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June 3, 2009

**The Presidency of Bosnia & Herzegovina,**  
**His Excellency Mr. Nebojsa Radmanovic, Chairman**  
**His Excellency Mr. Zeljko Komsic.**  
**His Excellency Dr. Haris Silajdzic**  
Sarajevo, Bosnia and Herzegovina

**VIA FAX:**

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**Re: Docket #06-5137-pr,**  
**United States Court of Appeals for the Second Circuit;**  
**International Criminal Tribunal for the Former Yugoslavia**

**Your Excellencies:**

Acting upon the request of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) Office of the Prosecutor in the trial of The Prosecution v. General Momčilo Perišić, we have filed an Emergency Motion at the U.S. Second Circuit Court to allow former Ambassador Sacirbey’s travel to The Hague, Netherlands to testify *viva voce* (in person) for this trial on June 12 – 20, 2009.

The Council of Ministers of Bosnia and Herzegovina (“BiH”), at its 86th session held on May 7, 2009, unanimously acceded to the ICTY request for former Ambassador Sacirbey's travel from the United States to The Hague for the purpose of giving testimony before the ICTY. Such BiH Council of Ministers’ decision was conveyed to the ICTY and to the United States government by your BiH Ministry of Foreign Affairs. Subsequently, the ICTY relied on this BiH Council of Ministers’ decision to order and to facilitate the travel of former Ambassador Sacirbey to the ICTY, The Hague.

Presidency of Bosnia & Herzegovina,  
His Excellency Mr. Nebojsa Radmanovic, Chairman  
His Excellency Mr. Zeljko Komsic.  
His Excellency Dr. Haris Silajdzic  
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However, it appears that the United States (“U.S.”) government has also received another subsequent set of communications from some who claim to be speaking on behalf of Bosnia & Herzegovina, seeking to deny former Ambassador Sacirbey’s crucial *viva voce* (in person) testimony supporting the interests of justice.

Such apparent communications from Mr. Drew Engle of the Office of the Prosecutor of BiH, Special Department for Organized Crime, Economic Crimes and Corruption, have been communicated to the U.S. authorities, apparently through BiH diplomatic channels; however, such communications have not been forwarded to the ICTY. Nevertheless, such communications from Mr. Engle may have the impact of effectively rescinding the May 7, 2009 unanimous decision of the Council of Ministers of BiH, thereby bringing the authorities of BiH into non-compliance with official requests of the ICTY and with its obligations under the relevant United Nations Security Council Chapter VII Resolutions.

The ICTY Office of the Prosecutor has emphasized that former Ambassador Sacirbey testimony *viva voce* (in person and not by video-link) is very important, in the interests of justice, the victims, and BiH.

On behalf of the ICTY’s request, which we have presented before the U.S. Second Circuit Court, we respectfully ask that the Presidency of BiH clarify the position of Bosnia & Herzegovina in terms of its compliance with the above-mentioned request for former Ambassador Sacirbey to testify *viva voce* - in person - before the ICTY. (It is *viva voce* - in person - testimony via travel to the Netherlands that has been specifically requested by the ICTY, thus, BiH would not be compliant by offering video testimony).

As this matter is urgent, and has been brought into question by apparent official communications on behalf of BiH by Mr. Drew Engle and possibly others, we respectfully request Your Excellencies’ earliest written response no later than June 5, 2009/Friday. Please direct such written response to the ICTY Office of the Prosecutor, and to my attention at the above-referenced fax or electronic mail.

Respectfully,



Anne Marie L. Corominas

cc: Mr. Mark Harmon, ICTY, Office of the Prosecutor (via Electronic Mail)