



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: 21 November 2012

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: 21 November 2012

PROSECUTOR

v.

RADOVAN KARADŽIĆ

CONFIDENTIAL

**FURTHER ORDER FOR THE TEMPORARY TRANSFER
OF A DETAINED WITNESS**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of the Federal Republic of Germany

via the Embassy of the Federal Republic of Germany
to the Netherlands, The Hague

The Accused

Mr. Radovan Karadžić

The Government of the Kingdom of the Netherlands

via the Ministry of Foreign Affairs
Ambassador for International Organisations

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 Modification of Order for the Temporary Transfer of Detained Witnesses”, filed confidentially on 12 November 2012 (“Motion”), in which the Accused (i) requests the Chamber to postpone from 21 January 2013 until 26 March 2013 the transfer of Stanislav Galić from the prison facilities in the Federal Republic of Germany (“Germany”) to the United Nations Detention Unit (“UNDU”) in The Hague, pursuant to Rule 90 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”);¹ (ii) informs the Chamber that he intends to call Galić and Dragomir Milošević (“Witnesses”) to testify pursuant to Rule 92 *ter* of the Rules; and (iii) requests the Chamber to indicate whether it wishes to hear the testimony of the Witnesses *viva voce*;²

NOTING that, on 12 November 2012, the Office of the Prosecutor informed the Chamber *via* email that it did not wish to respond to the Motion;

RECALLING that, in the “Order for the Temporary Transfer of Detained Witnesses”, issued confidentially on 11 September 2012 (“Temporary Transfer Order”), the Chamber ordered the transfer of the Witnesses to the UNDU by 21 January 2013 or, if the transfer on that date were not feasible, on the earliest possible date thereafter, allowing for a period of approximately seven days prior to the start of their testimony;³

NOTING that, in the Motion, the Accused states that he will be unable to prepare for the back-to-back testimony of the Witnesses, and thus requests the postponement of Galić’s transfer;⁴

CONSIDERING that the change of date requested by the Accused for the temporary transfer of Galić is reasonable and that the requirements of Rule 90 *bis* of the Rules are still met;⁵

NOTING in relation to whether the Witnesses may be heard pursuant to Rule 92 *ter* that: (i) the Witnesses both served as Commander of the Sarajevo Romanija Corps during the period covered in the Third Amended Indictment (“Indictment”); (ii) their evidence is thus central to

¹ Motion, paras. 1, 4.

² Motion, para. 3, fn 1.

³ Temporary Transfer Order, para. 12(a).

⁴ Motion, para. 2.

⁵ *See* Temporary Transfer Order, para. 9.

the Sarajevo-related allegations charged in the Indictment; and (iii) any material to be tendered pursuant to Rule 92 *ter* of the Rules would likely be voluminous;

CONSIDERING that, in light of the above considerations, it is in the interests of justice that the Witnesses be called to testify *viva voce*;

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 90 *bis* of the Rules,

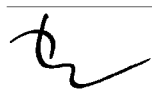
GRANTS the Motion;

ORDERS the transfer of Stanislav Galić to the UNDU by 26 March 2013 or, if the transfer on that date is not feasible, on the earliest possible date thereafter, allowing for a period of approximately seven days prior to the start of his testimony;

ORDERS that all the other conditions in paragraph 12 of the Temporary Transfer Order remain applicable; and

ORDERS that the Witnesses both be called to testify *viva voce*.

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



Judge O-Gon Kwon
Presiding

Dated this twenty-first day of November 2012
At The Hague
The Netherlands

[Seal of the Tribunal]