



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: 17 August 2011

Original: English

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**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:** 17 August 2011

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**INVITATION TO THE BOLIVARIAN REPUBLIC OF VENEZUELA AND  
THE UNITED NATIONS**

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**Office of the Prosecutor:**

Mr. Alan Tieger  
Ms Hildegard Uertz-Retzlaff

**The Accused:**

Mr. Radovan Karadžić

**The Government of Venezuela:**

via Embassy of Venezuela to  
The Netherlands, The Hague

**United Nations:**

Office of Legal Affairs

**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 “Request for Deadlines: Venezuela”, filed on 15 August 2011 (“Request”), whereby the Accused requests the Chamber to set a deadline for the Government of the Bolivarian Republic of Venezuela (“Venezuela”) to provide him with certain documents specified in his “Motion for Binding Order: Government of Venezuela”, filed on 1 November 2010 (“Venezuela Motion”) which relate to the testimony of scheduled witness Diego Arria, and to set a deadline for the United Nations (“UN”) to make certain similar documents in its possession available to Venezuela;<sup>1</sup>

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

**NOTING** that, on 17 November 2010, the UN filed its response to the UN Motion (“Response to UN Motion”), stating that the disclosure of the documents in its possession that are relevant to the Accused’s request requires the consent of Venezuela and the UN may not disclose these documents without breaching the duty of confidentiality that the UN owes to Venezuela;<sup>3</sup>

**NOTING** that, on 10 May 2011, the Chamber held a hearing pursuant to Rule 54 *bis* (“Hearing”), where Venezuela informed the Chamber that it was making all efforts to locate the documents requested in the Venezuela Motion and that it was committed to working with the UN in order to identify documents specified in the UN Motion which may be disclosed to the Accused;<sup>4</sup>

**NOTING** that, on 13 May 2010, the Chamber invited Venezuela to assist the Chamber by either: (a) complying with the Accused’s request for documents as referred to in the Venezuela Motion and resolving the issue of consent to disclose documents outlined in the UN Motion, or (b) filing a progress report by 10 August 2011, informing the Chamber of the progress made in

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<sup>1</sup> Request, para. 1.

<sup>2</sup> UN Motion, para. 1.

<sup>3</sup> Response to UN Motion, p. 5.

<sup>4</sup> Hearing, T. 13869, 13871–13872 (10 May 2011).

relation to the Venezuela Motion and the issue of consent with respect to the UN, and including an estimate of how much longer the remainder of the process will take;<sup>5</sup>

**NOTING** also that, on 12 August 2011, Venezuela filed confidential correspondence (“Correspondence”) stating that it had located documents responsive to the Accused’s request in the Venezuela Motion and was in the process of analysing the documents in preparation of providing them to the Accused;<sup>6</sup>

**NOTING** that, in the Correspondence, Venezuela submits that the UN has identified “a batch of UNPROFOR documents which could be relevant to the case” and that the UN Office of Legal Affairs is “currently determining the most convenient way of putting this batch of documents at the disposal” of Venezuela;<sup>7</sup>

**NOTING** also that the Accused requests that the Correspondence be reclassified from confidential to public;<sup>8</sup>

**CONSIDERING** that Venezuela does not indicate in its Correspondence how much time it will need to complete the process of analysing the documents in its possession, which are responsive to the Accused’s request in the Venezuela Motion;

**CONSIDERING** also there is no indication in the Correspondence how much time the UN will take before it discloses to Venezuela the documents responsive to the Accused’s request in the UN Motion, or the quantity of documents involved;

**CONSIDERING** the need to resolve the issues relating to the Venezuela Motion and the UN Motion expeditiously and prior to the testimony of Diego Arria in this case;

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

**CONSIDERING** that there is nothing in the Correspondence that requires it to be filed confidentially, particularly in light of the fact that the issues stated therein were discussed publicly during the Hearing;

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<sup>5</sup> Invitation to the Bolivarian Republic of Venezuela Following Rule 54 *bis* Hearing, 13 May 2011, p. 4.

<sup>6</sup> Correspondence, p. 1.

<sup>7</sup> Correspondence, p. 2.

<sup>8</sup> Request, p. 2, note 1.

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

**HEREBY**

(a) **INVITES**

- (1) Venezuela to respond to the Request within 14 days from receipt of this Invitation and indicate how much time it will need to complete the analysis of the documents related to the Venezuela Motion ;
- (2) the UN to respond to the Request within 14 days from receipt of this Invitation and (i) provide the Chamber with an estimate of how much time it will need before the identified documents in its possession are disclosed to Venezuela for review, as well as (ii) inform the Chamber as to the approximate quantity of documents involved;

(b) **ORDERS** the Registry to reclassify the Correspondence as public; and

(c) **REQUESTS** the Registry to provide this Invitation to Venezuela and the UN.

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



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Judge O-Gon Kwon, Presiding

Dated this seventeenth day of August 2011  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**