

Appendix 1: ICTY and CLSS

ICTY: International Criminal Tribunal for the former Yugoslavia

Chambers	Registry	Office of the Prosecutor (OTP)	Defence counsel
	Court Management CLSS:		
Trial Chambers 1, 2, 3	ETU, FTU, CIU, RTDPU	Investigations (until 2004)	Defence teams for each trial
Appeals Chambers	Detention Unit Legal Aid Unit Victims and Witnesses Unit	Prosecution teams for each trial	
	Administration		

CLSS: Conference and Language Services Section

CIU	ETU	FTU	RTDPU
Conference Interpretation Unit	English Translation Unit	French Translation Unit	Reference, Terminology and Document Processing Unit
Conference interpreting B/C/S, Albanian, Macedonian, etc. → English	Translation of documentary evidence and ICTY documents B/C/S, Albanian, Macedonian → English	Translation of ICTY documents English, B/C/S → French	Referencing and terminology sup- port for the other CLSS units
English, French → B/C/S, Albanian, Macedonian French → English	English, French → B/C/S English/French → Albanian, Macedonian		

Appendix 2: Trial Summaries

(See the Case Information Sheets on the ICTY website for further information)

Tadić

Duško Tadić was arrested in 1994 and his trial ran from 1995 to 1996, over 79 trial days. Eighty-six prosecution witnesses and 40 defence witnesses testified; 465 exhibits were tendered. In the earliest months of the war Tadić participated in the collection and forced transfer of civilians in and around the Bosnian city of Prijedor. For his part in torture, murder, and inhuman treatment during the forced transfer and later, at the Keraterm, Omarska, and Trnopolje detention camps, Duško Tadić was convicted of violations of the laws or customs of war, grave breaches of the 1949 Geneva conventions and crimes against humanity. In 1999 he was sentenced to 20 years in prison. He was sent to serve his sentence in Germany; Tadić was granted early release in 2008.

Furundžija

Anto Furundžija was a local commander of the Jokers unit of the Croatian Defence Council in central Bosnia and Herzegovina. The counts of his indictment included rape, torture and outrages upon personal dignity. He was arrested in December 1997 by SFOR. In the 10 trial days, eight witnesses were heard for the prosecution and six for the defence. A total of 37 exhibits were tendered. In 1998 he was sentenced to ten years imprisonment which he served in Finland. He was granted early release in 2004.

Kunarac et al. (also referred to as Foča)

In 58 trial days, 33 prosecution witnesses, 29 defence witnesses, and one chamber witness testified; 262 exhibits were tendered. Dragoljub Kunarac was leader of a reconnaissance unit of the Bosnian Serb Army in the Bosnian city of Foča. He, with Radomir Kovač and Zoran Vuković, who were both sub-commanders in the military police of the Bosnian Serb Army, were indicted for and convicted of rape, enslavement, and torture. Kunarac surrendered to the ICTY in March 1998. Kovač was arrested by the multinational Stabilization Force (SFOR) in August 1999; Vuković was also arrested by SFOR in December 1999. Kunarac received a sentence of 28 years, which he is now serving in Germany. Kovač and Vuković were sentenced to 20 and 12 years, respectively. Both completed their sentences in Norway and have been released.

Krstić

In 98 trial days, 103 prosecution witnesses, and 13 defence witnesses testified; 1098 exhibits were tendered. Radislav Krstić was arrested in December 1998 by SFOR and charged with genocide, complicity to commit genocide, a crime against humanity (extermination), murder as a crime against humanity and murder as a violation of the laws or customs of war, and persecution, and he was brought to the Tribunal in December 1999. He was sentenced to 48 years in prison. The appeals chamber affirmed all counts but the charge of genocide, and therefore reduced his sentence by 11 years. Having spent six years at the Hague detention unit from his arrest to the completion of the appeal, Krstić was transferred to the United Kingdom, where he is serving his sentence in Wakefield prison.

Halilović

In 77 trial days, 39 prosecution witnesses and three defence witnesses testified; 494 exhibits were tendered. Sefer Halilović was deputy commander of the Supreme Command Staff of the Army of Bosnia and Herzegovina and chief of the Supreme Command Staff. He was charged with command responsibility for a massacre of 33 Croatian civilians that took place in the Bosnian town of Grabovica, committed by several units of the Army of Bosnia and Herzegovina that had been under his command. Halilović surrendered to the Tribunal in September, 2001. The indictment alleged that Sefer Halilović incurred criminal responsibility when, notwithstanding his duties as a commander, he did not take effective measures to prevent the killings of civilians in Grabovica and did not take steps to carry out a proper investigation to identify the perpetrators of the killings in both Grabovica and Uzdol and, as commander of the Operation, to punish them accordingly. Halilović was acquitted in November 2005 when the trial chamber found that the Prosecution did not prove beyond reasonable doubt that Sefer Halilović had effective control over the troops.

Slobodan Milošević

Slobodan Milošević was president of Serbia (1989–1997) and Yugoslavia (1997–2000) during the war years and, as such, he was the Supreme Commander of the Yugoslav Army. Milošević was indicted for war crimes in Kosovo, Croatia, and Bosnia and Herzegovina, and was arrested in 2001. His trial began in February 2002 and ran for four years, with over 400 days in court. The accused died of a heart attack in the Detention Unit in March 2006. For a book-length analysis of the Milošević trial, see Waters (2013).

Šešelj

In 175 trial days, 71 prosecution witnesses and 10 chamber witnesses testified; 1380 exhibits were tendered. Vojislav Šešelj was indicted for persecution on political, racial, or religious grounds, deportation, inhumane acts (crimes against humanity), as well as murder, torture, cruel treatment, wanton destruction of

villages, and other violations of the laws or customs of war. The persecution charges include public denigration through ‘hate speech’ of the Croat, Muslim, and other non-Serb populations of Vukovar, Zvornik, and Hrtkovci, based on their ethnicities. Šešelj surrendered to the Tribunal in February 2003. He used a hunger strike at the beginning of his trial in November 2006 to protest imposed defence counsel. The trial recommenced in November 2007. In February 2009 the trial adjourned proceedings due to alleged intimidation of a number of witnesses and resumed in January 2010. Closing arguments were presented in March 2012. Šešelj succeeded in having Judge Harhoff removed from the trial chamber and this has delayed deliberations while the newly appointed judge, Judge Mandiaye Niang, familiarizes himself with the proceedings. The trial has been running for over ten years.

Gotovina et al.

