

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-5/18-T

IN TRIAL CHAMBER No. 3

Before: Judge O-Gon Kwon, Presiding
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Date: 28 October 2013

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

MOTION FOR INVITATION TO THE
UNITED STATES OF AMERICA

The Office of the Prosecutor:

Embassy of United States of America

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused:
Radovan Karadzic

1. Dr. Radovan Karadzic respectfully requests that the Trial Chamber issue an invitation to the Government of the United States of America to determine whether that government is willing to voluntarily provide documents requested by Dr. Karadzic and to make a former government official available for interview.

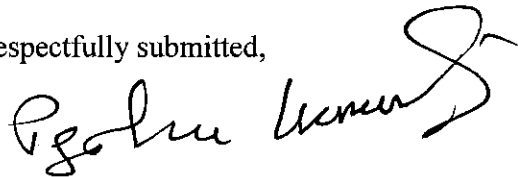
2. On 24 September and 8 October 2013, Dr. Karadzic wrote two letters to the government of the United States requesting 6 documents which had been identified after review of a collection of previously classified information recently made available to the public by the U.S. Central Intelligence Agency in conjunction with the Clinton Presidential Library. Dr. Karadzic also requested an interview with Norman Schindler, the former director of the Balkans Intelligence Task Force during the war in Bosnia.¹

3. The United States Embassy in The Hague has acknowledged receipt of the letters but has not responded to date.

4. Earlier requests by Dr. Karadzic to the government of the United States have taken a long time for a response. However, given the advanced stage of the trial, it is respectfully requested that the Trial Chamber issue a formal invitation to the United States to respond to the requests and to set a deadline for that response.

Word count: 291

Respectfully submitted,



Radovan Karadzic

¹ A copy of the letters are attached as Annexes "A" and "B".

ANNEX "A"

Dr. Radovan Karadzic
International Criminal Tribunal for the former Yugoslavia
The Hague, Netherlands

24 September 2013

Mr. Paul Veidenheimer
Legal Counselor
Embassy of the United States
Lange Voorhout 102
2514 EJ The Hague, The Netherlands

Dear Mr. Veidenheimer,

I have two additional requests for documents from the United States.

I have noticed that the United States government has recently declassified some documents relating to the war in Bosnia in connection with the Clinton Library. I appreciate the transparency and found the declassified documents to be very interesting and enlightening.

I noticed that among the declassified documents were two transcripts of recordings made for the Dayton History Project. The transcripts which were made available were recordings of the recollections of Richard Holbrooke, Christopher Hill, and Roberts Owen. Derek Chollet, James O'Brien, and Christopher Hoh also participated. They included discussions on June 18 and July 10, 1996 about the events leading up to the Dayton Peace Conference. You can find these on the CIA website, or I can provide them to you if it is easier.

For my first request, I am now asking that the United States government to search for and provide me any recordings and/or transcripts of the Dayton History Project, or any summaries or memoranda in connection with that project, which deal with the events of July 1996 concerning the negotiations for my resignation and withdrawal from public life.

As you know, I contended in a Motion to Dismiss at the ICTY that I had been promised by Mr. Holbrooke that I would not be prosecuted in exchange for my resignation and withdrawal from public life. The ICTY refused to dismiss my case but held that information about the alleged agreement was relevant to sentencing in the event I was convicted.

I will be producing evidence related to sentencing at the end of my trial. Any information obtained in the course of the Dayton Historical Project about the events leading up to my resignation would be relevant and necessary for my defence.

Mr. Paul Veidenheimer

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My second request is for a paper prepared by the DCI Interagency Balkan Task Force on or about February 27, 1995 concerning increased air activity over Bosnia. The paper was attached to a memo from Ray Converse of the Task Force to the Deputy Director for intelligence dated February 27, 1995 which was among those released by the United States government and Clinton library. The Converse memo is contained on the CIA website, but if it is easier for you, I can provide you a copy.

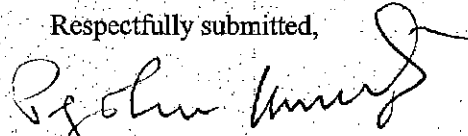
This information is relevant to the issue of the "Black Flights to Tuzla" which has been the subject of earlier requests and earlier production of documents by the United States. However, I did not find the paper among the documents previously provided.

I appreciate the production of information on these issue that has been made by the United States government in the past, and hope that you can ensure that this request is processed expeditiously in light of the fact that my trial is ongoing and in the defence case phase.

Please feel free to contact my Legal Advisor Peter Robinson at peter@peterrobinson.com if you have any questions about this request and when responding to the request.

Thank you very much for your cooperation.

Respectfully submitted,



Radovan Karadzic

ANNEX "B"

Dr. Radovan Karadzic
International Criminal Tribunal for the former Yugoslavia
The Hague, Netherlands

8 October 2013

Mr. Paul Veidenheimer
Legal Counselor
Embassy of the United States
Lange Voorhout 102
2514 EJ The Hague, The Netherlands

Dear Mr. Veidenheimer,

I have now completed my review of the Clinton Bosnia collection released on 1 October and have some additional requests to my letter of 24 September 2013 arising from the latest documents.

- _____ 3. Copy of the cable from Brigadier Jones referred to in the memorandum of the deputies committee meeting of 22 February 1993 on p. 2 in which it was attached and allegedly reported that the Muslims were responsible for all UNPROFOR casualties.

This is relevant to support my claim that many of the shelling and sniping incidents in Sarajevo blamed on the Bosnian Serbs were in fact carried out by the Bosnian Muslims.

- _____ 4. A copy of the detailed documentation of recent helicopter and fixed-wing activity in Bosnia ordered by the Principals committee on 21 February 1995.

This is relevant to support my claim that the Bosnian Muslims received arms smuggled through the Tuzla Airport with the assistance of third countries, which they thereafter sent to Srebrenica.

- _____ 5. Contents of Intelligence Tab and Serb Objectives Tab to 13 July 1995 memo from Norman Schindler to CIA Director.

These documents are relevant to support my claim that the Muslims and international community favored the evacuation from Srebrenica and that there was no forcible transfer of the population, as well as to show that there was no knowledge or expectation that the Muslim men would be executed at that time.

6. Unredacted version of the paragraph in document 1995-10-06C which refers to an estimated 600 people on a soccer field at Kasaba and another 400 near a road at Sandici.

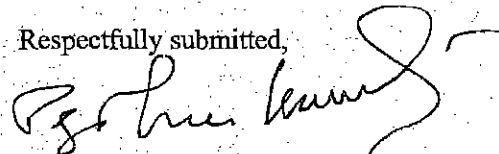
This unredacted material is needed to confirm that US estimates from their own imagery is far less than the number of people at these locations estimated from the same photos by the prosecution and that the number of victims of the Srebrenica events are less than previously determined.

Finally, I am requesting that the United States government make available Mr. Norman Schindler, the former head of the Balkan Interagency Intelligence Task Force (CIA, DIA, NSA) for an interview by my Legal Advisor Peter Robinson. From my review of the documents released through the Clinton Bosnia project, it appears that Mr. Schindler had a great deal of knowledge and insight into the events in Bosnia. I would like Mr. Robinson to ask him about any information he may have come across concerning my alleged knowledge and involvement in the Srebrenica events, the shelling of the Markale market, and conditions in prison camps as well as have him authenticate some of the documents from the collection that I would like to use in my trial.

Please feel free to contact my Legal Advisor Peter Robinson at peter@peterrobinson.com if you have any questions about this request and when responding to the request.

Thank you very much for your cooperation.

Respectfully submitted,



Radovan Karadzic