

IT-95-5/18-I  
D11344 - D11337  
01 AUGUST 2008

Translation

11344 AT

TO THE PRE-TRIAL CHAMBER

IRREGULARITIES LINKED TO MY ARRIVAL BEFORE THE TRIBUNAL

My arrival here has been accompanied by many drastic irregularities, which I must present to you here, and they are all linked to my efforts to respect the law.

The first irregularity I would mention is the media witch-hunt which began in the Muslim media even before the beginning of the armed conflict and which proclaimed me a war criminal at a time when the only victims were Serbs. The international media continued that media witch-hunt and I was not in a position to reply adequately so that it is now unimaginable to many people that this court could acquit me. I believe that this fact seriously jeopardizes the trial itself and excludes any possibility of regularity.

However, many more serious irregularities have arisen from this, and no compensatory measures can neutralise them or bring the trial into the realm of regularity.

The irregularities are listed here in order.

In 1996, in the name of the USA, Richard Holbrooke made the statesmen and ministers who were my authorized representatives an offer which I will outline in brief. There is no doubt that this offer was made in the name of the USA, not only because our officials received him as the authorized emissary of the USA, but also because when we met in person and I told him of my discussions with President Carter, Mr Holbrooke told me before very credible witnesses that he respected President Carter, but he was now working for President Clinton.

That is literally what he said!

The offer was as follows: I must withdraw not only from public but also from party offices and completely disappear from the public arena, not give interviews and not even publish literary works, in a word, become invisible long enough for the Dayton agreement to be implemented in full. When a Greek journalist afterwards incautiously published my conversation with a member of the Greek parliament as if it had been an interview, Mr Holbrooke began a huge media witch-hunt because I had in his opinion broken the agreement, and so the Greek journalist had to confess how the said text had come into being. In this way I was silenced so that I could not defend myself in the media or deny the ocean of lies which has come down upon me to this day.

In the name of the USA, Holbrooke promised that the Serbian Democratic Party would not be prohibited from taking part in the elections and that no more of our officials would be removed from the electoral lists (as happened at the following elections, but not at those held in 1996). As for me, Mr Holbrooke undertook on behalf of the USA that I would not be tried before this Tribunal and that I should understand that for a while there would be very sharp rhetoric against me so that my followers would not hamper the implementation of the Dayton agreement. The USA kept its promise to ease the pressure on the SDS and Mr Holbrooke himself boasted in the press that he had persuaded me to withdraw not only from public but also from party offices. There is evidence of this in the media, which contain proof that there was an agreement, although there are no details regarding the Tribunal.

The proposals that US Secretary of State Mrs Madeleine Albright made to the President of Republika Srpska, Biljana Plavšić: that I get out of the way and go to

Russia, Greece or Serbia and open a private clinic or at least go to Bijeljina – just as long as I left Pale – are completely in keeping with this agreement, which was not Holbrooke's private business but a matter of state.

Apart from the incident with the Greek journalist, for which it was made clear I was not responsible, I fulfilled my side of the agreement on the first day and I kept to it for a very long time.

I was careful how I moved about in the first few months after I had put the agreement with the USA into effect, not because of the international forces, whom I used to pass quietly and without demonstration, but because of possible adventurers and glory hunters.

However, our intelligence services noted many aggressive activities by international forces in places from which I had just departed. These actions were clearly organized in order suddenly to liquidate someone, not at all to arrest him, but when they failed they were declared to be exercises, although notice is always given in advance when there are exercises so as not to alarm the public. The intention to liquidate me was more than obvious, as was confirmed by the current statements of Mr Holbrooke, who regrets that there is no death sentence here and it therefore cannot be pronounced on me, although that is what he would like.

Perhaps the USA and Mr Holbrooke himself did want to keep their promises, because Mr William Stubner has told the media that someone called him from the State Department and urged that Chief Prosecutor Goldstone refrain from hunting me and General Mladić (because I had sought the same status for him), but Mr Goldstone threatened to resign if this happened.

