

**UNITED
NATIONS**



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: 10 July 2012
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: 10 July 2012

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 “Fifth Motion for Binding Order: United States of America”, filed on 28 June 2012 (“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 cables of a meeting between U.S. Deputy Assistant Secretary of State Ralph Johnson and Bosnian President Alija Izetbegovic on or about 19 April 1992”;¹

NOTING that on 22 February 2012 the Accused served a letter on the U.S. Embassy in The Netherlands requesting “a copy of any documents authored by Mr. Johnson concerning any contacts he or other officials of the United States had with President Izetbegovic had during the period March – May 1992”;²

NOTING that, on 10 April 2012, the U.S. indicated that a search located no responsive documents authored by Johnson, but that one record of a meeting between Johnson and President Izetbegović in April 1992 existed, where the topic of the Cutileiro negotiations did arise (“Document”);³

NOTING the Accused’s submission that on 21 May 2012, the U.S. denied his request to produce the Document on the basis that it indicates only that Izetbegović supported the Cutileiro plan;⁴

NOTING the Accused’s submission that on 11 June 2012 Ambassador Cutileiro advised him that he recalled reading a U.S. State Department telegram about Johnson visiting Sarajevo and advising President Izetbegović not to accept the Cutileiro plan;⁵

NOTING the Accused’s submission that the Document is necessary because it would support his position that he agreed on a number of occasions that minorities’ rights in Republika Srpska

¹ Motion, para. 1.

² Motion, para. 15, Annex C.

³ Motion, para. 16, Annex D.

⁴ Motion, para. 17.

⁵ Motion, paras. 12, 18, Annex E.

would be respected and would also corroborate the testimony of Ambassador Cutileiro, who is expected to be a defence witness;⁶

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

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 tenth day of July 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ Motion, paras. 13, 26.