



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: 02 November 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

Order of: 02 November 2009

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON REQUEST FROM THE ISLAMIC REPUBLIC OF PAKISTAN

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Pakistan

via the Embassy of Pakistan 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 a request from the Government of the Islamic Republic of Pakistan (“Government of Pakistan”) filed confidentially on 26 October 2009 (“Request”), and hereby renders its decision thereon.

1. On 10 August 2009, the Accused filed publicly a “Motion for Binding Order: Government of Pakistan” (“Motion”), whereby he requested the Trial Chamber to issue a binding order pursuant to Rule 54 *bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”) requiring the Government of Pakistan to produce a number of documents.¹ Following an invitation issued on 11 August 2009 by this Trial Chamber to the Government of Pakistan to assist the Chamber in providing a response to the Motion,² the Government of Pakistan filed, on 2 September 2009, its response, indicating that a search for the requested documents had been initiated and that the results would be shared with the Chamber in due course.³

2. Following a second invitation to the Government of Pakistan issued by this Trial Chamber on 23 September 2009,⁴ the Government of Pakistan responded confidentially on 6 October 2009 that it has conducted an exhaustive search and was unable to locate any documents corresponding to the documents requested in the Accused’s Motion.⁵

3. On 9 October 2009, the Accused filed publicly a “Request for Third Invitation to Government of Pakistan” (“Request for Third Invitation”) in which he requested the Government of Pakistan to make available for interview Lt. General Javed Nasir, the former Chief of the Inter-Services Intelligence, in order to identify certain documents the Accused believes are necessary for his trial.⁶

4. Following a third invitation to the Government of Pakistan issued by this Chamber on 13 October 2009,⁷ the Government of Pakistan filed confidentially the present Request on 26 October 2009, in which it seeks a one month extension of the deadline to respond to the Accused’s Request for Third Invitation.⁸ The Chamber considers that there is no information of a confidential nature

¹ Motion, para. 1.

² Invitation to the Islamic Republic of Pakistan, 11 August 2009, para. 5.

³ Correspondence from the Government of Pakistan, 2 September 2009, para 2.

⁴ Second Invitation to the Islamic Republic of Pakistan, 23 September 2009.

⁵ Second Correspondence from the Government of Pakistan, 6 October 2009, para. 3.

⁶ Request for Third Invitation, para. 1.

⁷ Third Invitation to the Islamic Republic of Pakistan, 13 October 2009.

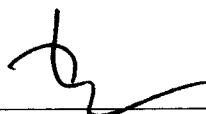
⁸ Third Correspondence from the Government of Pakistan, 26 October 2009.

contained in the Request, and it is in the interests of transparency and justice for it to be made public. For these reasons, the Registry will be ordered to re-file the Request as a public document.

5. The Trial Chamber considers that it is important 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, including with the defence and self-represented accused who are investigating issues relevant to their cases. The Chamber considers that the Government of Pakistan has benefited from enough time to give a response to the Accused on the narrow issues raised by the Request for Third Invitation. Nevertheless, the Chamber considers that it is in the interests of the parties involved that requests for information are, if possible, dealt with on a voluntary basis. Therefore, in order to finalise the production of the requested documents to the Accused, the Trial Chamber will grant a reasonable extension of time to the Government of Pakistan.

6. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request in part, **ORDERS** the Government of Pakistan to give a response to the Accused by no later than 16 November 2009, **ORDERS** the Registry to re-file the Request as a public document, and **REQUESTS** the Registry to provide this Decision to the Government of Pakistan.

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



Judge O-Gon Kwon, Presiding

Done this second day of November 2009
At The Hague
The Netherlands

[Seal of the Tribunal]