It is clear that, unable to fulfill the commitments he had undertaken on behalf of the USA, he switched to Plan B – the liquidation of Radovan Karadžić.

This agreement, which should have brought me peace and freedom, thus became a source of great danger to my life, and to the life and safety of my family and even my friends. The best example of this is the brutal raid on the home of the priest Jeremija Starovlah in Pale, during which no one even tried to arrest anyone but only to kill the men they found. Jeremija Starovlah and his son Aleksandar thus spent weeks and months on the brink of death in a complete and deep coma, which they barely survived.

Mr Holbrooke's wish for my disappearance, if possible before I unveiled this and other truths, is today still fresher and stronger, and the actions aimed at bringing this about are tireless. While these activities continue, and with this threat to my life, I have to sit in a place which is known to him and his friends and prepare my defence. There cannot be any regularity in this, because I do not know how long the arm of Mr Holbrooke or Mrs Albright is, or of anyone from that team, or whether that arm can reach me here.

After these first attempts at liquidation, the breaking of the agreement with the USA left me with two alternatives: either to hide myself away as a free man, or to find some way to appear safely before the Tribunal. I decided to appear before the Tribunal.

That was when some people from The Hague came to the government in Pale and introduced themselves as investigators from the Tribunal, which would correspond to the completely unbiased investigating judges in our own judicial system. The government enabled them to speak to anyone they wanted and opened all archives to them, even without the presence of my legal advisor or that of the government. They themselves confirmed that no restrictions were placed on their access to whatever they wanted. They took around 300 documents.

When it was noticed that they were acting selectively and were reluctant to take exculpatory documents, and especially when they started to issue certificates, we realized that we had been tricked and that they were not investigators from the Tribunal but investigators from the Office of the Prosecutor who had fooled us and rummaged through our archives without legal protection.

It then became clear to me that I could not come before the Tribunal because the conditions for a fair trial would not be met, especially as one of the chief prosecutors had said in public with undoubted certainty that I would undoubtedly get a life sentence. She did not say that she would seek that, but that I would get it, and I did not know if she was trying to dissuade me from coming before the Tribunal or had made a deal behind my back with one of the chambers and been promised that I would get such a sentence.

The next irregularity occurred in Belgrade. Unknown civilians showed me a badge so quickly that I could not identify it, took me out of a public transport vehicle and held me in an unknown place for 74 hours. During this time I was not informed of the rights to which I am entitled if they abducted me in the name of international justice. Nor did they tell me who they were or what they intended to do with me. Nor did they allow me to speak with one of their chiefs or allow me to make a telephone call. They did not even allow me to send a single SMS message to one of my new friends so that they would not go round the hospitals and mortuaries looking for me. Nor would they send such a message on my behalf. For those 74 hours I did not exist, and after that they handed me over to the Special Court and an investigating judge, after which everything was regular.

The latest irregularity concerns the actions of the Chief Prosecutor. I am concerned by the announcement of a new indictment, which I will not have time to study, but I am still more concerned by his statement that it will all go very quickly, and I myself wonder how the Chief Prosecutor knows this and if he has made a deal with the Trial Chamber behind the defence's back, or does he want to create the impression that the Trial Chamber is working for him?

There is a Serbian proverb which says: "If it's quick, its tail has been docked," in other words, it is incomplete or invalid. As for justice, another Serbian proverb says: "Justice is slow but sure."  
Speed is essential to the calculations of a gunslinger, but not at all in matters of law and justice.

I ask myself and you and the whole expert and academic public what sort of regularity I can expect.

After all the above-mentioned irregularities, I believe that there will be more:

After the lynch atmosphere in the media and in public, to which former and perhaps future high-ranking diplomats of great powers like the USA have contributed so much, along with others from President Clinton's team who are in a hurry to see me dead.

