

**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: 18 August 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: 18 August 2010

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

INVITATION TO CANADA

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Canada

via the Embassy of Canada to
The Netherlands, The Hague

The Accused

Mr. Radovan Karadžić

Standby 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 Canada”, filed on 17 August 2010 (“Motion”), whereby the Accused requests the Trial Chamber to issue a binding order pursuant to Article 29 of the Statute of the Tribunal and Rule 54 *bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”) requiring the Government of Canada (“Canada”) to produce documents relating to two Markale Market shelling incidents (“Markale Documents”) charged in the Third Amended Indictment;¹

NOTING that in the Motion the Accused indicates that over a year ago he sought a number of different documents from Canada, including the Markale Documents, and that, with the exception of the Markale Documents, Canada has been co-operative in delivering the requested documents to him;²

NOTING that, with respect to the Markale Documents, Canada informed the Accused on 4 September 2009 that it was “continuing to review [its] materials” and would get back to him as soon as possible;³

NOTING further that, having not heard back from Canada, the Accused contacted its authorities on 6 April 2010 and then again on 29 May 2010, eventually receiving a response on 7 June 2010, to the effect that a substantive response was forthcoming in that week;⁴

NOTING finally the Accused’s submission that he has not heard back from Canada since then and that the issue has become time sensitive, requiring an expedited response from Canada, in light of the fact that the documents sought may be useful for the Accused’s cross-examination of a Canadian witness who is likely to testify soon;⁵

CONSIDERING that, in order to determine the Motion, the Trial Chamber would be assisted by hearing from Canada;

¹ Motion, para. 1.

² Motion, para. 9, Annexes A and B.

³ Motion, para. 10, Annex B.

⁴ Motion, paras. 11–14, Annex E.

⁵ Motion, para. 26.

CONSIDERING that the Chamber has today issued a decision suspending the hearing of evidence in the Accused's trial for a period of two weeks, which will have an impact on the timing of the testimony of the Canadian witness mentioned by the Accused;⁶

PURSUANT TO Rule 54 of the Rules,

HEREBY:

- (a) **INVITES** Canada to assist the Trial Chamber by providing a response to the Accused's Motion within 14 days from this Invitation, by close of business on **1 September 2010**; and
- (b) **REQUESTS** the Registry to provide both the Motion and this Invitation to Canada.

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



Judge O-Gon Kwon
Presiding

Done this eighteenth day of August 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ See Decision on Accused's Motion for Suspension of Proceedings, 18 August 2010.