



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: 9 June 2010

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: 9 June 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON THE ACCUSED'S MOTION FOR
BINDING ORDER (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 the Accused’s “Motion for Binding Order: Government of Iran”, filed on 26 August 2009 (“Motion”), and hereby issues its decision thereon.

I. Background and Submissions

1. The Accused has filed a number of motions asking the Trial Chamber to issue binding orders to various states, pursuant to Article 29 of the Statute of the Tribunal (“Statute”) and Rule 54 *bis* of the Rules of Procedure and Evidence (“Rules”), requesting them to disclose to him documents he claims to be relevant and necessary to his case. In the present Motion, the Accused requests the Chamber to order the Islamic Republic of Iran (“Iran”) to produce the following three categories of documents:

(i) All communications between the government of Iran and the governments of the US, UK, France, Germany, Croatia, or Bosnia concerning the supply of arms intended for Bosnia during the period of 1 April 1992 through 31 December 1995 which would tend to indicate that those governments had knowledge of and approved the practice of Iran supplying arms to Bosnia.

(ii) Cargo manifests showing all arms shipped to Croatia during the period 1 April 1992 and 31 December 1995, including the contents of the Iranian aircraft which landed at Zagreb Airport, Croatia on 4 September 1992, 1 November 1992, 4 May 1994.

(iii) Recordings, notes, reports, or memoranda of all meetings between the government of Iran and the government of Bosnia, including the following meetings in Tehran: (a) 29-30 October 1992 – meeting with Izetbegović; (b) April 1993 – meeting with Izetbegović; (c) 14 September – meeting with Izetbegović; and (d) 29 April-2May 1994 – meeting with Prime Minister Valentić of Croatia and the Deputy Prime Minister of Bosnia.¹

2. The Accused submits that the Motion meets the requirements of Rule 54 *bis* because his request is specific, calls for relevant and necessary documents, and he has taken steps to obtain Iran’s assistance before filing the Motion.² As far as the relevance of the documents is concerned, the Accused explains that the documents relating to the alleged smuggling of arms into Bosnia and Herzegovina (“BiH”), as well as their delivery to the Bosnian Muslims in the Srebrenica enclave, will be used to support his case that there was a legitimate military objective behind the Bosnian Serb operation in Srebrenica, which commenced in March 1995. They will

¹ Motion, para. 1.

² Motion, paras. 12–23.

also serve to refute the allegation that he was involved in a joint criminal enterprise (“JCE”) to eliminate the Bosnian Muslims in Srebrenica as charged in the Third Amended Indictment (“Indictment”) or that he favoured, planned, or condoned the killing of civilians in Srebrenica.³ In addition, the Accused claims that:

[T]he involvement of the United States, and other States, in violating the United Nations Arms Embargo, who gained access to Bosnia by virtue of their participation in United Nations missions such as UNPROFOR, is relevant to the 1995 detention of UN personnel as charged in Count 11, and their actual and perceived status as civilians or combatants.⁴

Finally, the Accused also argues that documents showing the involvement of personnel of the United Nations (“UN”) and other states in violating the UN arms embargo on the side of the Bosnian Muslims are relevant to the credibility and bias of international witnesses from those states who are to be called by the Prosecution.⁵

3. The Accused submits that Iran is in possession of the requested documents and bases his claim on various sources, including newspaper articles, a book titled “Intelligence and the War in Bosnia 1992–1995”, which was written by Cees Wiebes as part of a larger report on the events in Srebrenica commissioned by the Dutch Government and published by the Netherlands Institute for War Documentation in 2002, and a report by the United States’ (“US”) Congressional Research Service on this issue. Using those sources, the Accused outlines how the arms were allegedly smuggled into BiH by Iran, through Croatia, and with a discreet acquiescence by the US.⁶

4. The Accused also explains that before filing the Motion he contacted the Iranian Embassy in The Hague but, other than a brief response from the Embassy’s representative indicating that more time would be needed for a response, received no response and was unable to obtain the documents.⁷

5. Having been invited to respond to the Motion,⁸ and given an extension of time in which to do so,⁹ Iran filed, on 20 October 2009, a note (“Response”), arguing that the requirements of Rule 54 *bis* have not been met by the Accused because the requested documents are irrelevant to the Accused’s case and also because they are “ambiguous and very broad in nature, and

³ Motion, para. 18.

