

**UNITED
NATIONS**



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 ISLAMIC REPUBLIC OF PAKISTAN

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

The Government of Pakistan

via the Embassy of Pakistan in
The Hague, The Netherlands

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 Pakistan” (“Motion”), where he 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 Pakistan to produce a number of documents;¹

NOTING that, following an invitation issued on 11 August 2009 by this Trial Chamber to the Government of Pakistan to assist the Chamber in providing a response to the Motion,² the Government of Pakistan filed, on 2 September 2009, its response, indicating that a search for the requested documents had been initiated and that the results would be shared with the Chamber in due course;³

NOTING that on 23 September 2009, as no such results were shared with the Chamber, the Chamber issued a second invitation to the Government of Pakistan,⁴ to which the Government of Pakistan responded confidentially on 6 October 2009 stating that it had conducted an exhaustive search and was unable to locate any documents corresponding to the documents requested in the Motion;⁵

NOTING that, on 9 October 2009, the Accused filed publicly a “Request for Third Invitation to Government of Pakistan” (“Request for Third Invitation”) in which he requested the Government of Pakistan to make available for interview Lt. General Javed Nasir, the former Chief of the Inter-Services Intelligence, in order to identify certain documents the Accused believes are necessary for his trial;⁶

NOTING that, following a third invitation to the Government of Pakistan issued by this Chamber on 13 October 2009,⁷ the Government of Pakistan sought a one month extension of the deadline to respond to the Accused’s Request for Third Invitation but that the Chamber decided to allow an

¹ Motion, para. 1.

² Invitation to the Islamic Republic of Pakistan, 11 August 2009, para. 5.

³ Correspondence from the Government of Pakistan, 2 September 2009, para 2.

⁴ Second Invitation to the Islamic Republic of Pakistan, 23 September 2009.

⁵ Second Correspondence from the Government of Pakistan, 6 October 2009, para. 3.

⁶ Request for Third Invitation, para. 1.

⁷ Third Invitation to the Islamic Republic of Pakistan, 13 October 2009.

extension of 14 days, on the basis that the Government of Pakistan had benefited from enough time to give a response to the Accused on the narrow issues raised by the Request for Third Invitation;⁸

NOTING that the Government of Pakistan filed its response on 16 November 2009, in which it states that it “has commenced its efforts to locate the whereabouts of Lt Gen Javed Nasir who had retired long ago and is often travelling for personal reasons”, and that as soon as it establishes contact with him, “he shall be apprised of the present proceedings” and his response “shall thereafter be communicated” to the Chamber;⁹

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 over a week has passed since the Government of Pakistan filed its response indicating that it would inform the Chamber of any progress in establishing contact with Lt. General Javed Nasir;

CONSIDERING also that over a month has passed since the Accused filed his Request for Third Invitation;

CONSIDERING therefore, that the Government of Pakistan has been granted a substantial amount of time to provide a response to the Accused regarding the availability of Lt General Javed Nasir;

⁸ Third Correspondence from the Government of Pakistan, 26 October 2009; Decision on Request from the Government of Pakistan, 2 November 2009.

⁹ Fourth Correspondence from the Government of Pakistan, 16 November 2009, para. 6.

HEREBY, pursuant to Rule 54 of the Rules:

- (a) **REQUESTS** the Government of Pakistan to, by no later than **14 December 2009**, respond to the Accused indicating whether it is able to provide Lt. General Javed Nasir for interview, and, if not, explain why that is the case; and
- (b) **REQUESTS** the Registry to provide this Order to the Government of Pakistan.

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]