



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: 3 May 2011

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: 3 May 2011

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON REQUEST FROM THE GOVERNMENT OF THE FEDERAL REPUBLIC
OF GERMANY**

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”) is seised of a request from the Federal Republic of Germany (“Germany”) filed on 27 April 2011 (“Request”), and hereby renders its decision thereon.

1. The Chamber is currently seised of the Accused’s “Motion for Subpoena to Interview: Christoph von Bezold” filed on 5 April 2011 (“Motion”), in which the Accused requests, pursuant to Rule 54 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), that the Chamber issue a subpoena compelling Christoph von Bezold, a German national who previously worked for the European Community Monitoring Mission in Zagreb, to submit to an interview by him.¹

2. On 8 April 2011, the Chamber issued an invitation requesting Germany to file a response to the Motion within three weeks of the receipt of the invitation, and to immediately inform Christoph von Bezold about its existence so that he may respond to the Accused directly, or to the Chamber, should he choose to do so.²

3. In the Request, Germany states that responding to the Motion requires wide-spread co-operation between several competent authorities and points out that other States have been granted extensions of time-limits in similar circumstances.³ Germany, therefore, requests an extension of time until 23 May 2011 to respond to the Motion.⁴

4. The Chamber recalls that it is in the interests of the parties involved that co-operation with States be conducted on a voluntary basis, if possible, as well as the Accused’s position that both Germany and Christoph von Bezold should be allowed to be heard with respect to the issues raised in the Motion.⁵ The Chamber trusts that Germany has already informed Christoph von Bezold about the Motion so that he may respond thereto, should he so choose. In light of the limited period of the extension sought for Germany’s response, the Chamber considers that it is in the interests of justice to grant Germany until 23 May 2011 to provide its response to the Motion.

¹ Motion, para. 1.

² Invitation to Germany Regarding Motion for Subpoena of Christoph von Bezold, 8 April 2011.

³ Request, p.1.

⁴ Request, p.1.

⁵ Motion, para. 27.

5. For the reasons outlined above, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Request and: (i) **INVITES** Germany to assist the Chamber by providing a response to the Motion by no later than close of business on 23 May 2011; and (ii) **REQUESTS** the Registry to provide this Decision to Germany.

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



Judge O-Gon Kwon, Presiding

Dated this third day of May 2011
At The Hague
The Netherlands

[Seal of the Tribunal]