In 303 trial days, 81 prosecution witnesses, 57 defence witnesses, and 7 chamber witnesses testified; 4,824 exhibits were tendered. The accused in *Gotovina et al.* were Ante Gotovina, commander of the Split Operative Zone of the Croatian Army, Ivan Čermak, Knin Garrison Commander, and Mladen Markač, Assistant Minister of the Interior and Commander of the Special Police of the Ministry of the Interior of the Republic of Croatia. While Čermak and Markač surrendered to the Tribunal in March of 2004, Gotovina evaded arrest until December 2005. The three men were indicted for forced transfer, plunder of public or private property, wanton destruction of cities, towns, or villages or devastation not justified by military necessity, murder, inhumane acts, and cruel treatment. Čermak was acquitted in the trial judgement in April 2011, but Gotovina and Markač were sentenced to 24 and 18 years, respectively. On appeal, in November 2012, Gotovina and Markač were both acquitted.

Appendix 3: Language Services Survey

1. DEMOGRAPHICS (all staff)

Age:

- 25–49
- 50 or over

Gender

- Female
- Male

What was your highest level of education when you BEGAN working

- Secondary School
- Post-Secondary Two-year Degree
- Undergraduate Degree
- Master's Degree
- Doctoral Degree

Your 'A' (native) language:

- Albanian
- BCS
- English
- French
- Macedonian
- Other (please specify)

Your 'B' language:

- Albanian
- BCS
- English
- French
- Macedonian
- Other (please specify)

Household Composition: Which statement best describes your housing and family situation while working at the ICTY? (Family refers to spouse, partner, relatives, including parents, children, siblings, other relatives.) You may choose more than one answer.

- Living in the Netherlands alone.
- Living in the Netherlands with family.
- With family in the Netherlands part of the time.
- Family living elsewhere.

2. PROFESSIONAL QUESTIONS (all staff)

Those of you who entered the Tribunal as LANGUAGE ASSISTANTS, please indicate this below and then proceed to the next page.

If you began in a TRANSLATION, REVISION, or CONFERENCE INTERPRETING post and moved to another post within CLSS, choose the post which has DEFINED your experience at the Tribunal. You will be given the opportunity to compare the experience of working at different posts.

You started working for the ICTY between ...

- 1993–1998
- 1999–2004
- 2005–present

Indicate your experience level when you began working for the ICTY.

- 0–5 years
- 6 or more years

3. QUESTIONS FOR LANGUAGE ASSISTANTS

These questions are designed for those of you who started out as CLSS language assistants and then went on to other CLSS posts or left the Tribunal, but also for those of you still working as CLSS language assistants. To protect your anonymity I have provided only past-tense questions, rather than tailoring one version for past and another for current language assistants.

Were you a local hire?

- Yes
- No

At the ICTY, you interpreted and translated ...

- Into and out of my 'A' and 'B' languages
- Into and out of my 'B' and 'C' languages
- Another combination

Indicate how long you worked at the ICTY:

- 1–5 years
- 6–10 years
- 10 or more years

Did the ICTY train you for your work as a language assistant?

- Yes
- No

Were you routinely debriefed after returning from mission?

- Yes
- No

Did the team you worked with consult you about local issues, customs, culture, history?

- Yes, often.
- Yes, sometimes.
- Yes, but hardly ever.
- No, never.

As a language assistant did you collaborate/consult with conference interpreters, translators, revisers on terminology and/or translation issues?

- Yes, often.
- Yes, occasionally.
- Only sometimes.
- Never.

If you were a G-level hire, did you advance to professional (P) status?

- Yes
- No

If you moved from one post to another within CLSS, how would you describe what made one post different than another? Which post did you enjoy doing the most and why? How long did it take to adjust to the new post?

4. PROFESSIONAL QUESTIONS (PAST STAFF)

How many years did you work for the ICTY?

- 1–5 years
- 6–10 years
- 10 or more years

Did you receive any further training or degree while working at the ICTY? You may check more than one answer.

- No.
- Yes, I received training for another unit within CLSS.
- Yes, I received cross-training within the ICTY.
- Yes, I completed a degree program at an outside institution.

Did you advance in professional (P) level while working at the ICTY?

- Yes
- No

Did you collaborate/consult with other CLSS units on terminology issues?

- Yes, often.

- Yes, occasionally.
- Yes, sometimes.
- No, never.

If you moved from one post to another within CLSS, how would you describe what made one post different than another? Which post did you enjoy doing the most and why? How long did it take to adjust to the new post?

5. PROFESSIONAL QUESTIONS (CURRENT STAFF)

**Have you received any further training or degree while working at the ICTY?
You may check more than one answer.**

- No.
- Yes, I received training for another unit within CLSS.
- Yes, I received cross-training within the ICTY.
- Yes, I completed a degree program at an outside institution.

Have you advanced in professional (P) level while working at the ICTY?

- Yes
- No

Have you collaborated/consulted with other CLSS units on terminology issues?

- Yes, often.
- Yes, occasionally.
- Yes, sometimes.
- No, never.

If you have moved from one post to another within CLSS, how would you describe what made one post different than another? Which post did you enjoy doing the most and why? How long did it take to adjust to the new post?

6. YOUR EXPERIENCE (PAST STAFF)

Are you glad you worked for the ICTY?

- Yes
- No
- Neither

Which answers best characterize the response of your FAMILY to the fact that you chose to work at the ICTY? You may choose more than one answer.

- Indifferent
- Proud
- Glad
- Angry
- I chose not to tell some of them.
- My choice permanently damaged my relations with some of them.
- Their reaction has changed from unreceptive to receptive.
- Their reaction has changed from receptive to unreceptive.
- Some were upset by my choice while others accepted it.
- None of the above.
- Other (please specify).

Which answer or answers best characterize the response of your FRIENDS to the fact that you chose to work at the ICTY? You may choose more than one answer.

- Indifferent
- Proud
- Glad
- Angry
- I chose not to tell some of them.
- My choice permanently damaged my relations with some of them.
- Their reaction has changed from unreceptive to receptive.
- Their reaction has changed from receptive to unreceptive.
- Some were upset by my choice while others accepted it.
- None of the above.
- Other (please specify).

How do you respond when someone criticizes the ICTY while talking to you? You may choose more than one answer.

- I agree with them.
- I defend and justify the ICTY.
- I change the subject.
- I ask them not to talk about it.
- I explain my understanding of the ICTY to them.
- Other (please specify).

If you had firsthand experience of the war in the former Yugoslavia, do you feel that working at the ICTY helped you process that experience?

