IT-95-5/18-T
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05 NOVEMBER 2009

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UNITED
NATIONS

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: 05 November 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: **05 November 2009**

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON REQUEST FROM THE GOVERNMENT OF THE ITALIAN REPUBLIC

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Italy

via Embassy of Italy
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 Italian Republic ("Italian Government") filed on 02 November 2009 ("Third Request"), and hereby renders its decision thereon.

1. The Trial Chamber is currently seised of the "Motion for Binding Order: Government of Italy" filed by the Accused on 4 August 2009 ("Motion").

2. Following an invitation issued on 5 August 2009 by this Trial Chamber to the Italian Government to assist the Chamber in providing a response to the Motion,[1] the Italian Government filed, on 18 August 2009, its first request for an extension of time ("First Request"), indicating that it was unable to file a response by the deadline set in the Invitation, and requesting an extension of time in which to do so, namely until the end of September.[2] The Italian Government also assured the Chamber that such a response would be submitted as soon as it was completed.[3]

3. On 19 August 2009, the Trial Chamber issued its "Decision on Request from the Government of the Italian Republic" ("First Decision"), granting the Italian Government an extension to respond to the Motion by 28 September.[4]

4. On 25 September 2009, the Italian Government filed a second request for an extension of time ("Second Request") seeking another extension until the end of October.[5] In the Second Request, the Italian Government noted that it had difficulties complying with the deadline set out in the First Decision and cited the Italian summer judicial recess, which ended on 31 August, as the reason therefor.

5. On 30 September 2009, the Trial Chamber issued its "Decision on Request from the Italian Government" ("Second Decision"), granting the Italian Government a further extension of time to respond to the Motion by 16 October 2009.[6]

6. On 2 November 2009, the Italian Government filed the Third Request for extension of time, namely until the end of November 2009, indicating that "the Appeal Court in Rome has validated

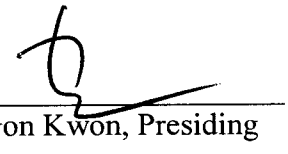
[1] Invitation to the Government of the Italian Republic, 5 August 2009.
[2] First Request, para. 2.
[3] First Request, para. 2.
[4] First Decision, paras. 4–5.
[5] Second Request, para. 3.
[6] Second Decision, paras. 6–7.

the request on 29 September 2009" but that "due to the complexity of the elements required in the Motion granted, compliance with the Tribunal's Decision requires additional appropriate time." The Italian Government thus seeks a further extension of time to respond until the end of November.[7]

7. 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. The Chamber considers that the Italian Government has benefited from enough extension of time to provide a response to the Motion. Nevertheless, the Chamber considers that it is in the interests of the parties involved that requests for information are, if possible, dealt with on a voluntary basis. Therefore, 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 Italian Government.

7. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request and: (i) **INVITES** the Italian Government to assist the Trial Chamber by providing a response to the Motion by close of business on 30 November 2009, and (ii) **REQUESTS** the Registry to provide this Decision to the Italian Government.

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



Judge O-Gon Kwon, Presiding

Dated this fifth day of November 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

[7] Third Request, paras. 2–3.