



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: 2 December 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

Order of: 2 December 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**INVITATION TO THE UNITED NATIONS AND THE NORTH ATLANTIC TREATY
ORGANISATION**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

United Nations

Office of Legal Affairs

The North Atlantic Treaty Organisation

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”),

BEING SEISED OF the Accused’s “Motion for Binding Order: United Nations and NATO”, filed on 29 November 2010 (“Motion”), whereby the Accused requests the Trial Chamber to issue a binding order pursuant to Article 29 of the Statute of the Tribunal and Rule 54 *bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”) requiring the United Nations (“UN”) and the North Atlantic Treaty Organisation (“NATO”) to provide one category of documents to him;¹

NOTING that, in the Motion, the Accused states that he requested these documents from NATO on 18 October 2010, but that he received no response;²

NOTING that, in the Motion, the Accused indicates that on the same day he requested the said documents from the UN, but that, on 9 November 2010, the UN responded that it was not in a position to release these documents to the Accused “as this would necessarily compromise the confidentiality required for the effective working of the internal decision-making processes of the Organization”;³

NOTING further that, on 23 November 2010, the Accused’s legal advisor, Mr. Peter Robinson, met with the UN Senior Legal Officer, Mr. Huw Llewellyn, and requested that the UN use mechanisms envisaged by Rule 54 *bis* to maintain their confidentiality; however Mr. Llewellyn indicated that the UN was not willing to disclose the documents, if they exist, under those provisions;⁴

NOTING that the Accused also states that he requested, on 11 October 2010, the Office of the Prosecutor (“Prosecution”) to disclose to him the said documents, but that no documents have been produced by the Prosecution pursuant to this request;⁵

NOTING further that the Accused submits that justice would better be served by giving the UN and NATO the opportunity to be heard before the Motion is decided;⁶

¹ Motion, para. 1.

² Motion, para. 12, Annex C.

³ Motion, para 13, Annex E.

⁴ Motion, para. 14.

⁵ Motion, para. 11, Annexes A and B.

CONSIDERING that, in order to determine the Motion, the Trial Chamber would be assisted by hearing from the UN and NATO;

PURSUANT TO Rule 54 of the Rules,

HEREBY:

- (a) **INVITES** the UN and NATO to assist the Trial Chamber by filing a response to the Motion within 14 days of this Invitation, by close of business on **16 December 2010**; and
- (b) **REQUESTS** the Registry to provide both the Motion and this Invitation to the UN and NATO.

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



Judge O-Gon Kwon
Presiding

Dated this second day of December 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ Motion, para. 27.