



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: 3 September 2009
Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Registrar: Mr. John Hocking

Decision of: 3 September 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON REQUEST FROM THE REPUBLIC OF POLAND

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Poland

via Embassy of Poland
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 Republic of Poland (“the Government of Poland”) of 27 August 2009 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seised of the “Motion for Binding Order: Government of Poland” filed by the Accused on 12 August 2009 (“Motion”). In the Motion, the Accused has acknowledged that the Government of Poland should be given the opportunity to be heard on the matter before a binding order is issued.¹ The Prosecution has indicated that it does not intend to respond to the Motion.

2. On 14 August 2009, in order to obtain some assistance in deciding the Accused’s Request, the Trial Chamber invited the Government of Poland to respond to the Motion by no later than 28 August 2009.²

3. On 27 August 2009, the Government of Poland filed the present Request noting that it has initiated a search for the documents requested by the Accused. Noting that this was a time-consuming and complicated process, as well as its desire to carry it out carefully and accurately, the Government of Poland has requested an extension until 31 October to respond to the 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. It is equally important that these requests are dealt with expeditiously. With a view to achieving these objectives, the Trial Chamber considers it appropriate to grant a reasonable extension of time to the Government of Poland to respond to the Motion in hope that the documents sought can be identified and provided to the Accused within a reasonable time and without further intervention by the Chamber. With regards to an appropriate deadline, it is the Trial Chamber’s view that a reasonable extension would be four weeks, rather than eight.

¹ Motion, para. 24.
² Invitation to the Republic of Poland, 14 August 2009.
³ Request, para. 3.

5. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request and: (i) **INVITES** the Government of Poland to assist the Trial Chamber by providing a response to the Motion by close of business on 30 September 2009, and (ii) **REQUESTS** the Registry to provide this Decision to the Government of Poland.

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



Judge O-Gon Kwon, Presiding

Dated this third day of September 2009
At The Hague
The Netherlands

[Seal of the Tribunal]