⁴ Motion, para. 19.

⁵ Motion, para. 20.

⁶ Motion, paras. 2–9.

⁷ Motion, para. 11, Annexes A, B, C, and D.

⁸ Invitation to the Islamic Republic of Iran, 31 August 2009.

⁹ Decision on Request from the Government of the Islamic Republic of Iran, 6 October 2009.

therefore difficult to be identified.”¹⁰ Nevertheless, in a spirit of co-operation with the Tribunal, Iran dispatched the Accused’s requests to the relevant authorities in the country, asking that it be given at least six months in which to search for the documents sought.¹¹ The Chamber granted the request for extension of time, but only in part,¹² and then extended it further, to 29 January 2010, in order to ensure voluntary co-operation between Iran and the Accused.¹³ On 1 February 2010, Iran filed another note, reiterating its earlier position about the lack of relevance and specificity of the Accused’s request and seeking more time to conduct the relevant searches.¹⁴

6. At the Status Conference held on 28 January 2010 the Trial Chamber announced that a hearing pursuant to Rule 54 *bis* would be held on 15 February 2010 (“Hearing”) during which the status of the Motion, as well as the other binding order motions filed by the Accused, would be discussed.¹⁵ Accordingly, in its “Order Scheduling a Hearing Pursuant to Rule 54 *bis*”, the Chamber invited, *inter alia*, representatives of Iran to attend the Hearing.¹⁶

7. During the Hearing, the Accused confirmed that he had received no documents from Iran and reiterated his claim that the US and Iran were in agreement about violating the UN arms embargo and that “it would be useful perhaps to remind the whole world and the [US] about this.”¹⁷ In response, the representatives of Iran argued that the Motion should be denied and reiterated Iran’s position that the documents requested, if existing, did not meet the requirements of specificity and relevance. They then described the efforts taken by Iran to locate and find the documents nevertheless, and stated that the search was completed and that no documents relevant to the Accused’s request were found.¹⁸ More specifically, with respect to the first category of documents requested by the Accused, the representatives of Iran noted that the category covered a long time period and that, at the relevant time, Iran did not have diplomatic relations with some of the states mentioned therein.¹⁹ As for the second category, they noted that there was “no trace with respect to the cargo manifests of the ships and aircraft after such a long time” and that “all related documents including the bills of lading and cargo manifests are

¹⁰ Response, p. 1.

¹¹ Response, pp. 1–2.

¹² Decision on Request from the Islamic Republic of Iran, 2 November 2009/

¹³ Decision on Request from the Islamic Republic of Iran, 22 December 2009.

¹⁴ Note Verbale, 1 February 2010.

¹⁵ Status Conference, T. 710 (28 January 2010).

¹⁶ Order Scheduling a Hearing Pursuant to Rule 54 *bis*, 29 January 2010. Iran responded on 12 February 2010, informing the Chamber that it would be represented by three representatives from the Iranian Embassy in The Hague.

¹⁷ Hearing, T. 796 (15 February 2010).

¹⁸ Hearing, T. 797–798, 800 (15 February 2010).

¹⁹ Hearing, T. 798 (15 February 2010).

usually eliminated within limited period of time after the accomplishment of the delivery.”²⁰ Finally, with respect to the third category of documents requested, the representatives of Iran stated that “almost all of the documents of the diplomatic relations between [Iran] and [BiH] have been screened and reviewed” and that none of them contained materials relevant to the case against the Accused.²¹ The representatives of Iran also submitted that none of the requested documents were necessary for the fair determination of this case due to the well-known distinction between *jus ad bellum* and *jus in bello*. Thus, even if some states were supplying arms to the parties in the conflict this could not justify serious violations of international humanitarian law for which the Accused is charged.²²

