



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: 8 September 2010
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. John Hocking

Order of: 8 September 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**INVITATION TO CROATIA REGARDING MOTION FOR SUBPOENA OF
MIROSLAV TUĐMAN**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

The Government of Croatia

via the Embassy of the Republic
of Croatia to The Netherlands,
The Hague

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 “Motion for Subpoena to Interview: Miroslav Tuđman” filed on 6 September 2010 (“Motion”) in which the Accused requests, pursuant to Rule 54 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”), that the Chamber issue a subpoena to Miroslav Tuđman, former director of the Croatian Intelligence Service, compelling him to submit to an interview by the Accused’s legal adviser;¹

NOTING that the Accused requests that the Motion be served on the Republic of Croatia (“Croatia”) for its own information, and for further service on Miroslav Tuđman, and that both Croatia and Miroslav Tuđman be invited to respond to the Motion if they wish to do so;²

NOTING also that in the Motion the Accused outlines the steps he took to arrange an interview with Miroslav Tuđman, which were ultimately unsuccessful, and attaches a letter from Croatia, sent to him on 22 July 2009, informing him that it was not Croatia’s practice to organise such interviews;³

NOTING that the Office of the Prosecutor has, on 7 September 2010, informed the Chamber and the Accused, *via* email, that it does not intend to respond to the Motion;

RECALLING the Accused’s “Motion for Binding Order: Government of Croatia” filed on 11 September 2009 (“Binding Order Motion”) which is still pending before the Trial Chamber and in which the Accused requests that Croatia provide to him a number of documents;⁴

RECALLING further that the Accused’s legal adviser stated, in private session, during the Status Conference of 3 September 2010, that the Accused was not satisfied with the documents delivered to him by Croatia and that he will be making a motion to subpoena Miroslav Tuđman to submit himself for an interview with the Accused’s defence team because he believes that

¹ Motion, paras. 1, 22–23.

² Motion, para. 24.

³ Motion, paras. 5–9, Annex B.

⁴ Binding Order Motion, para. 1.

Miroslav Tudman has information pertaining to the existence and location of the documents he has requested from Croatia;⁵

CONSIDERING further (i) the Accused's position that both Croatia and Miroslav Tudman should be allowed to be heard on this matter, and (ii) the Chamber's view that, in light of the connection between the Motion and the Binding Order Motion, it would be beneficial to hear from Croatia on this issue, should Croatia wish to respond;

PURSUANT TO Rule 54 of the Rules,

HEREBY

- a. **INVITES** Croatia to respond to the Motion by close of business on **30 September 2010**; and
- b. **REQUESTS** the Registry to provide the Motion and this Invitation, as well as the confidential portion of the transcript referred to in footnote 5 above, to Croatia.

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



Judge O-Gon Kwon, Presiding

Dated this eighth day of September 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ Status Conference, T. 6138 (line 9)–6139 (3 September 2010).