



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: 28 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:** 28 March 2008

**THE PROSECUTOR**

v.

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

***PUBLIC***

**ORDER ON MOTION BY BRUNO STOJIĆ, MILIVOJ PETKOVIĆ AND  
VALENTIN ĆORIĆ CONCERNING 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 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");

**SEIZED** of the "Motion by Stojić, Petković and Ćorić Defence Seeking to Supplement Rule 65 ter Submission of Translations", filed confidentially by Counsel for the Accused Stojić, Petković and Ćorić ("Joint Defence") on 21 March 2008 ("Joint Motion"), in which the Defence asks the Chamber's permission 1) to submit the detailed summaries of the exhibits featuring on the exhibit list as provided under Rule 65 *ter* (G) of the Rules of Procedure and Evidence ("Rules"), which would not be translated at the date this list is submitted and 2) to provide complete translations as they are completed;

**NOTING** the "Scheduling Order" issued by the Chamber on 27 September 2007 ("Order of 27 September 2007"), in which the Chamber ordered, pursuant to Rule 65 *ter* (G) of the Rules, that each Accused submit a list of exhibits which he intends to offer in support of the arguments which he raises and provide the Office of the Prosecutor ("Prosecution") with the copies of the exhibits in question, translated into English 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"), in which the Chamber decided that the Accused shall submit exhibit and witness lists as provided under Rule 65 *ter* (G) of the Rules on 31 March 2008;

**NOTING** the "Submission of the Registrar pursuant to Rule 33 (B) on Motion by Stojić, Petković and Ćorić Defence Seeking to Supplement Rule 65 ter Submission of Translations", filed confidentially by the Registry on 26 March 2008 ("Registry Observations"), in which the Registry informs the Chamber that it is unnecessary for the Joint Defence to reduce its translation requests, and that the Conference and Language Services Section ("CLSS") is capable of finishing the translations in process within two months;

**NOTING** the "Prosecution Response to Motion by Stojić, Petković and Ćorić Defence Seeking to Supplement Rule 65 ter Submission of Translations", filed confidentially by the Prosecution on 26 March 2008 ("Response"), in which it asks the Chamber not to grant the Joint Motion;

**NOTING** the "Joint Motion for Leave to Reply and Joint Reply by Stojić, Petković and Ćorić to Prosecution Response to Motion by Stojić, Petković and Ćorić Defence Seeking to Supplement Rule 65 ter Submission of Translations", filed confidentially by the Joint Defence on 27 March 2008 ("Motion to Reply"), in which it asks the Chamber for leave to reply to the Response;

**CONSIDERING** that the Chamber finds that the Motion to Reply was filed too late, and that there is consequently no reason to grant leave to the Joint Defence to file a reply;

**CONSIDERING** that in support of the Joint Motion, the Joint Defence states first that most of the documents which it intends to include in the exhibit list pursuant to Rule 65 *ter* (G) of the Rules have already been translated, and requests a waiver of the obligation to provide all the documents translated into English on 31 March 2008 for only a small number of the documents;<sup>1</sup>

**CONSIDERING** that it notes, moreover, that it was informed of the requirement to provide the requested translations only on 17 March 2008 at the meeting held pursuant to Rule 65 *ter* of the Rules;<sup>2</sup>

**CONSIDERING** that it argues that the Joint Defence's limited resources for translation do not make it possible to comply with this request in full within the requested deadline;<sup>3</sup>

**CONSIDERING** that the Prosecution maintains that the Joint Motion does not allow either the Chamber or the Prosecution to give an opinion, since the Joint Defence does not provide detailed information on the pending number of pages for translation;<sup>4</sup>

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<sup>1</sup> Joint Motion, para. 1.

<sup>2</sup> Joint Motion, para. 6.

<sup>3</sup> Joint Motion, paras. 10 to 12.

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

**CONSIDERING**, moreover, that the Prosecution notes that it needs the translations in order to prepare for the defence case, that the obligation to provide these translations has been known since 27 September 2007, and that failure to fulfil this obligation would infringe its right to a fair trial;<sup>5</sup>

**CONSIDERING** that the Prosecution does not object to the Chamber's granting procedural exceptions in specific circumstances, but notes that it must have the documents in good time in order to be able to examine them and, in particular, prepare the cross-examination of defence witnesses;<sup>6</sup>

**CONSIDERING** that CLSS states that it has already translated 7,960 pages for all the defence teams in this case, including 301 pages for the Defence for the Accused Stojić, 482 for the Defence for the Accused Petković and 848 for the Defence for the Accused Ćorić;<sup>7</sup>

**CONSIDERING** that CLSS, moreover, explains that the translation of 130 pages for the Defence for the Accused Stojić, 338 for the Defence for the Accused Petković and 354 for the Defence for the Accused Ćorić is pending;<sup>8</sup>

**CONSIDERING** that CLSS further draws attention to the efforts of the Joint Defence to cooperate with it, indicates that the Joint Defence has filed a reasonable amount of documents for translation and, finally, that the workload involving the pending translations is not exceptional;<sup>9</sup>

**CONSIDERING** that CLSS states in this respect that it is able to complete the pending translations within a two-month deadline;<sup>10</sup>

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

**CONSIDERING** that pursuant to the Order of 27 September 2007 and the Decision of 28 January 2008, the Joint Defence must file its exhibit list on 31 March 2008 and

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

<sup>6</sup> Response, para. 9.

<sup>7</sup> Registry Observations, para. 5.

<sup>8</sup> Registry Observations, para. 5.

<sup>9</sup> Registry Observations, para. 7.

<sup>10</sup> Registry Observations, para. 9.

provide the Prosecution with the copies of these exhibits, translated into English if necessary;

**CONSIDERING** that in view of the information provided by CLSS, the pending translations will be completed on 26 May 2008;

**CONSIDERING** that, according to the Decision of 28 January 2008, the defence case will commence on 5 May 2008;

**CONSIDERING**, moreover, that Counsel for the Defence for the six Accused indicated during the 65 *ter* meeting of 17 March 2008 that the Accused Prlić will be the first to commence his defence case and that the other Accused will follow in the order in which they appear in the indictment;<sup>11</sup>

**CONSIDERING**, therefore, that the missing translations can be provided before the commencement of the Joint Defence case and that the Prosecution will have the necessary time to prepare the cross-examination;

**CONSIDERING** that, out of concern that the proceedings are not unjustifiably delayed and that the trial continues fairly and expeditiously, the Chamber considers that the Joint Defence should be granted a waiver of the obligation to provide the English translation of the exhibits entered on the exhibit list on 31 March 2008, on condition that it provides a detailed summary of the content of each exhibit translated into one of the official languages of the Tribunal;

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rule 65 *ter* of the Rules;

**PARTIALLY GRANTS** the Joint Motion;

**DECIDES** to grant to the Joint Defence a waiver of the obligation to provide the English translation of the exhibits entered on the exhibit list pursuant to Rule 65 *ter* (G) of the Rules when the list is submitted on 31 March 2008;

**ORDERS** the Joint Defence to provide the translation of a detailed summary of the content of each exhibit entered on the exhibit list on 31 March 2008; **AND**

**ORDERS** that all pending translations be provided on 26 May 2008 at the latest.

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

*/signed/*

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Jean-Claude Antonetti  
Presiding Judge

Done this twenty-eighth day of March 2008  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>11</sup> 65 *ter* meeting, CRF pp. 27260 to 27262