



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-PT

Date: 27 May 2009

Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Iain Bonomy, Presiding  
Judge Christoph Flügge  
Judge Michèle Picard

**Registrar:** Mr. John Hocking

**Order of:** 27 May 2009

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**NOTIFICATION OF THE ACCUSED'S MOTION FOR REQUEST FOR COOPERATION  
TO UNITED NATIONS AND INVITATION TO RESPOND**

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**Office of the Prosecutor:**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**United Nations:**

Office of Legal Affairs

**The Accused:**

Mr. Radovan Karadžić

**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”) is seised of the Accused’s “Motion for Request for Cooperation to United Nations: Holbrooke Agreement”, filed on 21 May 2009 (“Motion”), and hereby issues this invitation thereon.

1. On a number of occasions since his arrest and transfer to The Hague, the Accused has indicated his intention to challenge the jurisdiction of the Tribunal to prosecute him due to the existence of an agreement he obtained in 1996 from representatives of the Government of the United States of America. He has now done so by filing a motion (“the Holbrooke Agreement Motion”), challenging jurisdiction on this basis.<sup>1</sup> At the same time, the Accused is still in the process of seeking material which he says will prove the existence of this agreement. Thus, in the present Motion, the Accused asks the Trial Chamber to request, pursuant to Rule 54 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), various documents from the United Nations relating to Richard Holbrooke’s efforts to negotiate a peace deal in Bosnia and Herzegovina in 1995.<sup>2</sup> The Accused states that these documents are relevant to the Holbrooke Agreement Motion as they go to the issue of Holbrooke’s apparent authority, allegedly given to him by the United Nations Security Council, to make such a peace deal.<sup>3</sup> The Accused also explains that he has sent a letter to the United Nations Secretary General on 11 May 2009, which was faxed to the Office of Legal Affairs in New York, and in which he requested a number of documents, divided into three categories, from the United Nations. At the date of the filing of the Motion, the Accused had received no response from the United Nations’ Office of Legal Affairs.<sup>4</sup>

2. In the Motion, the Accused refers to Article 29 of the Statute of the Tribunal and Rule 54 *bis* of the Rules which, if certain criteria are satisfied, give a Trial Chamber the power to request production of documents from states and international organisations. The Accused asserts that his Motion satisfies these criteria, but nevertheless, asks the Trial Chamber to issue an order pursuant to Rule 54, rather than Rule 54 *bis*, because “such a request ... is likely to obtain compliance.”<sup>5</sup>

3. The Office of the Prosecutor has indicated that it does not intend to respond to this Motion.

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<sup>1</sup> See Holbrooke Agreement Motion, 25 May 2009.

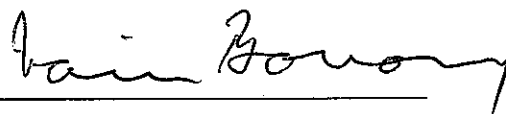
<sup>2</sup> Motion, paras. 1, 9.

<sup>3</sup> Motion, para. 5.

4. The Chamber considers that, in deciding what action to take with respect to the Motion, it would be greatly assisted by submissions from the Office of Legal Affairs of the United Nations. Given the urgency with which the preparations for the trial of the Accused are being addressed, and the aim of the Trial Chamber to secure a fair and expeditious trial for the Accused, it would be of great assistance to the Trial Chamber to have those submissions prior to the next status conference in the proceedings, which will take place on 3 June 2009, at 2:15 p.m. (CET).

5. Accordingly, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **ORDERS** the Registry to provide the Office of Legal Affairs of the United Nations with the Motion, and **INVITES** the Office of Legal Affairs of the United Nations to file a written response to the Motion before the status conference scheduled for 3 June 2009, at 2:15 p.m. (CET).

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



Judge Iain Bonomy  
Presiding

Dated this twenty-seventh day of May 2009  
At The Hague  
The Netherlands

[Seal of the Tribunal]

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<sup>4</sup> Motion, paras. 1–3, Annex A.

<sup>5</sup> Motion, paras. 7–9.