



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-PT
Date: 30 September 2009
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

Decision of: 30 September 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON REQUEST FROM THE GOVERNMENT OF
THE UNITED KINGDOM**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of the United Kingdom

via Embassy of the United Kingdom
to The Netherlands, The Hague

The Accused

Mr. Radovan Karadžić

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”) is seized of a request from the Government of the United Kingdom of 25 September 2009 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seized of the “Motion for Binding Order: Government of the United Kingdom” filed by the Accused on 11 September 2009 (“Motion”). In the Motion, the Accused acknowledges that the Government of the United Kingdom (“U.K. Government”) has not ruled out producing the documents sought voluntarily, but states that with the commencement of trial approaching he can no longer afford to wait.¹ The Office of the Prosecutor (“Prosecution”) did not respond to the Motion.

2. On 15 September 2009, in order to be assisted in deciding the Accused’s Motion, the Trial Chamber invited the U.K. Government to respond by no later than 29 September 2009.²

3. On 25 September 2009, the U.K. Government filed the present Request indicating that it has initiated a search for the documents requested by the Accused and that its representatives are in negotiations with the Accused’s legal advisor to voluntarily disclose the material sought. Noting the need to allow for a reasonable period of time to complete the search, and the need to reserve its legal positioning relating to filing a response to the Motion, the U.K. Government now requests an extension until 9 October 2009 to respond.³ The U.K. Government asserts that the extension sought will not prejudice the Accused since the proposed extension date of 9 October will be prior to the scheduled start date for the trial.⁴

4. The Trial Chamber considers that it is in the interests of all parties involved that requests for documents are, if possible, dealt with on a voluntary basis. It is equally important that these requests are dealt with expeditiously, as indeed recognised by the U.K. Government in its Request. With a view to achieving these objectives, the Trial Chamber considers it appropriate to invite the U.K. Government to respond to the Motion by 9 October, in hope that the documents sought can be identified and provided voluntarily to the Accused before his trial starts.

¹ Motion, paras. 24-25.


² Invitation to the United Kingdom of Great Britain and Northern Ireland, 15 September 2009.

³ Request, para. 3.

⁴ Request, para. 3.

5. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request and: (i) **INVITES** the U.K. Government to assist the Trial Chamber by providing a response to the Motion by close of business on 9 October 2009, and (ii) **REQUESTS** the Registry to provide this Decision to the Government of the United Kingdom.

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



Judge O-Gon Kwon, Presiding

Dated this thirtieth day of September 2009
At The Hague
The Netherlands

[Seal of the Tribunal]