



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: 29 January 2010

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: 29 January 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

ORDER SCHEDULING A HEARING PURSUANT TO RULE 54 *BIS*

Office of the Prosecutor:

Mr. Alan Tieger
Ms Hildegard Uertz-Retzlaff

**The Governments of Bosnia and Herzegovina,
Croatia, France, Germany, Iran, and Italy**
via their Embassies to The Netherlands

The Government of The Netherlands:
via Ministry of Foreign Affairs

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 following seven motions for binding orders filed by the Accused pursuant to Rule 54 *bis* of the Rules of Procedure and Evidence (“Rules”): “Motion for Binding Order: Government of Italy”, filed on 4 August 2009; “Motion for Binding Order: Government of Germany”, filed on 12 August 2009; “Motion for Binding Order: Government of France”, filed on 24 August 2009; “Motion for Binding Order: Government of Iran”, filed on 27 August 2009; “Motion for Binding Order: Government of Bosnia”, filed on 31 August 2009; “Motion for Binding Order: Government of Croatia”, filed on 11 September 2009; and “Motion for Binding Order: Government of The Netherlands”, filed on 11 September 2009 (collectively, “Rule 54 *bis* Applications”), all requesting that the states named above (“States”) provide the Accused with a number of documents he claims to be relevant to his case;

NOTING all the filings in relation to Rule 54 *bis* Applications which have been submitted by the Accused and the States;

NOTING that Rule 54 *bis* (D)(i) allows the Chamber to hold a hearing on applications made pursuant to Rule 54 *bis* during which the state concerned shall have an opportunity to be heard;

NOTING that Rule 54 *bis* (D)(i) also provides that the relevant state shall be given no less than fifteen days’ notice of the hearing of the Rule 54 *bis* application;

NOTING that, pursuant to Rule 54 *bis* (F)(i), if the concerned state raises an objection on the basis that disclosure of documents requested would prejudice its national security interests, it shall file a notice of objection, not less than five days before the hearing, specifying such grounds, and shall identify “as far as possible, the basis upon which it claims that its national security interests will be prejudiced”;

NOTING that, pursuant to Rule 54 *bis* (F)(ii), the concerned state may request, in its notice of objection, that the Chamber direct that appropriate measures be made for the hearing;

CONSIDERING the Chamber’s view that it is necessary now to proceed to the determination of the substance of the Rule 54 *bis* Applications and that, before doing so, the Chamber would find it beneficial to hear from the States;

RECALLING that the Chamber announced, during the status conference held on 28 January 2010, that a hearing will be held on 15 February 2010, to which the States will be invited;¹

CONSIDERING the responsibility of the States to co-operate with the Tribunal pursuant to Article 29 of the Statute of the Tribunal (“Statute”);

PURSUANT TO Article 29 of the Statute and Rules 54 and 54 *bis* (D) of the Rules;

HEREBY ORDERS that a hearing shall be held on Monday, 15 February 2010, at 9:30 a.m. in Courtroom 3;


REQUESTS the authorised representatives of the States, namely, Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Germany, the French Republic, the Kingdom of The Netherlands, the Italian Republic, and the Islamic Republic of Iran to appear before the Trial Chamber at the time and place indicated above;

INFORMS the States that they may, should they deem it necessary, file a notice of objection pursuant to Rule 54 *bis* (F) not less than five days before the hearing;

INFORMS the States and the Accused that, following such filings, if any, the Chamber shall issue a detailed schedule of the order of presentation of arguments; and

REQUESTS the Registry to serve this Order, as well as the full transcript from the status conference held on 28 January 2010, to the Governments of the States.

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



Judge O-Gon Kwon, Presiding

Dated this twenty-ninth day of January 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Status Conference, T. 710 (28 January 2010).