- Yes
- No
- Not sure
- No firsthand experience

Were you adequately protected and supported by the ICTY in your job?

- Yes
- No

Have you had to deal with a traumatic reaction to working on war-related subjects?

- Yes
- No

If your answer to the previous question is yes, what would you recommend, based on your own experience, to someone considering taking a similar job?

What was the most challenging aspect of your work in CLSS? Please indicate whether your response may be cited in the book project.

What was the most rewarding aspect of your work in CLSS? Please indicate whether your response may be cited in the book project.

7. Your Experience (current staff)

Are you glad you have worked for the ICTY?

- Yes
- No
- Neither

Which answers best characterize the response of your FAMILY to the fact that you chose to work at the ICTY? You may choose more than one answer.

- Indifferent
- Proud
- Glad
- Angry
- I chose not to tell some of them.
- My choice permanently damaged my relations with some of them.

- Their reaction has changed from unreceptive to receptive.
- Their reaction has changed from receptive to unreceptive.
- Some were upset by my choice while others accepted it.
- None of the above.
- Other (please specify).

Which answer or answers best characterize the response of your FRIENDS to the fact that you chose to work at the ICTY? You may choose more than one answer.

- Indifferent
- Proud
- Glad
- Angry
- I chose not to tell some of them.
- My choice permanently damaged my relations with some of them.
- Their reaction has changed from unreceptive to receptive.
- Their reaction has changed from receptive to unreceptive.
- Some were upset by my choice while others accepted it.
- None of the above.
- Other (please specify).

How do you respond when someone criticizes the ICTY while talking to you? You may choose more than one answer.

- I agree with them.
- I defend and justify the ICTY.
- I change the subject.
- I ask them not to talk about it.
- I explain my understanding of the ICTY to them.
- Other (please specify).

If you had firsthand experience of the war in the former Yugoslavia, do you feel that working at the ICTY has helped you process that experience?

- Yes
- No
- Not sure
- No firsthand experience

Are you adequately protected and supported by the ICTY in your job?

- Yes
- No

Have you had to deal with a traumatic reaction to working on war-related subjects?

- Yes
- No

If your answer to the previous question is yes, what would you recommend, based on your own experience, to someone considering taking a similar job?

What has been the most challenging aspect of your work in CLSS? Please indicate whether your response may be cited in the book project.

What has been the most rewarding aspect of your work in CLSS? Please indicate whether your response may be cited in the book project.

8. CLOSING QUESTIONS (all staff)

Is there a question that should have been asked here, but was not? If so, please add it here:

If you want to comment further on an issue or issues raised above, or on any aspect of the questionnaire, please do so here:

Appendix 4: Data Summary

Overview

A survey was distributed to current and former language employees of the United Nations International War Crimes Tribunal for the Former Yugoslavia (ICTY). Demographic information was gathered to provide a basic understanding of the population, such as age, level of education, and household composition. The aim of this survey was to determine the general experiences of the language professionals who work at the ICTY; employees who encounter sensitive and occasionally disturbing material as a function of their job. The following is a description of the 69 survey responses obtained during the study period. Text box responses were reviewed by the author as additional context to supplement statistical analyses.

Methods

Between 28 May 2013 and 25 June 2013, approximately 140 individuals, formerly or currently employed within the language units of the International War Crimes Tribunal (ICTY), were contacted to complete a survey using the online survey program, Survey Monkey. Current employees ($n = 80$) were contacted through the internal employee email system. The survey was distributed from the central language office and a follow-up email to remind those who had not yet responded was distributed on 21 June 2013. A smaller proportion of former employees ($n = 60$) were contacted using informal methods, relying on social networks such as personal email and Facebook. Analyses were conducted using the statistical software SPSS vs. 19.

Definitions

- Due to the higher age range of the study participants, a dichotomized age variable was created to assist in obscuring participant identities—defined as 25–49 and 50+.
- ‘A’ language was defined as an individual’s native language. An individual’s ‘B’ language was defined as any secondary language acquired

by the individual and, in the context of this survey, used as a part of their job.

- Bosnian, Croatian, and Serbian (BCS), while technically three separate languages, are similar enough that for the purposes of this survey they were grouped together into one language category.
- Professional (P) Level refers to language staff who possess both a university degree and have at least two years of professional experience. General Services (G) Level employees within the UN are largely administrative and include language assistants.

Results/discussion

During the month-long study period, from 28 May 2013 to 25 June 2013, 69 survey responses were completed by the language staff at the International War Crimes Tribunal for the Former Yugoslavia (ICTY).

Demographic characteristics

Of the 69 responses, 59.4% were female and the majority fell between the ages of 25 and 49 (66.7%). Participants were generally well educated, with over 80% possessing either an undergraduate or master's degree. Over half of survey responses cited Bosnian, Serbian, or Croatian (BCS) as their 'A' language (56.5%) and two-thirds indicated English as their 'B' language (66.7%). Fifty-five per cent indicated that they resided in the Netherlands with their families for all or part of their time employed with the ICTY.

Professional characteristics

Employment duration was distributed evenly, with the greatest proportion of individuals employed at the ICTY for between six and ten years (23.2%). When asked about further training, a majority of survey participants indicated that they had not received any further training while employed (56.5%).

Personal characteristics

More than three-quarters of the survey participants answered that they were glad to have worked at the ICTY (79.7%). Most respondents indicated that they did not have any first-hand experience with the former Yugoslavia prior to working at the Tribunal (52.2%). However, the

large proportion of individuals who selected BCS as their 'A' language (56.5%), coupled with approximately 20% non-responses for the question pertaining to first-hand experience might suggest that the number of individuals with first-hand experience is higher than the reported findings. More participants stated that they had not experienced any trauma as a result of the difficult or disturbing nature of their work (46.4%). However, over one-third of survey respondents did report experiencing trauma during their tenure in the language units (34.8%). When asked about the ICTY as an institution, over half of participants reported feeling protected and supported by the ICTY in dealing with the traumatic nature of their work (52.2%).

Study limitations

As there is no formal database of former employees, informal means were used to reach these individuals, such as personal email and Facebook. Due to the unstructured nature of outreach efforts used to contact former employees, it is possible that certain individuals were systematically excluded from the study population. Those individuals who were not members of the social networks, or did not work at the ICTY long enough to establish long-term social connections may have been missed in outreach efforts. As a result of the low response rates for some questions, data were not sufficient for meaningful analyses to be conducted on variables such as educational advancement.

