



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: 6 October 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

Order of: 6 October 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

SECOND INVITATION TO THE ARAB REPUBLIC OF EGYPT

Office of the Prosecutor

Mr. Alan Tieger
Ms Hildegard Uertz-Retzlaff

The Government of Egypt

via the Embassy of Egypt 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”),

BEING SEISED OF the Accused’s “Motion for Binding Order: Government of Egypt”, filed publicly on 14 August 2009 (“Motion”), whereby the Accused requests the Trial Chamber to issue a binding order pursuant to Rule 54 *bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”) requiring the Government of the Arab Republic of Egypt (“Government of Egypt”) to produce a number of documents;¹

NOTING that, on 17 August 2009, the Chamber invited the Government of Egypt to respond to the Motion by 31 August 2009;²

NOTING that, on 28 August 2009, the Government of Egypt responded to the Chamber’s invitation stating that “the Egyptian competent authorities does not have [*sic*] any information on the above mentioned subject matter and on the other hand has requested from a number of other authorities in Egypt to survey whether they have relevant information”, and stating that the Government of Egypt will provide the Tribunal “with any information in case its appearance on [*sic*] a later stage”;³

NOTING FURTHER that, on 31 August 2009, the Accused filed his “Motion for Leave to Reply Motion [*sic*] for Binding Order: Government of Egypt” seeking leave to reply, submitting the said reply in which he seeks to clarify his position, namely that he interprets the response from the Government of Egypt “as an agreement to furnish the items requested in his motion, if found”, and then requesting that the Trial Chamber grant his Motion and “set a deadline for compliance”;⁴

CONSIDERING that the Accused’s trial is due to start on 19 October 2009, and that the materials sought by the Accused in the Motion may have some bearing on the Accused’s defence case;

CONSIDERING that the completion of the work of the Tribunal within a reasonable time is a matter of great importance which requires that all Governments should take urgent steps to

¹ Motion, para. 1.

² Invitation to the Arab Republic of Egypt, 17 August 2009.

³ Response of the Government of Egypt, 28 August 2009.

⁴ Motion for Leave to Reply Motion for Binding Order Government of Egypt, 31 August 2009, para. 6.

comply with their duty to co-operate with the Tribunal in its work, including with the defence and self-represented accused who are investigating issues relevant to their cases;

CONSIDERING, however, the Chamber's view that issuing a binding order to the Government of Egypt is premature at this stage as it is still in the process of searching for the requested documents;

CONSIDERING also that it is in the interests of all parties involved that requests for documents are, if possible, dealt with on a voluntary basis;

PURSUANT TO Rule 54 of the Rules,

HEREBY:

- (a) **GRANTS** leave to the Accused to reply to the Response from the Government of Egypt, and accepts the already submitted reply;
- (b) **INVITES** the Government of Egypt, by no later than **19 October 2009**, to (i) complete its search for the requested documents and, if any are found, deliver them to the Accused; or (ii) submit a detailed report to the Chamber on the progress of the search by its authorities; and
- (c) **REQUESTS** the Registry to provide this Second Invitation to the Government of Egypt.

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



Judge O-Gon Kwon, Presiding

Dated this sixth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]