



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: 13 June 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: 13 June 2012

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED'S MOTION FOR WITHDRAWAL
OF ORDER 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 “Motion for Withdrawal of Order to France” filed on 1 June 2012 (“Motion”);

RECALLING that, on 4 May 2012, the Chamber issued, at the request of the Accused, its “Order to France” (“Order”) requiring the French Republic (“France”) to facilitate an interview, on 25 June 2012, at 10:00 a.m., between the Accused’s legal adviser and Milomir Stakić, who is serving a prison sentence in France;¹

NOTING that on 25 May 2012, France filed a submission in response to the Order, informing the Chamber that Stakić did not want to “testify” in the Accused’s trial, and that if the Accused still wished to have an interview with him, this would have to be done through a French judge;²

NOTING that in the Motion, the Accused informs the Chamber that Stakić has in fact agreed to testify in the trial and that, therefore, the Accused has decided not to interview Stakić in France but instead have him brought to The Hague at some other time, for proofing and testimony;³

CONSIDERING that, given the Accused’s decision not to interview Stakić, there is no longer any need for France to facilitate that interview, as ordered by the Chamber;

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence,

HEREBY:

- (a) **GRANTS** the Motion and withdraws the Order so that France is no longer obliged to facilitate the interview between the Accused’s legal adviser and Stakić; and

¹ Order, p. 4.

² Correspondence from France, 25 May 2012, p. 2. The Chamber notes that France also filed, on 8 June 2012, a transcript of an interview with Stakić by the French police authorities. *See* Correspondence from France, confidential, 8 June 2012.

³ Motion, paras. 3–4.

- (b) **INSTRUCTS** the Registry to serve this Decision and the Motion on France.

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



Judge O-Gon Kwon
Presiding

Dated this thirteenth day of June 2012
At The Hague
The Netherlands

[Seal of the Tribunal]