



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: 17 December 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: 17 December 2012

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

INVITATION TO THE UNITED STATES OF AMERICA

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

**The Government of the
United States of America**

via the Embassy of the United
States of America 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 Subpoena to Ambassador Tony Hall”, filed on 10 December 2012 (“Motion”), whereby the Accused requests, pursuant to Rule 54 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), that the Chamber issue a subpoena to former United States of America (U.S.) Ambassador Tony Hall compelling him to testify as a defence witness on Monday 25 February 2013;¹

NOTING the Accused’s submission that Ambassador Hall had originally agreed to testify as a defence witness and provided a witness statement to the Defence, but then advised the Accused’s Legal Adviser, Peter Robinson, on 5 December 2012, that he had decided not to testify following “feedback from his family and friends in the human rights field”;²

NOTING that, on 6 December 2012, another attempt was made by the Accused to obtain the voluntary co-operation of Ambassador Hall to testify and this was denied;³

NOTING the Accused’s position that Ambassador Hall has information that can materially assist his case in regard to the charges contained in paragraph 14(j) of the Third Amended Indictment that he “directed and/or authorized the restriction of humanitarian aid to Bosnian Muslim and/or Bosnian Croat enclaves”;⁴

NOTING that the Accused requests that the Motion be served on the U.S., and that both the U.S. and Ambassador Hall be invited to respond to the Motion, if they wish to do so;⁵

CONSIDERING that, should the U.S. wish to respond, it would be beneficial to the Chamber to hear from it before disposing the Motion;

¹ Motion, para. 1.

² Motion, paras. 5, 7.

³ Motion, para. 6.

⁴ Motion, paras. 10–14.

⁵ Motion, para. 16.

PURSUANT TO Rule 54 of the Rules,

HEREBY:

- (a) **INVITES** the U.S. to assist the Trial Chamber by filing a response to the Motion by 14 January 2013;
- (b) **REQUESTS** the U.S. to inform Ambassador Hall of the existence of the Motion; and
- (b) **REQUESTS** the Registry to provide this Invitation to the U.S.

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



Judge O-Gon Kwon
Presiding

Done this seventeenth day of December 2012
At The Hague
The Netherlands

[Seal of the Tribunal]