What regularity can I expect when everything takes place in an atmosphere in which, regardless of what truths may be demonstrated in this room, no one on earth believes in the possibility of an acquittal?

31 July 2008

Dr Radovan Karadžić  
/signed/

NEREGLARNOSTI U VEZI SA MOJIM DOLASKOM PRED  
TRIBUNAL

Moj dolazak ovde pracen je brojnim drasticnim neregularnostima, koje moram izneti pred vas, I sve su one u vezi sa mojim pokusajima da postujem zakone.

Kao prvu neregularnos isticem medijsku hajku, koja je jos I pre pocetka oruzanih sukoba zapoceta u muslimanskim medijima, koji su me proglasili za ratnog zlocinca u vreme kad su padale samo srpske zrtve. Svetski mediji su nastavili sa tom medijskom hajkom, a da ja nisam bio u prilici da adekvatno odgovaram, tako da je sada mnogima nezamislivo da se u ovom sudu donese oslobadjajuca presuda u mom slucaju. Verujem da ova cinjenica ozbiljno ugrozava sam process I iskljucuje mogucnost regularnosti.

Ali, na ovu neregularnost nadovezale su se mnogo ozbiljnije, koje nikakva naknadna mera ne moze amortizovati, niti dovesti process u podrucje regularnosti.

Evo tih neregularnosti, po redu.

Godine 1996. mojim opunomocenim predstavnicima, drzavnicima I ministrima, g. Ricard Holbruk je u ime SAD izneo ponudu, koju cu ukratko predstaviti. Nema nikakve sumnje da je ponuda izneta u ime SAD, ne samo zato sto su ga nasi funkcioneri primali kao ovlascenog predstavnika SAD, vec I zato sto je, u prethodnom direktnom susretu, sam g. Holbruk meni, pred vrlo kredibilnim svedocima, kad sam mu prenosio svoje razgovore sa Predsednikom Karterom, rekao da on postuje Predsednika Kartera, ali da on sada radi za Predsednika Klintona.

Doslovno tako!

Ponuda se sastojala u sledecem: moja obaveza je bila da se povucem ne samo sa javnih, vec I sa stranackih funkcija, da se potpuno uklonim sa javne scene, ne dajem intervju, pa cak I da ne objavljujem knjizevna dela, jednom recju, da budem nevidljiv dovoljno dugo da se Dejtonski sporazum primeni do kraja. Kada je nakon toga jedan grcki novinar neoprezno objavio moj razgovor sa grckim parlamentarcem kao intervju, g. Holbruk je podigao veliku medijsku hajku, jer sam po njegovom misljenju prekrasio sporazum, pa je grcki novinar morao da prizna kako je nastao tekst o kome jerc. Time ne samo da sam ucitkan, da ne mogu ni da se branim u medijima, niti da demantujem okean lazi, koji se obrusio na mene, sve do danas.

Holbruk je u ime SAD preuzeo obavezu da Srpskoj demokratskoj stranci nece biti zabranjen izlazak na izbore, da vise niko od nasih funkcionera nece biti skinut sa izborne liste, (sto se desavalo tek na sledecim, ali ne na prvim izborina odrzanim 1996. godine. A sto se tice mene, g. Holbruke se

u ime SAD obavezao da neću biti procesuiran pred ovim Tribunalom, I da treba da razumem da će jedno vreme ostati ostra retorika protiv mene, da moje pristalice ne bi ometale primenu Dejtonskog sporazuma. Obavezu o oslobadjanju SDS od pritisaka SAD su postavile, a sam g. Holbruk se u medijima pohvalio da me je privoleo da napustim ne samo javne, već I stranačke funkcije, o čemu postoje dokazi u medijima, u kojima postoje dokazi I o tome da postoji sporazum, mada bez pojedinosti u odnosu na Tribunal.

