



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: 25 January 2012

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

Decision of: 25 January 2012

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

INVITATION TO CROATIA REGARDING INTERVIEW OF VLADIMIR ZAGOREC

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: General Vladimir Zagorec”, filed on 10 January 2012 (“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 Vladimir Zagorec, former Croatian Deputy Minister of Defence, compelling him to submit to an interview by the Accused’s legal adviser;¹

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 Chamber and in which the Accused requests that the Government of Croatia (“Croatia”) provide a number of documents to him;²

RECALLING that, on 14 July 2011, this Chamber issued the “Decision on Accused’s Motion for Subpoena to Interview Miroslav Tudman,” granting the said motion;³

NOTING that the interview with Tudman and the Accused’s legal advisor was conducted on 7 November 2011, and the information he requests through the interview with Zagorec “directly relates to the same issues and is necessary in light of the lack of information provided by Mr. Tudman”,⁴

NOTING that the Accused has been unsuccessful in obtaining the voluntary co-operation of Zagorec;⁵

NOTING that the Accused requests that the Motion be served on Croatia for its own information, and for further service on Zagorec, and that both Croatia and Zagorec be invited to respond to the Motion if they so wish;⁶

¹ Motion, paras. 1, 28–29.

² Binding Order Motion, para 1.

³ The Accused submitted that he was not satisfied with the documents obtained from Croatia and through an interview he was seeking information from Tudman pertaining to the existence and location of the documents he had requested from Croatia, *see* Status Conference, T. 6138 (line 9)–6139 (3 September 2010)(private session).

⁴ Motion, para. 25.

⁵ Motion, para. 21, Confidential Annex J.

⁶ Motion, para. 30.

NOTING that, on 11 January 2012, the Office of the Prosecutor informed the Chamber and the Accused, *via* email, that it does not intend to respond to the Motion;

CONSIDERING that (i) the Accused's position that both Croatia and Vladimir Zagorec 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 within 14 days of receipt of this invitation;
and
- b. **REQUESTS** the Registry to provide the Motion and this invitation to Croatia.

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



Judge O-Gon Kwon
Presiding

Dated this twenty-fifth day of January 2012
At The Hague
The Netherlands

[Seal of the Tribunal]