



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: 30 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:** 30 January 2012

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

**INVITATION TO GERMANY REGARDING THE ACCUSED'S MOTION TO REPORT  
GERMANY TO UNITED NATIONS SECURITY COUNCIL**

**Office of the Prosecutor**

Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**The Accused**

Mr. Radovan Karadžić

**The Government of Germany**

via the Embassy of Germany  
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 to Report Germany to the United Nations Security Council” filed on 24 January 2012 (“Motion”), in which the Accused requests, pursuant to Rule 7 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”), that absent a satisfactory explanation for the Federal Republic of Germany’s (“Germany”) non-compliance with Article 29 of the Statute of the Tribunal (“Statute”),<sup>1</sup> the Chamber advise the President of the Tribunal to report the non-compliance of Germany to the United Nations Security Council;<sup>2</sup>

**RECALLING** that on 1 December 2011, the Chamber issued a subpoena to Christoph von Bezold, requiring him to appear for an interview with the Accused’s legal advisor,<sup>3</sup> as well as an order to Germany, instructing it to i) serve the subpoena on von Bezold, ii) take all reasonable and necessary measures to ensure that he appears at the time and place as notified by the Accused’s legal advisor, and iii) provide a written report either confirming, and providing details of, the actual service of the subpoena or describing the efforts made to serve the subpoena, and further describing the efforts made to ensure the appearance of von Bezold;<sup>4</sup>

**NOTING** that on 8 December 2011, the Accused provided notice to Germany that the interview with von Bezold would take place on 23 January 2012, in Berlin, Germany;<sup>5</sup>

**NOTING** that on 19 January 2012, Germany indicated to the Accused and the Chamber that it had served the subpoena on von Bezold but that “German law does not incorporate any obligation on a person to participate in an interview realized by the legal advisor of an accused outside the trial”;<sup>6</sup>

**NOTING** the Accused’s submission that on 23 January 2012, von Bezold failed to appear at the place designated for the interview;<sup>7</sup>

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<sup>1</sup> The Accused requests that an oral hearing be held first whereby Germany, if it so chooses, may provide an explanation for its non-compliance with Article 29. *See* Motion, paras. 13, 14.

<sup>2</sup> Motion, paras. 13, 14.

<sup>3</sup> *See* Decision on the Accused’s Motion for Subpoena to Interview Christoph von Bezold, 1 December 2011. *See also* Subpoena, 1 December 2011.

<sup>4</sup> *See* Order to the Government of the Federal Republic of Germany Concerning Subpoena, 1 December 2011.

<sup>5</sup> *See* Notice of Interview: Christoph von Bezold, 8 December 2011.

<sup>6</sup> *See* Correspondence from Germany, 19 January 2012.

<sup>7</sup> Motion, para. 7.

**NOTING** that, on 27 January 2012, Germany filed another correspondence indicating its wish to respond to the Motion;<sup>8</sup>

**CONSIDERING** that Germany has indicated that it wishes to respond to the Accused's Motion;

**CONSIDERING** that it is not clear to the Chamber from Germany's correspondence whether von Bezold was informed of the time and place designated for the interview with the Accused's legal advisor; and

**CONSIDERING** that it would be beneficial to the Chamber to hear from Germany before disposing of the Motion on (i) the substance of the Motion and (ii) the steps Germany took to comply with the Chamber's order mentioned above;

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

**HEREBY**

- a. **INVITES** Germany, within two weeks of receipt of this Invitation, to respond to the Motion and also provide a report on the steps it took to comply with the Chamber's order mentioned above, including whether or not it had informed Christoph von Bezold of the designated time and place for the interview; and
- b. **REQUESTS** the Registry to provide the Motion and this Invitation to Germany.

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



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Judge O-Gon Kwon, Presiding

Dated this thirtieth day of January 2012  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>8</sup> See Correspondence from Germany, 27 January 2012.