



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 April 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 April 2011

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**INVITATION TO GERMANY REGARDING MOTION FOR SUBPOENA OF
CHRISTOPH VON BEZOLD**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Germany

via the Embassy of Germany
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 “Motion for Subpoena to Interview: Christoph von Bezold” filed on 5 April 2011 (“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 compel Christoph von Bezold, a German national who worked for the European Community Monitoring Mission in Zagreb and who allegedly assisted in a dispatch of ammunition to Bihać on 27 March 1994 via a humanitarian convoy, to submit to an interview by the Accused’s legal adviser;¹

NOTING that the Accused requests that the Motion be served on the government of the Federal Republic of Germany (“Germany”) for further service on Christoph von Bezold, and that both Germany and Christoph von Bezold be invited to respond to the Motion, if they wish to do so;²

NOTING also that in the Motion the Accused states that he previously requested Germany to make Christoph von Bezold available for questioning and that on 25 March 2011, Germany responded stating that “[n]either Article 29 of the ICTY Statute nor Rule 39 of its Rules of Procedure and Evidence provide any basis for the request”, and that therefore Germany was “not in a position to grant the request”;³

RECALLING that on 19 May 2010, in its “Decision on the Accused’s Application for Binding Order Pursuant to Rule 54 *bis* (Federal Republic of Germany)” (“Decision”) the Chamber ordered Germany to provide documents pertaining to the investigation of the Parlamentarische Kontrollkommission relating to the 27 March 1994 dispatch of ammunition to Bihać;⁴

RECALLING further that, following the Decision, Germany stated that it did not have any of the requested material in its possession;⁵

¹ Motion, paras. 1, 25.

² Motion, para. 27.

³ Motion, Annex E.

⁴ Decision, para. 38.

⁵ Decision on the Accused’s Application for Binding Order Pursuant to Rule 54 *bis*, Response of the Federal Republic of Germany, signed on 18 June 2010 and filed on 21 June 2010.

CONSIDERING that the Accused does not appear to have contacted Christoph von Bezold directly and that, therefore, Christoph von Bezold may not be aware of the Accused's desire to interview him;

CONSIDERING the Accused's position that both Germany and Christoph von Bezold should be allowed to be heard on this matter;

CONSIDERING that, in light of the connection between the Motion and the Decision, it would be beneficial to hear from Germany on this issue, should Germany wish to respond;

CONSIDERING also that Christoph von Bezold 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** Germany to respond to the Motion within three weeks from receipt of this Invitation, and requests that it immediately inform Christoph von Bezold about its existence; and
- b. **REQUESTS** the Registry to provide the Motion and this Invitation to Germany.

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



Judge O-Gon Kwon, Presiding

Dated this eighth day of April 2011
At The Hague
The Netherlands

[Seal of the Tribunal]