



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: 30 September 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: 30 September 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 seized of a request from the Government of the Italian Republic (“Italian Government”) filed on 25 September 2009 (“Second Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seized of the “Motion for Binding Order: Government of Italy” filed by the Accused on 4 August 2009 (“Motion”). In the Motion, the Accused acknowledges that the Italian Government should be given the opportunity to be heard on the matter before a binding order is issued.¹ The Office of the Prosecutor (“Prosecution”) has not taken any position on the Motion.
2. On 5 August 2009, in order to be assisted in deciding the Accused’s Motion, the Trial Chamber invited the Italian Government to respond by no later than 19 August 2009 (“Invitation”).²
3. On 18 August 2009, the Italian Government filed 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.³ The Italian Government also assured the Chamber that such a response would be submitted as soon as it was completed.⁴
4. On 19 August 2009, the Trial Chamber issued its “Decision on Request from the Government of the Italian Republic” (“First Decision”), stating that it was in the best interests of all parties if requests for documents sought by the Accused were dealt with on a voluntary basis and granting the Italian Government an extension to respond to the Motion by 28 September.⁵
5. On 25 September 2009, the Italian Government filed its Second Request seeking another extension until the end of October.⁶ In the Second Request, the Italian Government notes that it has difficulties complying with the First Decision and cites the Italian summer judicial recess, which ended on 31 August, as the reason therefor.

¹ Motion, para. 26.

² Invitation to the Government of the Italian Republic, 9 August 2009.

³ First Request, para. 2.

⁴ First Request, para. 2.

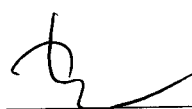
⁵ Decision on Request from the Government of the Italian Republic, 19 August 2009, para. 4-5.

⁶ Second Request, para. 3.

6. The Trial Chamber remains of the view that it is in the interests of all parties involved that requests for documents are, if possible, dealt with on a voluntary basis. However, the Chamber must bear in mind that the present trial is set to commence on 19 October 2009. In light of that date, it is even more important that the Accused's requests are dealt with expeditiously. The Trial Chamber notes that the Italian Government has already received one extension of time at its request, presumably taking the Italian judicial recess into account. Noting that the deadline set in the First Decision has now passed, the Trial Chamber considers it appropriate to invite the Italian Government to respond to the Motion by 16 October 2009, in the hope that the documents sought can be identified and provided voluntarily to the Accused before his trial starts.

7. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request in part and: (i) **INVITES** the Italian Government to assist the Trial Chamber by providing a response to the Motion by close of business on 16 October 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 thirtieth day of September 2009
At The Hague
The Netherlands

[Seal of the Tribunal]