



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

Decision of: 02 November 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 seized of a request from the Government of the Islamic Republic of Iran (“Government of Iran”) of 20 October 2009 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seized of the “Motion for Binding Order: Government of Iran” filed by the Accused on 26 August 2009 (“Motion”) whereby the Accused 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 Iran to produce a number of documents.¹

2. Following an invitation issued to the Government of Iran on 31 August 2009,² representatives of the Embassy of Iran in The Hague filed, on 28 September 2009, a Request seeking an extension of time, until 28 December 2009, to respond to the Motion.³

3. On 6 October 2009, this Trial Chamber issued a “Decision on the Request from the Government of the Islamic Republic of Iran” in which an extension of the deadline to produce the requested documents to the Accused was granted in part, and invited the Government of Iran to provide a response to the Motion by 19 October 2009.⁴

4. On 20 October 2009, the Government of Iran filed the present Request, in which it indicates that the “search for the existence and availability of the requested items and restoring them out of the various archives will need at least six months”.⁵

5. The Trial Chamber recalls 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 Iran has benefited from enough time to give a response to the Accused and a further six months is not merited. Nevertheless, the Chamber considers that it is in the interests of the parties involved that requests

¹ Motion, para. 1.

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

³ Correspondence from the Government of Iran, 28 September 2009.

⁴ Decision on the Request from the Government of the Islamic Republic of Iran, 6 October 2009.

⁵ Request, 20 October 2009.

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 Iran.

6. 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 15 December 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 second day of November 2009
At The Hague
The Netherlands

[Seal of the Tribunal]