Additionally, several controversial acquittals were announced during the study period which may have adversely impacted employees' feelings and experiences about the ICTY (*Gotovina et al.*, the *Perišić* judgement, and the *Staničić & Simatović* judgement).

Data analysis by Rahela Bursać, MPH

Appendix 5: Survey Data Tables

Table: Socio-Demographic Characteristics

Socio-Demographic Characteristics of Current and Past ICTY Language Staff				
	Overall n = 69 (%)	Translators/ Revisers** n = 48 (%)	Interpreters** n = 14 (%)	Language Assistants** n = 7 (%)
Gender				
Male	28 (40.6)	22 (45.8)	5 (35.7)	1 (14.3)
Female	41 (59.4)	26 (54.2)	9 (64.3)	6 (85.7)
Age				
25–49 years	46 (66.7)	30 (62.5)	11 (78.6)	5 (71.4)
50 + years	23 (33.3)	18 (37.5)	3 (21.4)	2 (28.6)
Education				
Secondary School	3 (4.3)	2 (4.1)	0 (0)	1 (14.3)
Post-Secondary	2 (2.9)	1 (2.1)	0 (0)	1 (14.3)
Two-Year Degree				
Undergraduate Degree	25 (36.2)	13 (27.1)	7 (50)	5 (71.4)
Master's Degree	31 (44.9)	25 (52.1)	6 (42.9)	0 (0)
Doctoral Degree	8 (11.6)	7 (14.6)	1 (7.1)	0 (0)
'A' Language				
Albanian	2 (2.9)	1 (2.1)	0 (0)	1 (14.3)
BCS	39 (56.5)	25 (52.1)	9 (64.3)	5 (71.4)
English	19 (27.5)	18 (37.2)	1 (7.1)	0 (0)
French	9 (13.0)	4 (8.3)	4 (28.6)	1 (14.3)
'B' Language				
Albanian	2 (2.9)	2 (4.1)	0 (0)	0 (0)
BCS	15 (21.7)	13 (27.1)	2 (1.4)	0 (0)
English	46 (66.7)	28 (58.3)	12 (85.7)	6 (85.7)
French	5 (7.2)	4 (8.3)	0 (0)	1 (14.3)

(continued)

Table: Socio-Demographic Characteristics (continued)

	Overall n = 69 (%)	Translators/ Revisers** n = 48 (%)	Interpreters** n = 14 (%)	Language Assistants** n = 7 (%)
Household Composition				
In NL alone	26 (37.7)	18 (37.5)	6 (42.9)	2 (28.6)
In NL with family	29 (42.0)	17 (35.4)	7 (50)	5 (71.4)
In NL with family part-time	9 (13.0)	8 (16.7)	1 (7.1)	0 (0)
Family resides elsewhere	11 (15.9)	10 (20.8)	1 (7.1)	0 (0)

Table: Professional Characteristics of Current and Past Language Staff

	Overall n = 69 (%)	Translators/ Revisers** n = 48 (%)	Interpreters** n = 14 (%)	Language Assistants** n = 7 (%)
Local hire				
Yes	6 (8.7)	1 (0)	0 (0)	5 (71.4)
No	2 (2.9)	0 (0)	0 (0)	2 (28.6)
Length of Employment				
1–5 years	12 (17.4)	10 (20.8)	1 (7.1)	1 (14.3)
6–10 years	16 (23.2)	10 (20.8)	4 (2.9)	2 (28.6)
10+	11 (15.9)	6 (12.5)	1 (7.1)	4 (57.1)
GS-Status to P-Status*				
Yes	2 (2.9)	1 (2.1)	0 (0)	1 (14.3)
No	6 (8.7)	0 (0)	0 (0)	6 (85.7)
Further Training				
Yes	16 (23.2)	9 (18.8)	7 (50)	0 (0)
No	39 (56.5)	33 (68.8)	6 (42.9)	0 (0)
Further Education				
Yes	9 (13.0)	7 (14.6)	2 (14.3)	0 (0)
No	0 (0)	0 (0)	0 (0)	0 (0)

*GS: General Services, P: Professional

**Percentages were calculated based on the number of responses per question, rather than on entire sample pool.

Table: Personal Characteristics

Personal Characteristics of Current and Past ICTY Language Staff				
	Overall n = 69 (%)	Translators/ Revisers** n = 48 (%)	Interpreters** n = 14 (%)	Language Assistants** n = 7 (%)
Glad to work at ICTY				
Yes	55(79.7)	36 (75)	13 (92.9)	6 (85.7)
No	3(4.3)	3 (6.2)	0 (0)	0 (0)
Firsthand War Experience				
Yes	19 (27.5)	11 (22.9)	6 (42.9)	2 (28.6)
No	36 (52.2)	27 (56.3)	6 (42.9)	3 (4.3)
Protection and Support				
Yes	36 (52.2)	23 (47.9)	11 (78.6)	2 (28.6)
No	22 (31.8)	16 (33.3)	2 (14.3)	4 (57.1)
Trauma				
Yes	24 (34.8)	17 (35.4)	4 (28.6)	3 (4.3)
No	32 (46.4)	20 (41.7)	9 (64.3)	3 (4.3)

**Percentages were calculated based on the number of responses per question, rather than on entire sample pool.

Notes

Introduction

1. Judges Pocar and Robinson have been on the ICTY bench since 1998; Judges Agius, Güney, Kwon, Meron, Orić began in 2001; Judge Antonetti began in 2003.
2. There is no single central office that hires, trains, and coordinates translators and interpreters to all the different branches of the Tribunal and related offices. The defence teams and Office of the Prosecutor use the services of CLSS, but also hire and train their own language staff. The compartmentalization of the ICTY into Registry (where CLSS is located), the Office of the Prosecutor, and Chambers, with the offices for each defence counsel located off the ICTY premises, is an essential part of its structure; the adversarial relationship of defence counsel and the OTP and the confidentiality required of all language practitioners has precluded the sharing of the training and experience of the language staff.
3. For a diagram of the branches of the Tribunal and the units of the language services see Appendix 1. For more information about the workings of the ICTY, see the ICTY website at www.icty.org.
4. Sentencing Hearing, *Plavšić* 17 December 2002: 507.
5. This is out of the total of 161 accused, which includes 94 Serbs (from Bosnia and Herzegovina and Serbia), 29 Croats (from Bosnia and Herzegovina and Croatia), nine Albanians, nine Bosniaks, two Macedonians, and two Montenegrins.

