



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: 15 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: 15 October 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

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

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of the Republic of Greece

via Embassy of the Republic of Greece
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 seised of a request from the Government of the Republic of Greece of 13 October 2009 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seised of the “Motion for Binding Order: Government of Greece” filed publicly by the Accused on 28 September 2009 (“Motion”). In the Motion, the Accused acknowledges that the Government of Greece (“Greek Government”) should have the opportunity to be heard before a binding order is issued.¹ The Office of the Prosecutor did not respond to the Motion.

2. On 30 September 2009, in order to be assisted in deciding the Accused’s Motion, the Trial Chamber invited the Greek Government to respond by no later than 16 October 2009.²

3. On 13 October 2009, the Greek Government filed the present Request indicating that it needed more time to consult the relative authorities and to further examine the documents in order to determine whether their production might be prejudicial to national security interest.³ Noting that this procedure involves extensive research into a great number of files in the archives of various ministries and services, the Greek Government requests an extension until 16 November 2009 to respond.⁴

4. The Trial Chamber considers that it is in the interests of all parties involved that requests for documents from states 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 26 October 2009.⁵ Therefore, the Trial Chamber considers it appropriate to invite the Greek Government to respond to the Motion by 29 October 2009, in the hope that the documents sought can be identified and provided to the Accused as soon as possible.

¹ Motion, para. 35.

² Invitation to the Republic of Greece, 30 September 2009.

³ Request, para. 2.

⁴ Request, paras. 2-3.

⁵ *See* Scheduling Order for the Commencement of Trial, 14 October 2009, para. 7.

5. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request and: (i) **INVITES** the Greek Government to assist the Trial Chamber by providing a response to the Motion by close of business on 29 October 2009, and (ii) **REQUESTS** the Registry to provide this Decision to the Greek Government.

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



Judge O-Gon Kwon, Presiding

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

[Seal of the Tribunal]