



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: 30 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: 30 November 2009

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

ORDER TO THE FRENCH REPUBLIC

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of France

via the Embassy of France in
The Hague, The Netherlands

The Accused

Mr. Radovan Karadžić

Appointed Counsel

Mr. Richard Harvey

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 France”, filed publicly on 24 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 France to produce a number of documents;¹

NOTING that, following an invitation issued by this Trial Chamber on 25 August 2009 to the Government of France to assist the Chamber in providing a response to the Motion,² the Government of France filed a response on 10 September 2009, stating, *inter alia* that the French authorities would “endeavour to inform the Tribunal of their research results” regarding a number of documents “within a reasonable deadline;”³

NOTING that, on 13 October 2009, as the Government of France had shared no results with the Chamber and the Accused, the Chamber issued a second invitation to the Government of France,⁴ asking it to either (i) complete its search for the requested documents and, if any were found, deliver them to the Accused; or (ii) submit a detailed report to the Chamber on the progress of the search by its authorities, by no later than 27 October 2009;

CONSIDERING that at this point in time the Chamber has still not heard from the Government of France even though a month has passed since the deadline to respond to the second invitation issued by the Chamber expired;

RECALLING 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 in an efficient and expeditious manner with the Tribunal in its work;

CONSIDERING that the Government of France has not only had a substantial amount of time to provide a response to the Accused and share the results of its search with him and the Chamber, but that it is also failing in its obligation to co-operate with the Tribunal by not filing any submission in response to the Chamber’s second invitation in accordance with the established deadline;

¹ Motion, para. 1.

² Invitation to the French Republic, 25 August 2009.


³ Correspondence from the Government of France, filed on 10 September 2009, paras. 2–4.

⁴ Second Invitation to the French Republic, 13 October 2009.

PURSUANT TO Rule 54 of the Rules, **HEREBY:**

- (a) **REQUESTS** the Government of France to, by no later than **7 December 2009**, (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
- (b) **REQUESTS** the Registry to provide this Order to the Government of France.

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



Judge O-Gon Kwon, Presiding

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

[Seal of the Tribunal]