1 The Practitioners

1. There are many books on the 1990s wars, but should readers be interested in a brief background book that will help situate the trials under discussion in this study, I recommend C. Baker (2015) *The Yugoslav Wars of the 1990s*. Palgrave Macmillan.
2. 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.
3. Brenda Hollis went on to become the Prosecutor of the Special Court for Sierra Leone.
4. The word *izmet* means degenerate or freak, while the name Ismet is a frequent name among the Bosniak population.
5. There was much the same lack of trust at the Toyko Tribunal: ‘... the Tribunal did not trust these Japanese interpreters to be impartial and was wary of appearing to depend on nationals of the very country whose former leaders were among the defendants: hence the three-part hierarchy of Japanese interpreters, Nisei monitors and U.S. Caucasian language arbiters ... which

clearly represents the desire of the party with authority over the proceedings to regulate and control interpreters who did not necessarily share its interests or affiliations. The hierarchy among the linguists at the Tokyo Trial functioned as a display of authority and a check against any possibility of bad faith affecting communication' (Takeda 2010: 136–7).

6. For a description of the work of an ICTY reviser, see Section 2.7.8.
7. 'A study conducted in late 2001 and early 2002, based on a project of the International Democracy Institute (IDEA) in the countries and entities of the former Yugoslavia, showed that the Tribunal enjoys the greatest support among the Kosovo Albanians—as much as 83.3 per cent. However, one must bear in mind that this was before the OTP filed its first indictment and announced that others would follow against the leaders of the Kosovo Liberation Army (KLA), accused of crimes against Serbs and other non-Albanian inhabitants of Kosovo. Future surveys will undoubtedly show a substantial loss of trust in the Tribunal among the Kosovo Albanians. According to a 2002 survey, the rating of the Tribunal was quite high in the BH Federation (51 per cent), while its lowest rating came from the other Bosnian entity, the Republika Srpska (only 3.6 per cent had a positive opinion of it). According to the same survey, the Tribunal's reputation in Serbia was only slightly better (7.6 per cent). Finally, 24 per cent of those surveyed in Montenegro had a positive view of the Tribunal, compared to 21 per cent in Croatia. The picture is even bleaker if we look at the data through the inevitable 'ethnic filter'. An analysis of the ethnic structure of persons surveyed shows that, as a rule, in every country and entity, it is the minority that has a positive view of the Tribunal: Muslims in the Republika Srpska; Hungarians and Muslims in Serbia, Serbs in Croatia, Muslims in Montenegro. The only exception is in the BH Federation, where the Muslim majority has a far better opinion of the Tribunal than the Croatian minority' (Klarin 2004: 553).
8. '... the sealed indictments were critical. They provided us with unanswerable arguments to the alleged operational difficulties of arresting publicly indicted accused and gave us back some of the leadership of our own operations' (Arbour 2004: 397).
9. Rule 70 of the ICTY provides, essentially, that the Prosecutor may receive information for lead purposes only and give a binding undertaking to the information provider that the materials received will not be revealed in any form or used in evidence at trial without the subsequent explicit consent of the information provider. There is no question that Rule 70 created a comfort zone that granted investigators access to materials so out of reach that their very existence might not otherwise have been acknowledged. On the other hand, with some information providers, Rule 70 became an addiction. Virtually nothing would be released except under its protection, with the result that the Prosecutor could never assess with any certainty the strength of the case for trial. Everything depended on what information would be released for trial purposes, if and when an arrest was effected.
10. An issue specific to those ICTY language assistants who were local hires: as general services staff they received fewer benefits and salary than the translators and conference interpreters who were hired as professional staff. In general, in the UN, one must pass an exam to move from G to P status. The Tribunal is not a permanent UN institution and this temporary status meant

that CLSS had the leeway to administer a P-level competitive translation exam to GS-level language assistants. Those who passed it could be placed on a roster for translator-post vacancies in CLSS. In other words, people who were locally hired, such as the language assistants who accompanied investigators in the early years of the Tribunal, were often in a disadvantaged position, in terms of benefits, salary, and standing, unless they could make the transition to P-level positions within the Tribunal.

2 The Practice

1. ‘Akayesu was prosecuted for genocide and the Chamber found a “translation problem” with regard to Article 2.2 (a) of the Statute, like in the Genocide Convention. The Chamber noted that the said paragraph states *meurtre* in the French version while the English version states ‘killing’. The Trial Chamber was of the opinion that the term ‘killing’ used in the English version was too general, since it could very well include both intentional and unintentional homicides, whereas the term *meurtre*, used in the French version, was more precise. Given the presumption of innocence of the accused, and pursuant to the general principles of criminal law, the Chamber held that the version more favourable to the accused should be upheld (*ibid.* paras. 500–1)’ (Tomić and Montoliu 2013: 237).
2. i. Murder 216. It is appropriate to point out first that the French version of the Statute uses the term ‘*assassinat*’—a crime with a very precise meaning in French national law—whilst the English version adopts the word ‘murder’ which translates in French as ‘*meurtre*’. Relying on Article 7(1)(a) of the Statute of the International Criminal Court, Article 18 of the ILC Code of Crimes Against the Peace and Security of Mankind and the assertions of Trial Chamber I of the ICTR in the Akayesu case which all refer to murder (‘*meurtre*’), the Trial Chamber is of the view that it is murder (‘*meurtre*’) and not premeditated murder (‘*assassinat*’) which must be the underlying offence of a crime against humanity.
3. A selection of transcripts have been uploaded to the ICTY website in Bosnian/Croatian/Serbian for the following cases: *Martić*, *Erdemović*, *Vasiljević*, *Milan Lukić & Sredoje Lukić*, *Krstić*, *Krajišnik*, *Halilović*, *Karadžić*, *Slobodan Milošević*, *Blagojević & Jokić*, *Perišić*, *Šainović et al.*, *Đorđević*, *Popović et al.*, *Tolimir*, *Stanišić & Župljanin*. As the website is designed as of June 2014, if you wish to find these transcripts in the languages of the accused, first select the language that interests you in the upper right-hand corner of the site (choices, for languages of the accused: *bosanski*, *hrvatski ili srpski*, *Shqip*, and *Makedonski*). If you have chosen *bosanski*, *hrvatski ili srpski* you will see the heading ‘Predmeti’ (‘The Cases’). Find the heading ‘ime optuženog’ (Accused Name) and click on it to open a drop-down menu on which you will find the names of all the ICTY accused. Scroll down to the case you are interested in and click on the name. Then click on the heading ‘izbor dokumenata’ (Selected Documents) on the case page that opens up and scroll down to the bottom of that page. If transcripts are available in the language of the accused for that trial they will be listed at the bottom of the page in the form of clickable dates in the calendar of the trial.

