



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-98-33-PT

Date: 13 August 1999

English  
Original: French

**IN THE TRIAL CHAMBER**

**Before:** Judge Claude Jorda, Presiding  
Judge Fouad Riad  
Judge Almiro Simões Rodrigues

**Registrar:** Mr. Jean-Jacques Heintz

**Decision of:** 13 August 1999

**THE PROSECUTOR**

v.

**RADISLAV KRSTIĆ**

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**BINDING ORDER TO THE REPUBLIKA SRPSKA  
FOR THE PRODUCTION OF DOCUMENTS**

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**The Office of the Prosecutor:**

Mr. Mark Harmon  
Mr. Peter W. McCloskey  
Mr. Alberto E. Perduca

**Defence Counsel**

Mr. Nenad Petrušić

I, Claude Jorda, Presiding Judge of Trial Chamber I 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 (hereinafter the "Tribunal");

**PURSUANT** to Article 29 of the Statute of the Tribunal and Rules 39 and 54 of the Rules of Procedure and Evidence;

**NOTING** the Request of the Prosecutor made *ex parte* and under seal of 24 February 1999 for the issuance of a Binding Order directed to Bosnia and Herzegovina for the production of documents;

**NOTING** the Binding Order to the Republika Srpska of 12 March 1999 for the production of documents;

**NOTING** the Request of the Prosecutor made *ex parte* and under seal of 15 June 1999 for the issuance of a Binding Order directed to Republika Srpska for the production of documents (hereinafter the "Request");

**CONSIDERING** that the Binding Order of 12 March 1999 dismissed the Request of the Prosecutor of 24 February 1999 for thirteen of the requested documents on the grounds that for three of them their relevancy had not been demonstrated because a general indication of their respective contents was lacking and that for the remaining ten requested documents the Prosecutor had not previously sought, through cooperative means, the assistance of the Republika Srpska;

**CONSIDERING** that in support of her Request the Prosecutor has provided general indications as to the contents of the requested documents so as to allow their relevance to be established *a priori*; that this is particularly the case for the three documents referred to in the Request which were previously dismissed for this reason;

**CONSIDERING** that on 16 March 1999 pursuant to Article 29 of the Statute the Prosecutor formally requested the authorities of the Republika Srpska to disclose to her the requested documents by 15 April at the latest; that it appears from the documents attached to the

Request that the Prosecutor then met with the competent authorities of the Republika Srpska to discuss this matter on several occasions;

**CONSIDERING** that, up until the present day, none of the aforesaid documents has been provided by the Republika Srpska;

**FOR THE FOREGOING REASONS,**

**ORDER** the Republika Srpska to disclose the thirteen documents whose description appears in the Request of the Prosecutor in the shortest possible time and within a month of the issuance of this Order at the latest;

**REQUEST** the Republic of Bosnia and Herzegovina to provide all the necessary assistance in order to comply with the Request of the Prosecutor and to provide her with the thirteen requested documents if they are in its possession.

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

Done this thirteenth day of August 1999,

At The Hague,

The Netherlands

(signed)

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Judge Claude Jorda

Presiding Judge of Trial Chamber I

[Seal of the Tribunal]