8. During the Hearing, the Prosecution submitted that some of the documents requested by the Accused in his various binding orders motions had already been disclosed to him by the Prosecution itself.²³ Accordingly, the Trial Chamber ordered the Prosecution to file a submission indicating which of the disclosed documents fell into the categories of documents requested by him from various states, including Iran.²⁴ Thus, on 24 February 2010, the Prosecution filed the “Prosecution Submission Pursuant to Trial Chamber’s Request During Rule 54 *bis* Hearing” (“Prosecution’s Submission”), indicating that cargo manifests requested by the Accused in category (ii) were delivered to him on 5 October 2009,²⁵ as were a number of documents relating to category (iii), including the information on Alija Izetbegović’s visit to Teheran on 30 October 1992 and other documents relating to Iranian and Croatian involvement in arms smuggling in BiH.²⁶ The Prosecution Submission also notes that three of those documents fall under Rule 70 of the Rules and thus are awaiting clearance before they can be disclosed to the Accused.²⁷

9. Following an order issued by the Chamber to respond to the Prosecution’s Submission,²⁸ the Accused filed his “Submission on Request to Governments of Croatia and Iran” on 11 March 2010 (“Accused’s Submission”) stating that he received no disclosure from the Prosecution relating to the requests in the Motion.²⁹ Referring to what was said at the Hearing, the Accused also notes that he finds it “hard to imagine that [Iran] would not maintain records of

²⁰ Hearing, T. 798 (15 February 2010).

²¹ Hearing, T. 798 (15 February 2010).

²² Hearing, T. 798–799 (15 February 2010).

²³ Hearing, T. 776–777 (15 February 2010).

²⁴ Hearing, T. 777–778 (15 February 2010).

²⁵ Prosecution’s Submission, Annex A, p. 27 and Annex B, p. 182.

²⁶ Prosecution’s Submission, Appendix A, p. 28, Appendix B, pp. 182–187.

²⁷ Prosecution’s Submission, Appendix A, pp. 27–28.

²⁸ Order for Response, 3 March 2010.

²⁹ Accused’s Submission, para. 15.

arms shipments and important meetings and other communications with foreign leaders who came to Tehran” and thus urges the Chamber to issue a binding order.³⁰

II. Applicable Law

10. Article 29 of the Statute obliges states to “co-operate with the Tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.” This obligation includes the specific duty to “comply without undue delay with any request for assistance or an order issued by a Trial Chamber [for] ... the service of documents.”³¹

11. In addition, Rule 54 *bis* enables a party to request a Chamber to issue an order to a state for the production of documents or information. A party seeking an order under Rule 54 *bis* must satisfy a number of general requirements before such an order can be issued, namely, (i) the request for the production of documents under Rule 54 *bis* should identify specific documents and not broad categories of documents;³² (ii) the requested documents must be “relevant to any matter in issue” and “necessary for a fair determination of that matter” before a Chamber can issue an order for their production;³³ (iii) the applicant must show that he made a reasonable effort to persuade the state to provide the requested information voluntarily;³⁴ and (iv) the request cannot be unduly onerous upon the state.³⁵

12. With respect to (i) above, the Appeals Chamber has held that “a category of documents may be requested as long as it is defined with sufficient clarity to enable ready identification by a state of the documents falling within that category”.³⁶ If the requesting party is unable to specify the title, date, and author of the requested documents, but provides an explanation and is able to identify the requested documents in some appropriate manner, a Trial Chamber may, in consideration of the need to ensure a fair trial, allow the omission of those details if “it is

³⁰ Accused’s Submission, para. 16.

³¹ Article 29(2)(c) of the Statute.

³² *Prosecutor v. Milutinović et al.*, Case No. IT-05-87-AR108bis.2, Decision on Request of the United States of America for Review, 12 May 2006 (“*Milutinović* US Decision”), paras. 14–15; *Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-AR108bis, Judgement on the Request of the Republic of Croatia for Review of Trial Chamber II of 18 July 1997, 29 October 1997 (“*Blaškić* Review”), para. 32; *Prosecutor v. Kordić and Čerkez*, Decision on the Request of the Republic of Croatia for Review of a Binding Order, Case No. IT-95-14/2-AR108bis, 9 September 1999 (“*Kordić* Decision”), paras. 38–39.

