

IT-95-5/18-PT  
D 18556 - D 18554  
26 MAY 2009

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**UNITED  
NATIONS**



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-PT  
Date: 26 May 2009  
Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Iain Bonomy, Presiding  
Judge Christoph Flügge  
Judge Michèle Picard

**Registrar:** Mr. John Hocking

**Order of:** 26 May 2009

**THE PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**INVITATION TO THE UNITED STATES OF AMERICA  
PURSUANT TO RULES 54 AND 70**

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**Office of the Prosecutor:**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Government of the United States of America**

via the Embassy of the United States of America  
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”);

**BEING SEISED** of the Accused’s “Third Motion for Order Pursuant to Rule 70”, filed on 21 May 2009 (“Motion”), whereby the Accused requests the Trial Chamber to issue an order pursuant to Rules 54 and 70 of the Rules of Procedure and Evidence of the Tribunal (“Rules”) to the effect that the provisions of Rule 70 should apply to any information provided by Mr. Doug Lute, former Joint Chiefs of Staff officer, and Mr. John Feeley, former National Security Council employee in the Government of the United States of America (“U.S. Government”), in their interviews with the Accused’s legal associate;<sup>1</sup>

**NOTING** that, once again, the Accused has not submitted with the Motion any confirmatory material from the U.S. Government but merely states that the U.S. Government has required a Rule 70 order as a condition to the interview of its personnel,<sup>2</sup> and that the decision by the Chamber should “be expedited so that the interviews can be completed before the Holbrooke Agreement motion is decided by the Trial Chamber;”<sup>3</sup>

**NOTING** the Chamber’s displeasure with this repeated failure on behalf of the Accused, which in turn causes delays and extra work for the parties concerned, including the Chamber;

**CONSIDERING** that, in order to determine the Motion, the Trial Chamber needs to be satisfied that the U.S. Government has consented to produce the information sought through Mr. Lute and Mr. Feeley on the condition that the provisions of Rule 70 will apply;

**CONSIDERING** that the Motion suggests that the proposed interview is imminent and that the Trial Chamber would be assisted by any information and comments the U.S. Government can provide on its communication with the Accused to that effect, on an urgent basis;

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<sup>1</sup> Motion, para. 1.

<sup>2</sup> Motion, para. 2.

<sup>3</sup> Motion, para. 9.

**PURSUANT TO** Rules 54 and 70 of the Rules;

**HEREBY:**

- (a) **INVITES** the U.S. Government to assist the Trial Chamber by providing the information referred to above, by close of business on **Thursday, 28 May 2009**; and
- (b) **REQUESTS** the Registry to provide immediately both the Motion and this Invitation to the U. S. Government.

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



Judge Iain Bonomy  
Presiding

Done this twenty-sixth day of May 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**