



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-PT
Date: 26 August 2009
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Registrar: Mr. John Hocking

Decision of: 26 August 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON REQUEST FROM THE REPUBLIC OF AUSTRIA

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Republic 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 the request from the Government of the Republic of Austria (“Austrian Government”) of 24 August 2009 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seised of the “Motion for Binding Order: Government of Austria” filed by the Accused on 3 August 2009 (“Motion”). In the Motion, the Accused has acknowledged that the Austrian Government should be given the opportunity to be heard on the matter before a binding order is issued.¹ The Prosecution has not submitted any position on the Motion.

2. On 5 August 2009, to assist the Chamber in deciding the Accused’s Motion, the Trial Chamber invited the Austrian Government to respond to the Motion by no later than 19 August 2009.²

3. On 24 August 2009, that is, five days after the given deadline, the Austrian Government filed the present Request. In the Request, the Austrian Government does not provide any reasons as to why an extension is needed, nor does it state how much extra time it will need to respond to the Accused’s Motion.³

4. The Trial Chamber considers that it is in the interests of all parties involved that requests for documents are, if possible, dealt with on a voluntary basis. However, it is equally important that these requests are dealt with expeditiously. The Trial Chamber notes that the Austrian Government did not respond to its invitation until five days after the original deadline set in its invitation. Additionally, the Request filed by the Austrian Government fails to list any reasons that would warrant an extension of time. With this in mind, the Trial Chamber does not consider it appropriate to grant an extended amount of time to the Austrian Government to respond to the Motion. Instead, the Trial Chamber will grant the Austrian Government a very limited extension of time with hope that the documents sought can be identified and provided to the Accused without further intervention by the Chamber.

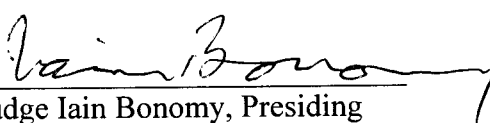
¹ Motion, para. 27.

² Invitation to the Republic of Austria, 14 August 2009.

³ Request, para. 1.

5. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request and: (i) **INVITES** the Austrian Government to assist the Trial Chamber by providing a response to the Motion within seven days of this Decision, that is, by close of business on 2 September 2009, and (ii) **REQUESTS** the Registry to provide this Decision to the Austrian Government.

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


Judge Iain Bonomy, Presiding

Dated this twenty-sixth day of August 2009
At The Hague
The Netherlands

[Seal of the Tribunal]