



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: 27 January 2011

Original: English

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**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:** 27 January 2011

**PROSECUTOR**

**v.**

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**INVITATION TO THE UNITED STATES OF AMERICA**

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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

**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 “Third Motion for Binding Order: United States of America”, filed on 24 January 2011 (“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 “[a]ll reports or memoranda of investigation and interviews conducted by the Department of Defence, National Security Council, or Central Intelligence Agency concerning the delivery of arms, ammunition, or military equipment by air to Tuzla in February-March 1995”;<sup>1</sup>

**NOTING** that since the Accused initially filed motion for binding order on 11 September 2009, the U.S. has voluntarily produced 218 requested documents, resulting in the narrowing or withdrawal of the Accused’s requests;<sup>2</sup>

**NOTING** that, in the Motion, the Accused submits that the U.S. stated it would produce the requested documents but that in January 2011, he received a communication from the U.S. indicating it had located only one report to satisfy the request, the production of which depended on the result of a declassification review;<sup>3</sup>

**NOTING** the Accused’s submission that 19 months have passed since the request of the items but that there is no “unequivocal commitment” on the part of the U.S. to produce all the materials requested, which has in turn led him to file the Motion;<sup>4</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;

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

<sup>2</sup> Motion, paras. 21-22.

<sup>3</sup> Motion, para. 23.

<sup>4</sup> Motion, para. 24.

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

**HEREBY:**

(a) **INVITES** the U.S. to assist the Trial Chamber by filing a response to the Motion within 14 days from receipt of this Invitation; and

(b) **REQUESTS** the Registry to provide both the Motion and this Invitation to the U.S.

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



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Judge O-Gon Kwon  
Presiding

Done this twenty-seventh day of January 2011  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**