



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: 06 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

Decision of: 06 October 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON REQUEST FROM THE GOVERNMENT OF
THE ISLAMIC REPUBLIC OF IRAN**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Iran

via Embassy of the Islamic Republic of Iran
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 Iran (“Government of Iran”) of 28 September 2009 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seised of the “Motion for Binding Order: Government of Iran” filed by the Accused on 26 August 2009 (“Motion”). In the Motion, the Accused acknowledges that the Government of Iran should be given the opportunity to be heard on the matter.¹ The Office of the Prosecutor did not respond to the Motion.
2. On 31 August 2009, in order to be assisted in deciding the Accused’s Motion, the Trial Chamber invited the Government of Iran to respond by no later than 28 September 2009.²
3. On 28 September 2009, representatives of the Embassy of Iran in The Hague filed the present Request indicating that the Chamber’s invitation had been forwarded to the relevant authorities in Iran, but that, as of this date, the staff of the Embassy had not received any instructions or response on how to proceed.³ Therefore, the Government of Iran requests an extension of time, until 28 December 2009, to respond to the Motion.⁴
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, especially in light of the imminent start of the trial in the present case, which is set for 19 October 2009. The Trial Chamber is generally of the view that the absence of instruction from one’s capital is not commonly an acceptable reason for granting an extension and does not, therefore, consider a three-month extension appropriate in this case. However, in the hope that the documents sought can be identified and provided to the Accused on a voluntary basis and as soon as possible, the Chamber invites the Government of Iran to provide a more substantive response to the Motion by no later than 19 October 2009.

¹ Motion, para. 26.

² Invitation to the Islamic Republic of Iran, 31 August 2009.

³ Request, para. 2.

⁴ Request, para. 2.

5. 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 Government of Iran to assist the Trial Chamber by providing a response to the Motion by close of business on 19 October 2009, and (ii) **REQUESTS** the Registry to provide this Decision to the Government of the Iran.

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



Judge O-Gon Kwon, Presiding

Dated this sixth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]