



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: 9 May 2011

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: 9 May 2011

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**SCHEDULING ORDER RELATING TO RULE 54 *BIS* HEARING
(BOLIVARIAN REPUBLIC OF VENEZUELA)**

Office of the Prosecutor:

Mr. Alan Tieger
Ms Hildegard Uertz-Retzlaff

The Government of Venezuela:

via Embassy of Venezuela 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 Venezuela”, filed on 1 November 2010 (“Venezuela Motion”), whereby the Accused requests the Trial Chamber to issue a binding order pursuant to Rule 54 *bis* of the Rules requiring the Government of the Bolivarian Republic of Venezuela (“Venezuela”) to provide him with certain documents which relate to the testimony of scheduled witness Ambassador Diego Arria of Venezuela;¹

NOTING the Accused’s “Motion for Binding Order: United Nations”, filed on 1 November 2010 (“UN Motion”), whereby the Accused requests the Trial Chamber to issue a binding order pursuant to Rule 54 *bis* of the Rules requiring the United Nations (“UN”) to provide him with certain documents which also relate to the testimony of Ambassador Arria;²

NOTING that, on 17 November 2010, the UN filed its response to the UN Motion, stating, *inter alia*, that “correspondence between Ambassador Arria and the [UN] during the period of Venezuela’s membership in the Security Council [...], other than the one-month period of Venezuela’s presidency and in his role as Security Council President, may not be disclosed without breaching the duty of confidentiality that the [UN] owes to Venezuela” and that the Accused’s Venezuela Motion “may be an appropriate means of obtaining such documentation directly from Venezuela” (“Response to UN Motion”);³

NOTING the “Order Scheduling a Hearing Pursuant to Rule 54 *bis* (Bolivarian Republic of Venezuela)” issued by the Chamber on 22 March 2011 (“Order”), scheduling a Rule 54 *bis* hearing in relation to the Venezuela Motion (“Hearing”) and inviting Venezuela to file its notice of objection pursuant to Rule 54 *bis* (F), if any, not less than five days before the Hearing;⁴

NOTING the “Invitation to UN Regarding Hearing Pursuant to Rule 54 *bis*” issued by the Chamber on 15 April 2011 (“UN Invitation”), in which the Chamber invited an authorised representative of the UN to participate in the Hearing;⁵

¹ Venezuela Motion, para. 1.

² UN Motion, para. 1.

³ Response to UN Motion, p. 5.

⁴ Order, pp. 3, 4.

⁵ UN Invitation, p. 3.

NOTING that on 27 April 2011, the UN responded to the UN Invitation, informing the Chamber that it considered its position had “been set out fully in its previous submissions”, that “the question before the Trial Chamber in the upcoming hearing is a matter for Venezuela”, and of its intention to rely on its written submissions and not to attend the hearing (“Response to UN Invitation”);⁶

NOTING that on 6 May 2011, Venezuela filed a note verbale informing the Chamber that three representatives of Venezuela would participate in the Hearing and raising no objections under Rule 54 *bis* (F);

NOTING all the filings in relation to the Venezuela Motion which have been submitted by the Accused, Venezuela, and the UN;

CONSIDERING that, in its Order, the Trial Chamber indicated that a detailed schedule of the order of presentation of arguments would be issued following the filing of notice of objection, if any;⁷

CONSIDERING the responsibility of Venezuela to co-operate with the Tribunal pursuant to Article 29 of the Statute;

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

HEREBY ORDERS as follows:

- (1) The Hearing shall be conducted in accordance with the schedule set out in Annex A hereto. In order to facilitate the smooth and prompt start of the Hearing at 4:00 p.m., the representatives of Venezuela should present themselves at the Tribunal at least half an hour before the start of the Hearing.

⁶ Response to UN Invitation, p. 1.

⁷ Order, p. 4.

- (2) During the Hearing, the Accused and the representatives of Venezuela should not repeat all of the arguments already raised in the filings but should instead focus on the contentious issues and any questions put to them by the Chamber.

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



Judge O-Gon Kwon, Presiding

Dated this ninth day of May 2011
At The Hague
The Netherlands

[Seal of the Tribunal]

ANNEX A

Tuesday 10 May 2011

1. Introductory remarks by the Chamber
2. Chamber questions for the Accused
3. Chamber questions for Venezuela
4. Further discussion (if necessary)

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 any point in time during the Hearing. Furthermore, they shall address all oral submissions through the Chamber.