

UNITED
NATIONS



International Residual Mechanism for Criminal Tribunals

MICT/22

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**POLICY ON TRANSLATION FOR THE CONDUCT OF JUDICIAL ACTIVITY OF THE
INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS**

(MICT/22)

The Registrar of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

Considering the Statute of the Mechanism (“Statute”) as adopted by the Security Council under Resolution 1966 (2010) of 22 December 2010, and in particular Articles 15, 18, 19 and 31 thereof;

Considering also the Rules of Procedure and Evidence of the Mechanism (“Rules”) as adopted pursuant to Article 13 of the Statute and as subsequently amended, and in particular Rules 3 and 31 thereof;

Having consulted with the President of the Mechanism;

Issues this Policy on Translation for the Conduct of Judicial Activity of the Mechanism.

I. INTRODUCTION

1. This Policy governs the translation services provided by the Registry of the Mechanism (“Registry”) in relation to its judicial activity under the Statute.
2. Given the limited resources of the Language Support Services of the Mechanism (“LSS”) and the high demand for translation services, the purpose of this Policy is to provide for translation needs in the most effective, efficient, equitable, and economical way, in order to ensure both the smooth functioning of the Mechanism and the parties’ ability to present their cases in court proceedings during periods of judicial activity.

II. TRANSLATION SERVICES PROVIDED

3. LSS provides official translations for the Chambers, Office of the Prosecutor (“OTP”), Defence, and Registry of the Mechanism. The working languages of the Mechanism are English and French. LSS translates two categories of documents into one or more of the working, or other, languages¹ of the Mechanism: (i) documents needed for the conduct of judicial activity (*e.g.*, indictments, orders, decisions, judgements and, to the extent possible, documents tendered as evidence); and (ii) documents needed to conduct Mechanism business. This Policy concerns the former category, setting forth the translation services provided in relation to judicial activity, the prioritization of such translation services, and the procedure for submitting translation requests.

¹ The other languages customarily in use at the Mechanism are Bosnian/Croatian/Serbian (“BCS”) and Kinyarwanda.

4. The Statute entitles an accused to be informed “promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her”.² If a represented party does not understand either of the working languages of the Mechanism, then he or she may receive translation into his or her own language of key documents including indictments, orders, decisions, and judgements.³ If an accused is self-represented and does not understand either English or French, LSS will usually translate a more extensive range of documents, taking into account, *inter alia*, the rights of other accused and LSS resources.
5. Where a party requests translation of evidence into a language other than one of the working languages of the Mechanism (*e.g.*, for the purposes of examining a witness) and there is no applicable judicial order, LSS will refer the matter for determination to the responsible Registry legal officer in Arusha or The Hague in the first instance, and to his or her supervisor in the second instance, who will grant or refuse the request in consultation with the officer-in-charge of LSS. Any such decision may be subject to administrative review, as appropriate.
6. Given LSS’s limited capacity, all parties are responsible for finding already existing open-source translations (or original versions) of documents that are to be tendered as evidence.
7. LSS does not translate voluminous materials, such as books. Requests for translation of voluminous materials must be limited to the passages that will be tendered as evidence.
8. Translation services provided by each branch are subject to any branch-specific limitations as to resources and operational capacity.

III. PRIORITIZATION OF TRANSLATION REQUESTS

9. Annexes A and B to this Policy list the types of documents LSS translates in the context of the Mechanism’s judicial activity at the respective branches of the Mechanism and the priority accorded to each type of document.⁴ Tier I documents take priority over all other documents, Tier II documents take priority over Tier III documents and so on. Documents needed for the ongoing operation of the Mechanism and conduct of individual cases take precedence over documents solely required for purposes of ensuring a complete record of a case in both working languages.

² Statute, Art. 19(4)(a).

³ LSS will also provide any translations ordered by a Judge, Chambers, or the President under the Rules.

⁴ Annexes A and B are generally comprehensive, but are intended to be illustrative and not exhaustive.

10. Subject to any applicable judicial orders, the Registry retains the discretion to grant translation requests not listed in the Annexes, or to prioritize them in a different order. This includes translations required for the purposes of post-conviction proceedings or the monitoring of cases referred to national jurisdictions.
11. In the event of unclear or conflicting priorities, the officer-in-charge of LSS will seek guidance from the responsible Registry legal officer in Arusha or The Hague. Should there be need for further discussion, the issue will be referred to his or her supervisor to resolve in consultation with the officer-in-charge of LSS.