³³ Rule 54 *bis* (A)(ii) of the Rules; *Blaškić* Review, paras. 31, 32(ii); *Kordić* Decision, para. 40; *Milutinović* US Decision, paras. 21, 23, 25, 27.

³⁴ Rule 54 *bis* (A) (iii) of the Rules; *Prosecutor v. Milutinović et al.*, Case No. IT-05-87-T, Decision on Sreten Lukić Amended Rule 54 *bis* Application, 29 September 2006 (“*Sreten Lukić* Decision”), para.7.

³⁵ *Blaškić* Review, para. 32 (iii); *Kordić* Decision, para. 41.

³⁶ *Milutinović* US Decision, para. 15; *Blaškić* Review, para. 32; *Kordić* Decision, para. 39.

satisfied that the party requesting the order, acting *bona fide*, has no means of providing those particulars”.³⁷

13. Regarding (ii) above, the assessment of relevance is made on a case-by-case basis and falls within the discretion of the Chamber.³⁸ In determining whether the documents sought by an applicant are relevant, Chambers have considered criteria such as whether they relate to the “most important” or “live” issues in the case,³⁹ or whether they relate to the “defence of the accused”.⁴⁰ As for the necessity requirement, it obliges the applicant to show that the requested materials are necessary for a fair determination of a matter at trial. The applicant need not make an additional showing of the actual existence of the requested materials, but is only required to make a reasonable effort before the Trial Chamber to demonstrate their existence.⁴¹ Furthermore, the applicant is not required to make a showing that all other possible avenues have been exhausted but simply needs to demonstrate “either that: [he or she] has exercised due diligence in obtaining the requested materials elsewhere and has been unable to obtain them; or that the information obtained or to be obtained from other sources is insufficiently probative for a fair determination of a matter at trial and thus necessitates a Rule 54 *bis* order.”⁴²

14. With respect to (iii) above, the applicant cannot request an order for the production of documents without having first approached the state said to possess them. Rule 54 *bis* (A) (iii) requires the applicant to explain the steps that have been taken to secure the state’s co-operation. The implicit obligation is to demonstrate that, prior to seeking an order from the Trial Chamber, the applicant made a reasonable effort to persuade the state to provide the requested information voluntarily.⁴³ Thus, only after a state declines to lend the requested support should a party make a request for a Trial Chamber to take mandatory action under Article 29 and Rule 54 *bis*.⁴⁴

15. With regard to (iv) above, the Appeals Chamber has held that “the crucial question is not whether the obligation falling upon States to assist the Tribunal in the evidence collecting process is onerous, but whether it is unduly onerous, taking into account mainly whether the

³⁷ *Blaškić* Review, para. 32.

³⁸ *Kordić* Decision, para. 40.

³⁹ See e.g., *Prosecutor v. Milutinović et al*, Case No. IT-05-87-PT, Decision on Second Application of General Ojdanić for Binding Orders pursuant to Rule 54*bis*, 17 November 2005 (“Second *Ojdanić* Decision”), paras. 21, 25; *Prosecutor v. Milutinović et al.*, Separate and concurring opinion of Judge Iain Bonomy in the Decision on Application of Dragoljub Ojdanić for Binding Orders Pursuant to Rule 54 *bis*, 23 March 2005.

⁴⁰ See e.g., *Prosecutor v. Šešelj*, Case No. IT-03-67-PT, Decision on Requests by the Accused for Trial Chamber II to issue Subpoena Orders, 3 June 2005, p. 4; *Sreten Lukić* Decision, para. 13 (see footnote 45).

⁴¹ *Milutinović* US Decision, para. 23.

⁴² *Milutinović* US Decision, para. 25.

⁴³ *Sreten Lukić* Decision, para.7.

⁴⁴ *Milutinović* US Decision, para. 32.

difficulty of producing the evidence is not disproportionate to the extent that process is strictly justified by the exigencies of the trial".⁴⁵

III. Discussion

16. The Chamber recalls its earlier finding, that the issue of the alleged smuggling of arms to Srebrenica, as well as the involvement of UN personnel in alleged arms smuggling is relevant to the Accused's case, and that any documents that may go to these issues are necessary for a fair determination of this case.⁴⁶

17. The Chamber also repeats its finding that, while it may be possible to argue that the relevance of certain documents is established because they are necessary for challenges to the credibility of witnesses brought by the Prosecution and preparation of cross-examination, in the Chamber's view this can be done only if the applicant provides information regarding the specific witnesses to which the requested information will relate, the issues that these witnesses will be cross-examined on, and an explanation of how this cross-examination will affect the applicant's case.⁴⁷ However, the Accused has made no attempt to identify any of these matters. Accordingly, the Chamber is not satisfied that the Accused has adequately satisfied the requirement of relevance with respect to this issue.

