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18 APRIL 2007

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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
Former Yugoslavia since 1991

Case No. IT-04-81-PT
Date: 18 April 2007
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson
Judge Krister Thelin
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Decision: 18 April 2007

PROSECUTOR

v.

MOMČILO PERISIĆ

DECISION ON PROSECUTION APPLICATION PURSUANT TO RULE 54 *BIS*

The Office of the Prosecutor:

Mr. Mark B. Harmon
Ms. Susan L. Somers

Republic of Serbia

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 a “Prosecution's application for an order pursuant to rule 54 bis directing the Government of the Republic of Serbia to comply with outstanding requests for assistance”, filed on 13 February 2007 (“Motion”),

NOTING the “Scheduling Order for further filings and hearing on Prosecution Application pursuant to Rule 54 *bis*”, filed on 14 March 2007, which invited the Republic of Serbia to file a Response to the Motion by 30 March 2007, ordered the Prosecution to file a Reply, if applicable, by 6 April 2007, and further ordered that a hearing on the Motion would be scheduled, if necessary, on 27 April 2007,

CONSIDERING the “Republic of Serbia's response to Prosecution's application for an order pursuant to Rule 54 *bis* directing the Government of the Republic of Serbia to comply with outstanding requests for assistance”, dated 30 March 2007 and filed on 2 April 2007 (“Response”),

CONSIDERING that the Republic of Serbia submits that, from the six outstanding Prosecution Requests For Assistance (“RFA”) indicated in the Motion, two RFA’s had already been responded to by the Republic of Serbia,¹ one RFA would be responded to within a matter of days from the Response,² and that the materials identified in the other three RFA’s would most likely be communicated to the Prosecution by the end of April 2007,³

CONSIDERING that the Prosecution has not filed a Reply to the Response,

CONSIDERING that, if the Republic of Serbia will have produced all of the materials identified in the Prosecution Motion by the end of April 2007, the hearing on 27 April 2007 is no longer necessary,

CONSIDERING that it is in the interest of judicial economy that the Republic of Serbia file a report on the currently outstanding Requests for Assistance identified in the Response by

¹ Response, para. 2, 5 and 6.

² Response, para. 2 and 7.

³ Response, paras 8, 13 and 15. The Trial Chamber notes that, regarding RFA 1029, the Republic of Serbia has retained the right to file a Motion for protective measures with the Trial Chamber, if appropriate.

21 May 2007; if by that time the Republic of Serbia has been unable to submit any of the requested documentation, it should indicate its reasons therefor,

CONSIDERING that the Trial Chamber remains seized of the Motion should the Republic of Serbia fail to meet its target date of 30 April 2007,

PURSUANT TO Article 29 of the Statute of the Tribunal and Rules 54 and 54 *bis* of the Rules of Procedure and Evidence,

HEREBY INVITES the Republic of Serbia to file a report with the Trial Chamber on the currently outstanding requests for assistance by 21 May 2007, **ORDERS** the Prosecution to file a response to the report no later than 29 May 2007 and **CANCELS** the hearing on 27 April 2007. The Trial Chamber may determine, based on the report from the Republic of Serbia and the Prosecution response, that a hearing on this matter will still be necessary, in which case it will issue further orders.

Done in both English and French, the English version being authoritative.



Patrick Robinson
Pre-Trial Judge

Dated this eighteenth day of April 2007
At The Hague
The Netherlands

[Seal of the Tribunal]