

**UNITED
NATIONS**



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 February 2011
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: 8 February 2011

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

SECOND INVITATION TO REPUBLIC OF FRANCE

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

Government of France

via Embassy of France to the
Netherlands, The Hague

The Accused

Mr. Radovan Karadžić

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 “Request for Second Interview to Government of France: Interview of Colonel de Haynin de Bry”, filed on 7 February 2011 (“Motion”), whereby the Accused requests the Chamber to issue a second invitation to the Republic of France (“France”) directing it to provide an explanation for the delay in responding to the Accused’s submission of interview questions for Colonel de Haynin de Bry;¹

NOTING that, the Chamber is also currently seised of the Accused’s “Motion for Subpoena to Interview: Colonel Guy de Haynin de Bry”, filed on 10 November 2010 (“Motion for Subpoena”), requesting the Chamber to issue a subpoena pursuant to Rule 54 of the Rules of Procedure and Evidence of the Tribunal (“Rules”) compelling Colonel de Haynin de Bry to submit to an interview with him;²

NOTING that, on 17 November 2010, the Chamber issued an invitation to France (“Invitation”) to respond to the Motion for Subpoena within three weeks from the receipt of the Invitation and to inform Colonel de Haynin de Bry about the existence of the Motion for Subpoena;³

NOTING that, on 13 December 2010, France filed a confidential response to the Invitation stating it would be willing to co-operate with the Accused in facilitating an interview with Colonel Haynin de Bry but only according to certain procedures, the first stage of which was the submission of a written questionnaire to Colonel de Haynin de Bry by the Accused that the Colonel would answer in writing;⁴

NOTING that, in the Motion, the Accused submits that he transmitted written questions to France on 10 December 2010 and “[a]lmost two months have passed and no word has been received from the government of France”;⁵

NOTING that, in the Motion, the Accused submits that the information he might obtain from the interview with Colonel de Haynin de Bry relates to the Sarajevo component of the Office of the Prosecutor’s case and this portion of the case is scheduled to end in the beginning of March 2011;⁶

¹ Motion, para. 7.

² Motion for Subpoena, para. 1.

³ Invitation to France, 17 November 2010.

⁴ Correspondence from France, 13 December 2010, p. 1.

⁵ Motion, para. 4–5.

⁶ Motion, para. 6.

CONSIDERING that it is in the interests of all parties involved that requests for interviews are, if possible, dealt with on a voluntary basis;

CONSIDERING that two months have now passed since France's last communication with the Accused and the Chamber would, as a result, benefit from having a report on the progress of the arrangements for the interview with Colonel de Haynin de Bry;

PURSUANT TO Rule 54 of the Rules,

HEREBY:

- (a) **INVITES** France to assist the Trial Chamber by providing an update as to its progress in relation to the interview arrangements with Colonel de Haynin de Bry mentioned in its response of 13 December 2010, within 14 days from the receipt of this Invitation; and
- (b) **REQUESTS** the Registry to provide this Invitation to France.

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



Judge O-Gon Kwon
Presiding

Done this eighth day of February 2011
At The Hague
The Netherlands

[Seal of the Tribunal]