



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: 11 February 2010

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Order of: 11 February 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

SCHEDULING ORDER

Office of the Prosecutor:

Mr. Alan Tieger
Ms Hildegard Uertz-Retzlaff

**The Governments of Bosnia and Herzegovina,
Croatia, France, Germany, and Iran**
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 the “Order Scheduling a Hearing Pursuant to Rule 54 *bis*” issued by the Chamber on 29 January 2010 (“Order”), scheduling a hearing on the Rule 54 *bis* Applications and inviting the States to file notices of objection pursuant to Rule 54 *bis* (F), if any, not less than five days before the hearing;

NOTING that, in its Order, the Trial Chamber indicated that a detailed schedule of the order of presentation of arguments would be issued after filing of notices of objection, if any;

NOTING that, on 5 February 2010, the Accused informed the Chamber that the translation of the documents provided to him by the Italian Republic (“Italy”) on 25 January 2010 would not be ready before 15 February 2010, and asked that the representatives of Italy be excused from attending the 15 February hearing;

NOTING that, on 8 February 2010, the Legal Officer of the Chamber sent a letter to the Italian Embassy in The Hague, The Netherlands, informing the representatives of Italy that their attendance at the hearing of 15 February 2010 was no longer required;

NOTING that, on 10 February 2010, the Federal Republic of Germany (“Germany”) filed a notice of objection reiterating its position that the Accused has not met the requirements of Rule 54 *bis* in relation to the documents requested and also noting that it will, should the Trial Chamber decide in the Accused’s favour, request a number of protective measures pursuant to Rule 54 *bis* (F);

NOTING that, on 10 February 2009, the Kingdom of The Netherlands (“The Netherlands”), filed a submission informing the Chamber that, of the two documents which remain to be provided to the Accused, one will be so provided before the 15 February hearing while urgent arrangements are being made with the Accused with respect to the other, and that, for that reason, The Netherlands need not be represented at the hearing;

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 as follows:

- (1) The representatives of The Netherlands shall be excused from attending the hearing on 15 February 2010.
- (2) The said hearing shall be conducted in accordance with the schedule set out in Annex I hereto. In order to facilitate the smooth and prompt start of the hearing at 9:30 a.m., the representatives of the attending States should present themselves at the Tribunal at least half an hour before the start of the hearing.
- (3) The attending States shall, by no later than 4:00 p.m. on Friday, 12 February, provide the Chamber, through the Registry, with the following information:
 - (i) the name and the capacity of the designated official who will represent the State at the hearing;
 - (ii) the name(s) and designation(s), if different from (i), of the person(s) who will address the Chamber; and

- (iii) the name(s) and designation(s) of other State representative(s) who wish to attend the hearing. The Chamber notes that the number of State representatives able to be seated in the courtroom will be limited, due to limitations of courtroom space, and shall not exceed three.
- (4) During the hearing both the Accused and the attending States should not repeat all of the arguments already raised in their filings but should instead focus on the contentious issues and any questions put to them by the Chamber.
- (5) The Chamber has invited the Prosecution to attend the hearing. Should any of the attending States have an objection to the Prosecution's attendance, its representatives may raise such objection at the commencement of the hearing, or may request that the Prosecution be excluded for a particular part of the hearing, should that be necessary.

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



Judge O-Gon Kwon, Presiding

Dated this eleventh day of February 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

ANNEX I

Monday 15 February 2010

- 9:30 – 9:50 a.m. Procedural Matters (in the presence of all attending States and the Accused)
- 9:50 – 10:00 a.m. BREAK (all attending States, other than the State to be heard first, will be asked to leave the courtroom)
- 10:00 – 10:40 a.m. **Germany**
- 10:40 – 11:20 a.m. **France**
- 11:20 – 11:45 a.m. BREAK
- 11:45 – 12:25 p.m. **Bosnia**
- 12:25 – 1:05 p.m. **Croatia**
- 1:05 – 1:45 p.m. **Iran**

The above schedule is for guidance only and is subject to change at the direction of the Trial Chamber. All participants should be ready to address the Chamber at a time other than the one indicated above.

During the sessions where only the Accused and one of the attending States are presenting their arguments, the representatives of all other attending States will be able to observe the proceedings from the public gallery, unless the Chamber decides that a private session hearing is necessary and/or appropriate.