



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: 9 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

Decision of: 9 October 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON REQUEST FROM THE REPUBLIC OF CROATIA

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Croatia

via Embassy of the Republic of Croatia
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 Republic of Croatia (“Croatian Government”) of 29 September 2009 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seized of the “Motion for Binding Order: Government of Croatia” filed by the Accused on 11 September 2009 (“Motion”) in which 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 Croatian Government to produce a number of documents.¹ In the Motion, the Accused also notes that he had attempted to obtain these documents voluntarily but that the Croatian Government stated that it was not in possession of them.² The Office of the Prosecutor (“Prosecution”) did not respond to the Motion.

2. On 15 September 2009, in order to be assisted in deciding the Accused’s Motion, the Trial Chamber invited the Croatian Government to respond to it by no later than 29 September 2009.³

3. On 29 September 2009, the Croatian Government filed the present Request noting the large amount of documentation required and requesting an extension of time to respond to the Motion, without specifying the time it would need for the completion of this task.⁴ On 6 October 2009, the Croatian Government asked the Trial Chamber, in a publicly filed Note Verbale, to direct the Accused to provide further particulars relating to the documents sought. However, the Croatian Government did not provide any details as to the parts of the Accused’s Motion which it deems too broad.⁵

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 21 October 2009.⁶ Therefore, the Trial Chamber considers it appropriate to invite the Croatian Government to respond to the Motion by 23 October 2009, in the hope that the documents sought can be identified and provided to the Accused as soon as possible.

¹ Motion, para. 1.

² Motion, para. 32.

³ Invitation to the Republic of Croatia, 15 September 2009.

⁴ Request, para. 1.

⁵ Note Verbale from the Embassy of the Croatian Government, 6 October 2009.

⁶ Pre-Trial Conference, T. 465 (6 October 2009).

5. The Trial Chamber will reserve any comments on the specificity of the Accused's Motion until the appropriate time. However, the Chamber notes that, since the Note Verbale was filed publicly, the Accused and his legal advisors are now aware of the Croatian Government's concerns. The Trial Chamber, therefore, invites both parties to consult with each other directly in an attempt to resolve the issue before a decision on the Motion is made.

6. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request and: (i) **INVITES** the Croatian Government to assist the Trial Chamber by providing a response to the Motion by close of business on **23 October 2009**, and (ii) **REQUESTS** the Registry to provide this Decision to the Croatian Government.

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



Judge O-Gon Kwon, Presiding

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

[Seal of the Tribunal]