



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: 13 April 2011

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: 13 April 2011

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 “Fourth Motion for Binding Order: United States of America”, filed on 12 April 2011 (“Motion”), whereby the Accused requests the 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”) to the United States of America (“U.S.”) requesting it to produce to him “[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” (“Documents”);¹

RECALLING the Chamber’s “Decision on the Accused’s Third Motion for Binding Order (United States of America)”, filed on 17 February 2011 (“Decision”), in which the Chamber denied the request to issue a binding order to the U.S. to produce the same Documents, indicating that the U.S. had submitted it may have one final potentially responsive document that needed to undergo a declassification review prior to disclosing it to the Accused, and thus the U.S. was co-operating with the Accused;²

NOTING that since the Accused initially filed a motion for binding order with respect to the U.S. on 11 September 2009, the U.S. has voluntarily produced 222 requested documents, resulting in the narrowing or withdrawal of the Accused’s requests;³

NOTING that, on 11 April 2011, the U.S. provided one document to the Accused and indicated that this document represented “the final tranche of materials we have located with regard to Mr. Karadzic’s request”;⁴

NOTING the Accused’s submission that this document does not represent full compliance with his request and “he requests that a Binding Order issue for the missing reports”;⁵

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

¹ Motion, para. 1.

² Decision, paras. 4, 8- 9.

³ Motion, paras. 21-22.

⁴ Motion, para. 25.

⁵ Motion, para. 26.

CONSIDERING that, in order to determine the Motion, the Chamber would be assisted by hearing from the U.S.;

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 this Invitation to the U.S.

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



Judge O-Gon Kwon
Presiding

Done this thirteenth day of April 2011
At The Hague
The Netherlands

[Seal of the Tribunal]