



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: 13 October 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: 13 October 2009

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

SECOND INVITATION TO THE FRENCH REPUBLIC

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of France

via the Embassy of France 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”),

BEING SEISED of the Accused’s “Motion for Binding Order: Government of France”, filed publicly on 24 August 2009 (“Motion”), whereby the Accused requests 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 France to produce a number of documents;¹

NOTING that, on 25 August 2009, the Chamber invited the Government of France to respond to the Motion by 8 September 2009,²

NOTING that the Government of France’s response to the Motion was then filed on 10 September, stating that (i) the French authorities “will endeavour to inform the Tribunal of their research results” regarding a number of documents “within a reasonable deadline;” (ii) the French authorities cannot respond to certain requests on the basis that they concern documents coming from the French intelligence and security services; and (iii) some of the Accused’s requests are inappropriately addressed to the Government of France as they concern issues relevant to other authorities and international organisations;³

NOTING further the Government of France’s position that it may request, when the time comes and on a case by case basis, appropriate confidentiality and protective measures as provided for in Rule 54 *bis*;⁴

NOTING that, on 14 September 2009, the Accused filed his “Motion for Leave to Reply and Reply: Motion for Binding Order to Government of France” (“Reply”) in which he seeks leave to reply and notes that (i) he has no objection in principle to protective measures being afforded to information provided by the Government of France; (ii) he considers that a reasonable deadline should be set for compliance with his request; (iii) national security interests provide no excuse for the refusal to produce information under Rule 54 *bis*, as those interests can be safeguarded through the use of protective measures; and (iv) his Motion seeks only the material that is in the possession of the Government of France, and if such material originated from another state, the Government of France should at the very least inform the Accused of the identity of that state;⁵

¹ Motion, para. 1.

² Invitation to the French Republic, 25 August 2009.

³ Correspondence from the Government of France, filed on 10 September 2009, paras. 2–4.

⁴ Correspondence from the Government of France, filed on 10 September 2009, para. 1.

⁵ Reply, paras. 2–5.

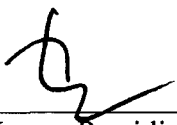
CONSIDERING that over a month has passed since the Government of France filed its response in which it undertook to inform the Chamber of the results of its search, and that the Accused's trial is scheduled to start on 21 October 2009;⁶

CONSIDERING that the completion of the work of the Tribunal within a reasonable time is a matter of great importance which requires that all Governments take urgent steps to comply with their duty to co-operate with the Tribunal in its work, including with the defence and the self-represented accused who are investigating issues relevant to their cases;

HEREBY:

- (a) **GRANTS** leave to the Accused to reply to the response from the Government of France, and accepts the already submitted reply;
- (b) **INVITES** the Government of France to, by no later than **27 October 2009**, (i) complete its search for the requested documents and, if any are found, deliver them to the Accused; or (ii) submit a detailed report to the Chamber on the progress of the search by its authorities; and
- (c) **REQUESTS** the Registry to provide the Reply and this Second Invitation to the Government of France.

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



Judge O-Gon Kwon, Presiding

Done this thirteenth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ Pre-Trial Conference, T. 465 (6 October 2009).