IV. PROCEDURE FOR SUBMITTING TRANSLATION REQUESTS

12. A translation request must be submitted for each document for which translation is sought, specifying:
 - a. The name of the requester and organ (Chambers, OTP or Registry) or Defence;
 - b. The branch of the Mechanism for which the translation is requested;
 - c. The relevant case number, if applicable;
 - d. The title of the document to be translated;
 - e. The prioritization tier;⁵
 - f. The date the requester wishes to receive the translation; and
 - g. Any other information relevant to the translation.
13. Deadlines for case-related translations are driven by the Mechanism judicial calendar, and requesters must allow reasonable time for LSS to do its work. When translations are required urgently, the justification should be stated in detail in the remarks field of the request form.
14. Requesters who wish to submit documents totalling more than 100 pages, or any request with a deadline of less than one month, should consult with LSS to obtain LSS's advance agreement before submitting the request.
15. Upon receipt of a translation request, LSS will first assess whether: (i) a LSS translation of the document already exists; and (ii) the stated prioritization tier complies with the relevant Annex to this Policy.

⁵ See Annexes A and B.

16. If LSS has previously translated this document:
 - a. for the same requester, it will return the document with a reference to the original translation;
 - b. and it is publicly available, LSS will provide the translation to the requester; or
 - c. for another requester, and it is not publicly available, LSS will revise the translation, if necessary, against the newly submitted document and provide it to the requester under a new file name to protect the confidentiality of both the old and new requesters.

17. For translation requests that comply with this Policy, LSS will confirm the deadline, translate the document, and return the completed translation to the requester. In all other cases, LSS may, at its discretion, return the request to the requester or consult with the requester to clarify the prioritization or other requirements.

ANNEX A – ARUSHA BRANCH PRIORITIZATION

From English into French	
Tier I	<ul style="list-style-type: none"> - Indictments - Arrest warrants - Subpoenas and orders for safe conduct directed at French-speaking authorities - Documents from the President or Registrar for the conduct of judicial activity - Official correspondence to French-speaking authorities for the conduct of judicial activity - Decisions or orders in cases with French-speaking Defence Counsel - Decisions or orders directed at French-speaking authorities or related directly to a French-speaking State - Judgements where the accused or convicted person is French-speaking or where enforcement in a French-speaking State is foreseen - Judgements, decisions, or orders needed by a party for an appeal - Court documents necessary for a self-represented accused to understand the nature and cause of charges against him or her, or any other time-sensitive documents and court documents necessary for a self-represented accused to fully participate in ongoing proceedings - Judges’ memoranda for the conduct of judicial activity
Tier II	<ul style="list-style-type: none"> - Decisions or orders under appeal - Other documents from Chambers - Motions and other submissions - Mechanism basic legal documents
Tier III	<ul style="list-style-type: none"> - Court documents necessary for a convicted person’s preparation of post-conviction proceedings - Other judgements - Expert reports and other documents to be tendered as evidence - Other documents from the President, Chambers, or Registrar for the conduct of judicial activity
Tier IV	<ul style="list-style-type: none"> - Decisions or orders not under appeal

From French into English	
Tier I	<ul style="list-style-type: none"> - Indictments - Arrest warrants - Subpoenas and orders for safe conduct directed at non-French-speaking authorities - Documents from the President or Registrar for the conduct of judicial activity - Official correspondence from French-speaking authorities for the conduct of judicial activity - Decisions or orders in cases with English-speaking Defence Counsel - Decisions or orders directed at non-French-speaking authorities or related directly to a non-French-speaking State - Judgements where enforcement in a non-French-speaking State is foreseen - Judgements, decisions, or orders needed by a party for an appeal

	<ul style="list-style-type: none"> - Self-represented accused's submissions or correspondence to the President, Chambers, or Registrar for the conduct of judicial activity - Judges' memoranda from French-speaking Judges for the conduct of judicial activity
Tier II	<ul style="list-style-type: none"> - Decisions or orders under appeal - Other documents from Chambers - Motions and other submissions - Mechanism basic legal documents
Tier III	<ul style="list-style-type: none"> - Court documents necessary for a convicted person's preparation of post-conviction proceedings - Other judgements - Expert reports and other documents to be tendered as evidence - Other documents from the President, Chambers, or Registrar for the conduct of judicial activity
Tier IV	<ul style="list-style-type: none"> - Decisions or orders not under appeal