4. Two useful sources on the language question: 'Sociolinguistic Commentary' in R. Alexander (2012) *Bosnian, Croatian, Serbian: A Grammar with Sociolinguistic Commentary*. (The introduction is available for download, at <http://www.bcsgrammarandtextbook.org/Grammar/slc.pdf> accessed on 26 May 2014.) and L. Askew (2012) *Language Policy and Peace-Building*. 106–20.

5. An explanation of the differences between common law and civil law:

Common law is generally *uncodified*. This means that there is no comprehensive compilation of legal rules and statutes. While common law does rely on some scattered statutes, which are legislative decisions, it is largely based on precedent, meaning the judicial decisions that have already been made in similar cases. These precedents are maintained over time through the records of the courts as well as historically documented in collections of case law known as yearbooks and reports. The precedents to be applied in the decision of each new case are determined by the presiding judge. As a result, judges have an enormous role in shaping American and British law. Common law functions as an adversarial system, a contest between two opposing parties before a judge who moderates. A jury of ordinary people without legal training decides on the facts of the case. The judge then determines the appropriate sentence based on the jury's verdict.

Civil Law, in contrast, is *codified*. Countries with civil law systems have comprehensive, continuously updated legal codes that specify all matters capable of being brought before a court, the applicable procedure, and the appropriate punishment for each offense. Such codes distinguish between different categories of law: substantive law establishes which acts are subject to criminal or civil prosecution, procedural law establishes how to determine whether a particular action constitutes a criminal act, and penal law establishes the appropriate penalty. In a civil law system, the judge's role is to establish the facts of the case and to apply the provisions of the applicable code. Though the judge often brings the formal charges, investigates the matter, and decides on the case, he or she works within a framework established by a comprehensive, codified set of laws. The judge's decision is consequently less crucial in shaping civil law than the decisions of legislators and legal scholars who draft and interpret the codes (Robbins Collection: 2010).

6. Rule 92 *ter* Other Admission of Written Statements and Transcripts (Adopted 13 September 2006)

(A) A Trial Chamber may admit, in whole or in part, the evidence of a witness in the form of a written statement or transcript of evidence given by a witness in proceedings before the Tribunal, under the following conditions:

- (i) the witness is present in court;
- (ii) the witness is available for cross-examination and any questioning by the Judges; and
- (iii) the witness attests that the written statement or transcript accurately reflects that witness' declaration and what the witness would say if examined.

(B) Evidence admitted under paragraph (A) may include evidence that goes to proof of the acts and conduct of the accused as charged in the indictment.

7. 'At the time of Mr Dokmanović's conversations with the representatives of the OTP and UNTAES, he knew that he was not on the list of Serbs granted amnesty by the Croatian authorities. On the other hand, Mr Dokmanović was not aware that he had been indicted by the International Tribunal or that a warrant had been issued for his arrest. Accordingly, he had no reason to seek assurances from the OTP or UNTAES that he would not be arrested by them. He did, however, have reason to seek assurances that he would not be arrested by the Croatian authorities. Thus, it seems to this Trial Chamber that the testimony of Mr Curtis, Mr Hryshchyslyn, and Witness A, to the effect that no guarantees of safe conduct, either specific or general, were provided to the accused, is more credible than the testimony of Mr Dokmanović' (Kirk McDonald 2000: 1560).
8. The definitions that follow cover the key points of difference between the two professions: 'Translation: Catford (1965) defines translation as "the replacement of textual material in one language (SL) by the equivalent textual material in another language (TL)" (p. 20). Nida and Taber (1974) state that "Translating consists in reproducing in the receptor language the closest natural equivalent of the source-language message, first in terms of meaning and secondly in terms of style" (p. 12). The term translation is used in two different ways. First, it refers to the general process of converting a message from one language to another (Bathgate, 1985), and second, it refers to the written form of that process. (...) Interpretation: This term denotes the oral form of the translation process. Seleskovitch (1978a) emphasizes the critical difference between translating written messages and interpreting oral messages by highlighting the interpreter's presence among those who use his services: the interpreter "is there with both speaker and listener (...). He participates in a dialogue, his words are aimed at a listener whom he addresses directly and in whom he seeks to elicit a reaction ..." (p. 2). Another important distinction between translation and interpretation is the difference time demand makes. Translators have time to reflect and craft their output, whereas interpreters must instantaneously arrive at a target language equivalent, while at the same time searching for further output' (González, Vasquez and Mikkelson 1991: 295).
9. 'It bears emphasising that the Tribunal's case law is a combination of common and civil law systems, and there is little reference material in Bosnian/Croatian/Serbian. This gives us a free hand when translating complex legal notions where resorting to approximate equivalents existing in national laws is unadvisable and could place us on slippery ground. We have the advantage of working with lawyers from different systems who can always explain to us the exact meaning of certain concepts. At the same time we consult prominent legal experts from the former Yugoslavia who are specialised in international law' (M. Draženović-Carrieri 2002: 52).
10. And where are all these thousands of pages of documents stored? The archive is thought to number some twenty million pages at this point. For a full accounting of the ICTY archive, see the excellent study by T. Peterson (2008). To the best of my knowledge, the question of where this archive will be permanently situated is still unresolved. However, a large portion of the evidence tendered and all the transcripts of public sessions of trials are available on the ICTY website.

11. Should a reader wish to learn more about a trial, the easiest way is to go to the ICTY website, search on the name of the accused under the heading 'The Cases' and then click on the document referred to as the 'Case Information Sheet'. If a reader would like to read beyond the brief quote in a particular day in trial do the following. Click on the name of the accused under The Cases, then click on Selected Documents. From there one can click on the word 'Transcripts' in the upper left or scroll down to the bottom of the page, where the transcripts are listed by date.
12. As of May 2014.

