



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-95-5/18-PT
Date: 19 August 2009
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Registrar: Mr. John Hocking

Decision of: 19 August 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON REQUEST FROM THE GOVERNMENT OF
THE ITALIAN REPUBLIC**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of the Italian Republic

via Embassy of Italy
to The Netherlands, The Hague

The Accused

Mr. Radovan Karadžić

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”) is seized of the request from the Government of the Italian Republic (“Italian Government”) of 18 August 2009 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seized of the “Motion for Binding Order: Government of Italy” filed by the Accused on 4 August 2009 (“Motion”). In the Motion, the Accused has acknowledged that the Italian Government should be given the opportunity to be heard on this issue.¹ The Prosecution has not submitted any position on the Motion.

2. On 5 August 2009, in order to obtain some assistance in deciding the Accused’s Request, the Trial Chamber invited the Italian Government to respond to the Motion by no later than 19 August 2009.²

3. On 18 August 2009, the Italian Government filed the present Request, indicating that it is unable to file a response by the deadline set in the Invitation, and requesting an extension of time in which to do so, namely until the end of September. The Italian Government also assured the Chamber that such a response would be submitted as soon as it was completed.³

4. The Trial Chamber considers that it is in the interests of all parties involved that requests for documents are, if possible, dealt with on a voluntary basis. It is equally important that these requests are dealt with expeditiously. With a view to achieving these objectives, the Trial Chamber considers it appropriate to grant a reasonable extension of time to the Italian Government to respond to the Motion in hope that the documents sought can be identified and provided to the Accused within a reasonable time and without further intervention by the Chamber.

¹ Motion, para. 26.

² Invitation to the Government of the Italian Republic, 9 August 2009.

³ Request, para. 2.

5. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request and: (i) **INVITES** the Italian Government to assist the Trial Chamber by providing a response to the Motion by close of business on 28 September 2009, and (ii) **REQUESTS** the Registry to provide this Decision to the Italian Government.

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

Judge Iain Bony, Presiding

Dated this nineteenth day of August 2009
At The Hague
The Netherlands

[Seal of the Tribunal]