, T. 9055-9058.

5. Accordingly, the Trial Chamber hereby **DECIDES** that the revised CLSS translation of P322 (Doc ID 1D03-0140) shall be considered authoritative.

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

Done this seventeenth day of January 2014,
At The Hague,
The Netherlands.



Judge Guy Delvoie
Presiding

[Seal of the Tribunal]