3 Practicalities

1. From the Judgement of Sentencing Appeal:

70. The relevant statement of the Trial Chamber reads as follows:

The Trial Chamber has examined the crime of persecution for which Momir Nikolić has admitted responsibility. The Trial Chamber was shocked to hear the Nikolić Defence state that 'only' 7,000 men—'only' Muslim men (as opposed to all non-Serbs)—from 'only' one municipality were murdered. The comparison is not helpful to assess the gravity of the offence, and the use of the term 'only' in relation to the number of persons murdered is shameful. The Appeals Chamber acknowledges that in Appendix C of the initial opening brief on appeal, the Appellant submits an internal memorandum dated 27 January 2004, in which the Interpretation Unit of the International Tribunal confirmed that the defence counsel at trial did not say 'only 7,000 persons were killed in this campaign' but 'around 7,000 men were killed'. In contrast, there was no error in the translation of the defence counsel's reference to the victims' ethnicity and geographic provenance; the Trial Chamber was correct in stating that the defence counsel argued that "only Muslim men (as opposed to all non-Serbs) from "only" one municipality were murdered'. However, the Trial Chamber used the description 'shameful' specifically in reference to the 'use of the term "only" in relation to the number of persons murdered', not in reference to counsel's other uses of the term 'only'.

71. The Appeals Chamber notes the comments of the counsel for the Prosecution during the Appeal Hearing that '[the mistranslation] is worth considering, particularly since the [...] Trial Chamber was specifically disturbed by the use of the phrase, and I believe all parties are of agreement that that was a translation or interpretation error that was very unfortunate and may have had an influence on the Trial Chamber's assessment of not only the facts, the admissions, but also the sentence.' Similarly, the Appellant argues that 'it may be that this misinterpretation created a sense of hostility and anger towards the Nikolić Defense, and it may well have affected their judgement as well in determining the sentence imposed upon [the Appellant]'.

72. The Appeals Chamber agrees with the parties' submissions. The Appeals Chamber first notes that the Trial Chamber expressed its stance in very strong words ('shocked', 'shameful'). The Appeals Chamber considers that, even though the Trial Chamber directed these words against the Appellant's

counsel, the Trial Chamber must have thought that counsel's statement was made with the assent of the Appellant as he did not oppose his counsel's remarks. Moreover, the above statement of the Trial Chamber was made in the chapter of the Sentencing Judgement regarding its findings on the gravity of the offence, which, the Appeals Chamber recalls, is 'the most important consideration, which may be regarded as the litmus test for the appropriate sentence'.

In light of the position of the statement in the Sentencing Judgement and the harshness of the words used by the Trial Chamber, the Appeals Chamber concludes that the Trial Chamber took this factor into account to the detriment of the Appellant when assessing his sentence. That being so, the Appeals Chamber will take this error into account in revising the Appellant's sentence.

2. The 'Ustashas' were a fascist organization that ruled Croatia from 1941 to 1945; the 'Chetniks' were a Serbian nationalist organization during the same period, some of whom collaborated with the German and Italian occupation forces. These terms acquired new connotations during the wars of the 1990s, in much the way that the word 'fascist' is used today in a broader sense than its original Italian-specific meaning, but these connotations were clear enough in the context they appeared in that no further explanation was necessary.
3. The following trial judgements refer to the issue of ethnic slurs: *Delalić et al.*, *Krstić*, *Martinović & Naletilić*, *Kordić & Čerkez*, *Halilović* (Del Ponte 2006: 553).
4. Derogatory terms for other ethnic groups were also tolerated in public discourse in Serbia during the war such as 'Turk' for Bosnian Muslim and 'Ustasha' for Croat.
5. Chief Operating Officer of B92, now a television station, a radio station, and a website: <http://www.b92.net/>.
6. There were two different versions for general usage of pejorative terms during the war: the more derogatory version by which whole populations were designated as 'Ustasha' or 'Chetnik' or 'šiptar', and the version considered more politically correct by which only the fighting forces were so designated, while the larger population was referred to by its proper name of 'Croat' or 'Serb' or 'Albanian.'
7. One need not look far to find other examples of terms that a community is comfortable with using in reference to itself but not comfortable with the idea of others using the same term. 'Polack' is mentioned in this context in the transcripts excerpted in this article, and in related courtroom discussions, though not quoted here, a judge suggested that perhaps the use of the N-word might be similar. Another good example: 'girl'.
8. There were 52 comments to the blog as of September 2011, out of which 15 support what he says and the rest decry it.

One of the supportive comments (both comments translated by the author): 'Esteemed Mr. Cirilov! May you carry on burnishing the reputation of the Serbian people who have been brought to their knees by "patriots". Thank you. Long may you live and prosper.'

A critical comment: 'I am truly surprised that now Jovan, too, has taken the side of the "Europeans", the politically correct, and all the other

nonsense that comes to us from the West. This must be a way to become more “in”. Now, after this brilliantly elaborated position, all of us who are insufficiently urbane will change and no longer will we say “Gypsy”, only “Roma”, or, for example, whenever a descendant of the Illyrians is introduced to us, we will say that he is not who he says he is, but an Albanian.’ (Author’s note: legend has it that Albanians descended from the Illyrians, a collection of tribes that inhabited the Balkans for thousands of years before the Romans conquered the region.)

9. A search using the Google search tool available on the ICTY website produced (in May 2014) the following number of hits for each of these terms: ‘Kosovo Albanian’ (491 hits), ‘Kosovar Albanian’ (132 hits), ‘ethnic Albanian’ (249 hits), ‘local Albanian’ (36 hits), šiptar (310 hits), and shiptar (13 hits).
10. The Kosovo trials with Serbian defendants are *Slobodan Milošević* (2001–2006; the accused died mid-trial); *Milutinović et al.* with defendants Vladimir Lazarević, Sreten Lukić, Milan Milutinović, Dragoljub Ojdanić, Nebojša Pavković, Nikola Šainović, and Vlastimir Đorđević. The Kosovo trials with Albanian defendants are *Haradinaj et al.* with defendants Ramush Haradinaj, Idriz Balaj, and Lahi Brahimaj and *Limaj et al.* with defendants Fatmir Limaj, Isak Musliu, and Haradin Bala.

4 The Witnesses

1. The largest ICTY trials have been *Prlić et al.* with six accused, *Popović et al.* with seven, and *Milutinović et al.* with eight. Many others have two, three, or four accused such as *Gotovina et al.* and *Kunarac et al.*, each with three defendants. Each accused has two defence counsel and at least one of these attends each day of trial. That means that a prosecution witness may be cross-examined by as many as eight defence counsel.
2. The galleries of courtrooms 1 and 2 have a capacity of 60 but often there are only two or three observers. Courtroom 2 is much smaller and has a gallery for only three or four observers, who are seated inside the courtroom itself.
3. ‘It comes as no surprise that there are occasional attempts to use interpreters as scapegoats. For instance, in order to avoid answering an uncomfortable question during cross-examination, witnesses would sometimes say “This is not what I said, there was an error in interpretation,” or something to that effect’ (Nikolić interview 2012: 7). This point is also mentioned by C. Namakula: ‘In practice, interpretation is the scapegoat of the majority of cross-lingual courtroom communication failures’ (2012: 88).