From Kinyarwanda into English or French

Tier I	<ul style="list-style-type: none"> - Official correspondence from Rwanda to the President, Chambers or Registry for the conduct of judicial activity - Medical reports concerning and communications from detainees or convicted persons - Urgent documents to be tendered as evidence for witnesses who are due to appear within the next few days (only short documents or extracts will be accepted for urgent translation) - Urgent documents needed to meet Rules of Procedure and Evidence deadlines or specifically mandated by a judicial decision or order - Self-represented accused's submissions or correspondence to the President, Chambers, or Registrar for the conduct of judicial activity
Tier II	<ul style="list-style-type: none"> - Other documents needed to meet Rules of Procedure and Evidence deadlines or specifically mandated by a judicial decision or order - Documents related to examination of witnesses - Documents to be tendered as evidence in ongoing trials
Tier III	<ul style="list-style-type: none"> - Documents to be tendered in forthcoming trials for which a start date has been set - Correspondence from Kinyarwanda speakers for the conduct of judicial activity - Other documents from the President, Chambers, or Registrar for the conduct of judicial activity - Correspondence for the conduct of judicial activity from accused persons whose case has been referred to a national jurisdiction
Tier IV	<ul style="list-style-type: none"> - Documents to be tendered in trials for which no start date has been set

From English or French into Kinyarwanda

Tier I	<ul style="list-style-type: none"> - Arrest warrants - Indictments - Subpoenas and orders for safe conduct - Official correspondence from the President, Chambers, or Registry to Rwanda for the conduct of judicial activity
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	<ul style="list-style-type: none"> - Responses to medical reports concerning, and communications from, detainees or convicted persons - Urgent documents to be tendered as evidence for witnesses who are due to appear within the next few days (only short documents or extracts will be accepted for urgent translation) - Urgent documents needed to meet Rules of Procedure and Evidence deadlines or specifically mandated by a judicial decision or order - Judgements, decisions, or orders needed by a non-English- and non-French-speaking self-represented accused for an appeal - Court documents necessary for a self-represented accused to understand the nature and cause of charges against him or her, or any other time-sensitive documents and court documents necessary for a self-represented accused to fully participate in ongoing proceedings
Tier II	<ul style="list-style-type: none"> - Other documents needed to meet Rules of Procedure and Evidence deadlines or specifically mandated by a judicial decision or order - Decisions or orders under appeal - Documents related to examination of witnesses - Documents to be tendered as evidence in ongoing trials - Monitoring reports in referred cases
Tier III	<ul style="list-style-type: none"> - Judgements, decisions, or orders needed by a represented party for an appeal - Court documents necessary for a convicted person's preparation of post-conviction proceedings - Documents to be tendered as evidence in forthcoming trials for which a start date has been set - Correspondence to Kinyarwanda speakers for the conduct of judicial activity - Other documents from the President, Chambers or Registrar for the conduct of judicial activity - Mechanism basic legal documents
Tier IV	<ul style="list-style-type: none"> - Decisions or orders not under appeal - Documents to be tendered as evidence in trials for which no start date has been set

From Other Languages into English or French	
Tier I	<ul style="list-style-type: none"> - Documents requested by Chambers - Medical certificates or records requested by Chambers
Tier II	<ul style="list-style-type: none"> - Documents to be tendered as evidence

ANNEX B – HAGUE BRANCH PRIORITIZATION

From English into French	
Tier I	<ul style="list-style-type: none"> - Indictments - Arrest warrants - Subpoenas and orders for safe conduct directed at French-speaking authorities - Documents from the President or Registrar for the conduct of judicial activity - Official correspondence with French-speaking authorities for the conduct of judicial activity - Decisions or orders in cases with French-speaking Defence Counsel - Decisions or orders directed at French-speaking authorities or related directly to a French-speaking State - Judgements where enforcement in a French-speaking State is foreseen - Judgements, decisions, or orders needed by a party for an appeal - Judges’ memoranda for the conduct of judicial activity
Tier II	<ul style="list-style-type: none"> - Decisions or orders under appeal - Other documents from Chambers - Motions and other submissions - Mechanism basic legal documents
Tier III	<ul style="list-style-type: none"> - Court documents necessary for a convicted person’s preparation of post-conviction proceedings - Other judgements - Expert reports and other documents to be tendered as evidence - Other documents from the President, Chambers, or Registrar for the conduct of judicial activity
Tier IV	<ul style="list-style-type: none"> - Decisions or orders not under appeal

