



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: 22 September 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: 22 September 2011

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

INVITATION TO THE KINGDOM OF SPAIN

Office of the Prosecutor:

Mr. Alan Tieger
Ms Hildegard Uertz-Retzlaff

The Government of the Kingdom of Spain:

via the Embassy of the Kingdom of Spain
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 Invitation to Government of Spain: Interview of Captain Jose Grande”, filed on 16 September 2011 (“Motion”), whereby the Accused requests the Chamber to issue an invitation, pursuant to Article 29 of the Statute of the Tribunal (“Statute”) to the Government of Spain (“Spain”) to facilitate an interview with Captain Jose Grande by his legal advisor;¹

NOTING that in the Motion the Accused submits that Captain Grande was part of the UNPROFOR team that investigated the shelling of the Markale market on 5 February 1994,² which is why the Accused now seeks to interview him and may eventually decide to call him as a witness in his case;³

NOTING that, on 26 May 2011, the Accused filed a letter with the United Nations, requesting that the UN waive the applicable privileges and immunities enjoyed by Captain Grande and permit him to be interviewed by his legal advisor;⁴

NOTING that, on 6 July 2011, the UN granted the Accused’s request under specific conditions but stated that the UN Department of Peacekeeping Operations no longer had the contact information for Captain Grande;⁵

NOTING that, on 12 July 2011, the Accused sent a letter to Spain stating that the UN had given him permission to interview Captain Grande and requesting Spain to locate and contact him in order to facilitate an interview by his legal advisor;⁶

NOTING that, on 31 August 2011, after receiving no response, the Accused sent another letter to Spain reiterating his previous request and stating that if he did not receive a reply within ten days, he would file a motion for a binding order to compel Spain to co-operate;⁷

NOTING further the Accused’s submission that he never received a response from Spain in relation to his request;⁸

¹ Motion, paras. 1, 14.

² This incident is one of the shelling incidents in Sarajevo, listed in Schedule G of the Third Amended Indictment.

³ Motion, paras. 2, 6.

⁴ Motion, Annex A, p.1.

⁵ Motion, Annex B, pp.1-2.

⁶ Motion, Annex C, p. 1.

⁷ Motion, Annex D, p. 1.

CONSIDERING that, as of 19 September 2011, the Accused has not yet received a response from Spain regarding his request to interview Captain Grande nor has he received the contact information for Captain Grande;

CONSIDERING that it would be beneficial to hear from Spain on this issue, should Spain wish to respond;

CONSIDERING that the Accused does not have Captain Grande's contact information and thus was unable to contact him directly;

CONSIDERING also that Captain Grande 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 wish to do so;

PURSUANT TO Article 29 of the Statute,

HEREBY:

- (a) **INVITES** Spain to respond the Motion within 14 days from the receipt of this Invitation, and requests that it immediately inform Captain Jose Grande about its existence; and
- (b) **REQUESTS** the Registry to provide the Motion and this Invitation to Spain.

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



Judge O-Gon Kwon, Presiding

Dated this twenty-second day of September 2011
At The Hague
The Netherlands

[Seal of the Tribunal]

⁸ Motion, para. 10.