

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-5/18-T

IN TRIAL CHAMBER No. 3

Before: Judge O-Gon Kwon, Presiding  
Judge Howard Morrison  
Judge Melville Baird  
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Date: 7 February 2013

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

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SECOND MOTION FOR SUBPOENA TO  
NASER ORIC

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The Office of the Prosecutor:  
Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

Embassy of Bosnia and Herzegovina

The Accused:  
Radovan Karadzic

1. Radovan Karadzic respectfully moves, once again, pursuant to Rule 54, for the issuance of a subpoena to Brigadier Naser Oric, former commander of the Bosnian Army's 28<sup>th</sup> Division in Srebrenica, compelling him to testify as a witness on behalf of Dr. Karadzic at his trial.

2. On 11 January 2013, the Trial Chamber denied Dr. Karadzic's *Motion to Subpoena Naser Oric* (13 November 2012) on the grounds that "the Chamber is not satisfied that reasonable efforts have been exhausted to obtain Oric's voluntary cooperation to testify..."<sup>1</sup>

3. On 14 January 2013, Dr. Karadzic addressed a letter to Naser Oric requesting him to testify on 7 February 2013 and indicating that a subpoena would be sought if he did not appear.<sup>2</sup>

4. On 23 January 2013, Brigadier Oric's counsel responded and asked Dr. Karadzic if he understood the risks of calling her client as a defence witness in his case.<sup>3</sup>

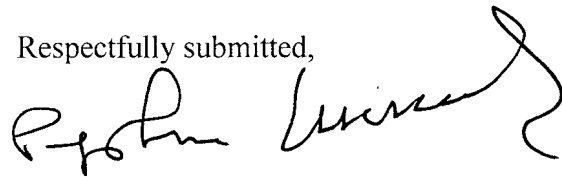
5. On 24 January 2013, Dr. Karadzic, through his Legal Advisor Peter Robinson, advised counsel for Brigadier Oric that he understood and accepted the risks of Brigadier Oric's testimony and re-iterated that Brigadier Oric should appear on 7 February 2013 to give his evidence or a subpoena would be sought.<sup>4</sup>

6. No response to this e-mail was received and Brigadier Oric did not appear on 7 February 2013 to testify.

7. Therefore, Dr. Karadzic has made reasonable efforts to obtain the testimony of Brigadier Oric. He respectfully requests that a subpoena issue for the testimony of Brigadier Oric.<sup>5</sup> He requests that the subpoena require testimony on 26 March 2013.

Word count: 563

Respectfully submitted,



Radovan Karadzic

<sup>1</sup> *Decision on Accused's Motion to Subpoena Naser Oric* (11 January 2013) at para.15

<sup>2</sup> *Letter to Brigadier Naser Oric* (14 January 2013)

<sup>3</sup> *Response to Letter to Brigadier Naser Oric* (25 January 2013)

<sup>4</sup> A copy of the e-mail is attached as Annex "A".

<sup>5</sup> Dr. Karadzic incorporates by reference his original *Motion to Subpoena Naser Oric* (13 November 2012).

# ANNEX "A"

From: Peter Robinson  
To: Vasvija Vidovic  
Date: 24 January 2013

Dear Vasvija,

I hope that this e-mail finds you doing well.

Dr. Karadzic asked me to reply to you that he understands the risks you mentioned, but insists on Brigadier Oric's testimony. He believes that if Brigadier Oric tells the truth, particularly about his own conduct and that of his troops, that it would assist not only his own case, but the process of establishing the facts about what happened during the war. Therefore, he expects Brigadier Oric to appear to testify on 7 February. We will consider that his failure to appear on that date means that he is not willing to testify voluntarily and will file a motion for subpoena.

Of course, if he is willing to testify and your or his schedule prohibits him from testifying on 7 February, we can select another day in February to accommodate you.

Yours truly,  
Peter Robinson  
Legal Advisor for Radovan Karadzic