

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-5/18-T

IN TRIAL CHAMBER No. 3

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Date: 7 December 2010

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

SECOND MOTION FOR BINDING ORDER:
GOVERNMENT OF IRAN

The Office of the Prosecutor:
Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

Government of Iran

The Accused:
Radovan Karadzic

1. On 9 June 2010, the Trial Chamber denied Dr. Karadzic's *Motion for Binding Order: Government of Iran*.¹ The Chamber held that the request for documents pertaining to the shipment of arms to Croatia for the period 1 April 1992 to 31 December 1995 was too broad and of questionable relevance.² It noted that in other decisions on binding order motions it had approved requests for documents pertaining to arms shipments in the period leading up to the July 1995 events in Srebrenica.³

2. After this decision, Dr. Karadzic continued his investigation in an effort to obtain more information by which he could narrow his request. He was able to identify a particular series of transactions involving the shipment of 203mm ammunition from Iran to the Bosnian Muslims in 1995. He requested documentation about this specific series of transactions from Iran on 2 November 2010, but has never received a response.⁴

3. Dr. Karadzic's investigation has determined that on 9 November 1994, Belgian arms dealer Jacques Monsieur, doing business as Matimco SPRL, received an order to supply 3000 205mm shells to the Bosnian Muslims via Croatia.⁵ On 3 December 1994, Monsieur signed a contract on behalf of his company, Matimco SPRL, with the Iranian Ministry of Defence (M.O.L.D.E.X) for the delivery of 3000 205mm shells in four shipments of 750 each at with delivery at Pula Airport.

4. Three shipments of 300 rounds each were made between December 1994 and April 1995 to the Bosnian Muslims via Croatia. However in June 1995, the government of Iran decided not to issue an export permit for the remaining quantities.

5. Dr. Karadzic requested the following documents from the government of Iran:

- (1) Contract dated 3 December 1994 between the Ministry of Defence and Armed Forces Support (M.O.D.L.E.X) and Matimco Sprl of Belgium for ammunition to be delivered to Croatia
- (2) All records of the three shipments made pursuant to the above contract between December 1994 and April 1995

¹ *Decision on the Accused's Motion for Binding Order (The Islamic Republic of Iran)* (9 June 2010)

² *Id.*, at para. 21

³ *Id.* at para. 22

⁴ Dr. Karadzic's letter to Iran is attached as Annex "A".

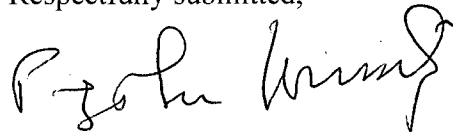
⁵ Mr. Monsieur is currently serving a 23 month prison sentence in the United States for violation of the arms embargo with Iran. *United States v Monsieur*, CR 09-00186 WS (S.D. Alabama)

6. Having received no response, he now requests that the Trial Chamber issue a binding order for production of these documents.⁶ His request is specific and seeks a narrow category of documents which have already been determined to be relevant and necessary to his defence. He has made efforts to obtain the documents voluntarily without success.

7. Dr. Karadzic notes that the government of Iran had previously indicated it could not locate any records of arms shipments to the Bosnian Muslims via Croatia.⁷ It is hoped that the additional specificity he has now provided will enable the government of Iran to comply with his request. He remains ready to assist the government of Iran in any way he can to help them locate the relevant documents.

Word count: 632

Respectfully submitted,



Radovan Karadzic

⁶ Dr. Karadzic incorporates by reference the arguments in his *Motion for Binding Order: Government of Iran* (26 August 2009) on the general requirements for binding orders.

⁷ Transcript of 15 February 2010 at p. 798

ANNEX "A"

Dr. Radovan Karadzic
International Criminal Tribunal for the former Yugoslavia
The Hague, Netherlands

2 November 2010

The Honorable Kazem Gharibabadi
Ambassador
The Embassy of the Islamic Republic of Iran
Duinweg 20
2585 JX The Hague

Dear Mr. Ambassador,

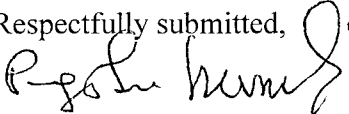
I am respectfully requesting that the government of Iran provide me with copies of the following documents which are necessary for my defence at the International Criminal Tribunal for the former Yugoslavia:

- (1) Contract dated 3 December 1994 between the Ministry of Defence and Armed Forces Support (M.O.D.L.E.X.) and Matimco Sprl of Belgium for ammunition to be delivered to Croatia
- (2) All records of the three shipments made pursuant to the above contract between December 1994 and April 1995

I hereby authorize you to provide this information to my Legal Advisor, Peter Robinson, on my behalf. Mr. Robinson can be contacted by e-mail at peter@peterrobinson.com. You may also feel free to contact Mr. Robinson should you have any questions about this request.

If I have not had a response to this request by 16 November 2010, I will have no choice but to seek a binding order from the Trial Chamber directing your government to furnish me with the requested information. But I would very much hope that we can work together cooperatively to accommodate both of our interests.

Thank you for your consideration of this request.

Respectfully submitted,

Dr. Radovan Karadzic