



Mechanism for International Criminal Tribunals

Case No.: MICT-14-64

Date: 20 August 2015

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Liu Daqun
Registrar: Mr. John Hocking
Decision of: 20 August 2015

PROSECUTOR

v.

JUVÉNAL KAJELIJELI

PUBLIC

DECISION ON REQUEST FOR TRANSLATION

The Applicant:

Mr. Juvénal Kajelijeli, *pro se*

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow

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Mechanism for International Criminal Tribunals
20/08/2015 14:37

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I, LIU DAQUN, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

BEING SEISED OF the strictly confidential “*Requête de Juvénal Kajelijeli aux fins de traduction de la requête du 15 Juin 2011 en français*”, filed by Mr. Juvénal Kajelijeli on 24 April 2015 (“First Application”), in which he requests translation in French of the confidential “Juvénal Kajelijeli’s Application for Review” filed by him in English on 15 June 2011 in *Juvénal Kajelijeli v. the Prosecutor*, Case No. ICTR-98-44A-R (“Request for Review”), as well as assistance to communicate with counsel representing him at the time;²

NOTING the “Prosecution Response to *Requête de Juvénal Kajelijeli aux fins de traduction de la requête du 15 juin 2011 en français*” filed by the Office of the Prosecutor (“Prosecution”) in English on 4 May 2015 (“Response”), calling for the request to be rejected in its entirety;³

BEING FURTHER SEISED OF the confidential “*Requête de Juvénal Kajelijeli aux fins de traduction de la réponse du procureur*”, filed by Mr. Kajelijeli on 5 May 2015 (“Second Application”, and, together with the First Application, “Applications”), in which he requested translation in French of the Response in order to prepare his reply thereto as well as assistance to obtain access to office supplies, in particular, to ink and paper;⁴

NOTING the “Decision on Request for Translation” of 20 May 2015, in which I dismissed Mr. Kajelijeli’s request for translation of the Response in French as moot, instructed Mr. Kajelijeli to file a reply to the Response within seven days from the date the French translation of the Response was served upon him and reserved consideration of the request related to office supplies;⁵

NOTING the “*Réplique de Juvénal Kajelijeli, à la réponse du procureur, du 04 mai 2015 en opposition de sa requête du 5 février 2015 relative à la traduction en français de la requête du 15 juin 2011*” filed by Mr. Kajelijeli on 9 July 2015 (“Reply”), in which Mr. Kajelijeli confirms that he received the French translation of the Response on 23 June 2015;⁶

NOTING that, although Mr. Kajelijeli’s reply was submitted out of time, I nevertheless find that it is in the interests of justice to consider his submissions given the considerable delay in

¹ Order Assigning a Single Judge to Consider an Application, 30 April 2015, p. 1; Order Assigning a Single Judge to Consider an Application, 11 May 2015, p. 1.

² First Application, paras. 5-7.

³ Response, paras. 3-5. The Prosecution relies on Rule 3(E) and (F)(i) of the Mechanism’s Rules of Procedure and Evidence (“Rules”). See Response, para. 3.

⁴ Second Application, paras. 7-8.

⁵ Decision on Request for Translation, 20 May 2015, pp. 1-2.

⁶ Reply, para. 6.

corresponding with the detention facilities in Benin where Mr. Kajelijeli is currently serving his sentence;

CONSIDERING that the Request for Review was, in fact, filed on Mr. Kajelijeli's behalf and that, unless he demonstrates otherwise, he is presumed to have been duly informed of its contents in a language he understands;

RECALLING Article 31 of the Statute, which provides that "[t]he working languages of the Mechanism shall be English and French", and Rule 3(E) of the Rules, which provides that "[t]he Registrar shall make any necessary arrangements for interpretation and translation into and from the working languages";

CONSIDERING THEREFORE that Mr. Kajelijeli can request a French translation of the Request for Review from the Language Services Section of the Mechanism's Registry;

RECALLING the "Decision on Request for Translation" of 28 October 2014, in which I rejected Mr. Kajelijeli's request to facilitate consultations with his counsel as Mr. Kajelijeli had failed to explain the reasons for his request and show that such consultations had been obstructed;⁷

CONSIDERING that Mr. Kajelijeli has failed to submit any new information to substantiate his request in this respect;

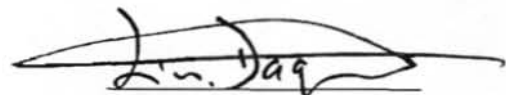
CONSIDERING FURTHER that Mr. Kajelijeli has also failed to show that he requested and was subsequently denied access to office supplies by the relevant authorities in Benin;

FOR THE FOREGOING REASONS, HEREBY

DISMISS the Applications in their entirety.

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

Done this 20th day of August 2015,
At The Hague,
The Netherlands.


Judge Liu Daqun
Single Judge



⁷ Decision on Request for Translation, 28 October 2014, pp. 1-2.