From French into English	
Tier I	<ul style="list-style-type: none"> - Indictments - Arrest warrants - Subpoenas and orders for safe conduct directed at non-French- or non-BCS-speaking authorities - Documents from the President or Registrar for the conduct of judicial activity - Official correspondence from French-speaking authorities for the conduct of judicial activity - Decisions or orders in cases with English-speaking Defence Counsel - Decisions or orders directed at non-French- or non-BCS-speaking authorities or related directly to a non-French- or non-BCS-speaking State - Judgements where enforcement in a non-French-speaking State is foreseen - Judges’ memoranda for the conduct of judicial activity - Judgements, decisions, or orders needed by a party for an appeal - Court documents necessary for a self-represented accused to understand the nature and cause of charges against him or her, or any other time-sensitive documents and court documents necessary for a self-represented accused to fully participate in ongoing proceedings

Tier II	<ul style="list-style-type: none"> - Decisions or orders under appeal - Other documents from Chambers - Motions and other submissions - Mechanism basic legal documents
Tier III	<ul style="list-style-type: none"> - Court documents necessary for a convicted person's preparation of post-conviction proceedings - Other judgements - Expert reports and other documents to be tendered as evidence - Other documents from the President, Chambers, or Registrar for the conduct of judicial activity
Tier IV	<ul style="list-style-type: none"> - Decisions or orders not under appeal

From BCS into English or French

Tier I	<ul style="list-style-type: none"> - Official correspondence from States of the former Yugoslavia to the President, Chambers, or Registry for the conduct of judicial activity - Medical reports concerning and communications from detainees or convicted persons - Urgent documents to be tendered as evidence for witnesses who are due to appear within the next few days (only short documents or extracts will be accepted for urgent translation) - Urgent documents needed to meet Rules of Procedure and Evidence deadlines or specifically mandated by a judicial decision or order - Self-represented accused's submissions or correspondence to the President, Chambers, or Registrar for the conduct of judicial activity
Tier II	<ul style="list-style-type: none"> - Other documents needed to meet Rules of Procedure and Evidence deadlines or specifically mandated by a judicial decision or order - Documents related to examination of witnesses - Documents to be tendered as evidence in ongoing trials
Tier III	<ul style="list-style-type: none"> - Documents to be tendered in forthcoming trials for which a start date has been set - Correspondence from BCS speakers for the conduct of judicial activity - Other documents from the President, Chambers, or Registrar for the conduct of judicial activity
Tier IV	<ul style="list-style-type: none"> - Documents to be tendered in trials for which no start date has been set

From English or French into BCS

Tier I	<ul style="list-style-type: none"> - Arrest warrants - Indictments - Subpoenas and orders for safe conduct - Official correspondence from the President, Chambers, or Registry to States of the former Yugoslavia for the conduct of judicial activity - Responses to medical reports concerning and communications from detainees or convicted persons - Urgent documents to be tendered as evidence for witnesses who are due to appear within the next few days (only short documents or extracts will be accepted for urgent translation) - Urgent documents needed to meet Rules of Procedure and Evidence deadlines or specifically mandated by a judicial decision or order
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	<ul style="list-style-type: none"> - Judgements, decisions, or orders needed by a non-English- and non-French-speaking self-represented accused for an appeal - Court documents necessary for a self-represented accused to understand the nature and cause of charges against him or her, or any other time-sensitive documents and court documents necessary for a self-represented accused to fully participate in ongoing proceedings
Tier II	<ul style="list-style-type: none"> - Other documents needed to meet Rules of Procedure and Evidence deadlines or specifically mandated by a judicial decision or order - Decisions or orders under appeal - Documents related to examination of witnesses - Documents to be tendered as evidence in ongoing trials
Tier III	<ul style="list-style-type: none"> - Court documents necessary for a convicted person's preparation of post-conviction proceedings - Judgements, decisions, or orders needed by a represented party for an appeal - Documents to be tendered as evidence in forthcoming trials for which a start date has been set - Correspondence to BCS speakers for the conduct of judicial activity - Other documents from the President, Chambers, or Registrar for the conduct of judicial activity - Mechanism basic legal documents
Tier IV	<ul style="list-style-type: none"> - Decisions or orders not under appeal - Documents to be tendered as evidence in trials for which no start date has been set

From Other Languages into English or French	
Tier I	<ul style="list-style-type: none"> - Documents requested by Chambers - Medical certificates or records requested by Chambers
Tier II	<ul style="list-style-type: none"> - Documents to be tendered as evidence