



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-04-81-PT

Date: 24 August 2007

Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick L. Robinson, Presiding  
Judge Krister Thelin  
Judge Frank Höpfel

**Registrar:** Mr. Hans Holthuis

**Order of:** 24 August 2007

**PROSECUTOR**

v.

**MOMČILO PERIŠIĆ**

*PUBLIC AND EX PARTE*

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**FURTHER DECISION ON SECOND PROSECUTION APPLICATION PURSUANT  
TO RULE 54 BIS**

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**The Office of the Prosecutor**

Mr. Mark B. Harmon

**The Republic of Serbia**

**THIS TRIAL CHAMBER** 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 (“Tribunal”),

**BEING SEISED** of the “Prosecution’s request for a hearing in respect of the Republic of Serbia’s non-compliance with requests for assistance”, filed on 29 June 2007 (“Motion”),<sup>1</sup> wherein the Office of the Prosecutor (“Prosecution”) requests a hearing be held to present evidence that the Republic of Serbia has not complied with Request for Assistance (“RFA”) 1029-A, and that the Republic of Serbia has not fully complied with RFA 1350,<sup>2</sup>

**NOTING** the “Decision on Second Prosecution Application Pursuant to Rule 54 *BIS*”, issued on 20 July 2007 (“Chamber’s Decision”), in which this Chamber invited the Republic of Serbia to re-examine its compliance with the subject RFAs and to file a report with the Chamber no later than 9 August 2007, and further ordered the Prosecution to file a response to the report of the Republic of Serbia no later than 16 August 2007,

**CONSIDERING** that, pursuant to this Chamber’s Decision and order of 20 July 2007, the Republic of Serbia submitted its report on 8 August 2007 and the report was filed with the Tribunal on 13 August 2007, and detailed the efforts which the Republic of Serbia had undertaken to comply with RFA 1029-A and 1350<sup>3</sup> and in which the Republic of Serbia states that RFA 1029-A is “highly imprecise both in comparison to the preceding RFA 1029, and to the other Prosecution’s RFAs in general”<sup>4</sup>,

**CONSIDERING** the Prosecution filed its response to the Republic of Serbia’s Report on 17 August 2007<sup>5</sup> (“Prosecution Response”), in which the Prosecution requests that the Chamber issue a decision ordering the Republic of Serbia to provide final responses to RFA 1029-A and RFA 1350 no later than 27 August 2007, ordering the Prosecution to file a supplemental response on the issue of whether the Republic of Serbia has complied with RFA 1029-A and RFA 1350 by 14 September 2007, and to reserve any decision on the

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<sup>1</sup> The cover page of the Motion was corrected. See “Prosecution’s corrigenda to cover page of request for a hearing in respect of the Republic of Serbia’s non-compliance with requests for assistance,” 2 July 2007.

<sup>2</sup> Motion, para. 1.

<sup>3</sup> “Republic of Serbia’s Report to the Trial Chamber’s Decision on Second Prosecution Application Pursuant to Rule 54 *BIS*” (“Republic of Serbia’s Report”), 13 August 2007.

<sup>4</sup> Republic of Serbia’s Report, para. 4.

<sup>5</sup> “Prosecution’s Response to Republic of Serbia’s Report Re The Trial Chamber’s Decision on Second Prosecution Application Pursuant to Rule 54*BIS*”, 17 August 2007, filed *Ex Parte* and Confidential.

Prosecution's application for an order pursuant to Rule 54 *bis* until after these reports have been received,<sup>6</sup>

**CONSIDERING** that the Trial Chamber recognises the importance of full compliance with RFA 1029-A and RFA 1350,

**CONSIDERING** however that the Republic of Serbia appears to be making reasonable efforts at this time to comply with these RFAs submitted by the Prosecution,

**PURSUANT TO** Article 29 of the Statute of the Tribunal and Rules 54 and 54 *bis* of the Rules of Procedure and Evidence of the Tribunal,

**HEREBY INVITES** the Republic of Serbia to provide its final responses to RFA 1029-A and RFA 1350 no later than 27 August 2007, and **ORDERS** the Prosecution to file a supplemental response on the compliance of the Republic of Serbia with RFA 1029-A and RFA 1350 by 14 September 2007.

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



Patrick Robinson  
Presiding  
Pre-Trial Judge

Dated this 24th day of August 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>6</sup> Prosecution Response, para. 15.