



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: 20 January 2011
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: 20 January 2011

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

Standby 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 (“Iran”) filed on 14 January 2011 (“Request”), and hereby renders its decision thereon.

1. The Trial Chamber is currently seised of the Accused’s “Second Motion for Binding Order: Government of Iran” filed on 7 December 2010 (“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 Iran to produce a number of documents.¹

2. On 16 December 2010, the Chamber issued an invitation requesting Iran to file a response to the Motion by 7 January 2011.²

3. On 14 January 2011, Iran responded stating that the documents sought in the Accused’s Motion do not satisfy the criteria of relevance.³ Further, Iran states that “since the alleged documents, if ever existed, date back to a long time ago and it is necessary to search relevant documents and files in the morgue archives and to make inquiries from relevant departments,” it requires an additional six months to respond to the Motion.⁴

4. 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.

5. 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 Iran.

¹ Motion, para. 5.

² Invitation to the Islamic Republic of Iran, 16 December 2010.

³ Request, p.1.

⁴ Request, p.1.

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** Iran to assist the Trial Chamber by providing a response to the Motion by no later than close of business on 14 March 2011, and (ii) **REQUESTS** the Registry to provide this Decision to Iran.

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



Judge O-Gon Kwon, Presiding

Dated this twentieth day of January 2011
At The Hague
The Netherlands

[Seal of the Tribunal]