



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-T  
Date: 10 November 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:** 10 November 2009

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

---

**SECOND INVITATION TO THE REPUBLIC OF POLAND**

---

**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Government of Poland**

via Embassy of Poland  
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 “Motion for Binding Order: Government of Poland” filed publicly by the Accused on 12 August 2009 (“Motion”), whereby the Accused requested 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 Poland to produce a number of documents;<sup>1</sup>

**NOTING** that, on 14 August 2009, in order to obtain some assistance in deciding the Motion, the Trial Chamber invited the Government of Poland to respond to it by no later than 28 August 2009;<sup>2</sup>

**NOTING** that following a request filed on 27 August 2009 by the Government of Poland in which it requested an extension of time to respond to the Motion,<sup>3</sup> the Trial Chamber granted the Government of Poland such an extension until 30 September 2009;<sup>4</sup>

**NOTING** that, on 30 September 2009, the Government of Poland responded that the search for documents resulted in finding some information relevant for the case but that these documents are classified under the Polish law;

**NOTING** further that the Government of Poland informed the Chamber that the procedure for declassification of the information was under way, and that it would provide a further response to the Accused as soon as it was completed;<sup>5</sup>

**CONSIDERING** that over a month has passed since the Government of Poland filed its response in which it undertook to inform the Chamber of the results of its search;

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

**CONSIDERING** that that it is equally important that requests for the production of documents are dealt with expeditiously;

---

<sup>1</sup> Motion, para. 1.

<sup>2</sup> Invitation to the Republic of Poland, 14 August 2009.

<sup>3</sup> Correspondence from the Republic of Poland, 27 August 2009, para. 3.

<sup>4</sup> Decision on Request from the Government of Poland, 3 September 2009.

<sup>5</sup> Second Correspondence from the Republic of Poland, 30 September 2009, para. 3.

**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 take urgent steps to comply with their duty to co-operate with the Tribunal in its work;

**HEREBY:**

- (a) **INVITES** the Government of Poland to, by no later than **24 November 2009**, either (i) deliver the requested documents to the Accused, or (ii) submit a detailed report to the Chamber on the progress of the procedure for declassification of the documents that was undertaken by its authorities; and
- (b) **REQUESTS** the Registry to provide this Second Invitation to the Government of Poland.

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



\_\_\_\_\_  
Judge O-Gon Kwon, Presiding

Done this tenth day of November 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**