5 The Office of the Prosecutor

1. Office of the Prosecutor, Exhibit 609/a in *Krstić*. The sentence is taken from *Vanredni borbeni izveštaj* [Interim Combat Report], dated 15 July 1995, signed by Lieutenant Colonel Vinko Pandurević. In the source language the sentence reads: ‘Dodatno opterećenje nam predstavlja veliki broj zarobljenika razmeštenih po školama u zoni brigade, kao i obaveze obezbeđenja i asanacije terena’.

2. On 17 June 2014.
3. Aside from *Krstić* and *Popović et al.* which were focused exclusively on Srebrenica, the following cases include Srebrenica-related counts: *Blagojević & Jokić*, *Erdemović*, *Momir Nikolić*, *Obrenović*, *Orić*, *Perišić*, *Stanišić & Simatović*, *Tolimir*, *Trbić*, *Slobodan Milošević*, *Karadžić*, and *Mladić*. Of these, *Tolimir*, *Karadžić*, and *Mladić* are ongoing as this study goes to press.
4. The seven defendants in *Popović et al.* (pending appeal) were on trial for three years, including 425 trial days, with a total of 313 witnesses and 5,380 exhibits (*Popović et al. CIS*).

6 The Defence

1. On 3 June 2014.
2. ***Halilović trial judgement***: ‘In B/C/S this line reads “sagledavanje b/g komandi i jedinica konkretno na terenu, i rukovodjenje b/d” The Trial Chamber notes that it was provided with two different translations of the B/C/S word “rukovodjenje”, which was used in this sentence. One translation read “directing combat operations” while the later translation read “control of combat operations”. The translation of the exhibit was subsequently verified and the correct translation was admitted into evidence as Ex. 146, together with an explanation of the translation. The Trial Chamber notes that Vahid Karavelić on 21 April 2005 testified as to the meaning of the B/C/S word “rukovodjenje”, which was then interpreted as “directing.” In light of the verification of the translation, the Trial Chamber will not rely on the part of the testimony of Vahid Karavelić in which he explains the term “rukovodjenje” (83, footnote 634).
Milutinović et al. trial judgement: ‘1018. The original Serbian of the 16 June 1998 decision does indeed state that Lukić was appointed “rukovodilac” of the Staff, as noted by the Lukić Defence. However, the Chamber considers that the precise title of Lukić’s position, and its translation into English, is immaterial. Rather, his powers and responsibilities are what really matter. It is only for convenience that the English translation “Head of the MUP Staff” is used throughout this section’ (Volume 3: 414).
Tolimir trial judgement: ‘Accused put forth an argument that the terms “rukovodjenje”, “komandovanje” and “kontrola” are distinct terms in B/C/S language. Accused Final Brief, paras. 30, 33. See Petar Škrbić, T. 18535–18536 (30 January 2012). For this, the Chamber references the synonyms provided by the interpreters for all three terms: “komandovanje” was translated as “command”, “rukovodjenje” was translated in military terms as “control” (but in another context it could mean things like “managing” or “administering”), and “kontrola” was translated as “control”. Petar Škrbić, T. 18572–18573 (30 January 2012). “Kontrola” is performed by the commander by way of his immediate insight or through his organs in a certain space, a certain time, in a certain unit. Ljubomir Obradović, T. 12147 (31 March 2011). While units are commanded, institutions are “controlled” (32, footnote 249).
3. On 4 July 2007 Šešelj remarked in court that he himself ultimately organized, and his defence fund paid for, the translations of the three Rwandan judgements and the Limaj judgement into Serbian, because the ICTY Registry refused to do so.

4. When Slobodan Praljak, an accused in *Prlić et al.*, requested that CLSS translate another 7,000 pages of documents beyond the 2,000 that had already been translated for his defence case. In the *Decision on Slobodan Praljak's Appeal of the Trial Chamber's 13 October 2008 Order Limiting the Translation of Defence Evidence* issued on 5 December 2008, Praljak was allowed to request an additional 1,500 pages of translation from CLSS, much less than the 7,000 he had requested. Among other alleged violations, '10. Praljak submits that the limitation on translation facilities violates his right under Article 21(4)(b) of the Statute to "adequate time and facilities for the preparation of the defence. In support of this contention, he argues that the Decision of 4 September 2008 affirmed, and the Impugned Order concedes, that Article 21(4)(b) "protects the right of the Accused to translation services".' In response, the Appeals Chamber 'recalls that it is within the Trial Chamber's discretion to limit the translation resources made available to the parties provided that the limitation is consistent with the statutory rights of an accused' and that 'the Trial Chamber is well placed to assess the translation resources justifiably needed by the Defence (2008: 4–5). The Appeals Chamber dismissed the appeal, and Praljak had to work within the limits set for him.
5. Rule 70 is the rule allowing governments to restrict the access to documents they provide to the Tribunal.
6. In the chapter 'Languages in the Intelligence Community' (*Languages at War* 2012: 19–36), Hilary Footitt examines the intelligence work of linguists during the Second World War. They were chiefly listening to enemy transmissions rather than serving as interpreters for the people they were supplying intelligence about. The situation described in this section is particular to the more recent development of deploying teams of international observers to regions in conflict and has been explored in the greatest depth by Z. Stahuljak (2009).
7. Defence counsel are not tasked with proving their client's innocence but with raising reasonable doubt about the prosecution case: 'It is the prosecution who must prove the case. It has been said that the defence simply has "to lead such evidence as would, if believed and uncontradicted, induce a reasonable doubt about the prosecution case". It can raise such a doubt by attacking the credibility and reliability of the prosecution witnesses by means of cross-examination and by calling its own witnesses. None of this can be intended to cast a burden of proof on the defence, but evidence called to rebut the prosecution case may nonetheless be extensive' (May et al. 2001: 251).

8 Conclusion

1. The ICTR had a budget of \$157,938,900 for 2012–13, the ICC's budget for 2013 was \$145,324,160, while the Special Tribunal for Lebanon had a budget of \$73,864,210 for 2012. The ICTY budget is larger, but it is processing more trials than are these other institutions.
2. It is important to say at this juncture that the acquittals mentioned in the Language Services Survey that so disturbed a number of the ICTY language staff turned not on language issues or misunderstandings, but on interpretations of international law and other matters.

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