



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: 17 November 2010

Original: English

**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. John Hocking

**Order of:** 17 November 2010

**PROSECUTOR**

**v.**

**RADOVAN KARADŽIĆ**

***PUBLIC***

**INVITATION TO FRANCE REGARDING MOTION FOR SUBPOENA OF  
COLONEL GUY DE HAYNIN DE BRY**

**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Accused**

Mr. Radovan Karadžić

**The Government of France**

*via* the Embassy of France  
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: Colonel Guy de Haynin de Bry” filed on 10 November 2010 (“Motion”), in which the Accused requests, pursuant to Rule 54 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), that the Chamber issue a subpoena to Colonel Guy de Haynin de Bry, former commander of the French *Régiment des Parachutistes d’Infanterie de Marine* in Bosnia and Herzegovina, compelling him to submit to an interview by the Accused’s legal adviser;<sup>1</sup>

**NOTING** that the Accused requests that the Motion be served on the French Republic (“France”) for its own information, and for further service on Colonel de Haynin de Bry, and that both France and Colonel de Haynin de Bry be invited to respond to the Motion, if they wish to do so;<sup>2</sup>

**NOTING** also that in the Motion the Accused states that he previously requested France to make Colonel de Haynin de Bry available for questioning either by his legal adviser, or by French judicial officials in the presence of his legal adviser, but that he received no response from France;<sup>3</sup>

**RECALLING** the “Decision on the Accused’s Binding Order Motion (the French Republic)”, issued on 30 June 2010 (“Decision”), in which the Trial Chamber ordered France, pursuant to Rules 54 and 54 *bis* of the Rules, to produce a number of documents to the Accused;<sup>4</sup>

**RECALLING** further that, following the Decision, France provided a number of documents to the Accused,<sup>5</sup> but that he considered these to have “nothing to do with documents [France] was ordered to produce” and sent a letter to France stating this to be the case;<sup>6</sup>

**RECALLING** also that, on the invitation of the Chamber to comment on the Accused’s letter and state whether it was still searching for the documents ordered to be produced,<sup>7</sup> France filed a

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<sup>1</sup> Motion, paras. 1, 22.

<sup>2</sup> Motion, para. 24.

<sup>3</sup> Motion, paras. 5–6 ; Letter to Government of France, 30 September 2010, p.2

<sup>4</sup> Decision, para. 29.

<sup>5</sup> Confidential Correspondence from France, 29 July 2010.

<sup>6</sup> Motion, para. 3; Letter to Government of France, 10 August 2010, p.2.

<sup>7</sup> Invitation to France, 8 September 2010.

confidential submission stating that “no document of any kind has been found to meet Mr. Karadžić’s request”,<sup>8</sup>

**CONSIDERING** that the Accused does not appear to have made an attempt to contact Colonel de Haynin de Bry directly and that, therefore, Colonel de Haynin de Bry may not even be aware of the Accused’s desire to interview him;

**CONSIDERING** the Accused’s position that both France and Colonel de Haynin de Bry should be allowed to be heard on this matter;

**CONSIDERING** the Chamber’s view that, in light of the connection between the Motion and the Decision, it would be beneficial to hear from France on this issue, should France wish to respond;

**CONSIDERING** also that Colonel de Haynin de Bry should be made aware of the Accused’s Motion in order to allow him to respond to the Accused directly or to the Chamber, should he choose to do so;

**PURSUANT TO** Rule 54 of the Rules,

**HEREBY**

- a. **INVITES** France to respond to the Motion within three weeks from receipt of this Invitation, and requests that it inform Colonel Guy de Haynin de Bry about its existence; and
- b. **REQUESTS** the Registry to provide the Motion and this Invitation to France.

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




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Judge O-Gon Kwon, Presiding

Dated this seventeenth day of November 2010  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>8</sup> Confidential Correspondence from France, 22 September 2010.