



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 January 2013

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: 17 January 2013

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 General Galić”, filed confidentially on 14 January 2013 (“Motion”), in which the Accused: (i) informs the Chamber that defence witness Stanislav Galić has requested that his counsel be present during his upcoming proofing and testimony in the Accused’s defence case; (ii) requests that Galić’s counsel be present in the courtroom during Galić’s testimony;¹ (iii) informs the Chamber that Galić’s counsel is unavailable during the weeks of 26 March and 1 April 2013; and (iv) therefore requests that the Chamber postpone from 26 March 2013 until 8 April 2013 the transfer of 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”);²

NOTING that, on 14 January 2013, 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 *inter alia* the transfer of Galić to the UNDU by 21 January 2013 or, if the transfer on that date was not feasible, on the earliest possible date thereafter, allowing for a period of approximately seven days prior to the start of his testimony;³

RECALLING that, in the “Further Order for the Temporary Transfer of a Detained Witness”, issued on 21 November 2012 (“Further Transfer Order”), the Chamber postponed the transfer of Galić until 26 March 2013;⁴

RECALLING that on 16 January 2013, the Chamber orally granted the Accused’s request to have Galić’s counsel present in the courtroom during Galić’s testimony;⁵

¹ On 16 January 2013, the Accused’s legal adviser confirmed that the Motion contained a request that Galić’s counsel be present in the courtroom. T. 31999 (16 January 2013).

² Motion, paras. 1–3.

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

⁴ Further Transfer Order, p. 3.

⁵ T. 31999 (16 January 2013).

CONSIDERING that the Accused's renewed request for a change of date for the temporary transfer of Galić is reasonable and does not affect the expeditious conduct of trial and that the requirements of Rule 90 *bis* of the Rules are still met;⁶

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 8 April 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; and

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

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



Judge O-Gon Kwon
Presiding

Dated this seventeenth day of January 2013
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ See Temporary Transfer Order, para. 9; Further Transfer Order, p. 2.