



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-04-74-T
Date: 15 July 2009
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr John Hocking

Order of: 15 July 2009

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIC
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

PUBLIC

**SECOND REQUEST FOR ASSISTANCE TO THE FEDERATION OF
BOSNIA AND HERZEGOVINA**

The Federation of Bosnia and Herzegovina

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas Stringer

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Karim A. A. Khan for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić and Mr Nicholas Stewart for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

TRIAL CHAMBER III (“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”);

PROPRIO MOTU;

NOTING the “Order for the Production of Additional Evidence and for the Appointment of an Expert Witness for the Chamber” rendered *proprio motu* on 9 September 2008 by the Chamber (“Decision of 9 September 2008”);

NOTING the letter of 15 October 2008 from the Registrar of the Tribunal (“the Registrar”) appointing Dr Heinrich Pichler as an expert witness, in application of the Decision of 9 September 2008;

NOTING the “Demande d’assistance adressée à la République de Bosnie et Herzégovine” of 7 May 2009 rendered *proprio motu* by the Chamber, wherein the Chamber sought the assistance of the authorities of the Federation of Bosnia and Herzegovina in obtaining from the RTV Mostar television station (*Radio Televizija Mostar*) the original and unaltered videotape marked as IC 00820 (“Videotape”) by RTV Mostar;

NOTING the letter of 17 June 2009 from the Ministry of Foreign Affairs of the Federation of Bosnia and Herzegovina in which it transmitted a letter from RTV Mostar, dated 16 June 2009 (“Letter of 16 June 2009”);

CONSIDERING that Article 29 (2) of the Statute of the Tribunal (“Statute”) provides that “States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to: [. . .] (c) the service of documents”;

CONSIDERING that Rule 33 (A) of the Rules of Procedure and Evidence (“Rules”) provides that the Registrar shall assist the Chambers and Judges in the performance of their functions;

CONSIDERING that in its letter of 16 June 2009, RTV Mostar states that it does not have the original Videotape and that the cameraman who filmed the destruction of the Old Bridge in Mostar lost the original Videotape;

CONSIDERING that the Chamber however notes that in the email of 4 November 2008 sent by RTV Mostar to the expert Dr Pichler (“Email of 4 November 2008”) the television station stated that, as owner of the original Videotape, it had the copyright to it and, as such, could not submit the original Videotape to the expert Dr Pichler;

CONSIDERING that it appears from the Email of 4 November 2008 that RTV Mostar possesses the original Videotape in contradiction to the terms of the Letter of 16 June 2009;

CONSIDERING that, in view of the contradictory information received from the Email of 4 November 2008 and Letter of 16 June 2009, the Chamber questions the motives used by RTV Mostar to justify its non-submission of the original Videotape;

CONSIDERING that, consequently, the Chamber considers it necessary to obtain an explanation from RTV Mostar regarding this contradiction;

CONSIDERING that the Chamber seeks the assistance of the authorities of the Federation of Bosnia and Herzegovina in order to obtain an explanation regarding the contradiction between the Email of 4 November 2008 and the Letter of 16 June 2009 from RTV Mostar (*Radio Televizija Mostar*) whose postal address is as follows:

Osmana Đikića 8

88000 Mostar

FOR THE FOREGOING REASONS,

PURSUANT TO Article 29 (2) of the Statute and Rules 33 (A) and 54 of the Rules,

REQUESTS that the authorities of the Federation of Bosnia and Herzegovina communicate to the Chamber an explanation from RTV Mostar regarding the contradiction noted in this request for assistance between the Email of 4 November 2008 and the Letter of 16 June 2009, within fifteen days of the receipt of the BCS translation of this request for assistance;

AND,

REQUESTS that the Registrar take all necessary measures to facilitate the execution of this request for assistance.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this fifteenth day of July 2009
At The Hague
The Netherlands

[Seal of the Tribunal]