



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 December 2009
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

Decision of: 17 December 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

Appointed 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”) is seised of a request from the Government of the Italian Republic (“Italian Government”), filed on 11 December 2009 (“Fourth 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 the Chamber to the Italian Government to assist the Chamber in providing a response to the Motion (“Invitation”),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 2009.² 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 of time to respond to the Motion until 28 September 2009.
4. On 25 September 2009, the Italian Government filed a second request for an extension of time (“Second Request”), in which it sought another extension until the end of October 2009.⁴ In the Second Request, the Italian Government noted that it had had difficulties complying with the deadline set in the First Decision and cited the Italian summer judicial recess, which ended on 31 August, as the reason therefore.
5. On 30 September 2009, the Trial Chamber issued its “Decision on Request from the Italian Government”, granting the Italian Government a further extension of time to respond to the Motion until 16 October 2009.
6. On 2 November 2009, the Italian Government filed a third request for extension of time (“Third Request”), indicating that “the Appeal Court in Rome has validated the request on 29 September 2009” but that “due to the complexity of the elements required in the Motion granted,

¹ Invitation to the Government of the Italian Republic, 5 August 2009.

² First Request, para. 2.

³ First Request, para. 2.

⁴ Second Request, para. 3.

compliance with the Tribunal's Decision requires additional appropriate time." The Italian Government thus sought a further extension of time to respond until the end of November.⁵

7. On 5 November 2009, the Trial Chamber issued its "Decision on Request from the Italian Government", granting the Italian Government a further extension of time to respond to the Motion until 30 November 2009.

8. On 11 December 2009, that is, 11 days after the latest deadline, the Italian Government filed the Fourth Request for an extension of time without indicating any specific period of time it would need to comply with its obligations.⁶ In the Fourth Request, the Italian Government notes that the "activities are still ongoing with a view of acquiring the complex and complete elements required" and thus it needs "additional time to carry out the requested activities."⁷

9. The Trial Chamber considers that it is essential 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. It further takes note of the fact that, in this case, the Accused's trial will resume on 1 March 2010.

10. The Chamber recalls that the Italian Government has already received three extensions of time at its request and is now seeking a fourth, without identifying the time it would need to finally respond to the Motion. While the Chamber is not minded to continue extending the deadlines it has set indefinitely, it is in the interests of the parties that requests for information are, if possible, dealt with on a voluntary basis. Therefore, in order to facilitate the production of the requested documents to the Accused, the Trial Chamber will grant a reasonable extension of time to the Italian Government.

⁵ Third Request, paras. 2-3.

⁶ Fourth Request, para. 2.

⁷ Fourth Request, para. 2

11. 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 14 January 2010, 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 seventeenth day of December 2009
At The Hague
The Netherlands

[Seal of the Tribunal]