



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: 19 October 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: 19 October 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**INVITATION TO BOSNIA AND HERZEGOVINA FOLLOWING
RULE 54 *BIS* HEARING**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Government of Bosnia and Herzegovina

via Embassy of Bosnia and Herzegovina to
The Netherlands, The Hague

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 Bosnia”, filed on 31 August 2009 (“Motion”), requesting under Article 29 of the Statute of the Tribunal (“Statute”) and Rule 54 *bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”) that the Chamber order Bosnia and Herzegovina (“BiH”) to provide him with a number of documents he claims to be relevant to his case;¹

NOTING the “Order Scheduling a Hearing Pursuant to Rule 54 *bis* (Bosnia and Herzegovina)” issued by the Chamber on 7 September 2010, scheduling a Rule 54 *bis* hearing in relation to the Motion (“Hearing”) and inviting representatives of BiH to attend;

NOTING that, on 15 October 2010, the Chamber held the said Hearing, which was attended by the parties in this case, as well as the BiH Ambassador to The Netherlands, H.E. Ms. Miranda Sidran Kamišalić;²

RECALLING that during the Hearing the Chamber expressed its dissatisfaction with BiH’s co-operation in relation to the Motion;³

RECALLING further that Ms. Sidran Kamišalić informed the Chamber that BiH is (i) fully committed to co-operating with the Tribunal;⁴ (ii) still searching for some of the documents requested in the Motion;⁵ and (iii) in the process of preparing a report outlining the results of that search, which would be filed before the Chamber in “reasonable time”, namely one month from the date of the Hearing;⁶

¹ Motion, para. 1.

² Hearing, T. 7961–7988 (15 October 2010).

³ Hearing, T. 7972 (15 October 2010).

⁴ Hearing, T. 7972–7974 (15 October 2010).

⁵ Hearing, T. 7980 (15 October 2010).

⁶ Hearing, T. 7979, 7981 (15 October 2010).

RECALLING also that Ms. Sidran Kamišalić confirmed during the Hearing that BiH has not searched for documents requested by the Accused in his follow-up request of 7 January 2010, despite the fact that the Chamber invited it to do so on 1 March 2010;⁷

CONSIDERING that, in order to finally determine the Motion, the Chamber would be assisted by a report from BiH on the status of its searches for the documents requested in the Motion, as well as on the action it has taken to respond to the Accused's follow-up request of 7 January 2010;

CONSIDERING that the completion of the work of the Tribunal within a reasonable time is a matter of great importance which requires that pursuant to Article 29 of the Statute, BiH should take urgent steps to comply with its duty to co-operate with the Tribunal in its work, *including with the Accused and his defence team* in this case;

CONSIDERING also that it is in the interests of all parties involved that requests for documents are, if possible, dealt with on a voluntary basis;

PURSUANT TO Article 29 of the Statute and Rule 54 of the Rules;

HEREBY:

- (a) **INVITES** BiH to assist the Trial Chamber by providing the said report on its activities, in relation to both the documents requested in the Motion and the Accused's follow-up request of 7 January 2010, by close of business on 15 November 2010; and

⁷ Hearing, T. 7979–7980 (15 October 2010); Invitation to Bosnia and Herzegovina, 1 March 2010. The Accused has now clarified that these documents are not part of his Motion but may be the subject of a similar motion, depending on the BiH's response. *See* Hearing, T. 7967 (15 October 2010).

(b) **REQUESTS** the Registry to provide this Invitation to BiH.

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



Judge O-Gon Kwon, Presiding

Dated this nineteenth day of October 2010
At The Hague
The Netherlands

[Seal of the Tribunal]