



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: 22 December 2009
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

Decision of: 22 December 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

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 a request from the Government of the Islamic Republic of Iran (“Government of Iran”) of 15 December 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”) 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 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 another request for an extension of time, in which it indicated 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 The Trial Chamber decided not to grant a six-month extension, on the basis that the Government of Iran has by that stage had a substantial amount of time in which to respond. The Chamber granted instead an extension of approximately six weeks.⁶

5. On 15 December 2009, the Government of Iran filed the present Request, noting that:

while the preconditions embodied in Rule 54 *bis* of the Rules of Procedure and Evidence of that distinguished Tribunal have not been met by the accused, in order to manifest its good faith, the Islamic Republic of Iran is wilful to extend its voluntary cooperation to the Tribunal. However, at the current stage the Government of the Islamic Republic of Iran is not in a condition to comment

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 Correspondence from the Government of Iran, 20 October 2009.

⁶ Decision on the Request from the Government of the Islamic Republic of Iran, 2 November 2009.

on the merits of the requests made by the accused and therefore needs more time to be able to do so.⁷

6. 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.

7. The Chamber understands the above cited submission by the Government of Iran as a request for more time in order to be able to continue co-operating with the Tribunal and the Accused. The Chamber reiterates here 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 facilitate the production of the requested documents to the Accused, the Trial Chamber will grant a reasonable extension of time to the Government of Iran.

8. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request and: (i) **INVITES** the Government of Iran to assist the Trial Chamber by providing a response to the Motion by close of business on 29 January 2010, and (ii) **REQUESTS** the Registry to provide this Decision to the Government of Iran.

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



Judge O-Gon Kwon, Presiding

Dated this twenty second day of December 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁷ Request, p. 1.