

Dr. Radovan Karadzic
International Criminal Tribunal for
the former Yugoslavia

16 October 2009

The Honorable Le Luong Minh, President
United Nations Security Council
New York, NY 10017

BY FAX TO 1 212 963 4879

Dear Mr. President,

I am the former President of Republika Srpska, now awaiting trial at the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague.

I am writing to request that the United Nations Security Council honor an agreement made with me on its behalf on 18 July 1996 by United States Special Envoy Richard Holbrooke that provide that I would not be prosecuted at the ICTY.

On 12 October 2009, the Appeals Chamber of the ICTY ruled that the agreement with Mr. Holbrooke was not effective without a resolution from the Security Council. Therefore, I would appreciate it if you would enact the required resolution.

Let me provide you some background.

On 18 July 1996, I entered into an agreement with Richard Holbrooke in which I agreed to resign as President of Republika Srpska and President of the SDS political party, and to withdraw from public life. He agreed that I would not face prosecution in The Hague.

I kept my part of the agreement, dutifully resigned my positions, and withdrew from public life. It was not my responsibility to obtain a resolution from the UN Security Council. Those things had been taken care of by Mr. Holbrooke in the past when agreements involving UN functions had been made, such as at Dayton.

Initially, the agreement was also honored by the international community. I moved about Bosnia freely despite the presence of SFOR and IFOR troops in the country. However, after my arrest in 2008, the ICTY has refused to honor the agreement I made with Mr. Holbrooke.

The Honorable Le Luong Minh
--page two--

At first, the ICTY prosecution denied that such an agreement had been made. However, I presented evidence from 18 witnesses as well as documents from the United States and United Nations which demonstrates that indeed such an agreement was made with Mr. Holbrooke on 18 July 1996.

Then, the prosecution changed course and said that even if the agreement had been made, I was not reasonable in relying on Holbrooke's authority to make such an agreement.

Once again, I presented evidence from the United Nations own archives, as well as witnesses such as former High Representative Carl Bildt, showing that the negotiations for my resignation in 1996 were a collective effort between the UN, Contact Group (which consisted of all permanent Security Council members except China), and the UN member States. Holbrooke was simply the last in a line of interlocutors with whom I negotiated. It was therefore reasonable for me to believe that Holbrooke acted with the authority of the UN Security Council.

In fact, if you check your records, you will see that the Security Council was briefed on Holbrooke's negotiations with me both immediately before (17 July 1996) and after (22 July 1996) they took place.

In the face of this evidence, the Appeals Chamber changed course and held that even if I had been reasonable in relying on the apparent authority of Richard Holbrooke to negotiate on behalf of the Security Council, the agreement was not legally binding without a resolution of the Security Council. Of course, it was never my responsibility to obtain such a resolution, and Mr. Holbrooke neglected to do so.

Now, the ICTY wants to commence my trial on 26 October 2009. I ask you to honor the agreement made by Mr. Holbrooke by passing a resolution that I not be prosecuted at the ICTY.

The precedent established by the ICTY in this matter will put an end to the ability of diplomats to make agreements to end conflicts around the world. For example, what is President Karzai of Afghanistan to do when faced with an offer from Mr. Holbrooke? Based upon my experience, and the ICTY decision, he can only demand a resolution from the U.N. Security Council before accepting any representations or entering into any agreements.

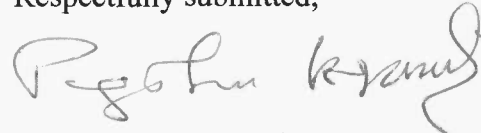
Likewise in other parts of the world, from Sudan to Zimbabwe to Honduras, leaders simply cannot trust the words of diplomats, but instead must demand a UN Security Council resolution. If the UN Security Council is unwilling to stand behind the diplomats who negotiate an end to these crises, then it cannot expect the representations of those diplomats to be taken seriously.

The Honorable Le Luong Minh
--page three--

Therefore, I respectfully request that the UN Security Council honor the agreement entered into by Mr. Holbrooke by enacting a resolution that I not be prosecuted at the ICTY.

I have attached the evidence which I submitted to the Tribunal concerning this agreement for your assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Radovan Karadzic', written in a cursive style.

Dr. Radovan Karadzic