



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: 3 March 2010

Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge O-Gon Kwon, Presiding Judge  
Judge Howard Morrison  
Judge Melville Baird  
Judge Flavia Lattanzi, Reserve Judge

**Registrar:** Mr. John Hocking

**Order of:** 3 March 2010

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***CONFIDENTIAL EX PARTE THE ACCUSED***

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**ORDER IN RELATION TO SUPPLEMENTAL SUBMISSION OF STANDBY COUNSEL**

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**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**Appointed Counsel**

Mr. Richard Harvey

**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 “Supplemental Confidential *Ex Parte* Submission of Standby Counsel *Inter partes* to the Office of the Prosecutor”, filed on 25 February 2010 (“Supplemental Submission”), and hereby issues this order in relation thereto.

1. At the Status Conference held on 28 January 2010, the Presiding Judge indicated to Mr. Richard Harvey, appointed counsel, that, if he was “experiencing any difficulties with his preparations” for representing the interests of the Accused, should that become necessary, he could make written submissions to the Chamber outlining those difficulties.<sup>1</sup> On 9 February 2010, Mr. Harvey filed the confidential and *ex parte* “Submission of Standby Counsel” (“Submission”), in which he discussed a number of issues pertaining to the way the Office of the Prosecutor (“Prosecution”) has been disclosing material to him since 25 November 2009. The Submission was not filed *inter partes* the Prosecution.

2. Mr. Harvey further elaborated on disclosure issues in the Supplemental Submission. He attached the Submission to the Supplemental Submission so as to enable the Prosecution to respond to any of the matters also raised therein.<sup>2</sup>

3. In the Supplemental Submission, Mr. Harvey makes a number of requests to the Chamber. The Chamber is of the view that it is necessary to hear from the Prosecution before it can determine whether any of the orders proposed by Mr. Harvey are appropriate. In light of the importance of ensuring that Mr. Harvey is able to continue his preparations unhindered and in the most expeditious manner possible, the Chamber will require the Prosecution to file an expedited response to the Supplemental Submission.

4. In addition, while the Chamber invites the Prosecution to respond on any of the issues raised by Mr. Harvey in the Submission and the Supplemental Submission, it is particularly concerned to have its responses to the following questions:

- a) Whether it is in possession of any more electronic indexes, in Microsoft Excel or other electronic formats that can be easily made use of, and/or indexes containing hyperlinks to disclosure documents, which have not been provided to Mr. Harvey to date;

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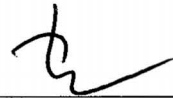
<sup>1</sup> Hearing, T. 709 (28 January 2010).

<sup>2</sup> Supplemental Submission, para. 2. Note that the Submission was attached by way of the “Addendum to Supplemental Confidential *Ex Parte* Submission of Standby Counsel *Inter Partes* to the Office of the Prosecutor”, filed confidentially and *ex parte* the Accused on 26 February 2010.

- b) Whether it is in a position to provide to Mr. Harvey on CD/DVD or external hard drive all the material that has been disclosed to date by way of the EDS;
- c) Whether, in relation to future disclosure to Mr. Harvey, it is in a position to provide accompanying electronic indexes with hyperlinks to the documents contained in each disclosure batch and, if not, why there appear to be some hyperlinked documents but not all; and
- d) Which categories of disclosure material it has provided to the Accused on CD/DVD, or otherwise by electronic data transfer, and which categories have been disclosed purely through the EDS.

5. Accordingly, the Chamber, pursuant to Rules 54 and 126 *bis* of the Tribunal's Rules of Procedure and Evidence, hereby **ORDERS** the Prosecution to file a response to the Submission and the Supplemental Submission by close of business on Monday, 8 March 2010, including responses to the matters set out in paragraph 4 above.

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



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Judge O-Gon Kwon  
Presiding

Dated this third day of March 2010  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