Predlozi koje je u ime SAD državni sekretar g-dja Madlen Olbrajt podnosila predsednici Republike Srpske g-dji Biljani Plavsic: da se sklonim u Rusiju, Grčku, Srbiju I otvorim svoju kliniku, ili da se pomerim makar I u Bijeljini, samo da odem sa Pala, potpuno su u skladu sa ovim sporazumom, koji nije bio privatni Holbrukov posao, već državna stvar.

Osim ekscesa sa grckim novinarom, za koji je razjasnjeno da nisam odgovoran, ja sam svoje obaveze iz sporazuma ispunio istog dana, I toga se držao veoma dugo.

Nekoliko meseci nakon mog provodjenja sporazuma sa SAD u delo, ja sam bio oprezan u kretanju, ali ne zbog međunarodnih snaga, pored kojih sam prolazio tiho I bez demonstracije, već zbog mogućih avanturista I lovaca na slavu.

Medjutim, naše obavestajne službe su zapazile brojne agresivne aktivnosti međunarodnih snaga na mestima koja bih ja neposredno pre toga napustio. Te akcije su bile jasno strukturirane da se neko munjevitom likvidira, nikako da se uhapsi, a nakon neuspeha proglašavane su za vezbe, iako se vezbe uvek najavljuju unapred, da se narod ne bi uznemirio. Namera da me likvidiraju bila je više nego očigledna, što potvrđuju I aktuelne izjave g. Holbruka da žali što se ovde ne izriče smrtna kazna, pa ni meni ne može biti izrečena, iako bi on to toliko želeo.

Mozda su SAD, pa I sam g. Holbruk I hteli da ispune svoje preuzete obaveze, jer g. Vilijam Stabner svedoci u medijima da ga je neka ličnost iz Stejt departmenta zvala I urgirala da glavni tuzila g. Goldston odustane od gonjenja mene I generala Mladica, jer sam ja I za njega trazio isti status, ali da je g. Goldston zapretio podnošenjem ostavke u slicaju takvog ishoda.

Očigledno je da, nemocan da u delo provede obaveze koje je preuzeo u ime SAD, presao na plan B – likvidaciju Radovana Karadzica.

Tako taj sporazum, koji je trebalo da mi obezbedi spokojstvo I slobodu, postao izvor krajnje opasnosti po moj zivot, I zivote I sigurnost moje porodice, pa I prijatelja. Najbolja ilustracija za to je brutalni upad u dom sveštenika Jeremije Starovlaha na Palama, tokom koga niko nije ni pokusao da nekoga iz kuce hapsi, vec da ubije muskarce na koje naleti. Tako su Jeremija Starovlah I njegov sin Aleksandar u potpunoj I dubokoj komi, na granici zivota proveli nedelje I mesece, I jedva preziveli.

Zelja g. Holbruka da ja nestanem, po mogucnosti pre nego sto iznesem ovu, I druge istine, danas je jos svezija I jaca, a aktivnost na njenom ostvarenju neumorna. Pod tom aktivnoscu I opasnoscu po svoj zivot ja treba da sedim na mestu koje je njemu I njegovim prijateljima poznato, I da spremam odbranu. Tu ne moze biti nikakve regularnosti, jer ja ne znam koliko je duga ruka g. Holbruka, ili g-dje Olbrajt, ili nekog iz tog tima, I da li me ta ruka moze dosegnuti I ovde.

Nakon tih prvih pokusaja likvidacije krsenje sporazuma sa SAD ostavilo mi je alternative: ili da se skrivam kao slobodan covek, ili da nadjem nacin da bezbedno izađem pred Tribunal. Odlucio sam da izađem pred Tribunal.

Tada su u Vladu na Palama dosli ljudi iz Haga I predstavili se kao istrazitelji Tribunala, sto bi odgovaralo potpuno nepristrasnim istraznim sudijama iz naseg pravnog sistema. Vlada im je obezbedila da razgovaraju sa kim su god hteli I otvorila im sve arhive, I to bez prisustva bilo mog, bilo Vladinog pravnog savetnika. I sami su potvrdili da nije bilo restrikcija u njihovom pristupu svemu sto su hteli. Uzeli su oko 300 dokumenata.

