



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: 13 October 2009
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. John Hocking

Order of: 13 October 2009

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

THIRD INVITATION TO THE ISLAMIC REPUBLIC OF PAKISTAN

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Pakistan

via the Embassy of Pakistan 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 “Request for Third Invitation to Government of Pakistan”, filed publicly on 9 October 2009 (“Request”), in which he requests the Government of the Islamic Republic of Pakistan (“Government of Pakistan”) to make available for interview Lt. General Javed Nasir, the former Chief of the Inter-Services Intelligence, in order to identify certain documents the Accused believes are necessary for his trial.¹

NOTING that the Chamber is currently seised of the Accused’s “Motion for Binding Order: Government of Pakistan”, filed publicly on 10 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 Pakistan to produce a number of documents;²

NOTING that, on 11 August 2009, the Chamber invited the Government of Pakistan to respond to the Motion by 25 August 2009,³ and that, the Government of Pakistan submitted a late response to the Chamber on 2 September 2009 indicating that a search for the requested documents had been initiated and that the results would be shared with the Chamber in due course.⁴

NOTING that on 23 September 2009, the Chamber issued a “Second Invitation to the Islamic Republic of Pakistan” (“Second Invitation”) inviting the Government of Pakistan either to complete its search and deliver the requested documents, if found, to the Accused, or to submit a detailed report to the Chamber on the progress of the search, by 7 October 2009.⁵

NOTING that on 6 October 2009, the Government of Pakistan responded confidentially to the Second Invitation stating that it has concluded an exhaustive search and was unable to locate any documents corresponding to the documents requested in the Accused’s Motion.⁶

NOTING that in the present Request, the Accused identifies a sworn statement made by Lt. General Javed Nasir before the Anti-Terrorist Court in Lahore, Pakistan, as evidence that the requested material exists.⁷

¹ Request, para. 1.

² Motion, para. 1.

³ Invitation to the Islamic Republic of Pakistan, 11 August 2009, para. 5.

⁴ Correspondence from the Government of Pakistan, 2 September 2009, para 2.

⁵ Second Invitation, para. 8.

⁶ Second Correspondence from the Government of Pakistan, 6 October 2009, para. 3.

NOTING further that the Accused would like himself, or his legal advisor, to interview Lt. General Javed Nasir, in order to either identify the material requested, or determine with certainty that no such material exists;⁸

CONSIDERING that, in order to determine both the Motion and the Request, the Chamber would be assisted by hearing from the Government of Pakistan;

HEREBY:

- (a) **INVITES** the Government of Pakistan to assist the Trial Chamber by providing a response to the Request by close of business on **27 October 2009**; and
- (b) **REQUESTS** the Registry to provide both the Request and this Third Invitation to the Government of Pakistan.

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



Judge O-Gon Kwon, Presiding

Done this thirteenth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁷ Request, para. 7.

⁸ Request, para. 8.