



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: 17 December 2010  
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:** 17 December 2010

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

---

**INVITATION TO THE UNITED STATES OF AMERICA**

---

**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

**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 “Second Motion for Binding Order: United States of America”, filed on 7 December 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 States of America (“U.S.”) to produce documents pertaining to the shipment of arms in 1995 to the Bosnian Muslims at Tuzla;<sup>1</sup>

**NOTING** that, in the Motion, the Accused requests the Chamber to order the production of: (i) those portions of the report of an investigation conducted by the “Intelligence Oversight Board”<sup>2</sup> in 1994-1995 concerning allegations of U.S. government personnel assisting in the supply of arms to the Bosnian Muslims at Tuzla in February-March 1995 (“IOB Report”), and (ii) the transcript of a U.S. House of Representatives Select Subcommittee deposition of Richard Holbrooke taken on 27 September 1996 (“Holbrooke deposition”);<sup>3</sup>

**NOTING** that, on 7 December 2010, the U.S. submitted a “Letter to the Trial Chamber from the United States Regarding ‘Accused’s Second Motion for a Binding Order: United States of America’” (“Letter”), in which it requests the Accused to amend or withdraw his Motion and, if not, requests the Trial Chamber to grant the U.S. until 10 January 2011 to file its response;<sup>4</sup>

**NOTING** that, on 14 December 2010, the Accused filed a “Reply to Letter from the United States” (“Reply”), in which he expresses his willingness to withdraw the request for the IOB Report if a U.S. government official with the appropriate security clearance certifies that the report does not contain information about “events in Tuzla”;<sup>5</sup> withdraws his request for the Holbrooke deposition

---

<sup>1</sup> Motion, paras. 1, 38.

<sup>2</sup> The Intelligence Oversight Board is an independent entity within the office of the U.S. President that is charged with overseeing the intelligence community’s compliance with U.S. Law. *See* Letter to the Trial Chamber from the United States Regarding Accused’s “Second Motion for a Binding Order: United States of America”, 7 December 2010, p. 1.

<sup>3</sup> Motion, para. 1.

<sup>4</sup> Letter, pp.1-2.

<sup>5</sup> Reply, para. 5.

following the death of Richard Holbrooke on 13 December 2010;<sup>6</sup> and states that he is still awaiting documents previously requested from the U.S. pertaining to arms shipments to Tuzla;<sup>7</sup>

**CONSIDERING** that it is in the interests of all parties involved that requests for documents are, if possible, dealt with on a voluntary basis;

**PURSUANT TO** Rule 54 of the Rules,

**HEREBY INVITES** the U.S. to file its response to the Accused's Motion and Reply by **10 January 2011**.

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



---

Judge O-Gon Kwon  
Presiding

Done this seventeenth day of December 2010  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

---

<sup>6</sup> Reply, para. 6.

<sup>7</sup> Reply, para. 7.