



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: 29 March 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: 29 March 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”, filed confidentially¹ on 26 March 2012 (“Request”), in which the Accused requests the Chamber to issue, *inter alia*, an invitation to the French Republic (“France”) to respond to his request for permission to interview Milomir Stakić, who is currently serving a prison sentence in France;²

NOTING that the Accused explains that on 1 March 2012 he sent a letter to France asking for permission for his legal adviser to interview Stakić,³ and that France responded to him stating that it required an official communication from the Tribunal in order to act upon this request;⁴

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

CONSIDERING also that the states’ duty to co-operate with the Tribunal in its work *includes* co-operation with the defence and self-represented accused who are investigating issues relevant to their cases and that France should therefore co-operate with the Accused on this and other matters to the maximum extent possible without involving the Chamber and/or the Registry;

NOTING that the Accused submitted the Request publicly but that the Chamber instructed the Registry to file it confidentially on a provisional basis until certain confidentiality issues surrounding France had been resolved;

CONSIDERING that the issue of confidentiality of the Request has now been resolved and that the Chamber is of the view that it may be re-classified as a public filing;

PURSUANT TO Rule 54 of the Rules,

HEREBY

¹ The Accused submitted the Request as a public filing but the Chamber instructed the Registry to file it confidentially on a provisional basis.

² Request, para. 1. The Chamber notes that the Request also contains another request but that due to subsequent developments that part of the Request is now moot.

³ Request, para. 2, Annex A.

⁴ Request, para. 3, Annex B.

- a. **INVITES** France to assist the Trial Chamber by either co-operating with the Accused and facilitating the interview of Milomir Stakić by the Accused's legal adviser 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 re-classify the Request as public and provide both 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-ninth day of March 2012
At The Hague
The Netherlands

[Seal of the Tribunal]