



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: 30 September 2009
Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 30 September 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON REQUEST FROM THE GOVERNMENT OF DENMARK

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Denmark

via Embassy of Denmark
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 a request from the Government of Denmark of 18 September 2009 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seized of the “Motion for Binding Order: Government of Denmark” filed by the Accused on 2 September 2009 (“Motion”). In the Motion, the Accused acknowledges that the Government of Denmark should be given the opportunity to be heard on the matter before a binding order is issued.¹ The Office of the Prosecutor (“Prosecution”) did not respond to the Motion.

2. On 4 September 2009, in order to be assisted in deciding the Accused’s Motion, the Trial Chamber invited the Government of Denmark to respond by no later than 18 September 2009.²

3. On 18 September 2009, the Government of Denmark filed the present Request noting that its Ministry of Foreign Affairs has initiated a search for the documents requested and has contacted other government departments to search for that material.³ Noting that the proper conduct of such an investigation is a time-consuming and complicated process, the Government of Denmark has requested an extension until 31 October to respond to the Motion.⁴

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, especially in light of the imminent start of the trial in the present case, which is set for 19 October 2009. Therefore, the Trial Chamber considers it appropriate to invite the Government of Denmark to respond to the Motion by 16 October 2009, in the hope that the documents sought can be identified and provided to the Accused before his trial starts.

¹ Motion, para. 25.

² Invitation to the Kingdom of Denmark, 4 September 2009.

³ Request, para. 6.

⁴ Request, para. 8.

5. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request in part and: (i) **INVITES** the Government of Denmark to assist the Trial Chamber by providing a response to the Motion by close of business on 16 October 2009, and (ii) **REQUESTS** the Registry to provide this Decision to the Government of Denmark.

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



Judge O-Gon Kwon, Presiding

Dated this thirtieth day of September 2009
At The Hague
The Netherlands

[Seal of the Tribunal]