Kad je primeceno da se ponasaju selektivno I nerado uzimaju oslobadjajuce dokumente, a pogotovo kad su poceli da izdaju potvrde, shvatili smo da smo prevareni, I da se ne radi o istraziteljima Tribunala, vec o istraziteljima Tuzilastva, koji su nas doveli u zabludu I bez pravne zastite vrsljali po nasim arhivama.

Tada mi je postalo jasno da ne smem da dodjem pred Tribunal, jer nece biti ispunjene pretpostavke za regularan process, tim pre sto je jedan od glavnih tuzilaca rekla u javnosti sa nesumnjivom sigurnoscu kako cu nesumnjivo dobiti kaznu dozivotnog zatvora. Nije rekla da ace ona to traziti, nego da cu to ja dobiti, pa nisam znao da li me odgovara od dolaska pred Tribunal, ili je sa nekim od veca napravila neki dil iza mojih ledja I dobila obećanje za takvu kaznu.

Sledeca neregularnost desila se u Beogradu. Mene su nepoznati civili, ciju znacku u munjevitom pokazivanju nisam mogao da identifikujem, oteli iz javnog prevoza I drzali na nepoznatom mestu 74 sata. Za to vreme mi nisu saopstena ni moja prava, sto mi pripada ako su me oteli u ime medjunarodnog pravosudja, niti su mi saopstili ko su oni I kakve su im namere sa mnom, niti su mi obezbedili razgovor sa nekim od njihovih odgovornih sefova, niti su mi dopustili jedan telefonski poziv, niti su mi cak dozvolili da posaljem jednu jedinu SMS poruku nekom od novih prijatelja, da me ne bi trazili po bolnicama I mrtvacnicama, niti su cak oni hteli da posalju u moje ime takvu poruku. Tih 74 sata ja nisam postojao, a nakon toga su me predali Specijalnom sudu I istraznom sudiji, nakon cega je sve bilo regularno.

Najnovija neregularnost tice se postupaka glavnog tuzioca. Brine me najava nove optuznice, koju necu stici da proucim, ali jos me vise brine njegova izjava da ce se sve odvijati veoma brzo, pa se pitam kako to glavni tuzilac zna, I da li je je iza ledja odbrane sklopio neki dil sa sudskim vecem, ili pak hoce da stvori utisak kako sudsko vece radi za njega.

Srpska narodna poslovice kaze: "Sto je brzo, to je I kuso", tj. Kratkorepo, tj. Invalidno. Za pravdu srpska narodna poslovice kaze: "pavda je spora, ali dostizna.

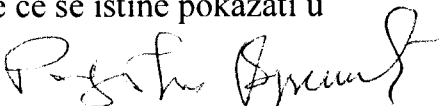
Brzina je od sustinskog znacaja u obracunu revolverasa, ali nikako u stvarima prava I pravde.

Pitam I sebe I vas, I celokupnu strucnu, naucnu I opstu javnost, kakvu ja regularnost mogu ocekivati:

Nakon svih pobrojanih neregularnosti, a verujem d ace ih biti jos:

Nakon atmosphere linca u medijima I javnosti, kojoj toliko doprinosi bivsi, a mozda I buduci visoki diplomata velike sile kakva je SAD, a I drugi iz tima Predsednika Klintona, kojima se zuri da me vide mrtvog.

Kakvu regularnost mogu ocekivati kad se sve odvija u atmosferi u kojoj niko ziv na svetu ne veruje da je, bez obzira koje ce se istine pokazati u ovoj sobi, moguca oslobadjajuca presuda.

  
Dr Radovan Karadzic

31.07.08,