



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: 29 October 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: 29 October 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON REQUEST FROM THE GOVERNMENT OF
AUSTRIA**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Austria

via Embassy of Austria
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 seised of a request from the Government of the Republic of Austria (“Austrian Government”) filed on 21 October 2009 (“Request”), and hereby renders its decision thereon.

1. On 3 August 2009, the Accused filed a “Motion for Binding Order: Government of Austria” (“Motion”) in which he requested the Trial Chamber to issue a binding order pursuant to Rule 54 *bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”) requiring the Austrian Government to produce a number of documents.¹
2. Following an invitation issued on 26 August 2009 by this Trial Chamber to the Austrian Government to assist the Chamber in providing a response to the Motion,² the Austrian Government filed, on 2 September 2009, its response, noting that “documents can be put at the disposal of the Tribunal and Dr. Karadžić, respectively, only on the basis of a formal binding order issued by the Tribunal”.³
3. On 15 October 2009, the Trial Chamber issued a “Decision on the Accused’s Application for Binding Order pursuant to Rule 54 *bis* (Austria)” (“Binding Order”) in which it granted the Accused’s Motion and ordered the Austrian Government to produce the requested materials by no later than 29 October 2009.
4. On 21 October 2009, the Austrian Government filed the present Request in which it seeks an extension of the deadline to produce the requested materials until 20 November 2009.
5. The Trial Chamber considers that it is important that requests for the production of documents are dealt with expeditiously. The Chamber also recalls that the completion of the work of the Tribunal within a reasonable time is a matter of great importance which requires that all Governments should take urgent steps to comply with their duty to co-operate with the Tribunal in its work, including with the defence and self-represented accused who are investigating issues relevant to their cases. Nevertheless, in order to finalise the production of the requested documents to the Accused, the Trial Chamber will grant a reasonable extension of time to the Austrian Government.

¹ Motion, para. 1.

² Invitation to the Republic of Austria, 26 August 2009.

³ Correspondence from the Government of Austria, 2 September 2009, para. 2.

6. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request, **ORDERS** the Austrian Government to produce the requested documents to the Accused by no later than 20 November 2009, and **REQUESTS** the Registry to provide this Decision to the Austrian Government.

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



Judge O-Gon Kwon, Presiding

Dated this twenty-ninth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]