



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-BC-2020-05
The Specialist Prosecutor v. Salih Mustafa

Before: Pre-Trial Judge
Judge Nicolas Guillou

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor

Date: 2 October 2020

Language: English

Classification: Public

Prosecution submissions on working language for KSC-BC-2020-05

Specialist Prosecutor's Office

Jack Smith

Counsel for the Accused

Julius von Bóné

I. INTRODUCTION

1. Pursuant to the Order of the Pre-Trial Judge,¹ Article 20 of the Law,² and Rule 8(3) of the Rules,³ the Specialist Prosecutor's Office ('SPO') hereby provides written submissions on the working language for proceedings KSC-BC-2020-05.

2. The SPO submits that English should be the working language for proceedings under KSC-BC-2020-05, with appropriate interpretation and translation into Albanian for the Accused.⁴

II. SUBMISSIONS

3. While mindful of the three official languages of the Specialist Chambers and SPO,⁵ the SPO submits that designation of English as the working language for KSC-BC-2020-05 will ensure efficient proceedings and reflect a practical and responsible allocation of resources.⁶

4. The SPO has limited in-house Serbian and Albanian translation and interpretation resources. These resources must be devoted to ongoing investigative activities across multiple cases, and the processing of evidence, including with respect to present and future disclosure obligations in KSC-BC-2020-5 and other proceedings.⁷ Diversion of these limited resources to the processing of written submissions, or

¹ Order for Submissions on the Working Language of the Proceedings, KSC-BC-2020-05/F00021, 28 September 2020, Public ('Order').

² Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). All references to 'Article' or 'Articles' herein refer to articles of the Law, unless otherwise specified.

³ Rules of Procedure and Evidence Before the Kosovo Specialist Chambers, KSC-BD-03/Rev3/2020, 2 June 2020 ('Rules'). All references to 'Rule' or 'Rules' herein refer to the Rules, unless otherwise specified.

⁴ Article 21; Rule 8.

⁵ Article 20; Rule 8(1).

⁶ STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-01/I/PTJ, *Décision relative à l'emploi des langues*, 22 October 2019 para.16; STL, *The Prosecutor v. Ayyash et al.*, STL-11-01/I/PTJ, *Decision on Languages in the Case of Ayyash et al.*, 16 September 2011, para.32 ('In light of the foregoing, the Pre-Trial Judge finds that while the three official languages of the Tribunal – Arabic, English and French – enjoy equal status, considerations of time and resource limitations nevertheless justify the adoption of a practical approach to the modalities of the language use').

⁷ See Rules 102 and 103.

related matters, in KSC-BC-2020-05 would place a heavy burden on resources, with possible negative repercussions on the duration of the proceedings.

5. Several other factors also militate in favour of the designation of English as the working language. First, as observed in the Order, the entirety of the proceedings in KSC-BC-2020-05 has hitherto been conducted in English.⁸ This included the initial appearance on 28 September 2020, when the Accused was able to follow the proceedings through the interpretation services provided by the Registry in accordance with Rule 8. Further, Mr Julius von Bóné, whom the Accused has appointed as his Specialist Counsel,⁹ is representing his client through English in these proceedings.

6. The designation of English as the working language for KSC-BC-2020-05 will thus ensure the efficiency of the proceedings and, at the same time, fully respect the Accused's right to be tried in a language he understands.¹⁰

7. For these reasons, the SPO submits that the working language for KSC-BC-2020-05 should be English, with the modalities and practical implementation currently in place in the proceedings.

Word count: 529



Jack Smith
Specialist Prosecutor

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At The Hague, the Netherlands

⁸ Order, KSC-BC-2020-05/F00021, para.9.

⁹ Notification of the Conditional Assignment of Counsel, KSC-BC-2020-05/F00020, 28 September 2020, public.

¹⁰ Article 21(4)(a) and (g).