



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: 27 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

**Order of:** 27 January 2012

**PROSECUTOR**

**v.**

**RADOVAN KARADŽIĆ**

***PUBLIC***

---

**INVITATION TO FRANCE**

---

**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Government of the French Republic**

*via* the 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 Invitation to Government of France: Interview of Sgt.-Chef Dubant” filed on 26 January 2012 (“Request”), in which the Accused requests the Chamber to issue an invitation to the French Republic (“France”) requiring Sergeant-Chef E. Dubant to provide responses to written questions prepared by the Accused relating to the shelling of Sarajevo’s Markale market on 5 February 1995;<sup>1</sup>

**NOTING** that Sgt.-Chef Dubant was a member of the UNPROFOR team assigned to investigate the above mentioned shelling;<sup>2</sup>

**NOTING** that in the Request the Accused states that on 25 January 2012, he submitted a request to France to send his written questions to Sgt.-Chef Dubant and to transmit the written answers back to him, but that France would not do so without an order or invitation from the Chamber;<sup>3</sup>

**RECALLING** that France has been willing to co-operate in the past with the Accused in facilitating the delivery of a written questionnaire to Colonel de Haynin de Bry and providing the Accused with the answers so obtained;<sup>4</sup>

**CONSIDERING** that the Accused requests that a similar procedure apply in relation to Sgt.-Chef Dubant;

**CONSIDERING** also that it is in the interests of all parties involved that such requests are, if possible, dealt with on a voluntary basis and reiterating that the Chamber should only be involved as a method of last resort;

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

**HEREBY**

- a. **INVITES** France to assist the Trial Chamber by either co-operating with the Accused and facilitating the delivery of the Accused’s written questions to Sgt.-Chef

---

<sup>1</sup> Request, paras. 1, 5.

<sup>2</sup> Request, Annex A.

<sup>3</sup> Request, para. 3, Annex A.

Dubant and thereafter, delivering Sgt.-Chef Dubant's written answers back to the Accused or by filing a response, within 14 days of receipt of this Invitation, specifying why it cannot so co-operate; and

- b. **REQUESTS** the Registry to provide the Request and this Invitation to France.

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



---

Judge O-Gon Kwon, Presiding

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

**[Seal of the Tribunal]**

---

<sup>4</sup> Correspondence from France, 13 December 2010, p. 1.