



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 2013
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: 13 June 2013

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

INVITATION TO MALAYSIA

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Government of Malaysia

via the Embassy of Malaysia
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 Invitation to Malaysia”, filed on 7 June 2013 (“Motion”), whereby the Accused requests, pursuant to Rule 54 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), that the Chamber issue an invitation to the government of the Federation of Malaysia (“Malaysia”) to respond to his request for assistance in interviewing two prospective defence witnesses, Mohamed Hashin Hussein and Kamaruddin Mattan;¹

NOTING that in the Motion, the Accused submits that Hussein and Mattan were commanders of the Malaysian Battalion of UNPROFOR between 1993 and 1995, and may have important information for his defence, especially regarding the issue of alleged arms smuggling by UNPROFOR personnel to the Bosnian Muslim Army;²

NOTING also that in the Motion, the Accused submits that on 7 May 2013, he delivered a letter to the Embassy of Malaysia in The Hague requesting interviews with Hussein and Mattan but that no response has been received;³

NOTING that the Accused requests the assistance of the Chamber to receive indication from Malaysia as to whether it will facilitate an interview with Hussein and Mattan;⁴

NOTING that on 7 June 2013, the Office of the Prosecutor (“Prosecutor”) informed the Chamber via e-mail that it would not be responding to the Motion,

CONSIDERING that the United Nations (“UN”) has no objection to the Accused’s legal adviser interviewing Hussein and Mattan, provided that he adheres to specific modalities as set forth in the UN’s letter to the Accused;⁵

CONSIDERING that it would be beneficial for the Chamber to hear from Malaysia in relation to the Motion, should it wish to respond;

¹ Motion, para. 1.

² Motion, para. 3.

³ Motion, para. 2.

⁴ Motion, para. 4.

⁵ Motion, Annex B.

PURSUANT TO Rule 54 of the Rules,

HEREBY:

- (a) **INVITES** Malaysia to assist the Trial Chamber by filing a response to the Motion within three weeks of receipt of this Invitation; and
- (b) **REQUESTS** the Registry to provide the Motion and this Invitation to Malaysia.

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



Judge O-Gon Kwon
Presiding

Done this thirteenth day of June 2013
At The Hague
The Netherlands

[Seal of the Tribunal]