18. Based on these general findings, the Chamber will now consider whether each individual category of documents requested relates to any of those issues found to be relevant to this case and otherwise satisfies the requirements of Rule 54 *bis*.

19. The Chamber recalls, as described above in the background and submissions section, that prior to the filing of the Motion, the Accused contacted Iran privately but Iran failed to produce any of the documents sought by him. In addition, Iran has had ample opportunity to conduct the relevant searches and produce the documents requested. The Chamber is, therefore, satisfied that the Accused has made a reasonable effort to persuade the state to provide the requested information voluntarily. The Chamber also considers that the Accused has made a reasonable effort to demonstrate the existence of the documents requested.

20. However, the Chamber is not satisfied that the first category of documents requested is specific enough as it covers a broad period of time, namely 1 April 1992 to 31 December 1995.

⁴⁵ *Kordić* Decision, para. 38; *Blaškić* Review, para. 26.

⁴⁶ See Decision on the Accused's Application for Binding Order Pursuant to Rule 54 *bis* (Federal Republic of Germany), 19 May 2010 ("Germany Decision"), paras. 20–27. Judge Kwon attached a partial dissent from the majority on these issues.

⁴⁷ Germany Decision, para. 28.

Indeed, it is not clear how documents from, for example, November 1995 or April 1992 can go to the issue of smuggling of arms to Srebrenica and to the Accused's state of mind in relation to the allegation that, in July 1995, he participated in a joint criminal enterprise to eliminate the Bosnian Muslims of Srebrenica. Furthermore, it would appear from the description of the documents requested in this category that the point of obtaining them is simply to prove that the states mentioned therein "had knowledge of and approved the practice of Iran supplying arms to Bosnia."⁴⁸ This, however, is not something that is relevant to this case, or necessary for its fair determination. Rather, as already stated by the Chamber in its earlier decision on this issue, what is relevant is (i) whether, and the extent to which, arms were smuggled into Srebrenica, thereby having an effect on the civilian or otherwise status of the Bosnian Muslim population there, and (ii) the involvement of UN personnel in arms smuggling. This is because these facts may go to the Accused's state of mind in relation to the events in Srebrenica and the charge of hostage taking.⁴⁹ The documents described in the first category of the Accused's request, however, go to neither of these two issues, but simply to the states' alleged knowledge and approval of arms smuggling. Accordingly, the Chamber considers that the Accused has not met the requirements of Rule 54 *bis* in relation to the first category of documents requested.

21. With respect to the second category of documents requested, to the extent that it concerns all cargo manifests in the period of 1 April 1992 to 31 December 1995, the Chamber, for the same reasons as those outlined in the preceding paragraph, finds it to be too broad and thus of questionable relevance. Even if the Chamber confined the request to the cargo manifests of 4 September 1992, 1 November 1992, and 4 May 1994 alone, it would find it difficult to see the relevance of these cargo manifests without more detail. First, the cargo manifests from 1992 are far removed temporally from the time period relevant to the formation of the alleged joint criminal enterprise to eliminate the Bosnian Muslims from Srebrenica, namely 1995, as well as the other joint criminal enterprise the Accused is said to have been a member of in relation to the allegation of hostage-taking. Second, both the 1992 and the 1994 manifests requested are removed geographically from the territory of BiH and are thus not strictly necessary for the determination of the Accused's case, as the more specific information relating to arms smuggling into or within BiH would have been. Finally, neither the 1992 nor the 1994 manifests seem to provide any connection to the involvement of UN personnel in the smuggling of Iranian arms. Indeed, looking at the part of the Motion where the Accused describes the route and the way in which the Iranian arms were allegedly eventually smuggled into Bosnia, there

⁴⁸ Motion, para. 1. This is confirmed by the Accused's statement during the Hearing that it would be "useful" to remind the world about the agreement between US and Iran to smuggle weapons into BiH. See Hearing, T. 796 (15 February 2010).

⁴⁹ See Germany Decision, paras. 21, 27.

does not appear to be any connection to UN personnel or to the use of UN aid agencies or humanitarian convoys to smuggle these particular weapons into BiH and Srebrenica in particular. Instead, what the Accused seems to be concerned with in this particular Motion is the idea that he should “remind the whole world” that Iran, Croatia, and the US violated the UN arms embargo and co-operated in arms smuggling.⁵⁰ In contrast, the parts of the Accused’s binding order motion relating to the Federal Republic of Germany which were ultimately successful in the view of the majority, Judge Kwon dissenting, were concerned with documents dealing with specific arms shipments into BiH in February 1995 and shipments of arms within BiH disguised as humanitarian aid.⁵¹

22. Lastly, the Chamber also notes the Prosecution’s Submission which seems to indicate that the Accused has been given the very cargo manifests he seeks in category (ii).⁵² Nevertheless, the Accused claims that he has received no disclosure from the Prosecution relating to the Motion.⁵³ Thus, while satisfied that the Accused has exercised due diligence in obtaining the documents requested in this Motion from the Prosecution or from other states, the Chamber is not satisfied that he has failed to obtain them from those sources or that the information obtained is insufficiently probative for a fair determination of a matter at trial and thus necessitates a Rule 54 *bis* order.⁵⁴ Accordingly, for all those reasons, the Chamber is of the view that the Accused has failed to meet the requirements of Rule 54 *bis* with respect to the category (ii) of documents sought.

23. Finally, with respect to the third category of documents requested, for the reasons discussed in the preceding paragraph, the Chamber does not consider that documents relating to meetings of high level Croatian, Bosnian, and Iranian officials in 1992, 1993, and 1994, in general, go to the events in 1995 relating to Srebrenica and the issue of UN involvement in arms smuggling. Nowhere in the Motion does the Accused point to any connection between those meetings, most of which took place in 1992 and 1993, and the issues the Chamber considers relevant to this case.⁵⁵ Furthermore, here too the Chamber notes the Prosecution’s Submission that it has already disclosed to the Accused some of the documents falling into this category. Indeed, the Submission indicates that the Accused has been given miscellaneous documents

⁵⁰ See Motion, paras. 2–9.

⁵¹ See Germany Decision, paras. 1, 44(ii)(a).

⁵² Prosecution’s Submission, Appendix B, p. 182.

⁵³ Accused’s Submission, para. 15.

⁵⁴ The Chamber acknowledges that the Prosecution’s Submission indicates that three documents relevant to the Motion are awaiting clearance of the Rule 70 provider. The Chamber cannot ascertain from the Prosecution’s Submission whether the cargo manifests fall into this category, nor whether this clearance has since been given. Nevertheless, given the Chamber’s view on the relevance of these particular documents to the issues found to be relevant to this case, the Chamber does not consider it necessary to obtain this information.

relating to Izetbegović's meeting in Tehran in October 1992,⁵⁶ as well as a number of other documents relating to arms smuggling by Iran, and Croatia's involvement therein.⁵⁷ Thus, as with the second category, the Accused has not persuaded the Chamber that he has failed to obtain the documents requested from those sources or that the information obtained is insufficiently probative for a fair determination of a matter at trial and thus necessitates a Rule 54 *bis* order. Accordingly, the Chamber is not satisfied that the Accused has met the requirements of Rule 54 *bis* with respect to this category of documents sought.

IV. Disposition

24. Accordingly, the Trial Chamber, pursuant to Rules 54 and 54 *bis* of the Rules, hereby **DENIES** the Motion.

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



Judge O-Gon Kwon
Presiding

Dated this ninth day of June 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵⁵ See *e.g.* Motion, paras. 2–9.

⁵⁶ Prosecution's Submission, Appendix B, p. 187.

⁵⁷ Prosecution's Submission, Appendix B, pp. 182–187.